



THE HON. ANDREW ROGERS AO KC

It is with great sadness that I report the news of the death overnight of the Hon. Andrew Rogers AO KC, who served on the Supreme Court between 1979 and 1993 and is rightly seen as responsible for the Court's pre-eminent reputation in commercial dispute resolution, a reputation that continues to this day.

Andrew Rogers came to Australia from Hungary in 1947, graduated with honours from the University of Sydney Law School and was admitted to the NSW Bar in 1956. He took Silk in 1973.

Originally assigned to act as judge in charge of what was known as the Commercial Causes List, he became the first Chief Judge of the Commercial Division of the Court which was established under Street CJ in 1987. It was in this position that his reputation was forged: commercial cases were subject to strict case management with tight deadlines and an expectation of the highest standards of preparation and professionalism. Under Andrew Rogers, the quid pro quo was that commercial cases would be decided with proper despatch and the commercial community could be confident in their use of the Court.

A generation of lawyers who appeared in the Commercial List during this time would go on to be outstanding commercial advocates with many, in time, becoming senior judges.

Besides his work as Chief Judge of the Commercial Division, Andrew Rogers was a part-time Commissioner on the NSW Law Reform Commission, a member of the Australian Delegation to UNCITRAL and a member of the consultative committee of the establishment of the Australian Commercial Disputes Centre. He was a Fellow of the Australian Institute of Arbitrators, a Fellow of the Chartered Institute of Arbitrators and Patron of the Corporate Lawyers Association of NSW.

After his judicial career, he furthered his interests in international arbitration and alternative dispute resolution and was highly regarded for his commercial acumen in the United Kingdom, the United States as well as in Australia. After his retirement, he also served as the first Chancellor of Southern Cross University between 1994 and 1997.

In the Inaugural Andrew Rogers Lecture in Private Law and Legal Practice delivered in 2019, Justice Kunc observed of him that:

“He was prepared to cut away the accretion of years of unthinking practice and faced down serious criticism while doing so, and at all times he had the greater public interest

as his guide. He recognised that if the Court could not deliver commercial justice efficiently and cost-effectively that would have serious, real world, adverse economic and social consequences not just for the commercial community, but for the wider society that depended on commercial activity. What Andrew Rogers singlehandedly pioneered as Chief Judge of the Commercial Division has become orthodoxy and the young lawyers of today would not believe that litigation was ever done any other way.”

One of his successors as Chief Judge of what became the Commercial List, the Hon. Justice David Hammerschlag, now Chief Judge in Equity has observed:

“Andrew Rogers was a towering figure in the world of commercial litigation in this State. He single-handedly revolutionised it by introducing practices to promote efficiency and encouraging a culture of compliance. Practitioners, including myself, who appeared before him have vivid memories of how he conducted his court and from the most senior to the most junior levels, learnt from him. He leaves a special legacy.”

Andrew Rogers was one of the most dynamic lawyers ever to occupy a seat on the Supreme Court. Its reputation as an outstanding commercial court owes so much to him.

On behalf of the Supreme Court, I extend my sincerest condolences to his beloved wife the Hon. Helen Coonan and his family. May he rest in peace.

Andrew Bell
Chief Justice of New South Wales

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