

## The Hon Justice Michael Slattery

Michael Slattery QC was sworn in as a judge of the Supreme Court of New South Wales on 25 May 2009.

His Honour was educated at St Ignatius' College, Riverview and studied arts/law at the University of Sydney. His Honour was called to the bar in May 1978 and appointed queen's counsel in 1992. His Honour's father, the Hon John Slattery AO QC, had been appointed a judge of the Supreme Court in 1970.

His Honour was involved in some longer running commercial cases of the 1990s, including the *Tourang v John Fairfax* litigation in 1994. Between 1998 and 2001 he was involved in several cases involving the competition and telecommunications sector, and in 2004 appeared for the Medical Research and Compensation Fund before the 2004 commission of inquiry conducted by David Jackson QC regarding the asbestos liabilities of James Hardie Industries.

His Honour played an active role in the Naval Reserve from 1989, serving as the head of the Navy Legal Panel between 2002 and 2006, and during 2005 and 2006 was principal counsel assisting the Naval Board of Inquiry into the crash of a Sea King helicopter on Nias Island, Indonesia.

His Honour was a councillor of the Bar Council and served as president of the Bar Association from November 2005. He is one of the trustees responsible for the Mum Shirl Fund created in 2002, and for many years was the chair of the association's Equal Opportunity Committee.

Attorney General John Hatzistergos spoke on behalf of the New South Wales Bar and Joe Catanzariti spoke for the solicitors of NSW. Slattery J responded to the speeches.

The attorney adverted to his Honour's time as president of the Bar Association:

As is traditional regarding matters touching on law and public policy you were ... a thorn in the side of the government of the day regarding issues such as the abolition of the double jeopardy principle, majority verdicts and various arrangements for the courts. We, of course, hold no grudges here, but being on the losing side of an argument never blunted your advocacy on the part of your members nor the importance you placed on maintaining cordial relationships with those who had opposing views.

Mr Catanzariti said:

I must start by that in preparing for this speech, I spoke with many members of the legal profession, far and wide, who have had the privilege and pleasure of working with your Honour at some point in their career. Not one was surprised by your appointment to this bench, and not one expressed the view that your appointment was anything less than a due recognition of a person who has been a beacon to the profession; whose temperament, character, comportment and extraordinary skill-set have come to epitomise the very essence of what it means, not only to practise as a barrister in this country, but what it means to be a member of the legal profession in this country.

Both the attorney general and Mr Catanzariti referred to his



Honour's involvement in the Bar Association's Rhetoric Seminar series. Mr Catanzariti also said:

But if we wish to find the genesis for your extraordinary success as a legal practitioner and the reason why you are held in such high esteem across the entire profession of law – by both barristers and solicitors – we must look to the way your Honour has adopted and adhered to the basic principles that underline our legal profession.

It is not surprising to learn that your Honour has a great love for the philosophies of the great Roman and Greek thinkers. And indeed your Honour's love for Aristotle's *Art of Rhetoric* provided the very impetus for the most popular seminar program ever held in the Bar common room about the need for the profession to go back to the classics and rediscover the importance of rhetoric. But I am keen to draw another parallel out of this love for Greek and Roman theory and practice. Your Honour, like your respected philosophers, is not just committed to the skill of advocacy per se, but to the service of justice and the rule of law. Like Plato, Aristotle's famous teacher, justice for your Honour 'is like a manuscript that exists in two copies. It exists in both the individual and the society where each individual functions not for itself but for the health of the whole.' If your Honour requires any evidence of this your Honour only need look to the way you have, through both your individual and collective actions, enhanced the standing and calibre of the entire profession, both that of solicitors and barristers through your own work as an advocate.

Mr Catanzariti also referred to his Honour's efforts to set up a pro bono legal representation scheme during the 2000 Olympic Games, to provide legal representation for athletes asked to appear before the Court of Arbitration for Sport.

Slattery J said:

It was undoubtedly my father's example that had the most profound influence on my decision to go to the bar. He is known affectionately to so many here. His vigour at the age of 90 is legendary. I am told

chief justice, that when you announced to the Equity judges' lunch last Wednesday who was to be the new judge, wishing to eliminate any possible misunderstanding, you explained to them all, 'The government has just appointed Slattery to the division,' and then you paused and said, 'Michael, not Jack.'

As a 15-year-old I attended his swearing in ceremony in the old Banco Court on 10 February 1970 and today I took an oath on the same Bible that he used in that ceremony which occurred before Chief Justice Herron. One can glean just a little of the somewhat different relationship between the media and the judiciary 39 years ago from the simple fact that a family photograph of the swearing in including myself and my three sisters appeared on the front page of the early editions of the *Sydney Morning Herald* the following day.

His Honour also referred to his progress at the bar after admission in 1978, which he hoped contained

some immediate comfort for the very junior bar right now. Shortly after my admission to practice Australia went into a severe economic recession. Perhaps it is the contrarian in me but I took silk in 1992, also in the middle of a recession. And now I come to this court in a – well we all know what it is, don't we? The past two recessions were survivable at the bar. I am sure the present one will be too.

I recall that in 1980 I took my anxieties about recession affected work levels to my father hoping he had a solution. Instead he rather thoughtfully said to me, 'Let me tell you about the late 1940s.' And so I learnt from him that the whole of the law lists in the late 1940s occupied only three column inches of space in the *Herald* and that young barristers would spend days in a café near the site of this court called Mokbels, waiting for a brief, any brief to arrive. I realised that in 1980 things could have been a lot worse and I suspect that the same is probably true of 2009.

His Honour referred to his masters, Peter Capelin QC who taught him jury advocacy and how to cross examine with passion, and Justice Peter Young, who taught him:

the subtleties of a full equity practice and how to survive the competence tests being administered by the then chief judge in Equity, Justice Helsham. An incidental benefit of reading with him was that I also learned a great deal about trams and buses. He generously gave his time to correcting my opinion work; a generosity that I expect he will still now afford me from the Court of Appeal.

## The Hon Justice Monika Schmidt



On 27 July 2009, the Hon Justice Monika Schmidt was sworn in as a justice of the Supreme Court of NSW in a private

ceremony. Prior to her Honour's appointment, her Honour was an acting justice of the Supreme Court for an earlier period of time in 2009.

The appointment is one of many contributions her Honour has made as an active judicial officer to the NSW justice system. In 1993, whilst still in her early 30s, her Honour was appointed as a judge of the Industrial Court of NSW and a deputy president of the Industrial Relations Commission of New South Wales. In 1998 her Honour was also appointed as a deputy president of the Australian Industrial Relations Commission of NSW.

In her prior judicial roles, her Honour's contribution to the development of jurisprudence in industrial and

employment law matters was second to none. Her Honour's reputation has always been that of a hardworking, polite and even tempered judge.

Continuing a pattern of service and leadership to the justice system, her Honour has also been a member of the Judicial Commission's Standing Advisory Committee on judicial education since 1996 and has facilitated continuing education programs for judicial officers. Her Honour has also sat as a member of the Conduct Division of the Judicial Commission dealing with complaints concerning judicial officers.

There is no doubt that her Honour will bring the same enthusiasm, work ethic, leadership and skill to her new role in the Supreme Court of NSW.