

Remarks of
the Honourable Marilyn Warren AC
Chief Justice of Victoria
On the occasion of the announcement of
the appointment of Senior Counsel of and for
the State of Victoria
on Friday, 6 December 2013
Banco Court
Supreme Court of Victoria

Today is a magnificent day. It is one when the Victorian Bar, the legal profession and indeed this Court celebrates the injection of new leadership into the Victorian Bar. It is significant for the new senior counsel.

If I may speak to you directly, you are the new leaders of the Victorian Bar and the legal profession in this State. You are indeed its future. Reflect upon that in the wonderful moments that lie ahead in the next few days as you celebrate your achievement.

I need to tell you a little bit about the process you have come through. There were a total of 89 applicants for appointment as senior counsel. In the end 15 came through. It was a process where I consulted with your peers and members of the judiciary. You were the ones assessed as having the

appropriate and outstanding level of performance capacity, intellectual ability, integrity and capacity as an advocate.

Integrity, it is such an important aspect of your new role. It is in many respects one of the most valued commodities that you will bear as senior counsel. If you reflect upon the senior counsel whom you have worked with and admired over the years, the great leaders of the Victorian Bar past and present, reflect upon the particular characteristics that you admired about those individuals. In the times ahead attempt to emulate them. It might be recalled in this very courtroom yesterday our new colleague, Justice Rush, acknowledged the leaders who taught him so much when he was junior counsel. It is a strong tradition of the Victorian Bar, one which I know you will embrace.

Integrity in every respect should bear through all your work from the first contact with the lawyer or client who retains you, through the preparation of your cases, through the conferring with witnesses, through to argument before the court. Always resort to your integrity. It is your reputation which is at stake.

Mentioning reputations gives me an opportunity to let you into a secret. With appeal judges, and the President would echo this with me, one of the first things we do when we open the papers is turn to the written submissions to see who has signed the submissions at the end. As trial judges, one of the first things we do is turn to the statement of claim to see who is the author of the document and then, both at trial and appellate level, before we go into court, one of the first things we always ask the associate for is the appearance slip, "who is appearing today". There are moments as a judge when we see which counsel is coming and we are very delighted. We know and we anticipate that the case will be presented to the utmost level. When we see we have senior counsel involved in a case our expectations are lifted and this is something you need to bear in mind. Becoming senior counsel brings with it not only benefit but also burden. The expectation that we have as judges is that you will demonstrate competence, knowledge of the case, the law, that you will be familiar with the *Civil Procedure Act*. Bear in mind the judgment of the Court of Appeal only last week in the matter of *Yara*; for the criminal silks there is the matter of the *Criminal Procedure Act* and the *Evidence Act*. These are the fundamentals that underpin all that a senior advocate is expected to demonstrate.

Becoming senior counsel revolves around leadership. It is anticipated that you will take on the complex and more difficult cases. However, there may be quiet times in the earlier days. The quiet times will in fact provide you with an opportunity. You will have an opportunity through the Bar's pro bono scheme to demonstrate your advocacy as senior counsel. Do embrace the opportunity. Most recently the Victorian Bar, very generously, has introduced a special pro bono scheme in the Court of Appeal. There is an opportunity for you to demonstrate your capacities as appellate advocates. There are other opportunities as well with pro bono work. For example, Tony Kelly SC recently participated in a mediation that had been directed by the court with respect to a self represented litigant - a very generous gesture and consistent with all that senior counsel represents in this State. And then again for those of you who are not criminal lawyers there may be opportunities to participate by assisting your colleagues with argument such as the Human Rights Charter, so seek out the opportunities. There will also be opportunities to contribute to the Bar though the Bar's attempts at achieving better equality and diversity. Indeed, many of your senior colleagues have committed to a pledge to ensure that women are appropriately represented as their

junior counsel in cases. I encourage you to consider making the same commitment.

Ultimately, appointment as senior counsel means that you contribute to the commitment to our democracy, the independence of the Victorian Bar that supports and underpins the administration of justice in this State.

Early in the new year you will have the opportunity to go to mark your appointment as senior counsel in the High Court of Australia. I hope you will all attend as very proud Victorian senior counsel. You will notice a difference in your appearance compared with your interstate colleagues. You will wear what some might regard as effete but it is in fact your rosette. Wear it with great pride. It is a hallmark of Victorian excellence.

Today is a day we all celebrate. We should acknowledge the sacrifices that have been made by members of families who have supported all of the new senior counsel. The court is delighted that there are so many children here today. We hope that you will remember this occasion well, it is a very very special moment. Later on in the day the younger ones

can resort to the Supreme Court website and watch the replay of the occasion.

The Court again extends its very warm congratulations to each and every senior counsel of and for the State of Victoria. We wish you well in the marvellous times that lie ahead.

The court also acknowledges the distinguished presence today of the Solicitor-General for the State of Victoria and the Director of Public Prosecutions.

The court will now adjourn.