

**Remarks of the Hon The Chief Justice
upon the announcement of the new
Victorian Senior Counsel
Banco Court, Supreme Court of Victoria
3 December 2010**

Thank you Mr Chairman. The court acknowledges this morning the presence of the Honourable John Batt, former judge of the Supreme Court, both trial and appellate.

The court acknowledges the 15 new senior counsel and congratulates each and every one on their achievement and elevation. The court is delighted that so many members of the Bar – especially the senior bar – have attended the ceremony today to pay homage and give recognition to their new senior colleagues.

The court is very, very pleased that so many family members have also attended, particularly the very young members. It is delightful to have everyone here. It is very much a shared achievement taking silk. Tolerance and patience must abound when living with aspiring junior counsel. Long working hours, weekend absences, shortened , sometimes cancelled, holidays, domestic absences, and occasional irritation, grumpiness and nervousness are all features of the life of a barrister's partner and family. Your efforts, grace and generosity have been vindicated. The family are well and truly to be acknowledged on this occasion.

For members of the Bar here today, the process for the appointment of silk is well known. But for family members it may be worthwhile spelling out how your beloved family members have reached the elevated position they have today.

In August, applications in writing for appointment as senior counsel close. After that date, the applications are very carefully scrutinised. This year there were 92 applications for senior counsel. Each applicant is required to nominate four judicial referees. I then write to each of those referees and ask the judge to provide a confidential assessment of the applicant. Thus I receive almost 400 written references.

After careful scrutiny of those references, I then set about a very extensive, broad and deep consultation process. I meet with the Chief Justices of both the Federal and Family courts. Beforehand they have been provided with the list of all applicants and the Chief Justices meet with the judges of their courts here in Melbourne. Next I meet with the Chief Judge of the County Court who similarly consults with judges of his court. I meet with the President of VCAT, I consult the Solicitor-General, the Director of Public Prosecutions and the Chief Crown Prosecutor. I meet with the Chairs of the Criminal Bar Association, the Common Law Bar and the Commercial Bar Association. I meet extensively with the judges of the Supreme Court. I spend many hours with the Chairman and Vice-Chair of the Bar engaged in extensive discussion. Hence it will be understood by the family members here today that indeed hundreds of hours go through this process.

Ultimately appointment as senior counsel is not a popularity poll at the Bar or a beauty contest. Rigorous testing and analysis of peer estimation and especially judicial estimation underline the whole process. Those appointed today are not just supported but strongly supported. Those not appointed either have insufficient support or are not supported at all. So the 15 appointees have been judged as outstanding through a process endorsed and supported by successive Chairmen of the Victorian Bar and Bar Councils. It is indeed a magnificent achievement.

To the new silks I say two things. Reflect on what taking silk means. It warrants leadership, not doing the same thing but for a higher fee. Do not let me down. Secondly, wear your Victorian rosettes with pride as a hallmark of Victorian excellence.

The court will now adjourn.