

## The Hon Justice Nigel Rein



On 5 May 2008 his Honour Judge Nigel Rein SC was sworn in as a judge of the Supreme Court of NSW.

The Hon Justice Rein was educated at Vaucluse Boys High, where he was head prefect, and graduated in Arts and Law from the University of Sydney. He undertook articles at Minter Simpson & Co, and then worked for a year in Haifa in Israel, at the specialist maritime and insurance firm S Friedman & Co. Returning to Australia; his Honour worked at Stephen Jaques & Stephen and then joined Dudley Westgarth & Co where he was offered partnership.

His Honour was called to the Bar in 1984, and read with Rob Macfarlan QC. His Honour was appointed senior counsel in 1999, and in 2002 was sworn in as a judge of the District Court of NSW. While a judge of the District Court, his Honour also served as a deputy chairperson of the Medical Tribunal, and sat as an acting justice of the Supreme Court on three occasions, in the Equity Division.

The president of the Bar Association, Anna Katzmann SC, spoke on behalf of the NSW Bar and Hugh Macken for the solicitors of NSW. Rein J responded to the speeches.

In a break from the usual approach to the president's speech, Katzmann SC began:

It's ironic that Your Honour was elevated to the bench.

When you first left school you were asked at the time why you didn't become a judge. This is what your Honour said:

Yes, I could have been a judge but I never had the Latin, never had the Latin for the judging, I just never had

sufficient of it to get through the rigorous judging exams. They're noted for their rigour. People come out saying, 'My God, what a rigorous exam' – and so I became a miner instead. A coal miner. I managed to get through the mining exams – they're not rigorous, they only ask one question, they say, 'Who are you', and I got 75 per cent on that. I would much prefer to be a judge than a coal miner because of the absence of falling coal.'

Well your Honour finally got your wish.

Actually, of course, your Honour did not leave Vaucluse Boys High to become a coal miner. I drew my opening remarks from a Peter Cook monologue entitled 'Sitting on the Bench'. Your Honour is an avid fan of Peter Cook and his sidekick, Dudley Moore, and is reputed to do a mean impersonation of both Pete and Dud. Curious that. Peter Cook once described Pete as the 'informed idiot' and Dud as the 'the uninformed idiot'. Cook added: 'They're both idiots but Pete is always slightly superior. In fact, he knows nothing either'.

Your Honour could never be accused of knowing nothing.

Katzmann SC noted that his Honour's mentors were the late Chris Gee QC and Macfarlan QC. The president also noted that his Honour's time at the Bar was characterised by his unselfishness and generosity, both through his involvement in conducting continuing legal education sessions and as a fine and caring tutor in the best traditions of the Bar.

Rein J referred also to his mentors:

The late Christopher Gee QC, whom I had briefed in a number of aviation matters, was extremely generous in introducing me to his solicitors when he took silk in 1984. We had many cases together and even one opposed, and it was fitting, I think, that I was asked to pass to him my brief for one of the re-insurers in the HIH Royal Commission when I accepted appointment to the District Court.

Rein J also paid tribute to the support of Chief Judge Blanch in permitting him to take

on the role of acting justice of the Supreme Court on three occasions, which he described as 'long enough to gain some experience in the Equity Division, and short enough not to reveal the deficiencies in my knowledge'.

His Honour said that his three commissions as an acting justice 'demonstrated not only the enormous breadth of work that the Equity division is engaged in, but also an atmosphere of considerable collegiality and warmth'. However, his Honour noted some concern on the topic:

when I recently received a mysterious unsigned letter in Spanish but with an English translation purporting to be from a person I had met in Bolivia in January that warned me about the foibles of some of my new colleagues in the Equity Division. There were two features of the letter that lead me to conclude who the author really was. First, curiously, the letter singled out only one judge as worthy of emulation – Mr Justice Einstein. Secondly, it was 33 pages long (without the footnotes). Justice Einstein has made no admissions about any of this. I have counted him as a friend since I was a final year law student. His Honour introduced me to Minter Simpson, which lead to me being engaged as a post-graduate articulated clerk with that firm. Subsequently I was involved in a number of cases with him, both as a solicitor, and as his junior.

His Honour recognised the other justices of the court who had played an important part in his career, as lecturers (Austin and Hamilton JJ and Giles JA), colleagues on the District Court bench (Latham and Price JJ) or as colleagues – on Ground Floor Wentworth (Simpson J), or 11 St James Hall, (McClellan CJ at CL and Hammerschlag J). His Honour said he had known Rothman J the longest, taking over possession of the prefects' room at Vaucluse Boys High from him 38 years ago, and coincidentally moving into the chambers Rothman J had been occupying in the Supreme Court building. His Honour noted that Einstein J and three current silks have also attended Vaucluse Boys High: 'In recognition of what the school has done for, or some might say, to the law, it has been decommissioned and will shortly be demolished'.