

APPOINTMENTS

District Court appointments

On Monday, 11 April 2016 his Honour Judge John Pickering and her Honour Judge Siobhan Herbert were sworn in as judges of the District Court of New South Wales in a double ceremony. Presiding was Justice Derek Price AM, chief judge of the District Court. Attorney General Gabrielle Upton spoke on behalf of the New South Wales Bar. Mr Garry Ulman, president of The Law Society of New South Wales, spoke on behalf of the state's solicitors.

Her Honour Judge Herbert was born in London where she initially attended La Retraite Girl's School. In 1976 her Honour's family moved to Australia and settled in the Sydney suburb of Coogee and she attended Brigidine College Randwick.

Her Honour graduated from the University of Sydney in Law in 1983 and was admitted as a solicitor in 1984. For a short period, her Honour was a researcher in the Bureau of Crime Statistics in a unit studying sexual assault prosecutions, convictions and sentencing issues, foreshadowing the work and expertise for which she became known in subsequent years. Her Honour then became an employed solicitor at McCaw Johnson in 1984.

In 1986, her Honour commenced as a solicitor at what was then the solicitor for Public Prosecutions and clerk of the Peace, nowadays the Office of The Director of Public Prosecutions, where she stayed for close to 30 years.

Her Honour was one of the three original solicitor advocates to conduct jury trials in 1991.

Her Honour appeared continuously at the coalface of the justice system in this role, primarily in the Local Courts in summary and committal proceedings. The attorney observed that her Honour had earned a reputation as 'a skilful, considered advocate, possessing a fine legal mind' with a wealth of trial experience. As a trial advocate between 1994 and 2001 most of the trials in which her Honour appeared, including jury trials, were conducted in Western Sydney and many involved child sexual assault charges.

By 2002, her Honour had been appointed a Crown prosecutor and was acknowledged as one of the most experienced Crown prosecutors in the highly technical area of child sexual assault prosecutions.

Her Honour has also been author of the ODPP Sentencing Manual, the guide for all Crown prosecutors and lawyers in New South Wales, and co-author of 'Sentencing Law in New South Wales'.

Her Honour has appeared in many trials as prosecutor in the District Court, the Supreme Court and on appeal in the Court



of Criminal Appeal. Her Honour's courtroom manner has been described as 'composed and measured [...]'. As a cross-examiner David Ross QC has referred to her Honour's style in his book on advocacy as an example of 'sweet brevity'.

Her Honour has participated in many Professional Development Programs and continuing education for Crown prosecutors and has taught with the Australian Advocacy Institute.

Her Honour's interests outside of the law include her commitment to swimming regularly hundreds of laps at the local pool each week. Her Honour is also devoted to her family, her husband, Anton, and her son, Declan, who is also studying law.

Her Honour was known as a kind calming mentor, not only giving advice on matters of sentencing and procedure but also welcoming, and encouraging junior lawyers.

Her former colleagues anticipate Judge Herbert will be a 'knowledgeable, fair and compassionate judge'.

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'District Court appointments'

His Honour Judge John Pickering was born in Sydney and grew up in Cheltenham. After completing the Higher School Certificate at Epping Boys High School his Honour enrolled at Macquarie University, where he graduated in Economics and Law in 1992. In 1993, he completed the College of Law and embarked on his career as a junior solicitor in the Office of the Director of Public Prosecutions.

In 1997, his Honour's services to the law were recognised by the government when he was a joint recipient of the New South Wales Government Award for Excellence in Government Legal Services.

As Mr Ulman observed, his Honour is known for a superb legal mind and brilliant advocacy. His Honour was swiftly appointed a trial advocate in 1998 and seconded to the Police Integrity Commission. In 1999 his Honour went on an exchange with the Department of Justice in Canada where he appeared in the provincial courts of Vancouver and instructed in matters before the Supreme Court of Canada.

In 2001 his Honour was called to the bar and became a New South Wales Crown prosecutor. In 2012, his Honour was appointed a deputy senior Crown prosecutor and took silk that year. His Honour then rose to the office of deputy director of public prosecutions.

Judge Pickering has had a lengthy and distinguished career as a prosecutor, gaining a wealth of experience in diverse proceedings ranging from the Local Court to the Court of Criminal Appeal and to the High Court of Australia, where he has appeared monthly for four years in special leave applications.

His Honour's depth of knowledge and skill as an advocate have seen him in important and lengthy trials when he was known to be '[...] always prepared to take on difficult points and be creative with the Law' and 'not frightened of an unpopular argument which [he] believed to be true.'

His Honour is a plain speaker not fond of legalese. Together with his concise manner of communication, he is blessed with a prodigious memory for varied topics but particularly in criminal procedure. These qualities have earned him the nickname 'The Oracle' both in and out of court.

Mr Ulman described Judge Pickering as 'a charismatic counsel with an entertaining style of advocacy which gets to the point and at times cuts through with a sarcastic edge – no doubt a style which is said to work particularly well with juries'.



Throughout his time at the ODPP, his Honour was considered a role model and was instrumental in creating a program to support junior practitioners appearing in their first trials.

His Honour paid tribute to his wife Georgia Turner, who is also a Crown prosecutor, and to their daughter Scarlett. In thanking all his friends and family, his Honour observed 'Like so many people the support of your family growing up shapes who you are as an adult.' Apart from a little known personal interest in American pop culture, his Honour is an avid watcher, player and aficionado of all sports but favouring especially Masters Golf, American football, NBA basketball and Major League baseball.

Mr Ulman observed 'On the bench, your colleagues and mentors predict that your Honour will excel in the same way you have in everything in which you have put your hand to thus far. ... [Your] appointment will make for a powerful addition that will truly enhance the work of this court.'