

The Hon Justice Robert Forster

On Monday, 4 May 2009 the Hon Justice Robert Forster was sworn in as a judge of the New South Wales Supreme Court.

Mr Catanzariti on behalf of the New South Wales Law Society described Justice Forster as a 'diligent, reserved, quiet, reflective and family-oriented man'. He also noted that Justice Forster's colleagues on Eleventh Floor Selborne/Wentworth Chambers had nicknamed his Honour, 'Rowdy'. Tom Bathurst QC on behalf of the Bar Association referred to his Honour as an unassuming and steady practitioner and said that the Supreme Court's reputation for excellence surely will be reinforced by the appointment of a widely respected advocate who, over 30 years at the bar, has built up a prodigious practice in commercial law and equity.

Justice Forster was born in Hungary and came to Australia with his family in 1957 at the age of ten. He told those gathered in the Banco Court:

I was born in Hungary on the wrong side of the iron curtain, at a time when that curtain was at its coldest and most unforgiving. My parents, young brother and I took advantage of the 1956 Revolution and escaped to neutral Austria.

Justice Forster expressed his gratitude to Australia for the opportunities it afforded him. He said:

It was then that this country opened up its arms to me and to thousands more like me. It provided me with schooling and an opportunity to go to University to become what I hope has been, and will hereafter be, a productive citizen. I have enjoyed a freedom that so many people in this world have never known.

But it was not only that. From the word go, I felt accepted in my new country. I never recall being called names that are sometimes used to stigmatize new arrivals. I never felt discriminated against. On the contrary, I often felt that there was, if anything, a desire by those around me to level the playing field.

One particular aspect of life in this country deserves special mention, if only because it does not receive the recognition it should have. We tend to take our freedom and democracy for granted. We grumble about our politicians but in doing so, we lose sight of the importance of being able to do so. We lose sight of the phenomena of free elections and the peaceful transitions of political power that follow. We lose sight of the significance that on election night, power either peacefully stays where it was, or peacefully shifts. Nobody calls in the army, there are no riots in the streets and there are no retributions. The next morning, when we wake up, life goes on as before, no matter who wins.

The vast majority of people on this planet do not enjoy such privileges. For them it is but a dream that may at some future time, or may never, come true.

Whatever may divide us in this country, when compared with what unites us, is miniscule. We are really very fortunate and I myself never take our liberty and way of life for granted. Nor do I take for granted that which I have received from this country of ours



His Honour attended Neutral Bay public school and then North Sydney Technical High School. Mr Bathurst QC noted that Justice Forster had set his sights on becoming a barrister from the age of 12.

His Honour attended the University of Sydney and graduated with a Bachelor of Arts and then in 1970 with first class honours in a Bachelor of Laws. He was admitted to practice in 1970 and completed his articles with Allen, Allen and Helmsley, as it was then known. Employed by Baker and McKenzie his Honour worked in the Sydney, Chicago and Hong Kong offices for the next five years. Justice Forster subsequently completed a Master of Laws at Stanford University in 1972. His Honour was called to the bar in 1978 and read with former Court of Appeal judge, the Honourable Keith Mason AC. His Honour initially had chambers on the 9th Floor of Wentworth Chambers, and then from 1993 on the Eleventh Floor Selborne/Wentworth chambers.

Justice Forster said that he had benefited greatly from various junior counsel with whom he had worked in more recent years. His Honour noted that as they say, the perfect junior is one who is smarter than you are, but does not know it. His Honour said that he had had the assistance of many such juniors, who he suspects did know but were polite and diplomatic enough not to let on.

Mr Bathurst QC referred to Justice Forster's love for and devotion to, his (Scottish) wife, children and grandchildren. Mr Bathurst QC said that the obvious joy and strength that Justice Forster derives from his children and the growing brood of grandchildren is proof for the profession, if any was ever needed, that work / life balance should never become a zero sum game.