

**Address by Natalie Walker on behalf of the Attorney-General for the swearing
in of James MacGillivray as a Judge of the High Court at Auckland
15 August 2025**

E te whare e tu nei, Tāne-Whakapiripiri, tēnā koe
E ngā mate, kua whiti atu ki tua o te ārai, haere, haere, haere atu rā,
E te urupā o rātou mā, e ngā kanohi ora, tēnā koutou, tēnā koutou, tēnā koutou katoa

Tēnā e te Kōti, may it please the Court.

To this beautiful building, the people within it, and to those who have gone before us.
To you Chief Justice, to past and present members of the judiciary, to senior counsel,
distinguished guests, court staff, colleagues, whānau and friends. And to our newest
Judge, greetings to you all.

I especially acknowledge the new Judge's family - your wife Jennifer and your four
children. I understand today is the first time, in a long time, you have all been in the
same place at the same time. What a happy occasion for a family reunion.

It is a great pleasure for me to appear today on behalf of the Government, as Your
Honour takes the oaths of office as a Judge of the High Court. The Attorney-General
is unable to be here and sends her apologies, but also extends to you and your family
her warmest congratulations and very best wishes on your appointment.

As the Government's representative today, it falls to me to introduce you in a formal
sense to the judiciary and the profession, but more importantly to the public, and to
proclaim your credentials.

Your Honour graduated from the University of Auckland in 1994 with a Bachelor of Laws and Bachelor of Arts in History. Your classmates at Auckland Law School voted you (alongside Justice Mount,) most likely to become President of the Court of Appeal. This was in 1994, before the establishment of the Supreme Court, so quite the compliment.

Your first law job was as a summer clerk at Bell Gully's Auckland office. One of the partners recalled meeting you at a social function for the new clerks. While everyone else was talking about sports, he asked you if you read books. You said you did. He felt a kinship. The conversations which followed led him later to reflect that you were "the most literary person [he'd] ever met". Your Honour is well known for being a voracious reader.

You were admitted to the bar in 1995 and stayed at Bell Gully for the next five years. As a young lawyer you stood out as someone with superior abilities and were regarded by your seniors as the "most amazing junior". Everyone wanted you on their files. Even then, in the early stages of your career, you appeared numerous times in the High Court and Court of Appeal, representing clients ranging from banks to small aviation companies to major airlines. The six-page appendix to Your Honour's CV records the impressive breadth of Your Honour's litigation career. Over 29 years you have been leading or junior counsel in three cases in the Supreme Court, 17 appeals in the Court of Appeal, 23 High Court trials and 70 High Court originating or interlocutory applications that have resulted in reserved decisions. You have also appeared in the District and Family Courts, in commercial and local government arbitrations, and in adjudications under the Construction Contracts Act. You are, as one KC described, "a genuine commercial lawyer with real trial experience". Your time at Bell Gully was just the start of this.

You left Bell Gully in 2000 as an Associate, and headed to London, where you worked as a Senior Associate in the Litigation team at Freshfields Bruckhaus Deringer. You were highly regarded there too and destined for partnership, but in 2004 you felt the call to home. It was our gain that you answered it.

A return to Auckland was not, however, inevitable. You had a young family by then and the beautiful Waikato had obvious appeal. You moved to Hamilton but had to reinvent yourself there. I'm told Your Honour's experiences in London representing large multi-national corporates drew "blank stares" in Hamilton. But you found a new home at Tompkins Wake, where you: developed a practice involving fencing and sharemilking disputes, local government law, and relationship property claims (among many many other cases). You stayed at Tompkins Wake for the next 20 years, joining the partnership in 2006, and having many career highlights in that time. You acted against Fonterra in proceedings before the Commerce Commission, the High Court, the Court of Appeal and the Supreme Court, successfully challenging (under the Dairy Industry Restructuring Act) Fonterra's refusal to supply milk to a processor (who intended to contract out processing to a third party). For 14 years you were a principal legal adviser to the Hamilton City Council, advising and representing them (as well as other territorial or regional authorities) in matters ranging from their powers and duties under the Local Government Act, to tendering, rating, disputes relating to roading, water rights and electoral law.

Since 2010 you have been involved with WaikatoLink (as director and then chair) – this is the IP commercialisation arm of the University of Waikato. Its aim is to commercialise innovations and ideas to make social, economic or environmental impact in the Waikato and New Zealand. Last year, you were awarded the University of Waikato Medal in recognition of your contribution to WaikatoLink, to the university (including as a part-time lecturer) and to the wider Waikato community.

In 2020, you graduated with a Master of Laws with First Class Honours from the University of Auckland, receiving the Fowlds Memorial Prize for Most Distinguished Masters Student. In between time you have also gained proficiency to level 4 of te Wānanga o Aotearoa's te reo Māori language course.

Your Honour has quietly and modestly worked away in the law and the community for nearly 30 years gaining respect from all quarters. You have developed a reputation for being a first-rate advocate and adviser, highly regarded for your keen intelligence and thoughtful and measured approach to cases. One friend describes you as the "perfect weigher-up of facts". At Mills Lane Chambers —where your feet barely settled under the desk before your appointment was announced earlier this year — your colleagues describe you as clever, thoughtful and naturally judicial in your style. You are kind, compassionate and lack ego (relative to the rest of us, at least), and are well known as someone who always makes time to mentor and train young lawyers. The worst thing one colleague could say about you is that you're "one of those people who was middle aged at 22 and hasn't done anything stupid or embarrassing since. The Chief Justice will be delighted to hear that.

Criminal law and the work of Crown Solicitor offices like ours will form much of Your Honour's new diet of work. Although Your Honour is not yet familiar with the criminal law, its processes, or the very visceral moments that often occur within criminal trials, you clearly have the necessary skills, character and care to do justice to them.

The Government has every confidence that Your Honour will be an outstanding Judge. We wish you much happiness in your judicial work.

Nō reira, huri noa ki tēnei whare, tēnā koutou, tēnā koutou, tēnā rā tātou katoa.
Nōu te mana o te Kōti - May it please the Court.