

The Hon Justice Arthur Robert Emmett

The degree of Doctor of Laws (*honoris causa*) was conferred upon the Hon Justice Arthur Robert Emmett, at the Faculty of Law graduation ceremony held at 4.00pm on 22 May 2009.



Pro-Chancellor John McCarthy QC conferring the honorary degree upon the Hon Justice Arthur Robert Emmett, *photo, copyright Memento Photography.*



The Hon Justice Arthur Robert Emmett after the conferring ceremony, with the Dean of the Faculty of Law, Professor Gillian Triggs, *photo, copyright Liz Cartwright.*

Citation

Pro Chancellor, I present Arthur Robert Emmett for admission to the degree of Doctor of Laws (*honoris causa*).

Arthur Emmett is a distinguished and senior judge of the Federal Court of Australia, having been appointed to that Court in 1997. He was educated at North Sydney Boys' High School and this University. Before his appointment to the Federal Court, he had been a solicitor for 11 years and a member of the New South Wales Bar for 19 years. His accomplishments at the Bar were acknowledged in 1985 by his appointment as one of Her Majesty's Counsel. It was at the Bar, in 1987, that Arthur Emmett was to be one of the counsel in

the very last Australian appeal to the Judicial Committee of the Privy Council in *Austin v Keele* (1987) 61 ALJR 605. He is thus a link between the judicature of the Commonwealth, created in accordance with the Australian Constitution, and the courts of England from whom our courts derive their strong traditions of professional excellence, independence and impartiality.

Yet it is not for his judicial or professional service, as such, that the University honours Arthur Emmett at this ceremony. Nor, as such, for his enormous accomplishments in the practice of law. The reason lies elsewhere.

Arthur Emmett is a distinguished alumnus of the Sydney Law School, where he undertook studies in the subject of Roman law, which had then only recently ceased to be a compulsory subject for the undergraduate degree. The subject was the first insight that young law students received into comparative law and the wealth of differing approaches to legal questions and their analysis. From the moment he first undertook the study of Roman law, Arthur Emmett perceived its fascination as a system of intellectual taxonomy; its importance in the influence it still enjoys in the legal traditions of civil law countries; and its utility to our own legal tradition, in reasoning by analogy when resolving difficult questions.

Such was Arthur Emmett's devotion to legal scholarship and teaching that for thirty years he has repaid his intellectual debt to the Law School by teaching successive generations of students. He began this service in 1978, lecturing in real property until 1982. In 1980, he commenced teaching Roman law. A decade later he was appointed Challis Lecturer in that subject. He offered his lectures on a voluntary basis because this was the only footing on which the University could continue to offer the subject for those students wishing to undertake it. This is a remarkable gift to the University of Sydney. It has been treasured by the cohort of students who undertook studies of Roman law and greatly valued by the Faculty for enriching the curriculum it could offer.

In his writings as a judge, Arthur Emmett occasionally offers what is now a rare insight into Roman law analogies to current Australian legal topics. By doing so, he teaches once again the continuity of legal analysis, back to ancient times. But he also shows the utility of comparative law and reasoning by analogy, which is one of the strengths of the common law judicial technique.

Far from being an addict to ancient ways, Arthur Emmett is a judge of the current age. He is respected and valued by his judicial colleagues as he is loved by decades of lawyers whom he has taught. In the courts, he is a convivial companion, organising luncheons that bring together Federal and State judges, always informing them of the Roman holiday most proximate to the date of their meetings. In the law today, this small touch of happy eccentricity is greatly valued. Moreover, it provides a healthy antidote to the insularity of the common law and to any risk of antipodean mental isolation.

For his long-time and distinguished service to the University in the teaching of law, particularly of Roman law and for the example he has given as an alumnus of the Sydney Law School,

Pro Chancellor, I present the Honourable Arthur Robert Emmett, Bachelor of Arts and Master of Laws of this University for admission to the degree of Doctor of Laws (*honoris causa*) and I invite you to confer the degree upon him.