

***SPEECH ON THE OFFICIAL NAMING OF JAMES COOK
UNIVERSITY LAW SCHOOL'S CULLINANE MOOT COURT
WEDNESDAY, 31 MAY 2006***

by the Hon Justice Margaret McMurdo*

What a delight and honour to be able to officiate this evening during the Court of Appeal's 2006 Northern Sittings at the official naming of the Cullinane Moot Court.

Amongst the meanings given to the word "moot" are "an early assembly of the people exercising political, administrative and judicial powers". It is fitting to remember at this ceremony that for tens of thousands of years the local Indigenous inhabitants, the Bindal and Wulgurukaba tribal groups, have had "moots" in the sense of assemblies and ceremonies, not completely unlike this, in the organization of their traditional society on these lands.

A moot court is now a common feature of the modern Australian law school. It provides a mock courtroom for law students to practise conducting hypothetical legal cases. The many prestigious local, national and international moot competitions conducted annually mean that moot courts have almost become an essential part of a law school. The discipline of preparing mock cases and arguing them in a courtroom situation is excellent training for lawyers in both written and oral advocacy, traditionally one of the key roles of the independent legal profession in a democracy.

The naming of this Moot Court after Justice Cullinane is inspired. JCU's would-be advocates could not have a better North Queensland role model. Justice Cullinane identifies as the North Queenslander he is. He was born in Hughenden in 1941 and educated there and in Cairns, apart from a short stint at the University of Queensland (in those days the only Queensland University with a law school). Since 1967 he practised and worked in North Queensland as a barrister, a period of 26 years, and more recently as a Supreme Court judge. He occasionally heads south to sit on the Court of Appeal in Brisbane, to holiday or to follow the fortunes of one of his beloved race horses, but he is unquestionably a North Queenslander. Justice Cullinane's commitment to, and skills in, legal advocacy in North Queensland are legendary. In 1982 his superior advocacy skills were recognized by his commission as Senior Counsel. He was the first North Queenslander to take Silk. He became the North Queensland Bar's acknowledged leader in every sense. At his swearing-in as a Supreme Court judge in 1992 the then Attorney-General referred to the high esteem in which he was held by dint of his legal learning, the force of his advocacy, his enormous energy, broad practice and unquestioned reputation of a man with the courage of his convictions.

Justice Cullinane's involvement with the Law School at James Cook University goes back to the inception of the Law School when he was a member of the Steering Committee formed to seek its establishment. He was for many years a member of the Law Faculty Board. From 1993 until 2005 was a member of the Council of James Cook University. He has been an

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honorary lecturer in comparative law at JCU Law School and since 1999 has been and continues to be an Adjunct Professor of Law.

The transition from Bar to Bench is seldom easy and in Justice Cullinane's case, at least initially, it seems that his advocacy skills did not transfer with him. It was widely reported in the media that in the criminal trial of *R v McGrath* a few months after his appointment, Mr McGrath found the judge's summing up to the jury so tedious that Mr McGrath interrupted it with a loud snoring noise from the dock. Perhaps this was simply proper recognition by the judge of his new role: as a judge his task in a criminal case was not to advocate but to take a neutral role in explaining the law to the jury. The advocate's flourish was, nevertheless, not far away because Justice Cullinane very quickly gave a light-hearted apology to Mr McGrath for giving such a soporific charge to the jury before, as the Sunday Mail of 16 May 1993 reported, giving him "... ample time to catch up on his reading and shut-eye. He was found guilty and sent to the slammer".

At his swearing-in in 1992, Justice Cullinane predicted that the future decades in which he would be a Supreme Court judge promised to be an exciting time in North Queensland for the legal profession. That prediction has proved right. The position of Far Northern Supreme Court judge based in Cairns has been created and an additional District Court judge appointed there. The legal profession has grown correspondingly. One of the biggest changes in that time to the legal profession has been the expansion of the James Cook University Law School here and in Cairns, something with which Justice Cullinane has been closely associated. Another exciting development is this, the Law School's state of the art Moot Court.

I predict and hope that the JCU law students will use this well-designed, well-equipped Moot Court to hone their intellectual, legal and advocacy skills and as legal practitioners continue to use these skills for the benefit of the legal profession and the community.

They could not have a finer role model than Justice Kerry Cullinane after whom this Moot Court is officially named.