

REMARKS DELIVERED BY THE HON. CHIEF JUSTICE WARREN ON THE OCCASION OF A RECEPTION TO MARK THE 10TH ANNIVERSARY OF THE COMMERCIAL BAR ASSOCIATION OF VICTORIA.
(Delivered in the Library of the Supreme Court of Victoria)

10 NOVEMBER 2004

Chief Justice Black, Justice Winneke, Your Honours, Masters, Registrars and commercial advocates.

Tonight is an auspicious occasion. As I view you all I feel as if I am temporarily transported back to a busy Friday morning in the Commercial List.

But, of course, we meet to celebrate and mark the excellence of commercial law advocacy in Victoria.

One only has to reflect on the impact of the establishment of the Commercial List in the Supreme Court almost 25 years ago. The style and format of the List has been adopted and adapted widely. This court heard through the 1980's and 1990's the dominant commercial litigation in the nation. The judges who determined the cases carved the commercial niche for which this State was known. Some of the judges are still with the Court; one has gone to a higher court; many of the counsel in those cases now adorn (judicially speaking) the Supreme Court and the Federal Court (in Melbourne).

In a sense, the formation of the Commercial Bar Association ten years ago was a culmination of a golden commercial era in Victoria.

Now, why do I focus on Victoria and its excellence?

Sydneysiders often quip that 'the only good thing to come out of Melbourne is the Hume Highway', without realising that the same joke works the other way for Melburnians as the highway links both cities.

The Melbourne Sydney rivalry: we have been at it for the past one and a half centuries. Sydney is now feeling very confident about itself especially since the 2000 Olympics.

The Melbourne and Sydney Bars are alike in many respects. They reflect the rivalry between our two great cities. It can be no secret that, throughout modern legal history, each Bar has vied for the title of being the nation's best.

Mr. Justice Young in his 2003 editorial in the *Australian Law Journal* entitled 'I'm Proud to be a NSW Male Lawyer' said that the chances of the 'best lawyers' emerging from NSW are greater owing to the fact that NSW is the busiest litigation State.

But what makes a successful commercial law barrister? Experience, as Mr. Justice Young pointed out, is certainly a factor. What else? Does it all come down to how many lawyers there are in one State, the rivalry, the fight to get 'on top'? The average barrister at the Commercial Bar in Melbourne is at least as busy as the average barrister practising commercial law in Sydney. The cases are also no more taxing in Sydney than they are in other States.

What about the legal education factor: the top Melbourne law schools? In a worldwide survey recently conducted by the *Times* newspaper in London, Melbourne decisively trumped Sydney in having the top-ranked schools overall. This is reflected in the quality of the Melbourne law schools and professors. Melbourne commercial barristers and solicitors were educated at those law schools.

As a judge who sat in the Commercial List and the Corporations List of this Court for three years, I believe I can say from a very informed (and authoritative) position that Victoria has an outstanding Commercial Bar and (in the cross-jurisdictional sense) an outstanding and leading commercial judiciary.

Let us remind ourselves, and others, of that fact. Let us celebrate and toast an integral component of that excellence on its 10th anniversary: the Victorian Commercial Bar Association.