

His Honour Judge Philip Dowdy

Judge Philip Dowdy was sworn-in as a judge of the Federal Circuit Court on 7 December 2015. Arthur Moses SC spoke on behalf of the New South Wales Bar.

His Honour grew up in Balgowlah, on Sydney's northern beaches (but had no inclination to surf). He was educated at Shore and studied at the University of Sydney, from which he graduated with a Bachelor of Arts in 1973 and a Bachelor of Laws in 1975. He was an articled clerk at Clayton Utz from 1976 to 1978.

His Honour did not practise as a solicitor, but chose instead to come directly to the New South Wales Bar in March 1978. He took a room in historic Chalfont Chambers, which at that time was headed by Derek Cassidy QC. He read with Rodney Parker and his application for membership of the Bar Association was moved and seconded respectively by A F Tolhurst and Adrian McInnes QC. In 1993 he moved to 6 St James Hall Chambers, where he remained until the time of his appointment.

During 37 years at the bar his Honour built up a strong banking, equity and commercial law practice in the intensely competitive environment of the Sydney Bar. He was briefed often by each of the 'big four' banks and appeared often in the Commercial List before the likes of justices Andrew Rogers, David Hammerschlag and Patricia Bergin. His peers consider him to be one of the nation's preeminent counsel for insolvency and commercial recovery – one who is remarkably disciplined and diligent.

A fixture of 6 St James Hall Chambers was his Honour putting in a few hours on a Saturday morning before going to his Sydney Badge tennis match in the afternoon. Speaking on behalf of the bar, Moses SC said in respect of tennis:

... it would be remiss of me not to mention that your Honour was a keen participant in the Bar Association's annual tennis tournament – the Hon Bryan Beaumont Cup. Naturally, I sought further and better particulars regarding your abilities in another court. I received responses to the effect that your style of play is quite appropriate for a banking and insolvency lawyer: that is to say, a baseline player who 'always returned' and eventually wore down your opponent. Some compared you to Bjorn Borg.

Moses SC noted that a sometimes-overlooked feature of banking cases is the frequency with which counsel appear against self-represented litigants. A regrettably high proportion of those appearing before the Federal Circuit Court are self-represented. Such cases can be especially awkward and stressful, but, Moses SC said:

your Honour is said to have handled them 'with aplomb'. Reputedly, one of your favourite sayings is: 'everyone gets one chance to settle'. I'm told that in the context of banking and insolvency, this is equivalent to empathy.

Among his many notable cases were: *Taylor & Ors v Johnson*, in which he appeared as junior to Rodney Parker QC in the High Court; *Neale v Commonwealth Bank of Australia Ltd Trading as Bank of Western Australia*; and the complex case of *Octaviar*, which went before the NSW Court of Appeal and the High Court.

His Honour is an accomplished Greek scholar. With occasional assistance from a tutor on Friday afternoons, he spent time drafting annotated translations of Homer's *Odyssey* and *Illiad* as well as the works of Herodotus.

Judge Dowdy joins a very busy Federal Circuit Court, a fact which Moses SC did not overlook in his remarks before the ceremonial sitting:

The bench of the Federal Circuit Court has, for many months, been well below its full complement, and has groaned beneath the weight of its enormous caseload. In 2014-15 more than 95,300 cases were litigated and divorce cases processed by this court – during which time, nine judges retired. Today's appointment, together with those foreshadowed last Thursday by Attorney-General George Brandis QC, will alleviate the situation – partly. Judge Dowdy's wealth of experience in banking and commercial law fits well with the bankruptcy, competition and consumer jurisdiction of this court. The state and territory bars congratulate the attorney and will watch attentively for more appointments to be announced.