

APPOINTMENTS

The Hon Justice Anthony Meagher

Anthony John (Tony) Meagher SC was sworn in as a judge of the Supreme Court of New South Wales and a judge of Appeal on 10 August 2011.

His Honour attended St Ignatius College and then the University of New South Wales, commencing his commerce / law degree in 1972, the second intake year of undergraduate students. After graduating in 1976 Meagher JA joined Minter Simpson, before studying law at the London School of Economics where his Honour worked for the specialist air law firm, Beaumont and Sons.

Meagher JA was called to the bar in 1982, and read on the eleventh floor with Roger Giles, as his Honour then was, then occupying a room on the sixth floor before returning to the eleventh floor in late 1986. In 1992 his Honour was one of the original members of Level 5 St James Hall. Meagher JA's practice included trade practices, media law, mergers and acquisitions, shipping, professional negligence and banking.

The attorney general spoke on behalf of the NSW Bar, Mr Joseph Catanzariti spoke on behalf of the solicitors of NSW and Meagher JA responded to the speeches.

The attorney general said that his Honour has:

long been recognised as one of Australia's leading practitioners with a commercial practice that has attracted everyone from disgruntled footballers to captains of industry. You have also frustrated your fellow barristers on a consistent basis with the obvious respect you have earned from the Bench. 'It is very annoying' said one, 'they take far more notice of what he says, he's regarded as very reliable'. Whether those who accompany you on skiing trips or on your weekly twenty kilometre run would agree is a matter of exploration.

...

One suspects some things will not change such as your panache for jumping out of helicopters on skiing trips with a number of fellow barristers. You only took up the sport relatively late in life but the juices soon began to flow. 'He was determined to be very good', offered another of your new colleagues, 'because Tony would compete with a lamppost'.

The attorney general suggested that occasionally his Honour's work had been:

a labour of love. I speak in particular of your role in the Super League litigation involving News Limited and South Sydney and briefed to represent the NRL in their salary cap proceedings against the Melbourne Storm Rugby League Club, and Wallaby, Lote Tuqiri. Some may have reminded the winger that he was getting exemplary service from a former outside centre of some note. Indeed your Honour



Photo: Courtesy of the Supreme Court of New South Wales.

played ninety nine first grade games for Eastwood Rugby Union Club in the Sydney grade competition.

Mr Tuqiri's claim against the Australian Rugby Union for wrongful dismissal involved a frank exchange with Justice Einstein, another of your new colleagues. You were less than impressed when he asked you what your reaction would be to 'reading out aloud the contents of the pleadings'. You replied 'Your Honour is joking'. The good news for you and your opponent on that day, another new colleague in Justice Sackar, is that you now get to decide what is funny or not in Court.

The attorney general had referred to his Honour having acted for PBL in the C7 litigation, and for the Seven Network as they attempted to prevent an employee joining the Ten Network as chief executive. Mr Catanzariti said of this:

Kerry Packer considered your Honour his counsel of choice in many high profile media cases, including recovering the Logies for *TV Week* from Channel Seven

but, ever objective in your dealings, your Honour also acted for Channel Seven in restraining one of their executives from joining Channel Ten.

The attorney general also referred to one of his Honour's law lecturers at the University of New South Wales:

It was there that you first encountered the unforgiving regime of John Basten, now a Judge of Appeal on this Court. You managed to finish near the top of his exam for law lawyers and society but then the then Mr Basten took a dim view of your poor, some say it was zero, attendance at his lectures. He decided you should do some supplementary work before you passed which your Honour considered was a great injustice, on the basis that you probably contributed as much as those who actually attended lectures.

Meagher JA corrected that story:

Fortunately, having given me nought out of fifty for class performance in the subject Law, Lawyers and Society, for the questionable reason that I had not attended any classes after the first, Justice Basten remained open to persuasion and allowed me to do a supplementary written assignment to earn the marks necessary for a pass.

His Honour noted in this regard that he joined four other graduates of the University of New South Wales on the court: Fullerton, Latham, McCallum and Rothman JJ.

Mr Catanzariti referred to the art work seen as you step out of the lifts on the fifth floor of St James Hall, one of Mike Parr's self-portrait etchings:

It is indeed thought provoking or in the words of Kath and Kim 'nice, different, unusual'. Perhaps these qualities are also reflective of those who reside on the fifth floor although as of today, only one of the three Silks involved in the acquisition of this artwork now remains on site. Moving from the lift towards the various chambers, further insights about the residents are revealed from observing their rooms and furnishings. In your Honour's case the photograph of your great grandfather, the late Andrew Watts KC, proved significant. A very able counsel and first class cross-examiner, Andrew Watts's smooth and courteous manner was known to succeed where others failed. It was also Andrew Watts who gained approval from the then Chief Justice, Sir Phillip Street, to hold the first Red Mass on 29 February 1931 at St Mary's Cathedral, to mark the opening of Law Term.

Mr Catanzariti also said that his Honour exhibited a calm demeanour, and had:

suggested to some that you are more akin to the proverbial

duck-calm on the outside, but paddling madly beneath the surface. Meticulous in your preparation and research, rigorous in your thinking and extremely hard working, you are one of the first to arrive at work and often the last to leave.

Meagher JA said:

Over the years I have become more conscious of the responsibility that goes with the role of running trials. Michael McHugh recently drew my attention, in a different context, to a poem by the bull fighter Domino Ortega which was translated by Robert Graves. It conveys a sense of the position of the barrister in the trial:

Bull fight critics ranked in rows
Crowd the enormous Plaza full
But only one is there who knows
And he's the one who fights the bull.

I do not want to take this analogy too far. I am conscious of where I sit today and of the usual fate of the bull.

However, I believe that it is critical for the efficient, yet fair conduct of cases that barristers strive, consistent with their obligations to their client, to see that only the real issues are litigated and need to be resolved.

It goes without saying that I have been supported by many good instructing solicitors from a range of firms, large and small. I have sought to encourage, and benefited most from, instructors who are prepared to question my judgment and views in the process of resolving a particular client's problem or advancing its cause. I have also expected much of my instructors and only on a few occasions have my expectations not been realised.

Meagher JA noted that for most of his 20 years at the bar his clerk had been Paul Daley, who continued to clerk even when they moved to Level 5 St James:

He is a friend and confidante. This year we celebrated fifty years of his service and friendship to the members of the eleventh floor. With one exception, his clerking has been exemplary. Unfortunately, I feel I must mention that one occasion. Paul asked me whether I would accept a brief which he described as 'involving questions of construction'. I was free and accepted the brief without further thought. When the twelve lever arch folders arrived accompanied by a Scott Schedule, I understood for the first time what Paul meant by 'construction'.