

The Hon Justice Desmond Fagan

The Hon Justice Desmond Fagan was sworn-in as a judge of the Supreme Court of NSW on 11 June 2015. His Honour's late father was highly regarded as counsel in Tasmania, and served as the island state's attorney general for over 20 years. His Honour graduated from the University of Tasmania in 1978 with a Bachelor of Laws (first class honours) and was admitted as a legal practitioner on 25 February 1980. His Honour moved from Hobart to Sydney in 1982 and was admitted to the New South Wales Bar.

Throughout a distinguished career his Honour practised in various jurisdictions. His principal areas of practice were corporate law, trade practices, aviation and taxation law, but his Honour also acted for the Crown in connection with high profile corporate fraud and terrorism matters. His Honour took silk on 6 November 1997.

Attorney General Gabrielle Upton spoke on behalf of the New South Wales Bar. The attorney said:

I understand you also have an avid interest in sailing, having recently skippered your own yacht, *Lisdillon*, to great success in professional races and without being trite, skippering most likely will prepare you for your life on the bench. Having traversed and tamed the unpredictable high seas you will most likely be able to take control of the most difficult situations and advocates in this courtroom.

...

I have no doubt when I speak for the people of New South Wales in saying that it is for the great benefit of the people of this State that you have taken up the robes of a Justice of the Supreme Court. In your new role, your Honour, you will preside with integrity, with fairness, with independence, those qualities you have demonstrated already as an advocate in the Supreme Court.

I think my clients would have no idea how much they owe to a supportive family that enables a barrister to do work as intensely as sometimes we have to do.

Mr John Eades, president of the Law Society of NSW, commented on his Honour's skills outside the law.

Intellectually your Honour has been described as a polymath, a gifted student of humanities and a ghastly thing called mathematics. Your Honour's ability to master those disciplines would have opened many doors. For



instance engineering may have been available to you because of your resourceful activities in textile making, little boats in bottles, building your own kayak and catamaran. Your manual skills would have been equally employed as a surgeon following your late Uncle Kevin who had a distinguished service of record including assisting prisoners in World War 2 in the camps of the Japanese. We are fortunate that your Honour has chosen a legal career.

Speaking in reply, Justice Fagan was effusive in his praise for those who had supported him during the daunting transition into the country's largest independent bar.

...when I took rental chambers on 13th Floor Selborne, Justice Geoffrey Lindsay who was then a junior, a few years ahead of me, made himself my mentor and again went out of his way to ensure that I would get a chance to show whether or not I could do the work. It was a very big sea change to move from such a small profession, cut myself off from the connections of school and university and family in Hobart and start afresh. Fortunately I had from the start great moral support because my then fiancé, Bridget, agreed to come with me, join me and we were married two years later. She underwrote my early days at the bar and has backed me up in every way ever since. I think my clients would have no idea how much they owe to a supportive family that enables a barrister to do work as intensely as sometimes we have to do.