His Honour Judge Levy sc bench farewell

monday 26 june 2023

1. **PRICE J:** I begin by acknowledging the Gadigal of the Eora Nation, the traditional custodians of the land on which this building sits, and pay my respects to their Elders; past, present, and emerging.
2. This special sitting has been convened to farewell Judge Levy SC. May I extend a very warm welcome to you all this morning. I particularly acknowledge the presence of members of Judge Levy’s family, his wife Eva, daughters Monica and Dr Phillipa, their husbands Nathan Wise and Dr Brett Lurie,and granddaughter Sophie, who I am told has been permitted to wag school. Sophie, is representing the other 5 grandchildren, all of whom are attending a school music camp.
3. I am also privileged to welcome the Chief Justice of New South Wales, Andrew Bell, the President of the Court of Appeal, Julie Ward, Justices of the Court of Appeal, the Supreme Court of NSW, the Federal Court of Australia, and other judicial officers. It is of particular significance that Acting Justice Michael Elkaim and his wife Suzanna are present. Justice Elkaim was sworn in as a judge of this Court on the same day as Judge Levy.
4. Judge Levy, you have served this Court with distinction in the Court’s civil jurisdictions for 15 years. You came to the Court in 2008. However, that was not your first experience with the Court, which is celebrating its 50th anniversary this year.
5. You worked as an Associate to his Honour Judge Humfrey Henchman QC between 1971 and 1974 – during that time the modern District Court commenced. The then Attorney General, the Honourable John Hatzistergos at your swearing-in ceremony in May 2008 referred to your talent as an associate of drawing caricatures of appearing counsel which were said to be “very apt likenesses”. But I have also heard of experiences that you had as an associate indicting an accused in a criminal trial which might partially explain your strong preference to sitting exclusively in civil matters.
6. After confidently reading a lengthy indictment at the commencement of a trial in which the accused was to be placed in the charge of the jury, you mistakenly named the Crown Prosecutor who had signed the indictment instead of the accused. The Crown Prosecutor promptly entered pleas of not guilty to all of the charges. Unfortunately, at that time, you were a slow learner as you indicted the same prosecutor on another occasion.
7. I briefly mention that you were admitted to the Bar in 1977 and were appointed Senior Counsel in 1996. Your exemplary career as a barrister was marked by your work in personal injury, medical and professional negligence.
8. Upon your appointment as a judge, you quickly embraced all of the work of the Court’s civil jurisdiction. Your prodigious appetite for work has resulted in some 1,368 substantive judgments. The word count of your published judgments on caselaw, I am informed, amounts to some 5,344,000 words. You are known for your careful and comprehensive consideration of all issues that had been raised.
9. As a judge presiding in civil cases, it was inevitable that you would develop a respectful relationship with the Court of Appeal. At times, you expressed to me your disappointment about some observations made in appellate judgments. Surprisingly, you did not approach me when your judgments were upheld which was not infrequent. For instance, appeals against your judgments in two complex medical negligence cases; *Dean v Pope* [2022] NSWCA 260 and *Dhupar v Lee* [2022] NSWCA 15 were dismissed last year.
10. When I became Chief Judge, I was unaware that you were a self-taught silversmith. During the first year of the COVID-19 pandemic, I was looking for ways to expand the size of jury rooms to ensure compliance with the 42m rule. The belief was that beside your chambers on Level 18 was a library and photocopy room. The Sheriff was alarmed to find that in that room you were manufacturing jewellery. The object that you were turning into intricate and delightful pieces was the well-known COVID symbol. Unfortunately, the room was requisitioned and your manufacturing continued off-shore.
11. You have very generously given me each Christmas Judge Levy, a fine bottle of red wine. On the bottles’ label is a picture of a black sheep with the words underneath:

“Every family has one”

1. I have been uncertain whether that was a symbolic reference to me or to you, but I do not expect you to resolve that mystery for me.
2. Your contribution to the Court has not been confined to the production of civil judgments. You have been a member for some years of the Law Society’s Alternative Dispute Resolution committee.
3. Your warm personality coupled with a sense of humour and willingness to listen made you a mentor for many judges. You are a consummate gentleman. These characteristics, together with your commitment to the work of the court and dedication to justice endeared you to all of us who have served with you.
4. May I also express my thanks to Dulce Lelo, your associate. Dulce was your personal assistant whilst you were at the Bar. You both have made a formidable team.
5. Judge Levy I am aware that you are not ready to leave your judicial career behind and dedicate yourself to your undoubted ability as a silversmith. I am pleased that the Attorney General has appointed you to be an acting judge.
6. Accordingly, on behalf of your colleagues, I wish you and Eva a very happy semi-retirement.

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