



On the occasion of the announcement of new Senior Counsel,

Speech by Chief Justice Warren

Banco Court
Supreme Court of Victoria

5 December 2008

Today is a very special day in the professional lives of the new senior counsel. I once heard an old, senior silk tell a young, new silk, 'Remember it, it is the best moment in your life.' To which I would interpolate, 'Well, professionally at least.'

Each member of the Court today, representing all the jurisdictions of the Supreme Court: the President, Justice Maxwell; the Principal Judges, Justice Cummins, Justice Smith and Justice Byrne, and I, remembers our personal moment of taking silk so well. We share your joy. The Court expresses its congratulations to each and every one of you. You are now senior counsel of and for the State of Victoria.

It is important to understand how the 14 senior counsel were selected, how they were chosen.

As I have described publicly many times, I perform the function of appointing senior counsel at the request of the Victorian Bar. This is the fifth year of my performance of the function during my Chief Justice's role.

There were 92 candidates this year, seven of whom were women. Each candidate was required to provide four judicial referees, from judges of higher courts. For me, that meant reading over 360 confidential references. I then consulted the heads of the higher jurisdictions who were provided with a confidential list of all candidates. They, in turn, consulted an ad hoc group of judges within their own court. The head then provided advice to me.

I also consulted the heads of the primary bar associations, the Solicitor-General, the Directors of Public Prosecution and the President of the Law Institute of Victoria. I was also assisted by an internal advisory committee within the Supreme Court itself. The membership of that committee changes each year and includes both senior and junior judges.

Next I consulted the President of the Court of Appeal and the Principal Judges of each of the divisions within the Trial Division. I also consulted the Chairman of the Victorian Bar and the Vice Chairmen, more than once.

As you can see, it is a long and exhaustive consultative process. It is the best practice, method, approach available in the process and system in which the Victorian Bar has asked me to embark upon .

And at the end of the day the list, in effect, chooses itself and the 14 senior counsel before the court today are 'the chosen ones'.

The Bar informs me the process is a good one, a satisfactory one. I will perform the function as long as I am able and the Bar requests me to do so.

To the 14 candidates, you understand the leadership role that is now expected of you.

Performing the function in the way I have necessarily involves a leap of faith, a judgment. Please do not let me down.

You will have opportunities in all of your jurisdictions, whether it be civil, whether it be criminal, whether it be appellate, to rise to the occasion.

I, together with my colleagues, have the full expectation that each and every one of you will rise to the occasion and be great leaders of the wonderful, outstanding Victorian Bar. Remember, taking silk is not an opportunity to simply charge more for what you did previously. You are expected to do something else, and to do it differently.

Each member of the court today and all of my colleagues in the Supreme Court and our judicial colleagues elsewhere look forward to your appearances as senior counsel of and for the State of Victoria.

One final remark. It is absolutely splendid to see all the new senior counsel today accompanied by their family and friends, and it is particularly wonderful to see young family members here too. I hope that they absorb the moment and take it all in as their mother, their father, their uncle, their aunt or their friend embarks upon the most significant phase of their professional careers.