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LEGAL RESEARCH PROJECT

SIR JOHN LATHAM AND THE HIGH COURT

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The career of John Greig Latham is in many ways the most extraordinary in the history of legal practice in Australia. In just under 50 years, Latham encompassed virtually every facet of the legal profession: student, and teacher of contracts and personal property; articled clerk, barrister and ultimately a leading silk at the Melbourne bar; twice Attorney-General of Australia; for 16 years Chief Justice of Australia. This remarkable career was closely intertwined with a political life of comparable achievement. The peculiar fascination of Latham lies in such a blending of the law and politics. There have been other political lawyers whose careers have been comparable in some respects with Latham: Isaacs, Barwick and Murphy are three obvious examples. Menzies was a more distinguished politician and barrister than Latham, but his career was crowned with politics and not the High Court bench. Only Evatt with his substantial scholarship, his distinction as an advocate, his term as Federal Attorney General, his contribution to international jurisprudence, and his long term on the High Court (although he did not become Chief Justice) in any way rivals Latham.

It is not intended in this brief paper to display the full range of Latham's legal career or to submit it to any intensive scrutiny; this would require a major study (1). Rather it is intended to focus on two aspects: the close relationship between law and politics in Latham's career as exemplified in his attitudes to the Communist Party and the defence power; and secondly the evolution of Latham's conception of the High Court of