

COMMBAR – PRESIDENT’S STATEMENT - 6 MAY 2010

- I welcome you all to CommBar’s social event this evening.
- My name is John Digby and I am currently the President of the Commercial Bar Association of Victoria.
- CommBar is delighted to acknowledge the presence this evening of Her Honour the Chief Justice of the Supreme Court of Victoria, Marilyn Warren AC.
- CommBar is enormously grateful to Her Honour, the Chief Justice for the assistance she has provided to facilitate this event, including allowing the Supreme Court’s magnificent Library to be used this evening.
- I am also more than pleased to acknowledge the attendance of :

The Honourable Justice Anne Ferguson (latest Justice of our Commercial Court);

The many other Justices and Associate Justices of this Supreme Court in attendance;

Justice Dyson Heydon;

Judges of the County Court;

Robert Clark MP, Shadow Attorney General;

The Solicitor General Pamela Tate;

I also acknowledge the presence of a Special Guest -

The Honourable Mohammad Fazlul Karim, Chief Justice of Bangladesh – here in Melbourne for an AIJA Conference.

I note amongst other apologies, the Honourable Rob Hull,

Deputy Premier and Attorney General and the Chief

Justices French and Keane and Justice Susan Crennan also

communicated that they regretted they could not be here

this evening.

I note that we have approximately 250 in attendance this

evening including many judicial officers, members of the

solicitor branch of the profession, corporate counsel and

CommBar members.

- CommBar regularly holds this event to provide hospitality to its special guests and to provide an opportunity for members of the judiciary, members of the solicitor branch of the profession and others to hear something of

CommBar's objectives and program, and to have the opportunity to meet and speak to each other.

- Since October 1994 the Commercial Bar Association of Victoria, which is now over 400 strong, has pursued a number of fundamental objects including:
 1. Providing a forum for meetings of barristers who practice in the area of Commercial Law, to foster awareness of developments in commercial law and to promote closer working relationships. CommBar now has 14 Specialist Sections.
 2. To establish a liaison with Courts and Tribunals, Government Departments and the solicitor branch of the profession in relation to relevant commercial law matters, and to do what CommBar can to assist the Courts;
 3. To liaise with and assist the Victorian Bar in respect of commercial practice and substantive commercial law issues, and assist with the Victorian Bar's CPD program.

- The CommBar devotes a very large part of its efforts to providing specialist commercial input to the Continuing Professional Development Program, which is run for all barristers by the Victorian Bar.
- Last year CommBar contributed 28 seminars and is doubling that number of seminars in the Bar's 2010 CPD program to about 50 CommBar led CPD seminars.
- CommBar has also independently initiated a regular series separate of high quality legal seminars for corporate counsel and other solicitors during the course of the year, which address important developments in the commercial law and after which CommBar organises refreshments and opportunity for those in attendance to meet, swap ideas and develop relationships.
- This is all in addition to running an excellent Victorian Commercial Bar Association web page and many other activities.
- CommBar very much believes that its contribution to assisting the Courts and fostering co-operation assists the Administration of Justice.

The Supreme Court

I also wanted to take the opportunity this evening to mention some of the very welcome initiatives which have been developed by the Supreme Court to facilitate and improve commercial litigation including:

- (i) the establishment of an even more capable and flexible new Commercial Court in January of 2009, now presided over by Justice Hansen;
- (ii) the modernisation of the Building Cases List and its procedures, as the new Technology and Construction List presided over by Justice Vickery in June 2009;
- (iii) a pronounced drive to provide even more specialised and intense management for commercial cases;
- (iv) a significant increase in the number of Judges devoted to trying commercial cases and the establishment of a very capable bench of Associate Judges;
- (v) the introduction of a docket system making the Court's process faster and more cost effective.

(vi) The docketing system is now managed by a team of in excess of 10 Judges and Associate Judges and the court is providing an array of alternative dispute resolution processes including early mutual evaluation by a Judge;

(vii) the very recent establishment by Practice Note No. 2 of 2010, of the Court's new Arbitration List G, dealing with arbitration business and presided over by Justice Croft.

(viii) finally I should note the commencement of the excellent development of first class trial courts like Court 15.

CommBar commends the Chief Justice and the Court for all the effective work which has been done in recent years to further improve the excellent commercial division of the Victorian Supreme Court.