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Law studies are popular

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About 20% of lawyers have a lawyer parent. Australian Chief Justice Sir Owen Dixon had a lawyer father. They would discuss cases in the evenings, Dixon bending to talk earnestly into the better ear of his nearly deaf parent. John ("Rumpole") Mortimer's blind barrister father became the focus of the son's celebrated stage and TV play *Voyage Around My Father*. In the play, the father tells the son, who wished to be a writer; "You'd be better off in the law ... You'll have plenty of spare time! My first five years in Chambers, I did nothing but *The Times* crossword puzzle ... No brilliance is needed in the law. Nothing but common sense, and relatively clean finger nails".

Should you seek a career, law studies are promising. Law graduates earn about 20% more than the average graduate, revealed a study by the University of Warwick. (And those who took 1st class honours degrees earn 12% more than those with 3rds!)¹ Some see the law as a way to succeed in life. Lord Denning one of England's greatest judges, left secondary school mathematics teaching to train as a lawyer. He explains in his autobiography, *The Family Story*.²

I taught Mathematics all through the school. I taught Geology to the sixth book - reading it up the night before. But I did not like teaching. I did not like the prospect of teaching the same subject to young boys all my life ... Whilst at Winchester I had been one day to the Assizes at the Castle. I sat in the public gallery. I heard the argument in a civil case. I felt, "That is what I would like to do. I would like to become a barrister as I told mother long ago".

Clarence Darrow, a famous American advocate, also left school teaching to study law. Before he left the classroom, Darrow with his legendary flair, magnanimously lengthened the lunch break and banished corporal punishment. Sir Samuel Griffith, the first Chief Justice of the Australian High Court, and Sir John Latham, Sir John, also Chief Justice, were schoolteachers for a short time. The ambitious Griffith unsuccessfully applied for a headmaster's job when he was only 18. The traffic is not one way. Some famous lawyers, such as Irving Younger,³ have quit law practice to take up teaching.

Some precocious children never have any doubts. Sir Harry Alderman, Sir Harry one of Australia's top silks, prophetically inscribed "HG Alderman QC" on the fly leaves of his high school books. Boilermaker's son, Sir John Kerr, the Australian Governor-General who dismissed the Whitlam government in 1975, resolved to be a lawyer from the age of 11.⁴ A wealthy patron helped him along. When old enough to attend Sydney University, John Kerr received a scholarship donated by Dr HV Evatt High Court judge and famous Labor politician. His precocity continued. Called to the Bar at 24 after a brilliant University career, Herbert Evatt was only 36 when appointed to the Australian High Court. The youngest ever senior English judge, Francis Buller, was appointed to the King's Bench at 32 years and two months.

Sir Edward Coke the greatest English lawyer of the 17th century, and Queen Elizabeth I and James I's Attorney

General, also settled on law early. "He came to the University at fifteen and stayed three years and a half; when he left, the down was soft on his cheek though he called himself a man." Then off he went to pursue law at Trinity College, Cambridge:

Coke was above all a fighter, a born advocate who loved to feel the courtroom floor beneath his feet. Raucous, witty, ruthless, he made puns on the prisoners' names, cracked broad jokes in Latin, and, at the trials of the Earl of Essex, Sir Walter Raleigh and the Gunpowder plotters, lashed out in bitter, shocking invective.⁵

Coke's great rival Francis Bacon went to Cambridge University at 12 and was barely 15 when he left. His bride, when they wed, was merely 14. Bacon, by then, was 45. He had spied Alice - "an handsome maiden to my liking" - some years before.⁶

Sir Edward Coke fiercely prosecuted Guy Fawkes and his fellow conspirators, who had plotted to blow up the Houses of Parliament on 5 November 1605. Addressing the Court, Attorney General Coke showed little mercy:

After a traitor hath had his just trial and is convicted and attainted, he shall have his judgment: To be drawn [upside down] to the place of execution from his prison, as being not worthy any more to tread upon the face of earth whereof he was made ... For which cause also he shall be strangled, being banged up by the neck between heaven and earth as deemed unworthy of both or either; as likewise, that the eyes of men may behold and their hearts condemn him. Then is he to be cut down alive, and to have his privy parts cut off and burnt before his face as being unworthily begotten and unfit to leave any generation after him. His bowels and inlay'd parts taken out and burnt, who inwardly had conceived and harboured such horrible treason. After, to have his head cut off, which had imagined the mischief. And lastly, his body to be quartered and the quarters set up in some high and eminent place, to the view and detestation of men, and to become a prey for the fowls of the air.⁷

This was an horrific fate. George Poulter, for one, sympathises with the gunpowder plotter: "I have always held that Guy Fawkes was the only person who ever went to Parliament with a clear idea of what needed to be done".

Lionel Murphy, Justice of the Australian High Court, graduated in science and then took first class honours in law. He studied law after becoming troubled, as a student, about the erosion of civil liberties in Second War Australia: "I was concerned even then about civil liberties and public affairs, and the road to that, I think, is through the law".⁸ Many politicians train in law, and some worked as law teachers. Flamboyant and reforming Canadian Prime Minister Pierre Trudeau and US President Bill Clinton were both constitutional law lecturers, before embarking on their political careers. Trudeau taught at the University of Montreal; Clinton at the University of Arkansas.

Not everyone thrived at university. Lord Chancellor Halsbury of *Halsbury's Laws of England* fame, despite his extraordinary memory, took a lowly fourth class degree at Oxford in 1842. Sir Owen Dixon, Australia's most celebrated High Court Chief Justice, a QC by 35, had only modest success in law at University, although he remembered his student days fondly. It was at the Bar and then on the Bench that he showed greatness.⁹ His Classics professor was disdainful when Dixon announced his intention to pursue law studies: "You will find that very medieval." After a difficult few years when starting legal practice, Dixon rose to lead the Australian Bar and judiciary. He was hailed by two English Lord Chancellors and a US Supreme Court Justice as the greatest judge in the English-speaking world.¹⁰ Fricke praises Dixon in cricketing terms as "a Bradman of the judiciary".¹¹

A lively profession

The legendary advocate, FE Smith (the First Earl of Birkenhead) turned to law after he had tired of Classics at Oxford and run up large debts in his active sporting and social round. He was not the first dandy to see financial security and an outlet for his brilliant abilities in the law. Matthew Hale, an outstanding 17th century judge, dropped his fancy ways and took earnestly to the law after seeing a friend pass out and nearly expire during a drinking bout. Hale thereafter even refused to drink to the King's health, a risky abstinence.

Redmond Barry, the Australian colonial judge who tried Ned Kelly and who was one of the founders of Melbourne University, had no such qualms about alcohol. He was a stalwart of the Melbourne Club. When it faced financial adversity, "Barry was among the members who rallied loyally to the call to 'drink the club back to solvency'".¹²

A remarkable number of barristers followed literature, theatre and pugilism. AB ("Banjo") Paterson, Australia's finest balladist, took articles with a Sydney firm and practised in partnership with William Street, William", later Chief Justice of NSW.¹³ Roscoe Pound, a great American legal scholar and advocate, loved plays, opera and the theatre. He also liked boxing, "with the result," he said, "that my countenance presents a rather singular appearance."¹⁴ Justice Redmond Barry was sportsminded, too. His interests extended to pistol duelling once with a fellow member of the Melbourne Club. "No blood was drawn, for Snodgrass fidgeted and fired prematurely, so Barry pointed his pistol aloft and fired harmlessly at the sky."¹⁵

Redmond Barry tried and sentenced bushranger Ned Kelly to death on 28 October 1880 for murdering a policeman, Constable Thomas Lonigan. Sir Redmond Barry and Kelly exchanged words when the verdict was announced:

Judge: "Edward Kelly, the verdict pronounced by the jury is one which you must have fully expected." *Kelly*: "Yes, under the circumstances." *Judge*: "No circumstances that I can conceive could have altered the result of your trial." *Kelly*: "Perhaps not from what you can now conceive. But if you had heard me examine the witnesses, it would have been different." *Judge*: "I will give you credit for all the skill you appear to assume." *Kelly*: "No, I don't wish to assume anything. There is no flashness or bravado about me. I know I would have been capable of clearing myself of the charge, and I could have saved my life in spite of all against me." The judge sentenced Kelly to death: "May the Lord have

mercy on your soul." *Kelly*: "I will go a little further than that and say that I will see you there where I go."

Within a fortnight Kelly was executed in the Melbourne gaol. Twelve days after the hanging, Sir Redmond Barry unexpectedly died of "congestion of the left lung."¹⁶

Many famous advocates, especially the Irish, were adept pugilists. Dan Casey a legendary Queensland criminal barrister, was a champion boxer in his youth and, before he swore off alcohol, was a fiery drinking companion.¹⁷ Philip Opas QC of Melbourne started his boxing career at 8. He went on to win his weight division in university tournaments. A schoolmaster pointed the spirited Opas towards law at the age of 10: "Opas really ought to go in for law. His aggressive manner of asking unpleasant questions should make him a formidable opponent."¹⁸

The most quotable of all lawyers, FE Smith, FE (Lord Birkenhead LC), played rugby union, "and his vigour and dash were respected by all". He was known for "impoliteness in the scrum". In 1920, when he was Lord Chancellor, he wagered a famous runner WR Milligan that he could "run the circuit of Tom Quad after dinner four times before Milligan could run eight. Birkenhead won the bet."¹⁹

1 Study reported in *The Times* 12 July 2000 at p 10.

2 (Butterworths 1981) at 37-38.

3 In his autobiography, *Some of My Life* (Professional Education Group Minnesota 1991), Younger tells of practising and teaching part time at law school. A student sitting with him watching in court exclaimed - on seeing something happen that Younger had described in class - "My God, it's true". Says Younger: "That did it. My decision made itself. The time of law teachers was for them to use as they wished, not for clients to command. As a law teacher, I'd have an income and plenty of time to read and write. What's more, as my student's remark reminded me, a law teacher dispenses truth. How satisfying I thought that would be after all those trials - truth rather than the seemings and appearances of the courtroom. I called the dean of the New York University School of Law that afternoon and told him I was ready to become a full-time teacher." But, shortly after, Younger became a judge.

4 *Matters for Judgement: an Autobiography* (Macmillan 1978) 38.

5 From Catherine D Bowen's Preface to her superb book *The Lion and the Throne: The Life and Times of Sir Edward Coke (1552-1634)* (Little, Brown and Company 1956).

6 Bowen, *Francis Bacon: The Temper of a Man* (Little, Brown & Co 1963) at 114-115.

7 From Catherine D Bowen, *The Lion and the Throne: The Life and Times of Sir Edward Coke* at 258-259.

8 From Jenny Hocking, *Lionel Murphy: A Political Biography* (Cambridge UP 1997) at 19.

9 See Ninian Stephen, *Sir Owen Dixon: A Celebration* (Melb U Press 1986). Geoffrey Robertson in *The Justice Game* (Chatto & Windus 1998) at 10 agrees that Dixon was "the best judge in the common-law world", but flawed: "[Dixon's] was a great legal mind with a curious pathology - he discouraged the Privy Council developing as a true Commonwealth Court because he was physically revolted by the prospect of sitting alongside a black judge".

10 Stephen, *ibid* at 21. See also Fricke, *Judges of the High Court* (Hutchinson 1986) at 122.

11 *Ibid*.

12 Ryan, *Redmond Barry* (Melb U Press 1980) at 22.

13 "To impress them with his [Paterson's] new status, his pretty mother told his sisters that Barty's opinion was 'now worth six and eightpence.'" Lorna Ollif, *Andrew B. Paterson* (Twayne Publishers Inc 1971) at 23. See also Semmler, *The Banjo of the Bush* (UQP).

14 Wigdor, *Roscoe Pound: Philosopher of Law* (Greenwood Press 1974).

15 Ryan, note 13 at 25.

16 Account taken from Jacobs PA, *Famous Australian Trials* (Robertson & Mullens Ltd 2nd ed 1943) at 78-81.

17 Smith K, *Dan Casey - Criminal Advocate* (1987).

18 Tennison P, *Defence Counsel: Cases in the Career of Philip Opas QC* (1975) at 10-11.

19 Heuston, *Lives of the Lord Chancellors 1885-1940* (Clarendon) at 356.