

CJ's Address at Ceremony for the Admission of the New Senior Counsel

The following is the full text of an address by the Honourable Chief Justice Geoffrey Ma Tao-li at the Ceremony for the Admission of the New Senior Counsel today (May 2):

Secretary for Justice, Chairman of the Bar, President of the Law Society, fellow judges, ladies and gentlemen,

For many, spring is the most special of the seasons, bringing the promise of good things to come, the sun on our faces and the harvest from our hard work. For the 10 barristers who take silk today, as with those who have been called to the Inner Bar before you, today marks a significant event for the community, not to mention the start of a fresh chapter in your professional lives. Together with many others, I congratulate you and your families. I hope that the achievement of becoming Senior Counsel today is ample recognition of the years of hard work, dedication and of your ability, and provides some measure of compensation for the sacrifices made by you and those closest to you. This day is primarily a celebration for you, your family, colleagues and friends. For two of you, spring has brought the joy of children and if they were present this morning, they would relish the occasion or more accurately, slobber over it. I also welcome in particular the presence of Sir William Young and Lady Susan Young. Sir William is a Judge of the Supreme Court of New Zealand. He and Lady Young have travelled to Hong Kong to celebrate Mr Wayne Walsh's appointment today.

The appointment of Senior Counsel is a duty that rests with the Chief Justice. It is not an honour that is conferred by the Chief Justice in his personal capacity. The position of Senior Counsel is prescribed by statute. It is one that has not so much to do with tradition (although no doubt this institution does go back centuries), but it is an appointment that is in my view entirely to do with furthering the public interest.

There is a great public interest consisting of the existence of a body of advocates who, first, make possible the access to justice for all persons requiring the assistance of the law and who, secondly, in turn recognise an obligation to assist the court in arriving at just outcomes in the adjudication of legal rights. These twin roles of the advocate have existed since at least the middle of the 19th Century. In criminal cases, the Prisoners' Counsel Act 1836 in England, permitted defence counsel the right to address a jury for the first time. For civil cases, during this time, the courts of Chancery departed from its historical inquisitorial procedure to one in which the obligation was placed on advocates to place all relevant materials before the Court.

A great public interest therefore consists of recognising advocates who, through years of experience in the courts, have shown themselves to be exemplary in discharging the two functions just mentioned. As a minimum, all barristers must possess integrity, honour, ability, industry and a deep-rooted respect for the law and its spirit. As Senior Counsel, they possess these qualities in abundance and are able to demonstrate these

qualities for others to follow in their footsteps. It is an apt expression to refer to Senior Counsel as "leaders".

The title of Senior Counsel is not a status symbol and is certainly not some sort of honorary title bestowed as a recognition merely of seniority. I have already used the term public interest a number of times today and I reiterate that the appointment of Senior Counsel is one that serves the public interest. In my speech two years ago on the appointment of eight Senior Counsel, I emphasised the quality of honour. Today, I wish just to say a little about the facet of a true respect for the law and its spirit.

All lawyers, whether barristers, solicitors or judges, or teachers or students, are servants of the law. The law is tangible and it is real: it enables the quality of justice, fairness and mercy to exist in a society. That is what is meant by the law and its spirit. Whatever the motives of those who come before the courts - whether social, economic or political - the lawyer, or more specifically, the advocate must at all times understand that he or she is serving the law first and foremost. That is all that we lawyers should do and that is our duty. All who go to the courts or take interest in the cases decided by the courts may wish for a particular result and often, people will wish for diametrically opposite results, but the constant that everyone is entitled to expect is that everything will be done strictly in accordance with the law, and her spirit, and nothing else.

The role of leaders in the legal profession (and Senior Counsel, as I have said earlier, are leaders) is to adhere to this fundamental premise. They are expected to do so by the public. In the appointment of Senior Counsel, I am expected to bear this aspect firmly in mind. I am confident I have done so in the appointment of the 10 new Senior Counsel today. I am confident that they will, in the words of one of the new Senior Counsel who wrote to me recently, "be able to serve the community and the rule of law... better." As a Canadian poet wrote exactly a hundred years ago today (in another context, that of the Great War and I also paraphrase), they will take the torch thrown to them and hold it high.

However, today is not just a day for reminding ourselves of the importance of the law in the public interest. It is a happy occasion. Today sees a record number of appointments - there has never been quite so many in any one year - and particularly of note is the appointment of four Senior Counsel within the Department of Justice. Each of you, in your own specialist areas covering commercial law, criminal law and public law, will enrich the Inner Bar.

I congratulate all of you, your families, colleagues and friends once again. It is a special day for all of you, for all of us on the Bench and for the Hong Kong community.

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