

## **Welcome Speech to Justice Michael Kent SC**

by Deborah Awyzio, President, FLPA

presented on 12 July, 2011 at the swearing in of Justice Kent

I am honored to speak as President of the Family Law Practitioner's Association (Queensland) to welcome His Honour in his Appointment to the Family Court of Australia.

As we have heard, His Honour was admitted as a solicitor in 1983 which co-incidentally is the year that His Honour Justice Barry was appointed to the Bench of the Family Court. His Honour Justice Barry took time in his recent retirement ceremony to make mention of His Honour and congratulate him on his well deserved appointment.

This sentiment is mirrored by the Executive and members of the Family Law Practitioners' Association. I have been contacted by many of our members who have been in no way reluctant in expressing their respect for His Honour.

This is best reflected by quoting directly from our members :-

- "As a mediator he was always kind to people but firm. He worked very hard with people and didn't avoid the blunt conversation when it was required."

- “I think the words that best describe His Honour are thoughtful, well prepared and compassionate. To me as a young practitioner, he was supportive and kind.”
- “As an instructing solicitor, I would describe Michael as reliable, honest and respectful. With clients he is firm but fair and respectful, allowing clients to retain their dignity in a jurisdiction which too frequently denies them that.”
- “As a mediator, I admire His Honour’s empathy, innovation and preparation.”
- “His Honour was an extraordinary mediator. In the last couple of years he was the number 1 mediator of choice in relation to all big money matters. He could settle the unseizable.”
- One of our more technological advanced members blogged, “A strong appointment”.

As is the case with all strong appointments, it leaves a hole in the ranks of the profession. A particularly eminent member of FLPA commented that he will be able to get more mediation work now that His Honour has moved on and stated that his Honour had been most helpful in suggesting future marketing angles for him. One suggestion being that our member could tell everyone he had “Learnt at the feet of the Master.”

This same member then provided me with a direct quote about his feelings for His Honour – stating “Humility is not his strongest suit.”

The Family Law Act provides that a person shall not be appointed as a Judge unless by reason of training, experience and personality, the person is a suitable person to deal with matters of family law.

His Honour clearly meets all these requirements and then some. We have heard about his Honour’s distinguished career leading up to his appointment. Some other qualities that his Honour possesses include:-

- His ability to make people faint. Now I know you would all immediately think this has to do with His Honour’s charm and appeal, but I am talking about fainting caused by the more useful skill of cross-examination. His Honour earlier in his career appearing as counsel for independent children’s lawyers had an uncanny knack of asking very few, but clearly pointed and critical questions of witnesses causing them to faint in some show-stopping performances.
- His ability to act as a symbol of good behaviour. One of our members who shall remain nameless relates that there was a three week trial in 2007 before a now retired Judge (well supposedly retired), where His Honour was briefed to represent a third party and the Husband and Wife were represented by two of the more flamboyant members of the bar who advocated for their clients passionately, including finger

pointing, raised voices and demands in what has been reliably described as “fire and brimstone tactics”. The behaviour of His Honour’s two opposing counsel was such to warrant a terse speech from the Bench about how game playing and posturing would not be tolerated and counsel was informed that if it crept into the trial again a garden gnome would appear in the court room to remind counsel to be better behaved. The appearance of the gnome was required on a couple of occasions sometimes just peeking over the bench and sometimes in full view. Those who saw the gnome remarked about the gnome’s uncanny likeness for His Honour.

Your Honour has been respected as senior counsel and a mediator in our profession and the members of FLPA look forward to appearing in front of you and have you now adjudicate rather than mediate our client’s disputes. Your qualities speak for themselves and as President of FLPA I sincerely welcome your appointment to the Bench.