



Remarks of the Hon. Chief Justice Ferguson

Appointment of 2020 senior counsel

9.30am, Wednesday, 18 November 2020

Thank you, President.

The Court acknowledges the Traditional Owners of the lands we are meeting on today, and we pay our respects to their Elders past and present. The Court extends this respect to any Aboriginal or Torres Strait Islander people who have joined us today.

The Court also acknowledges the presence of the judges of this Court, other members of the judiciary and members of the legal profession who are watching this morning's ceremony via live stream.

Before I begin, a few more introductions.

Joining me today are President Maxwell of the Court of Appeal; Justice Hollingworth, principal judge of the Criminal Division; Justice John Dixon, principal judge of the Common Law Division; Justice Riordan, principal judge of the Commercial Court; and Associate Justice Efthim, principal associate judge. Together, we represent the various parts of the Supreme Court of Victoria. On behalf of the Court, we would each like to acknowledge and congratulate the new senior counsel on their appointment.

Ordinarily, a ceremonial sitting would have been held in the Banco Court to mark this occasion. This is not possible this year. But while this morning's ceremony involves less spectacle than usual, your achievement in having been appointed senior counsel is undiminished.

Being appointed senior counsel is a significant accomplishment. It is intended to recognise your skills, integrity, independence and standing within the profession. It is the expectation of both the public and the judiciary that you will, as senior counsel, provide outstanding service to the administration of justice; that you will be true leaders in every sense of the word.

Today is your day. It is a day for celebration. I encourage you to make the most of it. Achievements such as yours are rare in the legal profession, and it is worth pausing to reflect on them. The exhilaration will not last forever, and the hard work will resume soon enough.

Your appointment as senior counsel is the culmination of decades of sustained hard work, dedication and development. But it cannot be attained without the support and encouragement of others. I am sure you would like me to

thank your loved ones on your behalf. They are all undoubtedly immensely proud of you. Many of them, I expect, will be watching this ceremony via live stream today. I imagine you would also like me to thank those who mentored and guided you along the way.

You are now entering a new phase of your career. In this new phase, you will be expected to demonstrate leadership and excellence in all that you do. The courts must be respectful and safe places for everyone who works in them, including the profession. You have a role to play in this. You will be expected to display the highest standards of conduct and to 'call out' unacceptable behaviour, including any discrimination, sexual harassment and bullying that you witness. You will be expected to embrace the opportunities that come from attaining silk. And you will be expected to mentor your junior colleagues and give them speaking opportunities whenever possible – the Court will recognise this. You will be assisting the Court if you manage your team well and allocate roles and work appropriately. And do not forget to look for diversity in your team. By diversity I mean all types of diversity including people with disability, gender, cultural and ethnic diversity. A diverse team makes better decisions and will generally outperform a team that lacks diversity.

You also have a responsibility to look after your own wellbeing and that of others. Wellbeing is a fundamental part of a healthy and sustainable legal profession. So try to maintain a healthy balance in your life to the greatest extent you can. And keep an eye out for others who might not be coping so well. You can help those around you by actively listening to their concerns, encouraging them to seek help, or sharing resources.

As senior counsel, you now occupy a privileged position within the legal profession and you are uniquely positioned to make a meaningful contribution to it. If you do not already do so, I encourage you to consider how you might begin to give back. You could deliver CPD events, appear in matters pro bono or take a real interest in those undertaking the Bar Reader's course. You will be highly valued for having done so.

The past decade, and this year in particular, have seen significant shifts in the way the Courts operate. Virtual electronic trials and hearings have become commonplace, and working from home is now routine. I have been impressed by and grateful for the profession's adaptability and open-mindedness in working with the courts on these matters.

We do not know exactly how the courts may be different on the other side of the pandemic. But as senior counsel, it is now your responsibility to lead from the front by embracing change and adopting an innovative and open-minded approach to practice. The courts will value your feedback and engagement when developing processes and practices for the future.

You have been appointed after an extensive – and wholly virtual – consultation process with the Victorian Bar, the broader profession and the judiciary. I would like to thank all members of the Preliminary Evaluation Committee, which was chaired again this year by the Hon. Stephen Charles AO.

The Committee worked tirelessly to provide me with their views and the views of the profession about each candidate for silk.

I would also like to thank the members of this Court, the Federal Court and the County Court who formed the Silks Advisory Committee. They too provided me with valuable insight from a judicial perspective as to your suitability for appointment as senior counsel.

There are many others that I spoke with individually who also provided views and feedback about each of you, and then there are the individual referees who also gave their time. I also thank them.

Finally, I would like to thank the staff of this Court who assisted me throughout the process. In particular I would like to thank the staff in my chambers who, as always, did a magnificent job.

My colleagues and I on the virtual ‘bench’ today, and all of the judges of our Court, congratulate each of you as the newest senior counsel. We look forward to seeing you appear before us very soon.

Associate, please conclude the ceremony.

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