

Swearing in of
Sandra Anne Duggan SC
 as a Judge of the Land
 and Environment Court
 of New South Wales

On Tuesday, 10 September 2019 Sandra Duggan SC was sworn in as a Judge of the Land and Environment Court by Justice Brian Preston the Chief Judge. The Banco Court was full of members of the Bar, colleagues, solicitors and family members for this ceremonial sitting. Her Honour was visibly moved by a tide of emotion which pervaded the proceedings that morning.

The Attorney General spoke on behalf of the Bar and Ms Espinosa, the President of the Law Society NSW spoke on behalf of the solicitors.

It was a celebratory day when her Honour's family witnessed the proceedings. A most esteemed welcome was extended to her Honour's mother Wendy, her sister Kathy and nephew Oliver, her brother Sean and her niece Evangeline. Sean's son was sitting university medical examinations and could not attend.

Her Honour's childhood years were spent on the upper north shore at Wahroonga. Her late father John worked at DFAT and her mother managed the records at government level. Her earlier education was at Loreto Normanhurst followed by Barker College. Her Honour gained admission to Macquarie University where she studied Law and Arts. Her Honour continued postgraduate studies at ANU undertaking a Master of Archaeological Science.

Her Honour was admitted as a solicitor in 1988. She practised in the sphere of local government and planning law at McDonnell Moffitt Dowling Taylor, which became Abbott Tout.

In 1995, her Honour was called to the Bar and she read with John Webster, Peter McEwen and Dennis Wilson on 6 and 7 St James' Hall. She was, at the time, the only female barrister as a reader in those chambers.

In 2003 with a band of like-minded colleagues, Martin Place Chambers was established, which specialised in the Court's jurisdiction. Establishing of the chambers began the MPC family as such – the support and extensive friendships would flourish. Her professional life was exacting, busy and most enjoyable. Her Honour knew no other chambers during her years at the Bar; she would eventually rise to being Head of Chambers with the



added distinction of being the first female Silk to occupy that role. She followed closely the examples of Craig QC and McEwen SC, her predecessors. During these years, members' well-being was one of her Honour's top priorities. Her devotion to MPC and its members and staff was boundless, influential and complete.

As head of chambers, her Honour was instrumental in taking First Nations Law students in floor junior roles. Her Honour supported the Toongabbie Legal Centre, Arts Law and the Jessie Street Trust.

Chambers activities have been a reflection of her Honour's favourite things in life – travel and champagne.

Mention was also made of the lengthy list of significant cases in which her Honour was briefed in her career as a barrister such as *Inner West Council v Findlay* the case regarding a horse, *Echt v Ryde City Council*

(2001) led by the great Tobias QC and more recently in *Mulpha v The Hills Shire Council* (2012). All of which confirmed her pre-eminent status at the Bar as a specialist advocate.

More recently her status as a barrister was confirmed by Infrastructure New South Wales which briefed her in the case concerning the demolition of Sydney Football Stadium at Moore Park.

As a member of the inner bar, her Honour was a much-admired mentor and a fierce champion of the progression of women in [the] profession.

While at the Bar, her Honour participated in many committees and special interest groups: The Silk Selection Committee, Practice Development Committee, Professional Conduct Committee, Committee for Equal Opportunity and the Environmental Law Committee. She

is also a past editor of the Environmental Law Reporter and a past president of the Environment and Planning Law Association of New South Wales (EPLA), and was also a member of the Women's Barristers Forum.

Ms Espinosa observed that her Honour's practice areas were in fact more extensive, and this was due to her capable and skillful nature as an advocate. She emphasised her Honour's accommodating, kindly nature but razor sharp mind and firm attitude. It was elegantly put by one solicitor: Her Honour was able to slip easily between the velvet and leather glove.

Duggan J expressed a sense of privilege to be undertaking judicial office. She observed that the business of the Court concerned the way people live, their experiences within their communities, and the future we leave those who come after us. This was a fine and elegant summary.

The Judge remarked further on her stark realisation on that very morning – she would no longer be a barrister. She said that it had been a great privilege to be part of the profession that participates in the proper administration of justice in such an immediate way.

Her Honour made specific reference to Tobias QC a mentor, friend and teacher from her earliest years at the Bar and who had been one of her loyal supporters for many years; and mentioned Justice Brian Preston from whom she learned so much as a junior counsel. Her respect was boundless for them both.

Her Honour also paid tribute to the many people in chambers who play a crucial role in the life of a busy barrister. She thanked the floor receptionists and her assistants of many years. Their contribution, she remarked, was invaluable.

Her Honour expressed a notable debt of gratitude to Michele Kearns her faithful clerk for almost three decades and whom she dubbed 'the best clerk ever'. It was an epic moment to realise how much she had done for her Honour.

Her Honour is well known for her wit and masterful use of the English language as a barrister, and she noted the two elements of her speech writing for this occasion. First the edict to keep such a speech short and succinct. Second, to use the non-word 'irregardless', no matter what, so as to honour the memory of the late John Webster SC who used the word with disturbing frequency.

Lastly, her Honour promised to strive to be worthy of the faith and trust placed in her, and she pledged to serve the people of New South Wales to the best of her ability.

Kevin Tang



Swearing in of

Richard Cavanagh SC as a judge of the Supreme Court of NSW

On 16 September 2019 Richard Cavanagh SC was sworn in as a Judge of the Supreme Court by the NSW Chief Justice TF Bathurst AC in a ceremonial sitting. The ceremony took place in the Banco Court with the Attorney General Mark Speakman SC MP speaking on behalf of the Bar and Ms Elizabeth Espinosa, President of the Law Society who spoke on behalf of the Solicitors of NSW. It was a joyous, formal occasion amid the throng of members of the Bar and solicitors in the public gallery wishing the Judge well.

His Honour was born to Kevin (deceased) and Mary, and the family lived on the North Shore. He is the middle child of five – Peter,

Judy, Susan and Joanne, all of whom were in Court that morning. Mrs Mary Cavanagh who is aged 90 years witnessed the day. His Honour's wife of 36 years Francine, was in attendance, as were his sons Tom (a lawyer) and Harry. His daughter Rose was unable to attend due to acting studies in New York. Special mention was made of the newest member of the Cavanagh family, baby Isla, his Honour's granddaughter who was in attendance.

The Judge attended the well-known Jesuit school St Aloysius College Milsons Point in the years 1967 – 1976. The school's motto had certain prescience for his honour on this occasion, it is "*Ad Maiora Natus*" – born for greater things.

His Honour studied law at the University of New South Wales and graduated with degrees in Arts and in Law. In that period of radicalism, his Honour recalled having teachers David Brown and John Basten (now a Judge of Appeal). He also recalled being in the first batch of students to work in the

Kingsford Legal Centre when it opened in 1981. He was admitted as a solicitor in 1982. His first job was at Henry Davis York (HDY) with Tom Goudkamp mainly in personal injury. His Honour then worked for a time in various other practice areas: Family law; and in commercial litigation under supervision of James Stevenson (now Judge of the Supreme Court). By 1988 Cavanagh J became a partner in the firm formerly known as Henry Davis York. It was there, that he became a pre-eminent solicitor in the field of insurance. For close to a decade he was the partner in charge of that practice group. He built a fine reputation as a solicitor and a burgeoning practice of note in the city. The Judge remembered those years fondly.

After practising for a number of years with loyal clients, he was admitted to the Bar in 1998. As a barrister his Honour's practice was an immediate success. In time he would become a fine advocate. He made the transition to the Bar easily. His Masters were James Stevenson and Jack Callaway whose acquaintance he had first made at HDY.

Special mention was made of Tony Edwards (deceased), formerly a member of the Newcastle Bar, who was the Judge's brother-in-law, married to his sister Judy. Edwards died unexpectedly in 2014. Edwards had moved his Honour's admission as a solicitor. He was a great supporter and promoter of the Judge when newly a barrister. Mention was also made of the TPD cases in which the Judge appeared stemming from the assistance he gave to Edwards' practice after his untimely passing. It was a mark of duty and abiding respect for Edwards. The Attorney evoked Edwards' memory on at least two occasions in his speech and this served to remind all of how deeply he is missed by the Cavanagh family.

Cavanagh J took silk in 2010. His practice areas increased to include complex insurance cases, personal injury, property, construction and professional indemnity. A notable case which his Honour conducted as Silk included cases *MX v FSS Trustee Corporation*, a total and permanent disability case. His mastery of the common law trial meant that he was able to unravel an opponent's case in cross examination by taking a single thread of evidence and running with it.

The Attorney also made mention of his Honour being a favourite among junior barristers, that his Honour was a pleasure to appear with before the Courts. It is known that apart from his generous self-effacing attitude, his Honour is well known for his modesty and kindly disposition. A solicitor who recently briefed his Honour referred to him as a 'super lawyer': the solicitors of NSW will be looking in vain for a replacement with such qualities.



Among his Honour's other achievements at the Bar were lecturing in the Bar Readers Course, presenting at countless Bar Association CLE seminars and serving as a director of Bar Cover.

The Judge made particular reference to the guidance and sound advice of Larry King SC over the years. He had appeared with and against King SC and had the highest regard for his skill and learning as a member of the inner bar and a custodian of the values and traditions of the Bar. The Judge expressed his gratitude for his supervision from the earliest times, his invaluable advice and mentoring which he received in navigating the world of the Bar.

In this way, it was observed by the Attorney, that the Judge had indeed lived out his old school's credo – creating a man for others. The credo speaks to an outward-looking life of service and of commitment to justice for other people. This ethos had been a guiding light in the Judge's life. His service has to date been unassuming as it has been generous and human-centred.

The Attorney General also remarked upon the Judge's quiet service for charitable and community based organisations. For many years the Judge has served breakfast to the homeless or distressed individuals at the Matthew Talbot Hostel. It was known also that the Judge participated in establishing and nurturing a mentoring program for less privileged school students to make contact with successful professionals. Four students per year benefit from his Honour's mentoring through their secondary school years – the crucial years in which to learn by example. He has also been a known supporter of Kick Start Kids which was established to assist children and youth in Kenya. The Judge is also a supporter of the Cancer Council.

Ms Espinosa emphasised the Judge's personal qualities and traits of humility and his strong sense of service to the community and society. They are recurring motifs in the Judge's personal and professional life. The Judge placed much emphasis on his late father Kevin instilling in him good values which he believed had placed him in good stead throughout life. The Judge vowed to work hard and to do his best in his new role.

Outside of the law, Cavanagh J is an avid golfer on weekends and maintains a respectable handicap. Other forms of physical activity are also an outlet for the Judge's hectic professional life – swimming and participating in the Big Ocean Swim from Palm Beach to Whale Beach. For many years his Honour braved the Sydney morning traffic and cycled into the city each morning.

His Honour remarked on the challenging and stressful work of active legal practice.

He observed that it was a privilege to have worked in a role that involved a continuous process of learning, particularly learning about why things happen and more importantly about human frailty and the challenges that people sometimes face. This has been a constant source of fascination and stimulation for him.

The Judge observed that it was an honour to be replacing the Honourable Justice Monika Schmidt who served some 27 years, having first sat in the Industrial Court, and who had not yet reached retirement age. The Judge expressed his hope that he might emulate her Honour's fair patient but firm manner in Court. Allied with the personal qualities of Justice Cavanagh, the Common Law division of the NSW Supreme Court has gained a fair, humane and learned judge by this appointment – of that, we have no doubt.

Kevin Tang

