



Law Council
OF AUSTRALIA

Ceremonial Sitting of the Federal Court of Australia to farewell The Honourable Justice John Nicholas

**Speech delivered by Juliana Warner, President of the Law Council
of Australia, Federal Court of Australia, Sydney.**

30 April 2025

May it please the Court.

I echo the acknowledgements made of the traditional custodians of the land on which we meet, the Gadigal people of the Eora Nation.

I also acknowledge the Honourable Debra Mortimer, Chief Justice of the Federal Court of Australia; Mr Peter Melican, Senior Executive Lawyer, Australian Government Solicitor, representing the Attorney-General today; Dr Ruth Higgins SC, President of the New South Wales Bar Association; all judicial officers, dignitaries, family, friends, and, most of all: Your Honour.

It is a pleasure to be with you today on behalf of the Law Council of Australia and the Law Society of New South Wales. Jennifer Ball, President of the Law Society of NSW is at another swearing in ceremony today, but wishes to join me in the celebration of the contribution Your Honour has made to the administration of justice in this country and to wish you well for your next chapter of life.

The rule of law, and particularly emerging challenges to this foundational principle of our justice system, has been occupying me of late, as the Law Council of Australia has joined with many other associations internationally to write in support of the American Bar Association, so it is gratifying to rise today to speak in this place committed to and led by individuals dedicated to upholding it.

The oath Your Honour swore as you began your 15 years of outstanding service to the people of Australia, included an undertaking to do right to all manner of people according to law without fear or favour, affection or ill will.

I think all would agree that the weighty, quality consideration you gave each and every matter that came before you reflected your aspiration to ensure you got your judgments 'right'.

Less than six months ago, we farewelled Your Honour's colleague, the Honourable Justice Yates.

The loss of both Yatesie and Nicho – as I have heard members of the profession braver than myself affectionately refer to you – is sadly noted by those who come before this Court, particularly those who specialise in intellectual property.

Your own expertise, as well as your prodigious drive to constantly learn and keep up to date, meant those who appeared before you knew better than to try and get something past you. Solid legal arguments without pomp and performance were expected.

Despite Your Honour's renowned courtesy to all who appeared before you, I know there were lawyers who always experienced a significant level of anxiety because they knew they were in the presence of a leading authority who would require counsel to be clear, concise and cut to the chase.

Over the many years Your Honour served on the Bench, you never became complacent and approached each matter with the same level of gravity and intent as you did on day one.

Your Honour has made a significant and valued contribution to the complicated and technically challenging area of law that is intellectual property and patent law.

Your intense focus on the law and the cases before you did sometimes mean that some of the everyday tasks might fall off your radar.

Someone close to Your Honour shared with me a lovely anecdote that I cannot resist repeating today. As it was told to me, Your Honour was provided with a mechanical pencil and became a big fan. You would take copious notes while engrossed in a case and as you forcefully crossed i's and dotted t's, the ends would regularly break off. One day, you mentioned to Jessie McKenzie, your Associate at the time, how impressed you were by the longevity of the pencil leads – they seemed to last forever! You were sheepishly informed that what was really happening was not that the Shoemakers Elves were fixing things over night, instead at the end of the day, Jessie was collecting all the broken bits your enthusiasm had resulted in and reloading the pencil ready for your return.

The profession holds Your Honour in great esteem.

The Law Council's Intellectual Property Committee holds an annual dinner to which judges are invited. Your Honour was a regular attendee. I can assure you that the warmth Your Honour showed the profession at these events was very much reciprocated. Your Honour's absence from these dinners is already being mourned. Your presence will be very much missed.

Your Honour has been a beloved mentor to many and a champion for early career lawyers. I understand you have been very encouraging of senior counsel giving junior counsel time on their feet and experience in court.

Your Honour's interest in and support for those you have mentored does not end once they leave your employ or complete a certain period of training. I was told a story by a colleague who worked alongside Your Honour's first Associate after she left your Chambers. My colleague fondly recalls how wonderful you were to your Associate while she worked with you and how you stayed abreast of her career and cheered her on throughout. Apparently, every time my colleague would encounter Your Honour she would be asked: "Are you looking after her?"

It is incredibly special to have so many of your loved ones here today to mark this milestone with you.

Your family is extremely important to Your Honour. You are exceptionally proud of your sons, who I believe are all with us this morning. I can guarantee your mother Betty, who is joining us online, is a proud mum herself today. I understand your sister Kim and her partner Chris have travelled from Melbourne to be here. Your dear wife Dawn, who was beside you as you were sworn-in in 2009, is of course also with us as we observe the close of your service to the Court.

Please don't ever think that the profession and community have lost sight of the fact that those who don a judge's robes, do so to be of service. The service Your Honour has provided is one we are extremely grateful for.

After all that you have achieved and how you have given back to our community, no one could criticise you for taking time now to slow down and take it easy – to even do nothing!

While I definitely wish Your Honour some much deserved rest and relaxation, those who know you best are betting that you won't sit still too long.

Aside from your passion for spending time with your family and friends, sailing and travelling – which seems plenty to keep you occupied – Your Honour is a hugely curious person who has a voracious appetite for – and just really, really enjoys – learning new things.

I am sure you will continue to immerse yourself in the topics, subjects, hobbies and past times that capture your interest in the years ahead.

Your Honour, it is a great privilege to thank you for your service on behalf of the Australian legal profession and wish you well.

May it please the Court.

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