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the Hon. Justice J L B Allsop AO**

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work efficiently without a Bar of high quality. I thank the Bar for the high quality of assistance given to the Court of Appeal.

97 Whilst it would be invidious to single out colleagues for thanks for their judicial work with me, it is proper that I should publicly thank two people for their help and support in the administrative running of the Court. Margaret Beazley was, from before the day I began in June 2008, a source of professional advice and personal friendship and support, for which I was, and am, personally very grateful. I give her all good wishes and congratulations as the 9th President of the New South Wales Court of Appeal. John Basten has assisted me and my researcher with the unremitting task of the examination of every process that comes into the Court, in summarising them, in helping me decide questions of concurrency or leave only and in discussing rule reform. This, on top of what can only be called the inherited David Ipp Donkey Load of cases. I am extraordinarily grateful for his help.

98 There is one further colleague, however, whom I cannot fail to mention. Just as the Federal Court was rocked in the early years of this century with the deaths of brilliant men, wise judges and fine colleagues in a short span of time – John Lehane, Bryan Beaumont, Graham Hill, Peter Hely, Bradley Selway and Richard Cooper; so the Court of Appeal last year was shocked by the loss of one of the finest judges who ever graced a court in this country, David Hodgson. He was a brilliant man, whose experience, judicial technique, humanity, charm and forgiveness taught me about the law (from my earliest days as counsel) and about appellate work (since 2008). I think I have experienced two things many other lawyers have not. First, I was present when someone made the gentlest of Equity judges, John Kearney, lose his temper. But that is another story. The second is that I made David Hodgson very angry. While he was on holiday, a bench on which I presided disagreed with a decision of a Court on which he had sat, he having written the lead judgment. High Court authority required us to use the ugly phrase of “plainly wrong” about David’s decision. Through a listing oversight, which was my fault, we had sat only three judges. We

should have sat five. David was hurt and angry. He wrote me a three page note pointing out, in polite but confronting terms, my and my two colleagues' errors. I went to his chambers, apologised for the lack of a five judge bench, discussed the matter with him and explained that the phrase "plainly wrong" was an ugly expression, but mandated by our betters on the High Court. Its meaning embodied the necessary degree of conviction, and not that he was obviously wrong. In his inimitably gracious way, he forgave me, completely. Thereafter, we worked together with deep mutual personal pleasure. David Hodgson taught me that the work of a court is to embody the active form of the elements of law: rule, interpreted by reference not only to precedent, but also precept, reason, commonsense, and justice, tempered and shaped by society and people and their needs.

99 I wanted to say this about working with David Hodgson, because it reflects the essence of the relationship amongst all the judges of the Court of Appeal. I am sure my colleagues will agree that David just, perhaps, epitomised the best of it.

100 Finally, and most importantly, my sincere thanks to my wife, Kate, and my family for continuing to put up with me.

101 Thank you all for coming.
