



Interview with Supreme Court Justice David Habersberger

Justice David John Habersberger studied at the University of Melbourne, graduating with an honours degree in Arts (Political Science) in 1968 and a first class honours degree in Law in 1970.

During his studies his Honour completed vacation clerkships with the Department of Labour and National Service and the Commonwealth Attorney-General's Department.

His Honour undertook articles of clerkship with Blake & Riggall (now Blake Dawson) in 1971 and was admitted to practice on 1 March 1972.

During 1972, his Honour was the associate to Chief Justice Barwick. With a passion for advocacy, his Honour signed the Bar roll on 22 February 1973.

As junior counsel, his Honour appeared in a number of significant constitutional, administrative and commercial law cases such as *The Commonwealth v Tasmania* (the Tasmanian Dam Case) (1983) 158 CLR 1.

On 24 November 1987, his Honour was appointed one of Her Majesty's Counsel for the State of Victoria. Justice Habersberger was a member of the Victorian Bar Council for 15 years, and was chair in 1994-1995.

Commencing his professional career as a junior barrister, followed by work as a Queen's Counsel, his Honour commenced the third stage of his legal career in July 2001 as a Supreme Court judge.

His Honour accepted an invitation from the Young Lawyers' Section to be profiled in this month's *Young Lawyers Journal*.

How did you become a Supreme Court judge?

In order to be appointed a Supreme Court judge you need to be invited by the Attorney-General. I was approached by Attorney-General Rob Hulls in June 2001. Although my first reaction was that I needed to discuss the request with my wife, I was honoured and humbled to be considered and never doubted that I would accept the appointment.

What attracted you to the role?

The opportunity to finish my professional career within the law in a challenging role but also one which gives me the chance to give back to the community. Of course, it is also a great honour and privilege to be appointed a Supreme Court judge.

Describe a typical day.

I arrive at court in the morning to look at material relevant to the hearing, such as witness statements, court books or pleadings. At 10.30am I am sitting in court. At lunchtime I often need to look at further material. At the end of a day's sitting in court I discuss the issues with my associate. Trials are all about facts so we also discuss how the evidence fits in with the claims. After that, I start drafting my judgment.

Describe an interesting case/project/deal that you've worked on.

Between 1990 and 1994 while working as a QC, I conducted the inquiry into the collapse of the Farrow Group of Building Societies and Companies (the Farrow Inquiry). I prepared a 1698 page report which was tabled in Parliament by the then Attorney-General. This case involved a complicated commercial structure and my task was to try and explain to the community why the collapse occurred.

What aspect of your job do you most enjoy?

I enjoy being in Court even if the subject matter is not particularly interesting. The interplay between counsel, instructing lawyers, parties and witnesses is stimulating. Sometimes, it is like a little drama.

Has anything in your professional career made you think twice about your decision to study and practise law?

No!

What advice would you give to a young lawyer interested in working in your type of role?

If you don't enjoy what you do, look for another job. The legal profession is not for everyone. It is hard work. But when you are stimulated and challenged the difficulty of the work does not matter.

What three important attributes or skills should a young lawyer possess?

1. Common sense,
2. Empathy for the client, and
3. Clarity of expression. ■