



## Dr Jacoba Brasch QC

PRESIDENT OF THE LAW COUNCIL OF AUSTRALIA

October 2021

### **What are your priorities as President of The Law Council of Australia?**

*I set out my priorities for the year in my 2021 Presidential Plan, which builds on and complements the Law Council's overall Strategic Plan. One of my priorities has been to produce, by the end of my term, a document – titled 'The Lawyer Project' – which identifies the value of the work we do as lawyers and the difference we make to our communities. With this project, my objective has been to increase public awareness of the role of the legal profession, and to better promote the way in which the legal profession helps the community through supporting trade and commerce, ensuring certainty and the rule of law, and empowering individuals and civil society. The report is well advanced, and once some further case studies have been included, the project will be ready for final approval and distribution.*

*Active engagement in the Asia Pacific region has been another of my priorities, and I have sought to work with and support regional counterparts to promote and defend the rule of law, the independence of the judiciary and the independence of lawyers in our region. This has included providing assistance to the Samoa Law Society and public support for Samoa's judiciary during the recent constitutional crisis, drawing attention to serious human rights violations following Myanmar's coup d'état, and bolstering international advocacy on the abuse of targeted sanctions regimes to intimidate, censure and punish lawyers.*

*The situation in Afghanistan continues to demand our focus, and I remain extremely concerned for women judges and lawyers in particular.*

*I have joined with other countries in expressing concerns for the safety of those who have worked to defend and uphold the rule of law, and to support and establish democratic and justice institutions in Afghanistan over the past twenty years.*

*Another of my priorities has been to draw attention to the need for a stronger awareness of mental health in the legal profession, and to promote the sharing of best practice initiatives. I was delighted to recently partner with President Gregory Vijayendran SC, President of the Law Society of Singapore, to present a webinar which facilitated a comprehensive and frank discussion of issues contributing to alarming rates of mental ill-health among lawyers, and to discuss initiatives of legal professional bodies and law firms in both jurisdictions to support lawyers and improve mental health outcomes.*

### **How do you view the role and mission of the Law Association?**

*This year, the Law Council published its 2021-26 Strategic Plan which sets out the role and mission of the Law Council for the next five years.*

*This Plan has been formulated after a widespread consultative process with the Law Council's constituent bodies and other key stakeholders to discuss these very issues. I believe the Plan encapsulates very well the role and mission of the Law Council: representation of the Australian legal profession in Australia and internationally; advocating on legal and policy matters of national and international importance to uphold the rule of law; supporting the administration and promotion of access to justice.*

## Dr Jacoba Brasch QC

PRESIDENT OF THE LAW COUNCIL OF AUSTRALIA

*These are universal worthy objectives, which I believe we can all relate to within our own context. Safeguarding the rule of law and advancing the integrity and excellence of each of our legal professions must surely be fundamental to our DNA as lawyer*

### **How has the legal profession in your jurisdiction dealt with changes due to COVID-19?**

*In response to the rapid digital transformation accelerated by the COVID-19 pandemic, Australia's legal profession has shown itself to be remarkably agile, and has quickly adapted to new technologies and ways of working.*

*Federal, state and territory courts have scaled up online registry services and expanded virtual hearings and online mediation. The pandemic also paved the way to secure critical funding to invest in court infrastructure and technologies – resources which were long overdue.*

*Throughout the pandemic, the Law Council's Constituent Bodies, specialist Sections and Committees have consistently risen to the challenge of suggesting necessary amendments, critical resources, and innovative practical solutions to enable the administration of justice to continue. One critical element in adapting to this new normal was the swift passage of legislation permitting the electronic execution of documents to enable affidavits to be sworn and witnessed without requiring clients and lawyers to meet face-to-face – and critically, to ensure wills could be made when access to hospitals and aged care homes was restricted.*

*The Law Council has also undertaken a comprehensive review of federal COVID-19 response measures and procedural reforms with a view to identifying those that have had a positive impact on the profession and the progression of legal matters.*

### **What would your advice be to young people wishing to enter the profession?**

*Having recently presented an award to the Australian Young Lawyer of the Year, and read through the various nominations, I am endlessly optimistic about the future of the legal profession.*

*The inspiring and selfless contributions made by these young people in their communities every day, even in these extraordinarily difficult times, is not only uplifting, it's exhilarating. Already these young lawyers are doing everything right to establish fulfilling careers that will have a significant impact on their community.*

*For young people considering law as a career, I recommend speaking to those who are already in the profession. I'd pick an older, experienced lawyer to gain an overview of the variety of the work, the ups and downs and a frank run down on life as a lawyer with its expectations and rewards. I'd also pick a young lawyer to speak to, someone who has been in the profession for a few years, and learn from the coalface what the realities are of choosing this demanding but infinitely rewarding career. You can certainly be assured – having experienced my recent event with the young lawyers – that all advice will be delivered with honesty and great humour. Nothing beats hearing first-hand experience.*

### **What do you envisage to be the challenges facing the legal profession in the next 5 years?**

*For most Australian lawyers, the COVID-19 pandemic brought with it a shift to remote working, as client meetings, court appearances and professional development moved totally online. I expect the challenge of the post-COVID era will be to strike an efficient and practical balance between work lawyers undertake virtually and face-to-face.*

*Remote work brings the opportunity to drive increased efficiency in the legal and justice sector – and I hope that this increased flexibility will better support lawyers with family or carer responsibilities to remain in practice. At the same time, however, there are some lawyer-client meetings or court appearances in which a video-conference is no substitute for meeting face-to-face. I am also mindful that working entirely virtually can result in lawyers feeling more isolated, and young lawyers in particular report that they miss the support, mentorship, and in-person networking opportunities the physical workplace provides.*

*There is no doubt that this digital transformation has also created opportunities for the delivery of online legal services and dispute resolution – particularly in regional, rural and remote areas. Another challenge will be to ensure that this increased reliance on digital technologies does not exclude or disadvantage people with limited IT literacy or access, particularly older persons and people with limited English.*