Her Honour Judge Nicole Noman SC

Judge Nicole Noman SC was sworn in as a judge of the District Court of New South Wales on 8 August 2016. Arthur Moses SC spoke on behalf of the bar.

Mr Moses stated that her Honour comes to court with a deserved reputation as a learned and highly respected advocate. Her Honour studied at Sydney Girls High and then Sydney University, graduating from the University of Sydney with a Bachelor of Laws (and later a Masters of Law) and was admitted as a solicitor of the Supreme Court of New South Wales. Her Honour is the first person in her family to practise law.

Her Honour joined the New South Wales Office of the Director of Public Prosecutions (DPP) in 1988 and remained there, first as a solicitor, then as a barrister, until her Honour’s appointment to the bench.

As a solicitor, her Honour, initially served in what was then known in the DPP as ‘the special crime unit’, which was then managed by Justice RA Hulme. Her Honour served as a solicitor advocate in Local Court prosecutions and in progressing to a solicitor advocate in District Court trials, both in Sydney West Region and the Sydney Region.

Her Honour was called to the bar in November 1999 and thereafter became a Crown prosecutor. Her Honour took silk in 2012. As Crown prosecutor, her Honour prosecuted more than 200 trials and appeared in 200 appeal cases.

Among her Honour’s important cases are two recent prominent and successful Crown appeals against the leniency of a sentence 

Mr Moses observed that those who briefed her Honour, as well as those who appear against her, credit her Honour with having a concise delivery and commanding presence in the courtroom. Mr Moses noted that there was widespread confidence that her Honour’s decisions would be delivered in a timely manner.

Her Honour noted that the day of her swearing in would have been the 28th anniversary of her time at the DPP. Her Honour observed that she knew immediately upon commencing employment at the DPP that it suited her well. Her Honour noted that it was, for the most part, a wonderfully supportive and stimulating job surrounded by professional and inspiring colleagues, and provided her with an opportunity to be involved in some interesting and challenging cases.

Her Honour noted the many mentors and advisers who had assisted her in her career, and acknowledged, in particular, the role of now Judge Frearson in her Honour’s career as an advocate in the Court of Criminal Appeal, whose encouragement was very important to her Honour’s confidence and preparedness to undertake that work. Her Honour also acknowledged and thanked her family and friends for their support and friendship.

Her Honour will sit predominantly in the District Court’s busy criminal jurisdiction, which deal with the majority of serious criminal offences in NSW.
His Honour Jeffrey McLennan SC

Judge Jeffery McLennan was sworn in as a judge of the District Court of New South Wales on 22 August 2016. Chrissa Loukas SC spoke on behalf of the bar.

Ms Loukas noted that his Honour comes to the court with a deserved reputation as a learned and highly respected Crown Prosecutor with over 35 years of experience in the practice of the law.

His Honour grew up in Queensland and graduated from the University of Queensland with a Bachelors of Laws in 1980. His Honour first practised as a solicitor, predominantly in criminal law, first at the firm of Robertson O’Gorman, and from 1991 to 1999 as a Crown prosecutor, eventually heading the major crime section of the Brisbane Committals Project. During this time, his Honour was also seconded to the parliamentary Criminal Justice Commissioner’s Office as a principal legal officer. Immediately before coming to New South Wales his Honour was senior counsel for the Queensland Legal Aid Commission.

His Honour was admitted to the New South Wales Bar in 2002 and appointed as a Crown Prosecutor in Lismore. Since then his Honour has been a much-respected feature of the justice system in the Northern Rivers area. His Honour’s colleagues in the Lismore office of the DPP credit his Honour with being a great mentor to young up and coming solicitors and counsel.

His Honour prosecuted many serious criminal trials before the District Court and the Supreme Courts and took silk in New South Wales in 2014.

Ms Loukas noted his Honour’s widely held reputation as a measured, sincere and humble advocate. His Honour was also reputed, to defence counsel, to always be a tough, determined and efficient opponent, being thoroughly well prepared. That preparation included laminated maps and photographs, together with a rainbow of colour-coded tabs. Ms Loukas also noted his Honour’s deep interest in in Zen Buddhism and Taoism and that the benefits of mindfulness and meditation are as appropriate for advocacy, as they will be for judging.

Aside from the law, it was noted his Honour loves all things to do with trees, music and cycling.

His Honour thanked and paid tribute to the many people in his professional personal life who had assisted him, including then Lismore resident judge, Tom Ducker, and the two directors of public prosecutions with whom his Honour worked, Nick Cowdery and Lloyd Babb, each of whom his Honour remarked ‘have a deep commitment to the criminal justice system in New South Wales and a deep commitment to public service and that deep commitment has been an inspiration’.

His Honour observed of his 36 years practising law, quoting Jerry Garcia, the lead guitarist with the Grateful Dead about his time with the band, that ‘It’s been a long, strange trip’.

His Honour concluded:

Sitting here wearing purple for the first time, I am acutely aware of what an immense honour this is. It also feels a bit weird. However, as Hunter S Thompson famously said, ‘When the going gets weird, the weird turn professional’. I promise then to do my professional best to serve the people of New South Wales and to do justice according to law.

His Honour will sit in the court’s criminal jurisdiction. From July 2017, his Honour will be the New England region’s first permanent District Court judge.
APPOINTMENTS

His Honour Judge Warwick Hunt

Judge Warwick Hunt was sworn in as a judge of the District Court of New South Wales on 8 August 2016. Arthur Moses SC spoke on behalf of the bar.

His Honour graduated from the University of Sydney with a Bachelor of Laws in 1980 and was admitted as a solicitor of the Supreme Court of New South Wales in 1982. His Honour is the first in his family to practise law, although his grandfather, a dairy farmer in northern NSW, was involved in the law as a JP. His Honour practised as a solicitor for 13 years, including working, at the New South Wales Legal Aid Commission as both a duty solicitor as well the solicitor in charge of the Prisoners’ Legal Service.

His Honour left Legal Aid and trained as a massage therapist. Later, between 1989 and 1995, his Honour practised as a sole practitioner and accredited criminal law specialist. In that year his Honour was appointed as a member of the Consumer Claims Tribunal, the Residential Tenancies Tribunal and the Residential Building Disputes Tribunal.

In 2000 his Honour was appointed as a magistrate of the Local Court, serving for five years in the most difficult Local Courts of Burwood, Liverpool, Wollongong and Campbelltown. Importantly, his Honour later came to serve as the children’s magistrate in Campbelltown and Illawarra where in that capacity his Honour was held in high regard by the profession.

His Honour also served as a coroner, and was well known in that role for his ability to manage multi-party inquests and to manage interpersonal dynamics arising from such complex cases.

His Honour was called to bar in 2007. His Honour read with now Justice Anthony Payne and Hament Dhanji, now of senior counsel. Mr Moses SC noted that when contacted in connection with his speech, Dhanji confessed that his Honour was really much more useful to him than he was to his Honour. His Honour took a room in Forbes Chambers and remained there for nine years until his most recent appointment to the court. His Honour practised principally in criminal law but also appeared in commissions of inquiry and coronial inquests, as well as a significant amount of work in child protection and adoption law. His Honour was one of three counsel assisting the Special Commission of Inquiry into Police Investigations of Child Sexual Abuse in the Catholic Diocese of Maitland and Newcastle.

His Honour appeared in many trials, as well as appeals before the Court of Criminal Appeal.

Mr Moses also noted that his Honour had contributed significantly to life at the bar through work on many committees, and most memorably, delivering his Honour’s speech, as Mr Junior, at the 2015 Bench and Bar Dinner while impersonating Dame Edna.

Mr Moses noted that his Honour comes to the court with a deserved reputation as learned and highly respected advocate.

His Honour stated that he was very honoured to be appointed as a judge of the court and particularly to be replacing retired Judge Brian Knox, who himself replaced the late great Judge Bob Bellear, a proud Noonuccal, Jarowair and Ni Vanuatu man, and the first Aboriginal judge appointed in Australia. His Honour also noted another important lineage of which he was part, namely, practitioners called to serve in judicial office having learned the ropes of the criminal justice system on the ropes at the Legal Aid Commission, the Public Defender’s Office or in community legal centres, each of which is enormously relevant grounding for his Honour’s new role.

His Honour will sit predominantly in the court’s criminal jurisdiction, which deals with the majority of serious criminal offences in NSW.
APPOINTMENTS

Life memberships

At a meeting of Bar Council on 6 October 2016 Philip Selth OAM, Michael Fordham SC and Penny Johnston were made life members for ‘exceptional service to the Bar Association and to the profession of the law’

Michael Fordham SC

In October, the Bar Council resolved that Michael John Fordham SC be appointed a life member of the Bar Association for exceptional service to the Bar Association and to the profession of the law. This appointment is recognition for the outstanding contribution Fordo, as he is otherwise known, has made to the bar over many years, principally in his role as convenor of the Bar Practice Course.

The Bar Practice Course sets the standard of conduct expected of practitioners at the bar and emphasises the values which should underlie and form the basis of each barrister’s approach to practise at the bar. Among these are honesty and integrity and the highest standards of professionalism both in one’s practice and in dealings with colleagues. The convenor of the Bar Practice Course is integral to encouraging these values and the success of the course generally.

Fordo was successful in instilling these values in a generation of readers embarking on their careers at the bar. Through his hard work and commitment to the role, he has offered a lasting guide to countless new barristers as to how to conduct themselves professionally, ethically and with humility.

I was fortunate enough to be a reader in one of the first Bar Practice Courses under Fordo’s stewardship. He imbued the course with a strong sense of collegiality and it has become apparent over the years I have come to know Fordo that he practices the values he preached at the Bar Practice Course.

Michael Fordham came to the bar in 1992 and was appointed senior counsel in 2012. He joined 12th Floor Wentworth Selborne Chambers and practices in personal indemnity and medical law and regularly appears at inquests and before commissions of inquiry. Beyond the Bar Practice Course, Fordo has been involved as an advocacy coach and has always been solid in defence for the NSW Bar football team.

Fordo joins a select group of professionals who have been appointed as life members of the bar, including his predecessor as convenor of the Bar Practice Course, Phillip Greenwood SC. Commenting on Michael’s appointment, Phillip said ‘Michael brought his own approach and personality to the role and it was his energy and leadership which meant that he was a success in that role.’

The role of convenor of the Bar Practice Course is not limited to cajoling the readers to turn up on time and introducing other speakers (although these are important aspects). Rather, each course requires months of preparation developing the course content and ensuring that appropriate and skilled speakers are selected who themselves reflect the values that the course aims to instil. This involves a significant commitment of time and occasionally adept skills in diplomacy.
APPOINTMENTS

‘Life memberships’

Over the years, Fordo has worked closely with the staff of the Bar Association preparing for and running each of the Bar Practice Courses. Chris D’Aeth, former Director of Professional Development at the Bar Association, said ‘His recent appointment as a life member is recognition of his embodiment of the finest ideals of the bar and his decade long contribution to the bar, in particular his influence and direct involvement with hundreds of new barristers as they enter the profession and complete the Bar Practice Course.’

Chris D’Aeth added ‘Fordo has always sought out opportunities to develop and advance others. And his characteristic parsimonious style – always doing what is necessary but without lengthy engagement and redundant argument – is greatly admired but hard to emulate.’

It is clear that Michael Fordham SC’s appointment as a life member is well deserved recognition of his commitment to the profession.

By Daniel Tynan

Philip Alan Selth OAM

Philip Selth was conferred with a life membership of the NSW Bar on 6 October 2016 for a remarkable contribution as executive director of the New South Wales Bar Association over the last 20 years.

Philip, the quintessential administrator, replaced Babette Smith in 1997. He was an experienced in politics, higher education and government departments. He had been pro-vice chancellor (Planning and Administration) at the Australian National University (1992–97); director of the Department of Social Security in Queensland Director of Review for the Queensland Public Sector Management and the Northern Territory (1987–1990); as well as holding various roles at the Department of the Prime Minister and the Cabinet (1981–1987) during the Fraser and Hawke years. He also worked in the Commonwealth Attorney General’s Department (1973–1977).

Philip was instrumental in drawing the Barristers Rules as a regulatory standard for barristers. Those years were key to allowing a greater transparency and public accountability of barristers. The harmonizing effect of the Rules has given rise to a professional body known as the Australian Bar in which he has been a key player. He brought the bar into the 21st century.

Philip was successful in perpetuating throughout NSW a sense of unity amongst counsel, of one inclusive Bar - town and country. For years, Philip was the chief interpreter of the collective will of Bar Councils. His presence was felt everywhere – he was striving for a gold standard for the bar.

In the last 20 years, the NSW Bar developed a strong headquarters in Sydney. The current chief justice of NSW observed, Philip had an incomparable dedication to the job. In 2006 Philip was awarded the OAM in recognition to his services to the Law, the NSW Bar Association and to the community.

Philip retires to the world of writing and research on soldier silks of the old profession and lesser known chapters of Australian Indigenous history.

By Kevin Tang
Penny Johnston BarCare

Penny Johnston was awarded life membership of the NSW Bar on 6 October 2016, for outstanding service as inaugural director of BarCare.

Penny was engaged as Director of BarCare when it was a pilot program only. Her brief was as a helping hand to members of the bar in emotional or psychological difficulties. Penny was available at all hours, at almost any time, at short notice, almost anywhere. She earned the moniker ‘the lady in the red jacket’ as candidates sought Penny out, secretly, by that description in cafes in the city. Those who sought her help presented with anything from minor crises of confidence to the worst depths of clinical depression. She was literally ready for anything and dealt with it all in the strict confidence.

With a career in public health and psychology, she was well-suited to care for a profession which prides itself on looking for weaknesses and often labels them anathema. Before 2008, the impact of depression in the profession was not well appreciated. Barristers are known for their apparent steely confidence and strong will, but that is not enough to protect them from the vicissitudes of life. Attitudes changed as time ticked on. Penny’s contribution was her assiduous attention to the emotional and psychological health of members of the NSW Bar, including during the sad spike in consultations after the Lindt Café tragedy.

The hours that Penny worked face-to-face with persons in trouble over nine years is testament to her professionalism. Her commitment and devotion to BarCare, no doubt, helped many and saved many lives.

By Kevin Tang

The 2017 Bar Council

Office bearers

President: Noel Hutley SC
Senior Vice-President: Arthur Moses SC
Junior Vice-President: Tim Game SC
Treasurer: Chrissa Loukas SC
Honorary Secretary: Sophie Callan

In order of seniority

Mr T A Game SC
Mr N C Hutley SC
Mr W Terracini SC
Dr A S Bell SC
Mr A R Moses SC
Mr R H Weinstein SC
Ms J Lonergan SC
Ms C Loukas SC
Mr M McHugh SC
Ms M Walker
Miss E Welsh
Mr P N Khandhar
Mr B F Katekar
Ms A Mitchelmore
Mr M A Izzo
Dr Ruth C A Higgins
Ms S Callan
Ms Catherine Gleeson
Mr G Antipas
Ms J L Roy
Ms L C Hutchinson
Senior counsel appointments for 2016

President Noel Hutley SC announced the appointment of 15 senior counsel on 30 September 2016. Chief Justice T F Bathurst AC presented the new silks with their appointment scrolls at a ceremony in the Bar Common Room on 25 October.

Christopher Peter O’Donnell
Frederick Jordan Chambers
Christopher O’Donnell began practising at the New South Wales Bar in October 1993. His principal areas of practice involve criminal trials and appeals, professional discipline matters, inquests and inquiries. Christopher has published academic articles and reviews for a range of publications including the *Australian Bar Review*, the *Australian Taxation Review* and the *Criminal Law Journal*. He has been a member of the Bar Association’s Bar News Committee and a Legal Aid Review Committee. [BA LLB (Sydney); MA (UTS)]

Roger David Marshall
Ground Floor Wentworth Chambers
Roger Marshall came to the NSW Bar in September 1994. His principal areas of practice are commercial law and equity, including appellate matters, particularly in insolvency and bankruptcy. [BA (Sydney); LLB (UTS)]

Victor Fraser Kerr
11th Floor St James Hall
Victor Kerr began practising at the New South Wales Bar in August 1995. His principal areas of practice are commercial law and equity, including appellate matters, and alternative dispute resolution. [B Sc LLB (Sydney)]

Nicholas Edward Chen
Tenth Floor Selborne/Wentworth Chambers
Nicholas Chen began practising at the NSW Bar in February 1998. His principal areas of practice are commercial law, common law/personal injury, inquests and inquiries and alternative dispute resolution. [LLM SJD (Sydney)]

Adam Craig Casselden
Greenway Chambers
Adam Casselden commenced at the NSW Bar in August 1998. His principal areas of practice are commercial law, equity, common law/personal injury and alternative dispute resolution. Adam also has a background in sports law and has served as a judicial officer at the 2015 Rugby World Cup and on various Olympic Appeals Tribunals. He has served on a number of Bar Association committees and is currently a member of the Association’s Diversity and Equality Committee and Health and Wellbeing Committee. [B Sc LLM (Sydney)]

David Kell
Crown Advocate’s Chambers
Dr David Kell commenced practice at the NSW Bar in February 1999. He is the NSW Crown Advocate. His areas of practice have included criminal law, commercial law, administrative law, common law/personal injury and inquests and inquiries. David has appeared in many high profile inquiries, including as Counsel Assisting the Special Commission of Inquiry into the Greyhound Racing Industry in NSW. [BA LLB (NSW); DPhil (Oxford)]
APPOINTMENTS

‘Senior counsel appointments for 2016’

Scott Anthony Goodman
7 Wentworth Selborne
Scott Goodman commenced at the NSW Bar in February 2001. He practices in commercial law, equity and alternative dispute resolution. Scott is a member of the NSW Bar FC soccer team and has served on the Committee of the former NSW Barristers Superannuation Fund. [B Sc LLB (Hons) (ANU); LLM (Sydney)]

Kate Jane Williams
Eleven Wentworth
Kate Williams commenced practice at the NSW Bar in February 2001. Kate practices in commercial law, equity and alternative dispute resolution. She is a current member of a Professional Conduct Committee. [BA LLB (NSW)]

Katherine Richardson
Banco Chambers
Katherine began practising at the New South Wales Bar on 9 August 2002 after receiving the Blashki Award for the highest mark in the Bar Exams. Her principal areas of practice are public / administrative, environment, planning and health law, as well as inquests and inquiries. Before she was called to the New South Wales Bar, Katherine was admitted to the New York Bar in 2000. [BEc LLB, DipEd (Sydney) LLM (Harvard)]

Alexander Tamerlane Sinclair (Sandy) Dawson
Banco Chambers
Sandy Dawson began practising at the New South Wales Bar on 3 February 2003. His principal areas of practice include defamation, alternative dispute resolution, public / administrative law, inquests and inquiries. He has appeared in numerous defamation, non-publication and suppression matters involving prominent media organisations. [BA LLB (Sydney)]

Jason Anthony Christian Potts
8th Floor Selborne Chambers
Jason began practising at the New South Wales Bar on 10 February 2003. His principal areas of practice are commercial and equity. [LLB (Hons) BComm (ANU)]

Scott Michael Nixon
Sixth Floor Selborne/Wentworth Chambers
Scott began practising at the New South Wales Bar on 16 February 2004. His principal areas of practice are alternative dispute resolution, equity, commercial and public / administrative law. Scott was awarded the Blashki Prize for the highest mark in the Bar Exams in 2003. [BA (Hons), LLB (Hons) (Sydney) M Jur; DPhil (Oxford)]

Nicholas James Owens
Fifth Floor St James’ Hall
Nicholas began practising at the New South Wales Bar on 16 February 2004. His principal areas of practice are appellate, commercial and public / administrative law. Nicholas was admitted to the New York Bar and practised as an attorney there between 2001 and 2003. [BA LLB (Hons) (Adelaide) LLM (Harvard)]

Kara Natalie Shead
Director’s Chambers
Kara began practising at the New South Wales Bar on 5 May 2005. Her principal areas of practice are appellate and criminal law. Kara is currently the Deputy Director of Public Prosecutions at the NSW Office of the DPP. Prior to that, she was a Deputy Senior Public Defender. Kara has served on the NSW Bar Council since 2015 and a Professional Conduct Committee since 2015. [BA LLB (Macquarie)]

Doran Lane Cook
9th Floor Wentworth Chambers
Doran began practising at the New South Wales Bar on 1 September 2005. His principal areas of practice are appellate, equity and commercial law. Doran migrated to Australia from South Africa in 2004. Between 1994 and 2004 he practised at the Johannesburg Bar. [BCom LLB (Witwatersrand)]