

LESTER FERNANDEZ

It was immediately obvious as I conducted my interview with Lester Fernandez that he truly loves his work. Asked why he has travelled the path of the public interest lawyer Lester said only that every lawyer must make a personal choice about the “end of town” they want to work at. Clearly Lester has great enthusiasm for people and values the human aspect of his work. He considers it a great privilege to be entrusted with the responsibility of acting on behalf of another.

Lester Fernandez first became interested in public interest law as a student at the University of NSW. There he attended a talk on alternative legal careers. The talk highlighted the opportunities that exist to use a law degree to help people and to make a difference. Inspired by the speaker Paul Mulrone (of the Legal Aid Commission) Lester volunteered at Redfern Legal Centre. He also credits his time spent as a student law clerk at Kingsford Legal Centre working on the case of one of the Australian indigenous stolen generation as being an inspiring experience.

In 1994 Lester started his life as a solicitor working at the Burnside Adolescent Legal Service at Campbelltown. The organisation provided legal assistance to disadvantaged ten to eighteen year olds in the Macarthur area.

Working with children was something that Lester had enjoyed while a student. He was the coordinator of the Schools Legal Education Group that organises law students to visit high schools and educate young people about their legal rights. He has continued in the role of educator to young people. While at Burnside he travelled to regional areas to give talks on the legal system. He now assists the conduct of student advocacy programmes and of mock trial competitions.

The majority of Burnside clients were seeking assistance with criminal matters. Often they were in police custody or in a detention centre. In his first week of practice twenty three year old Lester presented his first client’s case in Court achieving a good result for the young man. So began an outstanding career in criminal advocacy.

While working at Burnside Lester spent most of his days in Court. It was challenging work but a great experience that really sparked his interest in advocacy in criminal law.

In 1997 Lester commenced working at the Legal Aid Commission at Penrith through which he has represented both adult and child clients. Working with child clients presents relatively more challenges but also additional satisfaction. The child not the child’s carer has to make the decisions concerning his or her case. However any child can be uncooperative and Lester has faced the additional difficulties of attempting to build relationships of trust with children from backgrounds of abuse and poverty. Nevertheless he felt satisfaction in the great hope that his child clients would not be on the wrong side of the criminal law ever again.

Another of Lester’s roles at the Commission has been to decide applications for Legal Aid. This involved his weighing of applicants’ assets and income; and the

type, seriousness and likely outcome of the case. That said it was not a task for which a mathematical approach would supply all the answers. Rather it was a matter of coming up with the objective answer to the overall question whether Legal Aid should be granted the applicant out of the very limited funds available. Allocating public money is a heavy responsibility.

At present Lester works for the Legal Aid Commission. His clients are adults charged with the most serious of crimes including sexual assault and murder. He appears in Court at committal and sentencing hearings and prepares cases for presentation by a barrister at trial. This is challenging work. Usually a serious crime is just one part of a protracted serious situation and often the primary question is whether there is a psychiatric defence open to the client. Lester made the massive understatement that the looming threat that a client will receive a life sentence provides *a little pressure!*

Another of Lester's activities outside of legal practice is through NSW Young Lawyers Criminal Law Committee. NSW Young Lawyers provides education and support to its members, lawyers less than thirty-six years of age or in their first five years of practice and to law students. The Criminal Law Committee published the book "A Practitioners Guide to Criminal Law" and Lester was the author of several chapters.

Whether by legal practice, working with students or as an author Lester Fernandez has truly seized every opportunity to make a difference and to help people. This has been challenging but also a source of great fulfilment. Lester has chosen the "end of town" he wants to work at and he is staying!!