

Introduction of the Hon James Spigelman AC QC

Australian Academy of Law Patron's Address

Chief Justice Robert French AC

4 October 2013, Sydney

Mr President, the Honourable Kevin Lindgren, Chief Justice Bathurst, Chief Justice Allsop, your Honours, ladies and gentlemen, this evening is the occasion of the second Australian Academy of Law Patron's Address. Our lecturer, in his former incarnation as Chief Justice of New South Wales, was occasionally heard to say in introducing a particularly engaging speaker — 'Tonight you are in for a treat'. Well tonight we are in for a treat. James Spigelman's professional and public career has seen him deeply engaged at the intersections of law, government and politics, armed with the perspectives of one deeply knowledgeable about, and aware of the significance of, history. Tonight is the third in a series of five lectures about the interlocking lives of Lord Ellesmere, Sir Edward Coke and Francis Bacon and the turbulent events in which they were centrally involved. The series begins in the last years of the reign of Elizabeth I. It is continued in the second lecture with the engagement of the three men in the development of legal institutions and concepts during the early years of James I, the time of the Gunpowder Plot and the trial of Sir Walter Raleigh. The title of tonight's address is 'Lions in Conflict: Ellesmere, Bacon and Coke — the Prerogative Battle.'

In the first of his lectures, which he delivered to the Thomas More Society in Sydney, in 2006, our lecturer said:

Legal history, like all history, always has contemporary relevance.¹

That observation is no better demonstrated than in Francis Bacon's lament after his fall from grace, which is quoted in the first lecture and perhaps expresses a universal theme about the ups and downs of public life:

¹ James Spigelman, 'Lions in Conflict: Ellesmere, Bacon and Coke: The Years of Elizabeth' (Speech delivered to the St Thomas More Society, Sydney, 14 November 2006) 1, 2.

The rising unto place is laborious; and by pains men come to greater pains ... and by indignities men come to dignities. The standing is slippery, and the regress is either a downfall, or at least an eclipse, which is a melancholy thing ... 'All rising to great place' he wistfully concluded 'is by a winding stair'.²

Both the previous lectures are rich with the colour and movement of great historical change and always with the personalities who bring history to life for the contemporary reader.

James Spigelman's personal perspective is well-illustrated by his quotation of one of my favourite Victorian writers, Thomas Babington Macauley, who described Lady Hatton, the wealthy widow whom Sir Edward Coke married in 1598, as a woman of eccentric manners and a violent temper which made her a disgrace and a torment to her connections. Of her marriage to Coke and her rejection of the opportunistic suggestion by Essex that she should marry Francis Bacon, he said:

The lady was kind to (Bacon) in more ways than one. She rejected him; and she accepted his enemy. She married that narrow minded bad tempered pedant Sir Edward Coke and did her best to make him as miserable as he deserved to be.³

Our lecturer observed:

Give me opinionated historical narrative like this any day. Objectivity is so boring.⁴

James Spigelman has had a career which glitters with variety, distinction and achievement from his days as a student leader at Sydney University, his involvement in Student Action for Aborigines, his double honours degree in Arts and Law, and receipt of the University Medal in Law, to his appointment, at the age of 26, as Senior Advisor and Principal Private Secretary to Prime Minister Whitlam and later, still in his twenties, as

² Ibid, 5.

³ Thomas Babington Macaulay, 'Lord Bacon' in *Critical and Historical Essays* (Longmans, 1877), 360. Cited in Spigelman, above n 1, 12–13.

⁴ Spigelman, above n 1, 13.

Secretary to the Commonwealth Department for the Media, and later as a member of the Australian Law Reform Commission.

The 1980s saw him practicing at the Sydney Bar, taking Silk in 1986, and demonstrating thereafter the multi-faceted talents as counsel and the leadership skills which led to his appointment as the Chief Justice of New South Wales in 1998, an office which he occupied until 2011. His life as a public intellectual is reflected in innumerable published articles, three books and three published volumes of his speeches. The latest edition of *Quadrant* includes an article which he has written on Arthur Phillip. He has served on a number of important cultural and educational institutions and is currently Chairman of the Australian Broadcasting Corporation. He has been appointed as a Companion of the Order of Australia for services to the law and to the community.

Ladies and gentlemen I invite the Honourable James Spigelman AC QC to deliver the 2013 Australian Academy of Law Patron's Address.