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## SPEECH

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**ADDRESS AT THE WELCOME TO  
HER HONOUR JUDGE FRANCES DALZIEL,  
JUDGE OF THE COUNTY OF VICTORIA  
IN THE COUNTY OF VICTORIA  
IN COURT 3-3 OF THE COUNTY COURT ON  
THURSDAY, 5 MARCH 2020 AT 9:15AM**

**BY SIMON MOGLIA,  
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 this 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 acknowledge your Honour's family and dear friends sitting in the jury box.

### **Many friends**

It has been many years since, in your Honour's early days at the bar, you were to be found of a mid-afternoon sitting in a café called Demi Tasse with a cup of herbal tea, dissecting the finer points of criminal law that day's brief had delivered, over a game of Backgammon.

Without suggesting for a minute that the only skill needed to practice is an ability to count from 1 to 6 over and over, that scene in the café, a favourite haunt for members of the bar and bench alike, was instructive.

Like the board game, those discussions were about thinking things through, calculating consequences and developing a strategy.

Sadly for us all, commercial leases being what they are, Stu and Mack had to move on, and apparently there is no room for a games table in the back of the City Mart where Demi Tasse once stood.



But no one who had witnessed your Honour in those moments could but see your love of the law and the art of the argument.

So, on the morning your appointment was announced, those of us who know you well were delighted.

Now, your Honour is not given to sitting still and listening to praise. But you must be aware that, in order for so many of Your Honour's friends to be here today, more than one brief has been set aside and office chairs have been left empty.

Your family, and friends not in the law, will be proud to hear that your Honour is not only known for your legal achievements, but also for your support of others, in particular for junior practitioners.

### **Education and early career**

In your junior years, having learned to count from 1-6 at Seymour, you continued to High School there and then as a boarder in the city. Gaining entry to university, you achieved two degrees – a Bachelor of Laws with Honours from Monash University and a Bachelor of Arts with Honours from Melbourne.

In 2001, you were admitted to practise and yet you hesitated to come to the Bar. Instead, you took a position as Associate to the Honourable Justice Buchanan of the Court of Appeal.

It was there, sitting quietly during trials that you were tempted to think to yourself, "I could do better than that", but it was not yet time to make the leap.

You completed articles at Kenna Croxford, where you worked for two years before moving on to work at TAC Law and then to Mills Oakley.

But the life of a solicitor was not for you. What you loved about the law was the legal work—adapting your foundational knowledge; melding it with the facts of a case and formulating a submission. No project management for you! As Your Honour put it: "I wanted to do the talky bit, the fun bit".



## Reading and early career

You were called to the Bar in 2005 and read with Mark Taft, now His Honour Judge Taft of this court.

Judge Taft remembers you as “a very good lawyer, very conscientious, ethical and decent”.

Indeed, your Honour enjoyed all aspects of your life at the Bar and quickly established a thriving practice, first in Court of Appeal work, and then (following a deliberate move to increase your skills in the area) in criminal trials including in this Court.

You joined the Criminal Bar Association and served on its committee under the leadership of Greg Lyon QC, now also a judge of this Court.

It was during that time that you got your teeth into the legally complicated trials that you enjoy the most.

You first met His Honour Chief Judge Kidd and Her Honour Magistrate Vicki Prapas on the Mokbel trial when His Honour was a prosecutor and Her Honour was the instructing solicitor.

You worked as His Honour’s junior for three years and, because of his great influence on your trial preparation technique and understanding of the law, the Chief Judge was something of an informal mentor.

It is fitting that their Honours are both sitting by your side today. And you have remained firm friends with her Honour Ms Prapas since that time.

In 2012, after that case finished, you went to work in the Crown Prosecutors Chambers, where you enjoyed working very hard indeed on a range of complex and difficult cases.

By 2018 you had been appointed a Senior Crown Prosecutor, contributing your knowledge of both Appellate and trial practice to that office.

You appeared in a wide range of the most unique and controversial of cases, from:

the High Court – in the appeal concerning new Safe Access zones to allow women a safe and confidential way to enter health facilities that perform abortions; to



the Bendigo Court – in the prosecution of Blair Cotterel, for the occasion when his band of merry men staged a mock beheading to try and incite racial hatred there.

In November 2018 you took silk, together with your OPP colleagues Diana Piekusis and Ray Gibson. I'm told there may have been something of a party in Canberra, but it would not be for me to say in which Justice's chambers it was held, nor which other member of that Court acted as bar tender.

### **Suzie**

As was apparent throughout your career, your Honour loves animals. You were a member of the Bar's animal welfare committee, and one of your favourite early cases was a successful appearance for a dog on death row. It was an unfortunate incident in which 'the other dog' and its human had gone into your client's front yard and ... well, things got ugly.

A less conflictual canine relationship commenced during your time at the OPP. There, you first met Suzie – the OPP's employee of the month, every month.

Suzie is a Chocolate Labrador 'support dog', who helps to keep witnesses calm and emotionally stable when they are called to give evidence.

The program has been a tremendous success –measured in the court time saved when a calm witness needs fewer breaks and has the confidence to appear and give their best.

But the success can also be measured in smiles. Suzie brings joy to all those she meets.

Previous OPP pooches didn't live in Melbourne, which caused logistical difficulties. So, you volunteered to give Suzie a home and you brought her to work every day.

You would arrive early and throw a ball down the corridor for Suzie to chase, bringing a moment of happiness to any other early riser. Then Suzie's handlers would arrive, and she would start her workday.

It is a pleasure to see Suzie in court here today.



## **A great friend and mentor**

I now turn to Your Honour's influence on others, and your great gift of friendship.

As Your Honour's career progressed, you began to mentor others and give back to the profession.

In the great tradition of women in crime, you are especially known to mentor other women and support them in their careers.

Many young women lawyers can boast that you've encouraged them and introduced them to your friends. There are times when a few words of praise can mean so much. Having a senior practitioner check on how you went in an appearance can make you feel less alone. Your Honour is that sort of mentor. Not just to the career, but to the person.

Your Honour's encouragement of a particular young solicitor called Steph Wallace took it step further than most. On one antsy afternoon, while waiting for a verdict, your Honour basically threatened your young friend that if she didn't apply for the Bar Exam, you would do it for her. You took out your credit card, theatrically telephoned the Bar administrators and bluffed, "yes Steph's doing it, can I pay now?".

Ms Wallace is now at the Bar and is always proud when people say she is like you – good at the law, strong in her preparation and unflappable.

It's true. Your Honour is known to be strong on preparation and calm in a crisis.

In one of Your Honour's final matters before being called to the Bench, with your Junior Ben Ihle, the preparation was especially onerous and complex. Your Honour took the precaution of also preparing a quote from the great Ruth Bader Ginsburg, which you laminated and placed on the Bar Table: "Reacting in anger or annoyance will not advance one's ability to persuade", it read.

I take it – it lay flat on the table for your Honour to see not standing up as an instruction to others.

In a moment when you thought your opponent was less well prepared and could not find a document, Your Honour, ever helpful, offered your own copy to the Bench, on your iPad.



When the Honourable Judge handed the device back, you realised why everyone was smiling. He had somehow managed to lock the screen and the Bench of Three had in fact been looking at a very nice picture of an otter.

### **Finally, “Classical music, Star Wars and being a nerd”**

Classical music. Your Honour loves it. Ms Featonby can attest. Whether it be an operatic aria, a full symphony performance or the re-invention of Vivaldi’s Four Seasons by modern-day Max Richter, it is likely to be heard in chambers in this building as it was in the Prosecutor’s and Crockett Chambers before.

Star Wars. If it has been suggested previously that her Honour Judge Hassan entertained a passing interest in science fiction, then I beg her pardon – Your Honour is the real deal. My learned friend from the LIV in fact has the authorised list of your Honour’s preferred categories of speculative fiction. Suffice it to say, the list is wide-ranging, complex, and taxonomic in its scope.

Four you, looking to the heavens and wondering about the shape of our future doesn’t just make a great occasion for classical music. Nor does it just inspire those creative minds to develop sleek new smart devices – although those in control of the list will have to allow time each October for your Honour to go and get the latest iPhone.

No, when gazing up and dreaming of who is out there, we sometimes find characters who, freed from the mundane, speak to our lot.

Perhaps it is Yoda who speaks to yours:

‘Do. Or do not. There is no try’.

It is was no surprise that in preparing this speech, more than one person used the word, ‘nerd’ – I hasten to add, not in a pejorative sense. Of course, when in need of an authoritative definition, good lawyers turn to a dictionary, the Urban Dictionary online (just ask Judge Fox):

‘Definition 5. If you are reading this article to determine whether you are a nerd or not, you are not. Nerds do not need to look up the definition of “nerd”, it is a label with no consequence whatsoever, and nerds have better things to do than play along with societal stereotypes. That being said, if you merely want to see what people think of when they think of the word “nerd”, because human



thought processes, societal constructs, and philosophy are so interesting, consider yourself a nerd.'

I think you're in!

So, on the occasion of your welcome to this honourable Court, I say,

May your thinking things through,

Your dissecting of finer points,

Your encouraging of others,

And all your nerdy doings,

continue.

May it please the court.