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## APPOINTMENTS

that preparation those qualities essential for judicial life being decisiveness, tenacity, extreme logic and the great ability of being able to sort the wood from the chaff.

His Honour was involved in many notable cases at the Bar. So, for example, he was junior counsel to Roger Gyles QC now of the Federal Court assisting the Woodward Royal Commission into Drug Trafficking. He undertook a special investigation on behalf of the National Companies and Securities Commission into the collapse of the Balanced Property Trusts. He appeared in the *Tryart* litigation, parts of *Spedley*, the *Estate Mortgage* case, *Talbot v NRMA Holdings* and many other notable cases.

Outside the law, His Honour is an accomplished composer and conductor, making his conducting debut at the Sydney Opera House in 1998, conducting the Sydney Opera House Orchestra in the curtain-raising programme for the Ray Charles tour.

His Honour sat as an acting judge of the Supreme Court in late 1991.

His Honour will sit in the Equity Division.

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## The Hon. Justice James Allsop

On 21 May 2001, before a packed Court 21A, James Allsop S.C. was sworn in as a judge of the Federal Court of Australia. His Honour was called to the Bar in July 1981 and appointed Senior Counsel in 1994. He had been the University Medallist in Law at Sydney University and was Associate to Sir Nigel Bowen. He is the first former Federal Court Associate to be appointed to that court. As was pointed out (kindly or unkindly) at his swearing in, he is the first Sydney resident judge of the Federal Court to be born in the second half of the 20th century.

Apart from his distinguished career at the Bar spanning commercial law, insolvency, tax, trade practices, maritime, intellectual property, administrative and constitutional law, His Honour has devoted his time generously to both the cause of legal education and service to the New South Wales Bar. He has and continues to teach part time at the Sydney University Law School, has lectured to Vietnamese government officials and judges and taught at the Australian Advocacy Institute. He has also acted as a director of the Bar's Sickness and Accident Insurance Fund and as a director of the Bar's Superannuation Fund. More recently, His Honour was heavily involved in the Bar's response to the HIH collapse.

It is rumoured that, immediately after his swearing in, he was *not* overheard having a vigorous debate with Justice Hely. As David Bennett QC said on the occasion of his swearing in:

Your Honour has taken the old description of equity as a whispering jurisdiction to new lows. The hard of hearing have learnt to take their work elsewhere. Secondly, your Honour has a love of dim lighting. A number of theories have been offered for this predilection, most of which can be rejected out of hand. It's unlikely to flow from a desire to conserve energy. It's certainly not from a desire to reduce your electricity bills. Bankrupt and insolvent barristers do not practise at Dame Joan Sutherland Chambers. The most likely theory is that the dim lighting is to prevent those who



The Federal Court at the swearing in of  
The Hon. Justice James Allsop.

have difficulty in hearing your Honour's proffered advice from cheating and obtaining it by lip reading.

Ruth McColl S.C., speaking on behalf of the Australian and New South Wales Bar Associations, made the following observations which reflected the universal acclaim which met Justice Allsop's appointment to the Federal Court:

You have a deep love of the law as a discipline and this may in fact reflect one benefit of your foreshortened years as a disciple of the History Department, for you developed during that period a methodology and analytical approach particularly suited to the legal process. In your practice at the Bar you have honed that skill to perfection. You have a passion for drilling down to ensure that you understood the fundamental principles of the law so that you may expound the doctrines of law correctly. You never accept a principle at face value; you always make sure that you trace its origins and determine why it emerged. Your diligence in presenting cases is legendary. You've always been completely across the facts and the law...

All who have worked with you anticipate you will be a delight to appear before and a model of courtesy to counsel. The Bar is confident you will be a superb judge. On behalf of the Australian Bar I welcome your appointment to this Bench. We are confident you will meet the demands of office with the same distinction and with the same attachment to principle, hard work and to independence of mind that has marked your service as a barrister.

In reply, Justice Allsop, *inter alia*, paid tribute to a number of senior members of the Bar, some of whom are now on the Bench. His Honour said:

It is over 20 years since I was last seated on this side of the Bar table in this courtroom, slightly forward and lower, when I was the associate to someone who I think was a truly great judge and a wonderful person, Sir Nigel Bowen. I spent nine fascinating months with him

watching a court operate and seeing litigation unfolding from the inside. It was an intriguing experience for someone who had never been in a courtroom before. I wish he could be here today.

Others have taught me about the human process of litigation in its infinite variety and difficulty, its subtlety and its brutality, its need for logic and for intuition, its call for caution but also for bold action, its complexity but its foundation on simple common sense. If I may be permitted to mention some of the people whose instruction and example have been a source of professional inspiration to me: Mr Tom Hughes with his clarity of mind and beauty of spoken and written expression; Justice Hely with his use of acidic reduction practised on problems, ideas and people alike, Mr S E K Hulme with his capacity to craft legal argument of such structure and balance that they could have been made by the angels; Justice R V Gyles with his ability to deploy controlled cyclonic power in the aid of his many other legal talents; Frank McAlary with his astonishing command of all areas of the law and his secret personal formula of mixing this with common sense and great cunning; Mr Justice Simos who taught me patience and who cautioned me against ever saying anything to a judge in court unless, and then only insofar as, it were truly necessary. Finally, Mr Andrew Rogers who, as Mr Justice Rogers, taught me and I suspect all my generation the way to approach commercial litigation. I doubt whether he has received adequate recognition for the profound effect he had I think on civil procedure in Australia.

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## The Hon. Justice Janine Stevenson

On 21 May 2001 Janine Stevenson was sworn in as a judge of the Family Court of Australia at a Ceremonial Sitting of the Full Court of the Family Court at Parramatta. Ruth McColl S.C., speaking on behalf of the Bar Association, congratulated her Honour on her appointment to the Bench. *Inter alia*, she said:

Praise for your Honour's approach to practice is universal. You have an acute ability to identify the salient issues of a case; peripheral issues do not distract you. This has always been your approach. I recall when you were a young student you never accepted propositions at face value and you were always determined to test them for their correctness. Your preparation for cases is meticulous. Your submissions are so detailed and precise it is said that they cry out to be adopted as the judgment in the case. The speed with which you attend to your chamber work is such that we can all confidently expect your judgments will be delivered quickly and efficiently.

You have developed a particular interest, as we have heard, in representing children ...your role in representing children has enabled you to develop a particularly good sense of objectivity and insight into one of the main functions of this Court, namely looking after the interests of the child and bringing this quality to the Bench will be an exceedingly valuable attribute.

We all know that this court is a highly emotional jurisdiction. Indeed, as I recall, that was the subject of controversy some almost two decades ago, but this places indeed an extra burden upon appointees to the Bench. You are particularly well suited to take on that burden. Your professional style is calm and considered and you have a great ability indeed to calm emotional clients and

indeed emotional opponents. This characteristic, it is said, will enable you to be an empowering sort of judge to whom counsel will be able to speak openly.

Praise and support for Her Honour's appointment was also reflected in all other speeches delivered on the occasion of her swearing. Her Honour's remarks about her career at the Bar and colleagues in Frederick Jordan Chambers are particularly of interest:

When I came to the Bar in 1981 I found to my surprise and delight that I had joined and been made very welcome by a small group of women barristers who were very supportive of each other and of newcomers like me. At the time there were only 27 other women on the role of barristers and they were people such as Jenny Blackman, Pat Moore, Gay O'Connor, The Honourable Margaret Renaud and Lawrie J. They were strong, determined and warm colleagues who gave generously of their time, practical help and encouragement. They had created a real sense of belonging which was illustrated very well by a lovely tradition of those days. Whenever someone left practice for any reason there would be a lunch at another one of their homes. I would have to concede that many saucers of milk were consumed on these occasions but they were wonderful fun and really added to the sense of support for each other.

At one of these lunches I had the great pleasure of meeting the Honourable Margaret Renaud who was then a crown prosecutor. Today I would like to thank Margaret profoundly for her two very generous gifts to me, they being her friendship and her wig.

I am very grateful to the solicitors of the Legal Aid Commission for giving me the opportunity to do things such as representing children which perhaps really did make a difference. I thank my colleagues in Frederick Jordan Chambers for the friendships and fun times we have shared. It was very important to me to know that I belonged to chambers which had no criteria for entry except the necessary qualifications and a desire to succeed at the Bar. I pay tribute to the founding members who took the view that it did not matter who or what you were. For example, you could be Asian, Arabic, Jewish, Aboriginal or a woman, indeed, but you could still come to Freddie Jordan and try your luck. The consequence is that the members are a diverse, interesting group who generally see our profession as something more than just a means of making money. I will miss them a lot.