



VICTORIAN BAR

WELCOME

CEREMONIAL SITTING IN THE MELBOURNE MAGISTRATES' COURT WELCOME TO MAGISTRATES STEPHEN LEE AND OLIVIA TRUMBLE BY SIMON MARKS QC, VICE PRESIDENT OF THE VICTORIAN BAR MELBOURNE MAGISTRATES COURT, FRIDAY 31 AUGUST 2018 AT 9.15 AM

May it please the Court.

I appear on behalf of the Victorian Bar to congratulate Your Honours: Magistrate Stephen Lee and Magistrate Olivia Trumble on your appointments to this Court.

Acknowledgement of Traditional Owners

I acknowledge the Traditional Owners and Custodians of the land on which we meet, the Peoples of the Kulin Nation, and pay my respects to their Elders past and present.
Practice in Magistrates' Court Welcomes

May I first address some remarks by way of welcome to your Honour, Magistrate Trumble.

Your Honour has practised Law for more than 15 years – from your admission to practice in March 2003 to your appointment to this Court on the 31st of July 2018; of those, more than 9 years as a member of the Independent Bar.

Your Honour was educated at St Mary's Primary School in St Kilda; then at Sacré Cœur in Glen Iris. You then undertook your tertiary education at Monash University where you graduated with a Bachelor of Arts (majoring in Psychology) and Bachelor of Laws (Honours).
Articles and practice as a Solicitor

You served Articles with Brendan Kelly at the firm of Kenna Croxford & Co.

At that time, Tony Hargreaves was the partner in charge of the criminal law department of Kenna Croxford; and the firm was quite a sought-after location for anyone aspiring to practise in criminal Law.

While still at Monash University, Your Honour had been introduced to Mr Hargreaves by Con Heliotis QC. You were able to secure a seasonal summer clerkship at that firm in 2000 and by your own good work, secured Articles there.

You were admitted to practice in March 2003 and remained with the firm as a Solicitor for more than 1½ years. Indeed Tony Hargreaves recalls that whilst you were in his criminal law team, he left Kenna Croxford to establish his own firm – taking with him, your partner, Tim Freeman – and leaving you to fend for yourself at Kenna Croxford. I should say that Mr Hargreaves, who is presently on leave in London – sends his congratulations to you.

Kenna Croxford conducted prosecutions on behalf of a number of Government Agencies; as well as doing defence work. In particular, the firm represented the Police Association and its members; and the defence of police on criminal charges was funded by the Association. You became involved in this work.

These were heady days of the CEJA. CEJA was a task force formed to investigate police corruption – in particular, to investigate a series of gangland killings and drug-related police corruption – which led to a number of complex, high-profile prosecutions. The Office of Public



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Prosecutions had a “Corruption & Specialist Prosecution Unit”; and, typically, it was the Director, the Chief Crown Prosecutor or Senior Crown Prosecutors who conducted these prosecutions – and it was quite exciting and high-stakes work for the Defence! Your Honour was, as I mentioned, involved in that work whilst at the firm.

Whilst at the firm, your Honour also did family law and general litigation work, thereby acquiring a wide range of experience.

From very early days, you exhibited an independent streak. Most notably, as a first-year solicitor, you took on a personal-injury claim by a student against the School, which quickly joined the Education Department. Your Honour believed in the case – and took it, on behalf of the firm, on a “no win no fee” basis. What Sir Humphrey in Yes Minister would describe as “courageous”.

It is fair to say (an understatement in fact), that the Kenna Croxford Partners were not entirely happy with your Honour’s ‘courage’.

Your Honour soon realised that you were way out of your depth. You persuaded Dyson Hore-Lacy SC – you didn’t then know Dyson personally – to take it on – also on a “no win no fee” basis.

After more than a year’s work, you were successful: and the jury verdict for half-a-million dollars was an immense relief all round!

Your Honour then spent more than 2 years with Victoria Legal Aid in its Criminal Law Division – including a secondment to the Morwell Office. Your Honour was a Duty Solicitor. You also had the carriage of numerous indictable matters; and the conduct of matters in the Court of Appeal.

Your Honour then had a year as an Associate at Simon English; followed by a year as a Senior Solicitor at the Victorian Office of Public Prosecutions.

You came to the Bar in the March 2009 Readers course and read with Ramon Lopez.

Your Honour had briefed Ray since your days at Kenna Croxford. Your Honour, your partner Tim Freeman and Jason Gullaci were all at Kenna Croxford and all benefited from your briefing and instructing Ray Lopez who became, in that, a mentor to each of you.

Your Honour came to the Bar with 6 years’ solid experience in Criminal Law and you went straight into that work at the Bar – at first, mostly in this Court – although you also did pleas and appeals in the County Court.

In 2011, Your Honour was selected to participate in the very first Victoria Legal Aid ‘Talented Junior Counsel Program’ – now re-titled its ‘Trial Counsel Development Program’.

Interestingly, not long before then, you had just conducted your first County Court Trial, before a judge who, as things transpired was one of the members, and the Judicial member, on the selection panel.

I’m told that when you discovered that at the interview, your heart sank. Because at the trial, and no doubt in the Bar’s great tradition of fearless and brave advocacy, you had stood up to the Judge on occasions – and in doing so risked incurring his displeasure, a risk which you discerned had materialised at certain points when that displeasure was not entirely concealed.

You are remembered as having been delighted when you were nevertheless selected for the program although your pleasure is said to have been tempered by the thought that the selection may have as reflected, not so much your talent, as your suitability for further professional Development.



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Well, let me assure Your Honour that, it was very clear to the Bar that the competition for places in that excellent program was fierce and selection most certainly reflected ability. That you fitted that description was evident from your own practice.

Your Honour became the junior of choice of one prominent Criminal Law Silk; because of your careful preparation, your command of Law and your knowledge of criminal procedure.

You Honour is known for your humanity, your genuine care, and your calm disposition. These were on show in a manslaughter case arising out of a boating accident – a case that should have been fought tooth and nail, but settled into a plea.

Your Honour's calm is a recurring theme from Counsel with whom you have worked and Judges before whom you have appeared: – “calm” – “calmly determined” – and “a natural advocate – calmly confident on her feet”.

Your Honour was also a passionate advocate for your clients. In Court, you came across as calm, no-nonsense, open, direct and conversational. But your friends and colleagues in Brian Bourke Chambers saw also another side of your advocacy. They still speak of the infamous “Olivia Trumble flick-pass”. It went something like this:- “I’ve got this brief – I can’t do it – it’s a winner – you’ve got to do it”; and worse: “no pressure – if my client goes to jail, I won’t speak to you again – but no pressure!”

Last year, Your Honour was junior to another criminal law silk in the substantial and complex Supreme Court murder trial of Paulino. Pre-trial ran 5 weeks; the trial ran 5 weeks; the trial Judge made numerous interlocutory rulings; and there was an interlocutory appeal against the exclusion of prosecution DNA evidence – which the Court of Appeal dismissed.

In that case, your leader recognising your particular expertise in relation to DNA evidence and its admissibility, relied heavily on your skills in that aspect of the case.

Others know of those skills too. Only last week, Your Honour gave a seminar over the road at the County Court on DNA Evidence to Women in Crime – which describes itself as “the leading professional network of female criminal lawyers in Victoria”.

Over and above your practice at the Bar, your Honour and your partner Tim Freeman, who is a Partner in the Melbourne city law firm, Tony Hargreaves & Partners, have two young children – Sophie and Leo. Your daughter Brooke is grown and independent – but very much part of the family and close to her younger siblings.

Your Honour has also been a strong contributor to the Bar. On coming to the Bar, you joined the Criminal Bar Association – and you served 3 years on the Committee of that Association up to the end of last year. You also served on the Foley’s Barristers List Committee from 2014 to your appointment to this Court.

Your Honour has also a lively sense of humour. It’s said that you told the Tippy of a Judge for whom you have great respect that you wanted the Tippy to put his Judge in a suitcase so you could take the Judge with you on Circuit.

Your Honour is a St Kilda Football Club “tragic” – as is, I believe, also Your Honour Magistrate Lee.

It’s been said that were Your Honour to be as critical of an Accused as you’ve been from time to time about certain St Kilda players – then pity help them!

As to your respective football loyalties, my advice to both you both, is it’s never too late to change. Everyone understands a genuine mistake; and this year looks like a good year to barrack for Melbourne.



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To Magistrate Lee: Your Honour, it is, as you know, the custom in these ceremonial sittings welcoming new members of the court, that the Bar's representative defers to LIV in relation to appointments from the solicitors' branch of the profession. I will of course honour this custom, but I must say, on this occasion, I do so with a tinge of regret. Having been friends since university days, weathering the storms of college days, the 'slings and arrows' of outrageous fortune at Melbourne University, commencing in the profession at the same time, and surviving to now; I know much about your honour. And it does seem such a waste of an opportunity to set the ledger straight.

In truth though I am delighted at your Honour's appointment. Just as I am delighted to see the members of your family here to celebrate it with you. One of 12 children, you were the pioneer in the family so far as a legal career is concerned. It's turned out to be a most successful one. There is much for you and your family to be proud of. I am delighted for you.

On behalf of the Victorian Bar, I wish both Your Honours joy in your appointments, and long, distinguished, and satisfying service as Victorian Magistrates.

May it please the Court..