

Introductory remarks on the occasion of the 10th John Lehane Memorial Lecture

7 December 2022

Banco Court, Sydney

The Hon. A S Bell

Chief Justice of New South Wales

- 1 May I begin by acknowledging the Gadigal of the Eora Nation and paying my respects to elders, past, present and emerging. I extend those respects on behalf of the Court to all Aboriginal and Torres Strait Islander people.
- 2 It is my pleasurable task this evening to welcome you all to the Banco Court on the occasion of the 10th John Lehane Memorial Lecture, to say a few words about John Lehane and to introduce the distinguished lecturer, the Honourable Justice Mark Leeming.
- 3 It is, in fact, more than a pleasurable task. It is a great honour to do so as I had the privilege of knowing the late John Lehane prior to his tragically premature death some 20 years ago at the age of 59. I particularly wish to welcome John's widow, Dr Ros Lehane, to the Court and say to her that the memory of John's brilliance, dry humour, integrity and essential decency still burns bright in the legal profession.
- 4 As with tonight's lecturer and indeed Justice Gummow whose presence I acknowledge, John Lehane was educated at Sydney Grammar School and at the University of Sydney, from which he graduated BA with first class honours in Latin (1964), LLB with first class honours and the University Medal in Law (1969) and LLM with first class honours (1980). Whilst at Sydney University, John was a resident and then Senior Tutor at St Paul's College, to which he subsequently gave many years of unstinting service as a Fellow and as its Chairman.

- 5 He served articles of clerkship from 1966 with the late A P Henchman, then a partner of Allen Allen & Hemsley, and was admitted as a solicitor of the Supreme Court of NSW in 1969. He worked with the firm as an employed solicitor until 1971, when he became a partner. Five years later, the first edition of *Meagher Gummow & Lehane* was published. John Lehane was then 35 years old.
- 6 Earlier this year, I was honoured to speak at the 200th anniversary of Allens, one of the oldest law firms in the world and of which John Lehane was both Managing Partner and Chairman before his elevation to the Bench as a judge of the Federal Court of Australia. On the occasion of its bicentenary, I described Allens as an outstanding firm, populated by dynamic lawyers with a commitment to legal excellence and also as a firm with strong values and a broad vision. In supporting this lecture, to remember one of its most distinguished alumni, Allens demonstrates some of those strong values of which I spoke – in particular, deep and continuing respect for the scholarship and public contribution of an outstanding Australian lawyer.
- 7 When he delivered the John Lehane Memorial Lecture in 2010, Lord Hoffmann indicated that, although he had not had the privilege of knowing John Lehane, he was assured by all who did that “he was a most charming and delightful man who was in no way responsible for the more insulting remarks about the English judiciary which appeared from time to time in *Meagher, Gummow & Lehane*”!
- 8 That observation provides a convenient segue to introduce another most charming and delightful man and one of the current authors of that most famous of legal texts, our lecturer this evening, the Honourable Justice Mark Leeming, freshly returned from a well-deserved sabbatical in Oxford where he no doubt polished off a few books – and by “polishing off”, I mean writing not reading!
- 9 Justice Leeming is a star in our firmament, and the Supreme Court of New South Wales is so very fortunate to have him as one of our senior judges. His

prodigious output – both judicial and scholarly – is quite remarkable, in terms not only of its quality but its reach.

- 10 Not only is he a current editor of *Meagher Gummow & Lehane* and *Jacob's Law of Trusts*, he has authored books on jurisdiction, constitutional law, statutes and the law of torts. He is also the Challis Lecturer in Equity at the University of Sydney at which he has taught for more than a quarter of a century.
- 11 He was also an outstanding barrister with whom I enjoyed locking horns from time to time as he sought to defend his unmeritorious clients!
- 12 Like John Lehane, Justice Leeming is admirably modest and wears his learning lightly. I can tell you, however, that, in the engine room that is the New South Wales Court of Appeal, he is the most marvellous colleague and friend.
- 13 Tonight, he returns to a topic in respect of which he is an acknowledged international expert. It is with great pleasure that I invite him to deliver the 10th John Lehane Memorial Lecture on the topic "Trusts and trustees: their successes and successors".
