

The Hon Justice Peter Jacobson

Justice Peter Jacobson, the last QC ever appointed in New South Wales, was both a distinguished and immensely well-liked member of the inner Bar who gave generously of his time and energy to the corporate life of the Bar in a host of different capacities. His appointment to the Federal Court was marked by a heavily attended ceremonial sitting at which Walker SC observed that:

Your Honour brings to the Bench qualities you showed at the Bar in a way which will require less transformation than most member of the Bar who are translated to the Bench. The Bar is notoriously adversarial. In trade off the Bar seeks to inculcate etiquette



Jacobson J and Conti J

and civilisation between its members in order to mollify what would otherwise be the conflict between professionals as well as between parties. Your Honour was famous for never allowing those matters of conflict between parties to intrude between professionals. It was a dangerous matter ever to regard Peter Jacobson at the junior Bar if you were a junior opponent of his as somebody whose position in a case would be as easy to handle as you were personally in our dealings at interlocutory levels or at trial. The fact was the velvet covering covered a particularly obdurate material inside what was never really shaped as a fist.

In replying, Justice Jacobson, with typical modesty and self-effacement, said:

I doubt that anyone could replace Justice John Lehane whom I am replacing, such was his learning and contribution to the Court. Nevertheless I will do my best to attain the high standards which he and the other judges of the court have met. I'm sure that I

made a number of errors during the three weeks in which I've sat as a judge. I'm not sure whether Mr Walker referred to some of them or not. However, I do hope that before too long my judicial handicap will be better than my golf handicap of 27 and I won't score too many eights on easy par threes. ... I did learn at least three things during the three weeks that I have sat. First, judicial life is very challenging and I'll have to work extremely hard if I'm to produce consistently high quality judgments in a speedy fashion. Second, and I suppose I knew this before I came to the court, my colleagues are a congenial group even though some of them didn't come from the seventh or the tenth floors of Selborne Chambers and I'm fortunate to have been able to join them on the bench. Third, the work load of the court is heavy. It can't be measured solely by sitting time and must take account also of administrative duties, committee work and of course time necessary to write judgments.

Reflecting on his time at Bar, his Honour made the observation that 'if a case is difficult enough to warrant silk then provided the party can afford it there's no reason why a junior counsel ought not to be retained as well; in my experience each had something to contribute to the preparation and conduct of the case.'

The Hon Justice Garry Downes AM

Few members of the New South Wales Bar can have pursued such a range of professional and charitable interests for the good of the greater community, both domestically and internationally, as Justice Garry Downes AM whose appointment to the Federal Court and as President of the Administrative Appeals Tribunal earlier this year was marked by a heavily attended ceremonial sitting earlier this year. Hughes QC, speaking for the Commonwealth Attorney, engaged in the following reminiscence:

I remember that your Honour and I once worked on an arbitration in Paris about a seaborne oil rig anchored off the north-west shelf. It didn't work. The client was an insurance company that dabbled in oil exploration. It was then well-known for reasons other than those for which it is now well-known. This was no hardship brief. We were housed in reasonable comfort at the Hôtel Plaza Athénée in the Avenue Montaigne. It was the summer of 1983. In those days your Honour and I were each convinced of the therapeutic value of jogging. We spent early mornings tracking

through the avenues and streets of the city. There was another counsel in the team, but his views on that form of exercise coincided with those attributed to Mr Justice Meagher of the Court of Appeal, to whom all forms of athletic exercise are repugnant.

Walker SC referred to Justice Downes's service, quite unparalleled in depth, longevity and importance to the expert groups of the Law Council of Australia. Then one adds being Procurator of the Presbyterian Church of Australia, first in New South Wales and then nationally, with all of the importance for federal difficulties that that will lend to your present position. When one adds the National Trust Historic Buildings Committee, the Law Extension Committee, membership of the Faculty of Law at the University of Sydney, it is not surprising that your membership in the Order of Australia came, as Mr Hughes said, for such a distinguished combination of qualities. ... Your Honour, your appointment brings to an array of skill, talent and experience already on this Bench something very special in relation to the internationalism that your Honour has practised so assiduously and with such success.

Replying, Justice Downes remarked on the importance of three years spent as associate to Sir Garfield Barwick, stating that 'he had, and continues to have, the greatest influence on me professionally and in many ways personally as well. It would be difficult to exaggerate the influence he has had on me. He taught me the law, he taught me how to practice it. Although he was 40 years my senior, and at the height of his intellect, he had time to share with me. We travelled together a lot because the High Court still sat regularly in every State at that time. Indeed, it was he who gave me the travel bug.'

His Honour concluded his remarks by observing that he has 'joined what I consider to be one of the great courts of the common law world. The Federal Court has served the people of Australia with distinction for more than 25 years and one can refer now to its eminence with confidence. I hope I can live up to the court's reputation.'

The Hon Justice Phillip Powell AM

On 8 November 2002 the Supreme Court held a ceremonial sitting to mark the retirement from the Court, after more than