

## The Hon Justice Kelly Ann Rees



On Wednesday, 5 September 2018 the Banco Court spilled over with judges, members of the profession and the public, in numbers seldom seen nowadays, to witness the swearing in of the Honourable Justice Kelly Ann Rees as a judge of the Supreme Court of NSW by Chief Justice TF Bathurst. It was a remarkable occasion.

The Honourable Mark Speakman SC MP, attorney general of NSW, spoke on behalf of the bar and Mr Doug Humphreys OAM spoke for the solicitors.

Justice Rees started life on the mid north coast of New South Wales at Bellingen. From a young age, her Honour deftly negotiated her place in a family of boys amid the toils of a life on the land on the family cattle farm. Some vivid memories of those years were recounted with humour and nostalgia. This country life explains her boundless determination and endless sense of fun and adventure. She excelled in secondary school studies at the local high school, where she was a champion debater and public speaker. Much of her early education was self-directed and self-motivated which prepared her well for the future in the law. Her Honour's formative years took place when a thoroughly good education was free and for all – the halcyon days of Australian education.

Justice Rees established a scholarship for the dux of her old school, together with another scholarship – for the best performing female student at Bellingen high school. Her Honour held both accolades in the 1980s. This is an expression of her Honour's encouraging and supportive nature, to which she often treated young barristers taking their first steps. Many in the room remembered this aspect of her.

She is an alumna of the University of New South Wales and holds degrees in Law and in Commerce. Needless to say she continued her exemplary academic record in that institution. Her fellow students from that time uniformly speak of her personal qualities as 'brilliant', 'serious-minded' and 'ambitious'.

These qualities augured well for a mooting champion and through this extra-curricular activity, her Honour travelled across the country competing in Brisbane, Perth and

Canberra but to name a few exotic locales not to mention the odd television appearance. Famously, she competed in the Jessup Moot, however that year the runners-up did not go to Washington DC. Memorable also was her Honour's ability to make friends with students from all over the world and from all walks of life. Cliques were not her style. She retains most of those old friendships to this day as part of a vast network across the Asia Pacific region. This is testament to her kindly nature and approachability.

Armed with a top academic record, she completed post graduate studies at Cambridge. As a world class debater, she took the floor in the House of Lords on one occasion in the finals of the England and Wales Debating Championships. While living in Cambridge her Honour proved herself an expert punter on the picturesque river Cam. She had vast knowledge of the venerable institution that is Cambridge, giving her relatives who attended her graduation detailed historical tours of that ancient town.

A six-year period in practice as a solicitor followed with the first port of call, the Messrs Kingsley Napley LLP, an eminent white-collar crime and fraud investigation firm in London.

In Sydney, her Honour went to Malleson Stephen Jaques, one of the largest in Australia and became a senior associate in the heyday of commercial dispute resolution. Her Honour paid homage to her old master solicitors Robyn Chalmers and Peter Stockdale among others from that time. This time gave her a taste for complex litigation.

She had the reputation of being unassuming yet brilliant. She had an exceptional worth ethic with steely determination and a resolve to do her best for clients. But she exuded a warmth and genuine human interest in others, and a beaming smile became her personal trademark.

By 1998, her Honour had been admitted to the bar. Her tutors were the Hon. Justice Richard White who promptly took silk shortly after, James Jobson and Adam Bell SC took over. Quoting Jonathan Sumption QC as his Lordship then was 'Most law is only common sense with knobs on' – which was a pivotal sentiment revealing her Honour's approach to law.

Her Honour spoke of her constant fascination with the facts of a case which she as being all important. After mastery of the facts in any case, the law then becomes infinitely approachable. It must all be kept simple, so that the people, for whom the law is here to serve, can actually understand it. Harking back to her country upbringing, her preference is always that the law be in plain English.

Justice Rees remarked upon the myriad roles she has had in her life - a mother, a single mother and a stepmother in addition to her identity as a solicitor, a barrister and

senior counsel. Her Honour's ability to adapt to circumstances is remarkable and to remain calm and composed even in the most trying of circumstances. Experiences both personal and professional have made her a different barrister and more resilient individual. Her Honour expressed gratitude for the overwhelming support of her family and children and the environment of the bar which allowed her to thrive. Her Honour also remembered her champions, her mentors who were in court - their support had been priceless.

The judge expressed gratitude for the wonderful group of women whose company she has kept throughout the time she has practised at the bar. The friendships and support have in great measure made all the difference in the trials and tribulations encountered in life. These comments are testament to the pressures and demands of a life at the bar, tempered by the conviviality among practitioners. Touchingly, her Honour read a message of congratulations written by her son on the occasion of becoming a judge – it drew mirth and tremendous good feeling in the vast numbers bearing witness in the gallery that morning.

For over 20 years, her Honour practised in the sphere of commercial disputes before courts, tribunals and commissions of inquiry, professional liability, property and insurance law among other areas. Her Honour is known for having been briefed in the C7 litigation and other significant cases and commissions of enquiry. Since 2012, she was appointed a member of the Inner Bar. While at the bar, her Honour was appointed to many committees including for the selection of Senior Counsel.

The Equity Division of the Supreme Court is where her Honour will sit. Her court will be fair. She will be a competent and practical judge, thoroughly committed to good sense. Her court will bear hallmarks of intelligence, courtesy and generosity of manner. Substantial experience as a leading advocate will prove invaluable to the role. She will ensure that litigants and practitioners are treated justly and compassionately.

Justice Rees's appointment to the court will be a significant contribution to the administration of justice in this state.

By Kevin Tang