

APPOINTMENTS

Federal Court of Australia

On 21 April 2017 Michael Lee SC was sworn in as a judge of the Federal Court of Australia. Noel Hutley SC spoke on behalf of the NSW Bar.

Justice Lee was born in Perth. His Honour's family moved to Sydney when he was two years old, where he completed his primary and secondary schooling followed by a Bachelor of Arts at Macquarie University, and a Bachelor of Laws at Sydney University. In 1989 his Honour was admitted to practice as a solicitor, becoming a partner of Corrs Chambers Westgarth in 1995, specialising in commercial litigation. His Honour was called to the Bar in 2002. In 2011 his Honour was appointed silk.

As both solicitor and barrister, his Honour acted or appeared in some of the most notable cases to have come before the Federal Court of Australia and the Supreme Court of New South Wales. As a solicitor at Corrs, and then later as a barrister, his Honour was involved in two high profile matters in Australian legal history. One was Australia's longest-running defamation proceedings, John Marsden's suit against the Seven television network. In that case, his Honour appeared in the proceedings led by Bret Walker SC. The first day of that hearing coincided with his Honour's first day of the Bar Practice Course. Then, one week following the completion of that course, his Honour delivered the submissions in reply. The other case straddling his Honour's career as a solicitor and as counsel involved the infamous shooting of the New South Wales state member of parliament, John Newman, in which his Honour represented Phuong Ngo.

Supreme Court

The Hon Justice T G R Parker

On 6 April 2017 the Chief Justice TF Bathurst presided in the Banco Court of the Supreme Court of New South Wales at the swearing in of the Honourable Justice Thomas Guy Radcliffe Parker as a judge to sit in the Equity Division of the court. President of the Sydney Bar Mr NC Hutley SC attended and spoke on behalf of the New South Wales Bar. Ms Wright of the NSW Law Society attended on behalf of the solicitors profession.

His Honour was educated at the Cranbrook School where he completed the Higher School Certificate in 1980. In the following year his Honour attended the University of Sydney studying both Computer Science and a Law degree from which he graduated in 1985. Briefly in 1986 he attended the College of Law and became a judge's associate to the Honourable Mr Justice Fox of the Federal Court of Australia.

In September of 1987 his Honour was admitted as a solicitor of the Supreme Court of New South Wales. Almost immediately after this, his Honour enrolled in a Master of Laws at the London School of Economics when Lord Wedderburn was still teaching company law cheek by jowl with Lincoln's Inn. For a brief time, his Honour was an employed solicitor at Clifford Chance in

His Honour has appeared as counsel in a number of high-profile class actions including, among others, the Allco, Aristocrat, AWB and Multiplex actions. His Honour also appeared in *Ashby v Slipper* in which his Honour appeared on behalf of Mr Ashby, both at first instance and on appeal.

Noel Hutley observed that his Honour has been the leading barrister for investor class actions in Australia for years and was a 'pioneer' in this field.

The Commonwealth Attorney-General George Brandis observed that his Honour's qualities of fairness, compassion, judgment, diligence and efficiency bear out the very best quality of Australian judges.

His Honour observed:

Far from seeing law as an instrument of oppression to maintain or legitimatise injustices, I commenced and – I'm pleased to say – ended my career as a practitioner without any cynicism as to the practical operation of the system. It has imperfections, but I have observed how dedicated practitioners can prevent and alleviate wrongs and also how the legal system can be an effective instrument used, in a principled way, to further social justice. Moreover, apart from intellectual satisfaction and social utility, it has been, simply, great fun.

In addition to his Honour's usual duties as a judge of the court, his Honour has been appointed to serve on the Class Action Users Group Committee of the Federal Court.

the City of London. As all roads led back to Sydney in March of 1989, his Honour commenced in the litigation department of Allen Allen and Hemsley and continued there as the sun was setting on the heady days of commercial litigation.

His Honour read with MA Pembroke, as his Honour then was, and commenced practising at the New South Wales Bar in the February of 1991.

His Honour practised primarily in commercial law, insurance and professional indemnity. Over the years his Honour's court craft was described as most pleasant, urbane and respectful but utterly tenacious. Illustrations of this tenacity and his Honour's quiet and benign reserve are [the Macedonian Church case] *His Eminence Petar the Diocesan Bishop of the Macedonian Orthodox Diocese of Australia and New Zealand v Kotevich* and *Commonwealth of Australia v Cockatoo Dockyard Pty Ltd*. Both cases required the patience of Job of any leading counsel – and



APPOINTMENTS

both cases ran so long that they have passed into legend. They hold a status much like the classic Jarndyce briefs.

His Honour was a member of the Seventh floor of Wentworth Chambers for many years and then relatively recently transferred to the severe functionality of New Chambers on a floor of a building designed by Lord Foster. It is known that in his Honour's most recent chambers there were no artworks to speak of. Rather, all attention was focussed on the breathtaking view through the Heads and far out over the Tasman Sea. This was the only decoration worth mentioning.

It is also noted that his Honour appeared variously as junior with distinguished members of the inner Bar – the Hon. D F Jackson QC, the Hon T E F Hughes AO QC and the Honourable Dyson Heydon QC. Parker J regaled the Banco Court with some anecdotes of a long career at the Bar and amusing and legendary anecdotes of High Courts of the past showing Communist tendencies. In the great tradition of advocacy, even in the ugliest stoushes his Honour never personalised any contest in question and was ever patient and never dismissive of an opponent.

By 2005, his Honour took silk and had spent some time then

leading juniors to great effect. In over 30 years at the Sydney Bar his Honour was always known as quietly respectful, learned in legal principle and enthusiastic about science. To temper these qualities his Honour is also known to have a dry wit.

Remembering his years at the Bar, his Honour noted his tendency to be on the losing side of a case, to be somewhat knocked about, and his acute awareness of that at times. Perseverance and that necessary quality of fearlessness in an advocate were live in his words as he recounted a hard and long road to that day. He also paid tribute to his father who had taught him much about the stresses and strains of litigation.

During the course of his Honour's speech, he paid tribute to his family especially his wife and his children.

He recalled the privilege and enjoyment of practising as a barrister in this jurisdiction. His Honour was gracious in acknowledging the breadth of support of practitioners and solicitors over the years, such words proving that his court will be a most civilised and just place in which to appear and to be heard.

By Kevin Tang

Supreme Court

The Hon Justice Julia Lonergan was sworn-in as a judge in the Common Law Division of the Supreme Court of New South Wales on Tuesday, 21 March 2017. Attorney General Mark Speakman SC spoke on behalf of the bar and Ms Pauline Wright, president of the Law Society of NSW, spoke on behalf of the solicitors' branch of the profession.

Her Honour was educated at St Patrick's Primary, Parramatta and Loreto College, Kirribilli. She graduated from Macquarie University with a Bachelor of Arts and then a Bachelor of Laws from the University of Sydney. She was admitted to practise as a solicitor of the Supreme Court in 1983 and began work in her parents' firm, TP and J Lonergan in Parramatta, before spending several years at the GIO Australia and Suncorp-Metway.

Her Honour was called to the New South Wales Bar in 1997. In the ensuing 20 years she built up a thriving practice in medical negligence, personal injury and professional negligence, appearing for both plaintiffs and defendants. In the matter of *Simpson v Diamond*, her Honour was junior to Leonard Levy SC, now his Honour Judge Levy of the District Court, appearing for the plaintiff. The damages awarded, \$14.2 million, were a record in medical negligence and personal injury cases. The attorney noted:

This case was novel not only because of the record sum awarded but because it pioneered the use of international expert witnesses in these matters. It was also a landmark case because it proceeded to completion rather than settlement. Your Honour's technical knowledge and refined skill were critical and, indeed, your Honour's work and that of Levy

DCJ induced what has been described variously as panic and an outcry and then the *Health Care Liability Act 2001* and the *Civil Liability Act 2002*.

Her Honour has presented many papers at medico-legal conferences and given generously her time and expertise. She has mentored many young female barristers, been an advocacy coach in the Bar Practice Course, served on Bar Council and been chairperson of Professional Conduct and Equal Opportunity committees.

Her Honour took silk in 2012. In 2013-14 her Honour was senior counsel assisting the Special Commission of Inquiry into the Police Investigation of Certain Sexual Abuse Allegations in the Catholic Diocese of Maitland-Newcastle.

Her Honour's interests outside the law are diverse. The attorney general said:

Without reservation all those who shared some thoughtful remarks about your Honour in the lead up today were utterly delighted about your appointment as a judge of this Court. Your colleagues and your friends warmly describe you as a devoted mum, a most loved and loyal friend and an enthusiast of the arts. It has been said that your tastes in music are eclectic and growing in refinement and that you have never been known to turn down a concert whether it



APPOINTMENTS

rock and roll or opera or some genre in between. I believe your Honour is an enthusiast of all things Irish, including that most esteemed of books, Ulysses. I am advised that for your Honour Bloomsday verges on a holy day of obligation. The president of the Law Society expressed the high regard the legal profession has for her Honour, as well as its absolute confidence in her judicial qualities. Ms Wright said:

The unflinching ethical standards and integrity you have brought to your practice of the law as an advocate will inform your life on the bench and whether it was the sheer force of hard work, your unmatched ability to scythe through the litigation thicket to get to the heart of a matter or your preparedness to make difficult decisions, your fellows and instructing solicitors alike have spoken of a barrister of exemplary ability with whom it was a privilege to work.

...

Although your Honour will be sorely missed by your fellow barristers and instructing solicitors there is a prevailing confidence that you will be an excellent judge, a diligent and careful hand on the evidence, actively but respectfully working against timewasting and prolixity. It is said those

who appear before your Honour will quickly learn to get to the point but, equally, those who appear before you can always be confident yours will be a warm court, a friendly court and a just one.

Justice Lonergan spoke in reply. She thanked the many people who had guided her at every step of her career in the law. She spoke of the support from her parents, her siblings and her peers at the New South Wales Bar. She said:

My good fortune in life is extended to my professional life. I will not say the juggle of personal and professional obligations is easy. That would be perjury. However, it is made much more manageable by the friendship of my colleagues at the Bar. If I thanked everyone who has been a fine friend and excellent combatant, the list would be very, very, very long. They know who they are. I am grateful to them as they have made the Bar one of the great places to be. From the robust, blokey intelligence of Jack Shand Chambers, to the welcoming bosom of 2 Wentworth, to the decency and containment of level 8 Wentworth, to the culture and inclusiveness of 12 Selbourne Wentworth, to the egalitarian comradeship of Maurice Byers, I have enjoyed every chambers of which I have been a member.

District Court

On 24 May 2017 David Russell SC was sworn in as a judge of the District Court of New South Wales. Arthur Moses SC spoke on behalf of the New South Wales Bar.

Before being appointed his Honour worked as a barrister for over 40 years. His Honour practised across many areas and conducted over 50 jury trials. His Honour is best known for insolvency and common law work, most notably dust diseases cases. His Honour is also the co-author of Gooley, Zammit, Dicker & Russell's *Corporations and Associations Law: Principles and Issues*, which is now into its sixth edition.

His Honour has lectured for 20 years on insolvency for the Legal

Practitioners Admission Board. His Honour was also a lecturer and tutor for the Bar Practice Course and a member of the New South Wales Bar's Professional Conduct Committee from 2002 to 2010.

Arthur Moses SC observed that his Honour is:

first and foremost, an advocate who has enjoyed the respect of both the bar and the bench... [who is] from the old school, quiet and unassuming with a focus on persuasion rather than theatrics.

His Honour was appointed senior counsel in 2002.

Local Court

Joy Boulos was sworn in as a Magistrate of the Local Court of New South Wales on 29 May 2017. Her Honour worked at Legal Aid NSW for 23 years, commencing in the civil litigation unit and specialising in consumer protection law, victims' compensation, housing, tenancy and human rights. For the last eight years her Honour was a senior managing solicitor, overseeing complex

criminal matters.

David John Price was sworn in as a magistrate of the Local Court of New South Wales on 22 May 2017. Before his Honour was appointed, he practised as a barrister appearing primarily in commercial and common law matters.

NSW Industrial Relations Commission

Jane Seymour was sworn in as a Commissioner of the NSW Industrial Relations Commission on 15 May 2017. Her Honour was an associate to Justice Beazley (as her Honour then was) in the Federal Court of Australia, following which her Honour worked as a solicitor, including as partner of Australian Business Lawyers, and later, Gadens Lawyers. Her Honour also worked with the

then Sex Discrimination Commissioner, Elizabeth Broderick, on the review of the treatment of women in the Australian Defence Force. In 2011, her Honour was called to the Bar and practised in a wide range of matters and continued to develop an extensive workplace investigation and mediation practice.