

# The Hon Justice Richard White



In the winter edition of this journal a report of a cricket match between the silks and juniors, included the following:

Peter Naughtin, a veteran of NSW Bar cricket showed contempt for the attack until he was dismissed by Morrison to an outfield catch by White SC (as he then was) which surprised everyone.

What might *'surprise everyone'* is that the author and the catcher were one and the same - White SC (as he then was). Have you heard about 'The Catch'? If not, you cannot have had a conversation, even a short conversation, with Richard White since The Catch was taken.

Justice White has, on numerous occasions, described The Catch as 'a classical outfield catch' involving 'a 25 metre sprint' (although, to be fair, this sometimes can extend to 40 metres) culminating in 'a full-length dive' and secured 'one-handed, the body only inches from the ground'. Of course, The Catch was taken 'in diminishing light' and 'at a crucial moment in the game'.

The greatness of The Catch has been independently confirmed by Francis Douglas QC who described it as 'a wonderful catch; very similar to one I took a few years ago' – surely there can be no praise higher than that.

Now while Justice White may even border on immodest in respect of The Catch, what makes that quite strange is that you would never hear him mention anything about his achievements in 'The Law'. The achievements of which he never speaks include the following:

- in 1977 he graduated from Sydney University Law School with first class honours and the University Medal. As was the custom, he then spent a year as associate to Sir Nigel Bowen, chief justice of the Federal Court of Australia;
- in 1979 he was employed as a solicitor by Stephen Jaques & Stephen and was made a partner in 1982 – that is, after only three years;
- in 1986 he was admitted to the Bar, taking silk in 1998 – that is, after only 12 years;
- while at the Bar his Honour practiced from Seven Wentworth, mainly in commercial law and equity, with a speciality in trade practices. He appeared in many of the

great cases. At the time of his appointment he had emerged as one of the leaders of the Bar.

Yet of these remarkable achievements his Honour is almost dismissive. No doubt because, unlike The Catch, they came so easily to him.

Despite his achievements his Honour is a naturally private man, quiet but dryly humorous. He is a modest man, but with no reason to be modest. Although his words are few, they counted. He is an intellectual lawyer, a clear thinker with a clipped and precise way of conveying his thoughts. When he has a view about a matter, he is able easily to convey, with a smile, a feeling that you should not argue with him. In fact, there is always a hint of something a little intimidating about his manner – perhaps his quietude. And despite the self-effacement there was always plenty of steel: he was the scourge of the actuarial profession.

His Honour does not stand on ceremony, but he is a polite and formal person. Perhaps this partly explains why, while his Honour was appearing as counsel assisting in the HIH Royal Commission, the press described him as 'patrician'. His Honour did not like that. He did not want (or need) the attention and his natural modesty made him embarrassed about being called 'patrician'. Because of his obvious embarrassment, those who knew his Honour called him 'The Patrician' on every occasion they could. His Honour stood up to this ragging well; with a forced smile, some polite forbearance and considerable patience – you might think, an entirely patrician response.

What can we expect from Justice White? We would bet on the following: His Honour will conduct a court where the rule of law will reign supreme. It will not be a court absent of compassion, but compassion will not get in the way of the law. Timetables will be observed. The Evidence Act will be well-thumbed. Short adjournments will be accommodated during test matches. It will be a court where counsel who are under-prepared, or who like to run hairy points 'just to see how it flies', will be made to feel most unwelcome. And woe betide those guilty of fusion fallacies – his Honour is a classicist who learned his law articulated to W M C Gummow. By the end of his judicial career (and he has plenty of time) he will have established himself as one of our great judges.