

Address at the Auckland dinner for the new silks hosted by the New Zealand Bar Association on 13 September 2013

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Introduction

1. Mr President, Your Honour, thank you for your kind words in honour of the new silks. I would also like to thank the Bar Association for hosting this special dinner, and for the Association's considerable efforts in getting the Queen put back into Queen's Counsel. I should also thank all of you for not being at the America's Cup in San Francisco...
2. It is wonderful to see so many of the new silks' family members and friends here this evening. Your encouragement and support gives us the impetus to succeed. You are the ones who put up with us. This address is equally a tribute to you.
3. I am told that three golden rules must be observed when speaking on these occasions: be bold, be brief, and be gone.

Becoming a silk

4. A few lucky candidates are rewarded with silk the first time they apply. But many of us have a small pile of rejection letters from Crown Law. "Don't call us, Her Majesty will call you." The one advantage of the five year hiatus in appointments was the five year rejection holiday. Then, at last, on Monday the 13th of May, at 11 minutes past 3 in the afternoon, I received an email from my secretary: "A Mr Chris Finlayson rang for you. He didn't leave a message. Please ring his mobile...".
5. The Attorney imposed a two-day embargo on revealing the good news to anyone. But another email quickly appeared. It was from my good friend Matthew Muir: "In the time honoured traditions of the Popes I shall be checking whether white smoke is rising from the chimneys of St Stephens Avenue this evening." I replied "Yes, I do feel a fire coming on, do you?" Matthew responded "Yes, a fire sounds a splendid idea. Why don't you come and have a furtive little glass of Tattinger with us at 6 pm." And so that evening, after dark, my daughter Steph and I joined Matthew and his partner James for a covert celebration.
6. Despite the embargo I could not resist telephoning my elderly father Claude, a keen fisherman, who resides at Chucks Cove in the Far North. He was overjoyed, exclaiming "There's never been a title in the family before!" When, a few days later, I told him that he could now go public as the Attorney's public announcement was imminent, Claude said "But I've already made a public announcement down at the boat ramp".

What does it mean to become a silk?

7. There is initial excitement, and a deluge of letters and emails containing good wishes. Here are a few examples:

- From my daughter Steph, an email containing a link to the Kate Sylvester new winter fashion range, with a question “Appropriate for your coronation?” I replied loftily that my black silk courtroom attire had already been determined by a long and dignified tradition. She replied “Not you, me”.
 - From an impertinent junior: “It just shows that you can make a silk out of a sow’s ear.” (He is from Wellington).
 - From Sir Edmund Thomas, at a recent law school gathering to honour one of our crop of new silks, Peter Watts QC: “Don’t worry Gillian, your turn will come eventually”.
8. Matthew Muir says that his favourite comment about his appointment was from his partner James’ sister Jill. She was effusive in her congratulations, and insisted that her fondest wishes immediately be relayed to Matthew, but was then heard whispering “Jimmy what’s a QC”?
 9. The beautiful hand-written letters that we all received from Justice Robert Chambers will be especially cherished, received as they were only a few days before Robert sadly passed away.
 10. The office of Queen’s Counsel originated over 400 years ago. The very first silk was the “great” Sir Francis Bacon. He was appointed King’s Counsel by James I in 1604. Bacon was considered the most powerful mind of his times. Unfortunately, he was not much chop as a silk. Bacon was ultimately disgraced for accepting bribes while holding judicial office. He was imprisoned in the Tower of London for four days, and was fined £40,000 -- the equivalent today of NZ\$40 million.
 11. Despite this unpromising start, the institution of Queen’s Counsel has since enjoyed a distinguished history. It has evolved over the centuries into an integral part of our judicial system, and has made the Independent Bar the force that it is today. It represents independence, integrity, ability, and industry. The initial excitement of appointment does give way to some feelings of terror at the accompanying expectations.
 12. Silk opens up new opportunities. But it is by no means the end of the journey. Attaining silk does not, of itself, guarantee future success. The Independent Bar is now highly competitive. The Inner Bar has its own rankings, from the new silks (or “baby silks” as we are known), up to the “superstar silks”. The top dogs – like Alan, Jim and Julian --are staying on longer and longer (a bit like our aging but hopefully invincible America’s Cup team). In the UK, Sydney Kentridge QC, at age 90, has only just announced that he is going from full-time to part-time. When Winston Churchill turned 90 he said “people say to me, ‘who would want to be 90 years of age’. I say to them ‘anyone who is 89’.” When eventually I turn 40 I hope to be a superstar silk as well.
 13. In many ways, therefore, attaining silk is just the beginning of a new challenge. The cases will no doubt get harder, the solicitors even more demanding, and the Judges more testing – although perhaps also a little more polite.

Senior colleagues I wish to thank

14. I would like to acknowledge and thank three people who especially influenced and helped me in my early days in the law. The first is the late Justice Brad Giles. Sadly, Brad died two years after being appointed a High Court Judge. I first worked for him as a junior solicitor at Russell McVeagh in the early 1980s. He had a prodigious intellect, a keen sense of justice, and great humanity. He could also be a tough taskmaster. It was the school of hard knocks. When I was appointed silk, Andrew Brown QC sent me a note saying “Had he still been with us, one of your old mentors, Brad Giles, would have been first in line to congratulate you!” Brad would also have told me, in unsparing detail, where I still need to lift my game.
15. It was Brad who later persuaded me to come back to the law when my daughter was still young, by creating a very flexible, part-time position for me at Russell McVeagh. This was a revolutionary initiative then, and one that was to benefit many young women after me. Years later, Brad wrote to me saying “I regard your return to the law after retiring to have Stephanie as one of my more signal contributions to the profession”.
16. The late Robert Fardell QC was my second Russell McVeagh mentor. Robert was a brilliant advocate, who had a warm, personal touch. Everyone loved working with him. He would occasionally bring his large St Bernard dog, Beethoven, into the office. I went in one Saturday to find Robert in a panic. Beethoven had entered the lift first, the doors had closed, and Robert was left behind. Following a search of the building, Robert and Beethoven were reunited on the 15th floor.
17. Robert always ensured that his juniors had substantial speaking parts when we appeared with him in court. Depending on how well we were delivering the arguments, Robert could be heard quietly sighing and groaning (sometimes with his head in his hands), or enthusiastically egging us on. It was like being at the rugby. He is greatly missed.
18. The third person I would like to thank is Jim Farmer QC. Like many others at the junior bar, I learned a great deal from observing Jim’s superb advocacy in action. But the best opportunity Jim handed me was more by accident than design. I was to present part of the oral argument in a significant competition law case in the Court of Appeal, and he was to lead. Two days before the hearing Jim rang to say that whilst out jogging he had almost been run down by a crazed woman driver, and was incapacitated. I would have to lead. Later, noting how pleased I looked, he asked “It wasn’t you driving that car was it?” Jim has pointed out that he is my only mentor who is still alive...although he was spotted last week sitting outdoors at Rosehip Café with a woolly blanket over his knees. Thank you Jim for your encouragement.

Women in the law

19. I cannot let this occasion pass without commenting on my experience as a young woman lawyer. Here is a small snapshot of the legal profession back in 1981 when I began practice as a junior solicitor:
 - there were no women partners at Russell McVeagh,¹ very few in other firms, and much resistance to the idea;

¹ Miriam Dean QC broke that glass ceiling in 1987.

- there were no women Queen’s Counsel;²
- there were no women Judges of the High Court or Court of Appeal;³
- there was no Auckland Women Lawyers’ Association;
- there was no women’s robing room in the Court of Appeal;
- there were no part-time positions to accommodate women who had children;
- women were banned from the Northern Club. The bathrooms were aptly labelled “members only”;
- there was, unsurprisingly, a high attrition rate among young women lawyers. Many were lost to the profession. Very few of my female peers are still here.

20. I have no doubt that any woman who has reached the stage of applying for silk has had a hard struggle and many disappointments. Much has improved, but we, the new female silks – Frances, me, Kate and Christine -- are still laying the groundwork. We still are ahead of the tidal wave that will come. The future is not what it used to be.

21. A snapshot today of our chambers, O’Connell Street Barristers, reveals Stuart Grieve QC (another silk superstar...and would be rockstar) as the token male among seven women. Stuart has been overheard muttering about a “legal harem”. He thinks he is Simon Cowell. He loves it.

Family and friends

22. Finally, I return to family and friends. To my daughter Steph, thanks for your love, support and sense of humour. It is not always easy having a parent who has a career as demanding as a barrister. You are a great friend. I would especially like to remember my late mother Pauline. She would have been overjoyed to have been here.

23. I will now observe the third golden rule and be gone. My warmest congratulations again to my fellow new silks, and to your family and friends who are here to celebrate with you.

² The first female silks (now the Rt Hon Dame Sian Elias, Chief Justice, and the Hon Justice Lowell Goddard) were not appointed until 1988. Women were appointed to the rank much earlier in England. Helen Normanton and Rose Heilbron were appointed King’s Counsel at the English Bar in 1949. In 1962 Dame Roma Mitchell was appointed as the first female Queens Counsel in Australia. Helen Kinnear was appointed King’s Counsel in Canada in 1934.

³ The Hon Dame Sylvia Cartwright was the first woman appointed as a High Court Judge, in 1993. Later she was appointed Governor-General.