

Experienced Barrister Program

By Tim Castle¹

Two of my favourite books about wellbeing are 'The 100-Year Life'² and 'Younger Next Year'.³ Not surprisingly, the theme of these books, and others like them, is how one can progress from one's 50s to a healthy and fulfilling second half of life.

The implicit question underlying these books is no longer 'What do you want to be when you grow up?', but 'How do you want to be during the second half of your life?'. More specifically, one might ask, 'What can I be doing now to set myself up for my future?'

With these thoughts in mind, the NSW Bar's Wellbeing Committee in 2018 identified that one third of the Bar, with current practicing certificates, is over the age of 60, 20% are over the age of 65 and 10% are over the age of 70. One of the many projects being pursued by the Wellbeing Committee (emerging out from the Bar's Quality of Working Life Survey (QWLS)), was how to address the needs and interests of our older members.

Encouraged by Committee Chair, Kylie Nomchong SC, and supported by Chris Winslow of the Bar Association, I volunteered to take on the project which has now become known as the Experienced Barristers Program. The Program, which is specifically designed for the 250 barristers over the age of 70, was launched at the Bar Association by President Tim Game SC on 1 October 2019.

The title 'Experienced Barristers', reflects and represents the positive side of longevity in practice at the Bar. It is widely accepted that the more experience we have as barristers – good and bad – the better. At the Bar, older generally means wiser, which may explain why the older cohort of barristers in the QWLS stood out for having higher overall quality of life scores than the Bar average.

Whether or not we actually aspire to live to 100, there are two fundamental messages from the books I mentioned, which stand out. The first is that of physical fitness. This, of course, is an individual pursuit for each barrister and needs no rehearsing for those of us over 50. Regular exercise, diet, use of weights and moderation in relation to alcohol and the like are all well-known and should be heeded.

Of greater interest, for present purposes, is the following advice from Crowley and Lodge, 'We believe that getting out on the road in the Next Third means reconnecting and recommitting to other people...Get involved in groups and do communal things, whether work or play.' Their advice, without sugar-coating, is 'if we let ourselves become cut off and increasingly solitary as we age – we will become ill and die'.

Applying this advice to the NSW Bar, one of the core objectives of the Experienced Barristers Program, is to acknowledge those members of our Bar who have provided exceptional service over their careers at the Bar. A further objective is to create a social connection, and in many cases,



Sarah McCarthy, the Hon John Howard & Tim Castle

re-connection, between our more experienced members through bi-monthly lunches and regular functions. A feature of these functions will be the celebration of milestones reached by our colleagues, such as the presentation of certificates for 50 years' service at the Bar. At our first function, the NSW Bar honoured Lionel Robberds QC, Michael Robinson and David Bennett AC QC.

The next function was a lunch, with guest speaker Hon John Howard OM AC. It was attended by over 80 Experienced Barristers and their partners at the Union, University and Schools Club on 20 November 2019, at which we honoured Anthony Bellanto QC, John Shaw and Dennis Wheelahan QC.

A further objective of the Program is to facilitate Experienced Barristers contemplating and making the transition from full-time work to a portfolio of work and work-related interests. Gratton and Scott identify all of us as having a stock of 'intangible assets' that we build up through our working lives. In the case of barristers, these assets include not only specific knowledge of the law, advocacy and how to advise clients in their time of need, but also our understanding of how the justice system operates on and impacts individuals and organisations.

The Wellbeing Committee believes that there is a great opportunity to engage these 'intangible assets', and deploy these skills to keep our minds active and to contribute to the community in new and useful ways. Collectively these intangible assets also provide an opportunity for the Bar to give back to the community in a wider context than simply providing more than pro-bono legal assistance.

Currently the Experienced Barristers Program co-ordinators are examining two possible ideas for providing work opportunities that benefit the community, and also benefit the individual barristers interested in transitioning their working lives from full time practice. The first of these is a program to support student mooted competitions, which are a mainstay of all university law school programs, by providing judges and advocacy coaches from our Experienced Barristers cohort. The second, and longer-term, project is the provision of volunteers to work overseas on aid projects providing legal assistance in developing countries. The Committee hopes to roll-out these initiatives during 2020, coordinated by the Bar Association, on a trial basis.

The response to the Experienced Barristers Program has been positive, both from individual members and from the Bar generally. We acknowledge the Bar Council and the Diversity and Equality Committee for their support of this initiative. Further, special thanks is given to Robert Stitt QC, John Maconachie QC and Paul Daley AM, who have helped shape the program and continue to provide guidance as the inaugural 'Steering Committee'.

The Bar is not the only profession to face the need to cater for our older members, with solicitors, doctors and dentists all facing similar challenges, and no doubt each of the professional groups will be able to learn from each other, as similar programs emerge, and the Bar's program evolves.

Gratton and Scott describe longer life as a 'gift of time'. Identity forged through work is an important, but not the only, source of individual pride and satisfaction. We hope that this program will ensure that our Experienced Barristers are properly acknowledged for their service. We are also determined to provide a Program that creates a genuine opportunity for collegiality for this cohort of our Bar and to utilise the 'intangible asset' base of their experience for the good of the community, as well as providing a fulfilling experience for our Experienced Barristers. **BN**

ENDNOTES

- 1 ENON Tim Castle, Wellbeing Committee and Coordinator of the EB Program together with Sarah McCarthy of the Wellbeing and Diversity and Equality Committees, and Chris Winslow, Coordinator of Services and Benefits, NSW Bar Association OTES
- 2 Gratton, L. & Scott, A., *The 100-Year Life: Living and Working in the Age of Longevity*, Bloomsbury, London, 2016.
- 3 Crowley, C. & Lodge, H., *Younger Next Year: Live Strong, Fit and Sexy – Until You're 80 and Beyond*, Workman, New York, 2007.