

Ceremonial Sitting for Associate Judges
Speech by the Hon. Chief Justice Warren
Thursday 19 February 2009
(Court 12, Supreme Court of Victoria)

This morning marks another important milestone in the modern history of the Victorian Supreme Court – the transition from master to associate.

The office of master was an important ancient office in the court. However, in the last **20** years the work of the Supreme Court has changed significantly in the way we perform it.

Nowadays, judge management is intensive – all civil cases in the Supreme Court are managed and virtually no case goes to trial without one round of mediation.

So, the masterly days of pre-occupation with litigation pedantry have dwindled. The need to serve the community

through prompt, commonsense, expeditious justice has heightened.

The government has responded to the change through the creation of the office of associate justice. The Court has already seized the opportunity by the inclusion of some of the associate judges to work side by side with judges in the Commercial Court and the Administrative Review List and Medical Negligence List.

If there be any doubt as to the capacity of the associate judges to assume their new role let us reflect on the array of talent at the bench this morning.

Associate Justice Mahony – we all learned our **Corporations Law** at his knee.

As for the equity knee, well many of us have knelt before Associate Justice Evans – and often.

Both judges have served the court for over 25 years. I know they are fresher than ever and cannot wait to apply their wisdom, experience and speciality to try cases.

Barristers and lawyers specialise in persuasion. It is the advocate's art. There is hardly a civil law barrister who has not applied their guile, smiles and sometimes sheer plaintive plea to Associate Justice Kings. Immense knowledge and experience is brought by Her Honour to the court. This week she has sat with Justice Byrne on a commercial trial. My advice to all counsel is – *"be well prepared."*

Associate Justice Efthim has been lauded in other jurisdictions as 'the best mediator in Australia'. I think some of his colleagues on the bench this morning would wish to qualify and share that title. However, his Honour brings immense capacity to the court in alternative dispute resolution service to the community.

Associate Justice Wood shares the ADR crown with Associate Justice Eftim. He has assumed very challenging mediations referred by the President of the Court of Appeal A very innovative step – with outstanding success. This will continue. His Honour manages the critical component of litigation, the taxation of costs. Upon the establishment of the new Costs Court later this year, Associate Justice Wood will return to his stamping ground of civil litigation.

Associate Justice Lansdowne brings extensive trial experience in the workers' compensation and family law fields in NSW.

We are fortunate to benefit from her experience.

The new focus of the court on serving the business community is augmented by Associate Justice Daly with her commercial background in one of Australia's major law firms. She is also at the fore of our e-litigation work.

Joining Associate Justice Efthim in our ever growing corporations work is Associate Justice Gardiner, until recently a very experienced commercial and insolvency barrister for 25

The Supreme Court continues its development into the 21st century. Indeed, the President of the Court of Appeal and I feel somewhat old fashioned in our traditional robes and wig compared with the very modern appearance of the associate justices in their new robes. We are a very modern court.

Hence the significance of the change to associate justice. The new rules enable judges to refer trial matters to the associate justices. I anticipate, especially through the Commercial Court and the Practice court, that the role will develop and,

This is appropriate when we reflect upon the expanded unlimited monetary civil jurisdiction of the County Court, the jurisdiction of the Magistrates Court and, significantly, the

exclusive, monetarily unlimited jurisdiction of VCAT in important areas such as domestic building and fair trading.

If judges, magistrates and tribunal members of other jurisdictions exercise such power it is appropriate the associate judges play their part too.

The whole court welcomes the opportunity provided by the government. We congratulate Crown Counsel, Dr John Lynch on his excellent report that led to this change. We are delighted he is here today. We are also delighted to see the former masters and so many friends and family of the associate justices.

Thank you Chairman and President.

We will now adjourn.