



SPEECH

ADDRESS AT THE WELCOME TO HIS HONOUR JUDGE DAVID PURCELL, JUDGE OF THE COUNTY COURT OF VICTORIA IN THE COUNTY COURT OF VICTORIA ON 20 MAY, 2021

BY JAMES MIGHELL QC ON BEHALF OF THE VICTORIAN BAR

May it please the court.

I appear on behalf of the Victorian Bar to congratulate your Honour on your appointment as a Judge of this Court.

We gather on land where the people of the Kulin nation have been the custodians for many thousands of years, and I acknowledge their elders, past, present and emerging.

I also warmly acknowledge your Honour's family and friends, who are sitting in the jury box.

It is with some irony that your Honour's Welcome is held 11 months after your appointment given your Honour's punctuality. The irony is of course as anybody who has worked closely with your Honour will attest, you are a stickler for time. Never late!

Victorian Bar

Your Honour came to the Bar in May 2003 and read with Ross Middleton QC in Seabrook Chambers. After completion of your period with Ross Middleton QC, you took your own smaller room in Seabrook Chambers.

Your Honour quickly developed a significant common law practise. In fact so extensive was your Honour's practice that after a relatively short time, your Honour, in the words of Ross Middleton, "shouldered" him out of his larger room and Middleton moved into the smaller room that had hitherto been occupied by your Honour.

After eventually outgrowing Ross Middleton's larger room in Seabrook, your Honour moved into an even larger room on the 7th Floor of Owen Dixon Chambers West. The floor had a large cohort of Plaintiff's barristers, many of them fairly junior. You provided



enormous assistance and mentoring to many of these young barristers in addition to providing a large library of car magazines for waiting clients.

Your Honour developed an extensive Plaintiff's practise. Your Honour had an affinity with the common person and related to them in a manner that made them feel at ease on circuit, particularly in the western provinces of Victoria.

Your Honour was often heard to greet clients with "...Hi, I'm David and I'm originally from Warrnie" being a reference to your earlier years in Warrnambool.

Your Honour was able to engage with your clients on a range of subjects including the trials and tribulations of your beloved Kangaroos, horse racing, cars (more about this later) or a topic that your Honour has extensive experience in, child care.

You were always thoroughly prepared and meticulously organised. Your Honour would have every authority at your fingertips including knowing who was in it and some anecdote relating to the running of the case.

Your Honour managed to juggle an ever-growing practice with a busy and hectic home life requiring you to often work late hours at home to account for childcare duties. You always did this with your usual punctuality, humour and perfect organisation.

Your opponents often returned from court wondering how your Honour had managed to "swindle" a settlement even in the most hopeless of cases.

Like so many at the Bar, your Honour did however have your own idiosyncrasies.

In conference with your clients, your Honour would explain the importance of answering a question simply and directly. Your Honour used one question to assess your client's understanding of the point you were making. That question was –

"Have you ever been to Japan?"

The answers were not always the yes or no that was expected. The responses ranged from –

"No I left Kabul and then came by boat from Indonesia via Christmas Island Curtain Detention Centre, Brisbane, Sydney and eventually Mildura picking fruit. I eventually ended up in Melbourne"

to



“I have rarely been out of Ballarat mate, other than on a footy trip to the Goldy ...”

Following such responses your clients were met with patience and compassion and a further explanation concerning the importance of answering the question.

Your Honour had six readers –

Millicent Lang

Raph Ajzenstat

Marcus Fogarty

Katie Manning

Craig Sidebottom

Scott Davidson

Your Honour has maintained a very close relationship with all of your readers. You supported the growth of their practise and had a genuine interest in what they were up to. Your Honour regularly remained in touch with them and particularly during the challenging period of Covid.

When asked for comments concerning your Honour, all of your readers acknowledged your Honour’s incredible work ethic, compassion and sense of humour.

Your generosity of spirit and approach to your readers is probably best exemplified by the following story:

The day after one of your early readers had signed the Bar Role, you arranged for a brief as Junior Counsel to you in a Serious Injury Application. For some reason there was no costs allowed for Junior Counsel and your Honour agreed to not mark a fee so that your reader could be paid.

Cars

To anybody who knows your Honour well, it is common knowledge that your Honour has a strong passion for and interest in cars. Over the years at the Bar, your Honour was rarely seen with the one car for more than a matter of days. In fact it has been said that the frequency of the turnover of cars meant Your Honour has never paid or renewed motor vehicle insurance.



Your Honour was a constant source of counsel and advice to fellow members of the Bar concerning motor vehicles, even to the point of selling some of your vehicles to other members of the Bar. It is believed Tim Tobin QC still drives one of your many cars that had had out-lived its usefulness.

Your Honour's passion for cars is quite remarkable. On one Friday afternoon at the conclusion of the Geelong circuit, on bidding farewell to your leader you got caught at the traffic lights under the railway overpass outside the court carpark. Directly facing your vehicle was the Rex Gorrell BMW dealership. As the lights changed, a 2 door BMW coupe on the showroom floor caught your Honour's eye.

Within minutes, your Honour had engaged the salesman who as a result of frequent attendance at the dealership greeted you with "Good afternoon Purc, how's your week been?". He then had to explain to you that in fact the vehicle was registered and owned by Rex Gorrell's son who was to collect the car the following day.

Following a display of advocacy rarely seen in the provinces, you managed to somehow negotiate the purchase of the vehicle on the spot and drive it to Melbourne that day!

Of course this anecdote highlights two of your Honour's qualities, the first being outstanding advocacy and the other being decisiveness. We are sure that the latter will hold you in good stead in your time ahead on the bench.

As an aside, Rex Gorrell sends his apologies from attending our Welcome. He is currently on extended leave from his dealership since being advised that your appointment to this court means that your Honour will be provided with a vehicle at the State's expenses.

Silk

Your Honour took silk in 2017, an achievement that was applauded by all of the Common Law Bar.

A silk who regularly led you on circuit and was apparently honoured to be a referee for your silk application, when asked about your elevation to the inner Bar apparently said:

"Well it was the worst day of my professional career when Purc took silk. I lost my legal research engine, my IT adviser, my phone technician, my keeper of the peace with opposing counsel, my voice of reason, my intermediary and moderator between myself and my Instructing Solicitors, my dinner companion, my humourist and not least of all my car consultant".



Following your elevation, your Honour was in constant demand in this court, the Supreme Court and as an appellant advocate. You maintained a strong presence on circuit throughout Victoria, particularly Geelong. Your charm and affinity to the clients you represented was not diminished by the rosette.

Juniors who appeared with you all referred to your good humour, patience with both the clients, instructors and juniors and your desire to achieve the best result possible for your clients.

Throughout your time at the Bar, your humour has been one of your great characteristics often self-deprecating but never demeaning of others. For example, when your opponents were suggesting that there was little wrong with your Plaintiff other than some chronic pain, you were heard to retort ... "not everybody in Gallipoli won a VC".

For 17 years you were a member of Lennons List and at the time of your appointment to this Court you were Chairman of the List. You had followed in the footsteps of your good friend, Justice Andrew Keogh and your mentor, Ross Middleton QC.

Today's welcome comes 11 months after your Honour was appointed to this court. As such, the profession has had the opportunity to already assess your Honour's performance. If your Honour was a car, the review after this test drive might read as follows:

"Handles very well;

Contemporary modern appearance;

Not too flashy, very stable over rough ground, can be fun;

Overall very well appointed".

Your time at the Bar has proved one thing to those that know you. Your Honour is perfectly suited to the role of a judge of this court. Your work ethic, compassion and understanding of the human condition will hold you in good stead for the future.

On behalf of the Victorian Bar, we wish your Honour every happiness and personal satisfaction in your time ahead as a judge of this court. May it please the court.