

The Hon Justice John David Hislop



John David Hislop was born on 4 October 1945. He was called to the Bar on 9 February 1973. He practised from Seven Wentworth. He took silk on 2 November 1991. He was sworn in as Justice Hislop of the Supreme Court of New South Wales on 23 March 2004.

Barely anything more is known about his Honour. At least publicly.

However, these facts can also be established. About 10 years ago, after a long career as a leading trial lawyer, his Honour began to specialise in appeal work. Because of the demands this placed on him, he soon eschewed trial work and confined his practice to appeals, primarily in common law. It was a solid practice. J D Hislop QC appeared in roughly half of all common law appeals in the New South Wales Court of Appeal in the last eight years. His Honour's domination of this area was such that he would spend three days a week, sometimes more, appearing before variously constituted appeal courts. And it was not just the NSW Court of Appeal, but also the High Court, Federal Court and the appeal courts of the other states and the territories. David Jackson QC (who would probably know) describes his Honour's domination of appeals in this area as unprecedented.

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If his appearance rate was unprecedented, his success rate was phenomenal. His Honour was a favourite of the appeal judges. Little wonder: his written submissions were concise; his oral

submissions were concise; his submissions on fact were accurate and reliable; his knowledge of law was wide and deep; and he did not argue bad points. As appellate counsel his Honour provided a genuine contribution to all aspects of the common law, appearing in many notable cases on causation, foreseeability, the existence and standard of a duty of care, breach, contributory negligence and all aspects of damages.

But what was his Honour like as a person? What was the barrister like as a man?

Those who worked with his Honour unanimously describe a quiet man, a reserved man, careful, patient and respectful of other's opinions. He has never been known to lose his temper. Or even raise his voice. He was not scared of hard work, and he actually did read the briefs, and mastered the detail. He does not smoke. He drinks in moderation. His gambling is limited to Melbourne Cup sweeps. He is not greedy. There is nothing showy about him. He does not womanise and is happily married to his only wife. He is a persistent, although untalented golfer. He is - and this is a possibly unique attribute at the New South Wales Bar - entirely modest of his considerable achievements and abilities.

When I ran these features past a prominent criminal lawyer, he suggested they pointed inescapably to the fact that his Honour was hiding something.

His Honour's appointment has been greeted by universal acclaim. Genuine acclaim. Not just the usual sycophantic acclaim. It appears that hard work, application, persistence mixed with natural talent and appropriate modesty can be rewarded. We can take comfort from the appointment of Justice Hislop that our system can identify the best candidates for appointment to the Bench.



The Hon Justice Hislop and the Hon Justice Spigelman AC listen to speeches at the swearing-in ceremony.