

# Swearing-in of his Honour Justice Richard Weinstein to the Supreme Court



**Gillian Mahoney**

8 Wentworth Chambers

2006 Reader under the now Justice Richard Weinstein

On 1 February 2023, in a ceremonial sitting held in the Banco Court by the Honourable Chief Justice Dr Andrew A S Bell, his Honour Judge Richard Weinstein of the District Court was sworn in as a Justice of the Supreme Court. As is now the custom, the event was live streamed. For the latter I was grateful, as I was able to enjoy the ceremonial welcome from a carpark outside Tamworth Courthouse, and more importantly, it facilitated his Honour's family and friends across the globe celebrating the achievement and witnessing his Honour's public commitment to service of the people of New South Wales.

Raised in Canada, Justice Weinstein's first love was the theatre. His Honour graduated magna cum laude with a Bachelor of Arts from Concordia University, Montreal, a Master of Arts (University of California, Berkeley), and a Diploma in Acting from the Drama Studio in London. Justice Weinstein's career on the stage ultimately led to an Australian adventure where he had success in various theatre productions. Like many of those involved in the arts, but unlike many future Justices of the Supreme Court, his Honour also experienced life as a waiter at the Opera House and, albeit briefly, at the Bourbon and Beefsteak at the Cross.

After several years as a self-described WAM (waiter/actor/model), his Honour returned to university to study law at UNSW, a decision in which his mother played a role and a decision the NSW legal profession is all the better for. In 1991 Justice Weinstein was awarded a Bachelor of Laws.

The next step in his Honour's career, on reflection, was life changing. Justice Weinstein commenced working as a tipstaff for the late Justice Roddy Meagher AO QC, of the New South Wales Court of Appeal. That role forged an enduring friendship, with Justice



Meagher upon his retirement from the court, sharing chambers with Justice Weinstein on 8 Selborne Chambers. The effect of this was that when Justice Weinstein became your tutor, you received two for the price of one.

In an obituary to Justice Meagher, Justice Weinstein wrote 'His kindness was never more apparent than when fielding endless questions from senior and junior barristers. No question was too silly or too difficult; it mattered not if the question came from a reader or a silk'. His Honour could have been writing of himself. As a barrister, his Honour was tutor to various readers and guided them not only through that first year but remained a source of support and encouragement throughout their continuing careers at the Bar. His Honour ensured that the diversity of his readers was embraced and proudly developed, thus further ensuring the strength and character of the NSW Bar.

His Honour adhered to the tenets of being a barrister and took work offered him, resulting in a career spanning 25 years that was marked by a breadth and depth of experience not available to most. His Honour took on diverse matters and appeared in many jurisdictions, including early in his career, crime, and later, common law, equity, disciplinary and commercial matters. His Honour took silk in 2011 at which time, his reputation as a mediator was forged. On his appointment to the Supreme Court, the NSW attorney general remarked that 'His Honour was an exemplary mediator with a common-sense approach to alternative dispute resolution'.

His Honour gave back to the NSW Bar and the legal profession as a counsellor on education, diversity and equality and professional conduct

committees, and an exam working party and also as a member of the legal qualifications committee of the Legal Profession Admission Board. As an adjunct associate professor with the University of New South Wales, his Honour assisted in the education of the future bar, in the law of evidence, court process, civil procedure and litigation.

Outside judicial and legal life, Justice Weinstein has been supported by his husband of almost 30 years, Richard Benedict. As those visitors to his old chambers can attest, his Honour is an accomplished art collector and a supporter of the whole spectrum of art. Nothing need be said about Justice Weinstein's sense of style, which is well known and has been properly commented on in the past. However it would be amiss to not mention the other presence in his life, his beloved Puddin' and his chocolate Labrador, Gertie, both of whom were equally well known to clients, colleagues, family and friends.

This was his Honour's second swearing-in ceremony. His first being to the NSW District Court on 11 February 2019. Like her Honour Justice Sweeney, who, in her swearing-in ceremony to the Supreme Court, spoke of the privileged opportunity to sit with Indigenous elders as a participant in the Walama Program, his Honour Justice Weinstein also acknowledged the privilege his own experience of that program brought. Justice Weinstein reflected on the insight into the dynamism of Indigenous culture and its essential connection to country he learned as a judge through that program.

His Honour is a person of firsts. His Honour is the first Canadian/Australian person to be appointed to the NSW South Wales Supreme Court. In September 2017, his Honour was appointed as the first Advocate for Change for the NSW Bar for LGBTQI diversity. This was at a time where Australia was undergoing much public debate about marriage equality. This appointment, like each of his subsequent appointments, was not only a proper recognition of his Honour's wisdom, experience and social contribution, but a recognition that Justice Weinstein has always brought truth to his professional life. His Honour has embraced diversity at the Bar, and in doing so, has made a more open and more welcoming journey for other LGBTQI+ barristers.

The experiences and character of Justice Weinstein will ensure that the Supreme Court will be a fair and respectful court, one that is marked by intelligence, learning and a dash of creativity. **BN**