

The Honourable Robert Calder McDougall

Bob McDougall QC was sworn in as a judge of the Supreme Court on 21 August 2003. Bret Walker SC welcomed His Honour to the court on behalf of the Bar. He recounted that his Honour attended the Scots College, at which place his Honour apparently earned the nickname 'Prof', according to Mr Benjamin, welcoming his Honour for the state's solicitors. His Honour was admitted as a solicitor in 1972 and commenced practice at the Bar in December 1974. His Honour has now joined his pupil master, the Hon Justice Tobias on the Supreme Court Bench. It was noted that another pupil of Justice Tobias is Justice Beazley. His Honour started his career at the Bar as a member of Frederick Jordan Chambers, before moving to two floors of Selborne chambers, where he remained as a long-time member of the Twelfth Floor Selborne Chambers.

His Honour was appointed Queen's Counsel in November 1990. Walker SC indicated that, at that stage, his Honour's ordinary case preparation was extraordinarily careful; his preparation of 'extraordinary cases', prodigious. He described his Honour's presentation in court 'as always dignified, always calm, and had, of course, therefore, the cumulative effect, together with the preparation, of considerable gloom felt by your opponent, but, most significantly, considerable relief felt by the Bench'.

His Honour had a widely varied commercial practice at the Bar. He was described as a 'guru' of the Consumer Credit Code and some of the major cases in which his Honour appeared included the *Estate Mortgage* case, the NRMA CASE and the HIH Royal Commission, amongst many others.

Further, his Honour was 'remembered with great gratitude and respect' by the members of the Bar Association for 'year in year out hard work in relation to ethics and professional discipline'. Walker SC added as a personal note of particular gratitude that over the years his Honour had been of great assistance to Walker in a number of difficult and sensitive matters he had to deal with in relation to discipline and ethics.

Walker SC concluded: 'Finally, of course, it has to be said that your Honour has, in a particularly important, but less professional role, joined a very lonely band of pioneers in the much overdue move from law books, as a form of decoration in chambers, to ceramics. It is greatly regretted that the Bar is a very lonely band of pioneers in that regard and is, I think, halved by your Honour's appointment. I don't think, in that regard, the Bench has greatly increased.'

His Hon Judge Mark Curtis Marien SC

On 3 February 2004 his Honour Judge Mark Marien SC was sworn in as a judge of the New South Wales District Court.

The Attorney General of New South Wales spoke on behalf of the Bar and described his Honour's distinguished career in the law and public life. This included practising at the private Bar and as a senior crown prosecutor and working on numerous law reform and legal education bodies.

The Attorney referred to an early interest his Honour had in both acting and the law in the following way:

A career guidance counsellor set out what appears, from subsequent events, to have been a life time of mental conflict by recommending that your personality was suited to either the Bar or the stage. It is our good fortune that your Honour ultimately chose the former, and in recognition of your professionalism and dedication you are today ascending to judicial office rather than working out which tuxedo to wear to the Academy Awards.

Mark Curtis Marien was educated at St Patrick's Christian Brother's College, Sutherland and Sydney University where he studied Arts/Law. His university studies were interrupted by a brief foray to England where his Honour tried his luck as an actor.

After working as a solicitor in Sydney, in 1982 his Honour spent three years as the business manager and assistant to the general manager of the Australian Opera.

On his return to the law his Honour again spent some years as a solicitor with the Commonwealth Deputy Crown Solicitor's Office in Sydney and later joined the Commonwealth DPP. There he gained extensive experience in litigation instructing counsel in long and complicated trials and also earned a reputation for affability and hard work.

His Honour was admitted to the Bar in 1986 and read with John Whittle (as he then was) in Wardell Chambers.

In 1992 Judge Marien was appointed a New South Wales crown prosecutor and appeared in all criminal jurisdictions, rising to the position of deputy senior crown prosecutor. He was appointed senior counsel in October 2003.

His Honour served on many legal bodies while at the Bar and during his time as a crown prosecutor. In particular, in September 2001 he was seconded as director of the Criminal Law Review Division of the Attorney General's Department and was actively involved in programmes conducted by the New South Wales Bar Association.

In his remarks in reply at his swearing in, his Honour thanked his family and others for their support over the years, in particular the late Reg Marr QC, a former solicitor general for New South Wales, who provided encouragement for what his Honour described as 'that great leap into the unknown of going to the Bar'.

Bar News warmly welcomes his Honour's appointment to the Bench.