

The Parramatta Bar – definitely not the lost tribe

By Chris Winslow

Parramatta barristers are a contented lot. Rena Sofroniou and I were recently dispatched by the Editor of *Bar News* to the geographic and demographic heart of Sydney to see what life is like for the members of a Bar that is technically ‘regional’ yet thoroughly urban.

On a warm October afternoon David Carter, Paul O’Donnell, James Viney, John Wilson, and others gathered in John Wilson’s room in Lachlan Macquarie Chambers – formerly owned by Norm Delaney (now Judge Delaney), overlooking the Parramatta District Court building. The welcome was hearty and we would have recorded this as an interview except that everyone was talking over everyone else in their enthusiasm. Cynics might suggest that the lost tribe of Parramatta was pleased to have attracted some otherwise elusive attention of Phillip Street and the Sydney CBD. They would be mistaken. Rather, what clearly emerged from our chat was a picture of flourishing suburban barristers who have elected to practice in Sydney’s west, not because they have been forced to the fringe by economic pressures, but in order to enjoy the undoubted quality of life such practice affords.

Western Sydney’s regional Bar

In the early 1990s, *Washington Post* journalist Joel Garreau wrote about the profound social and economic changes brought about by the growth of ‘edge cities’ in the United States. ‘Edge cities’ referred to major suburban retail and business districts that had developed into commercial centres in their own right, complete with their own suburbs, known as ‘exburbs’. Transport statistics and recent census data show that Sydney has developed along much the same lines. Far more people live and commute between ‘edge cities’ like Penrith, Liverpool and Parramatta than from any of them to Sydney CBD.

We imagine that none of this would surprise the barristers of Parramatta. The fifty or so members of the Parramatta Bar, together with their clients and briefing solicitors, live and work in locations across the sprawling suburbs and edge cities around Sydney. Barristers who have chambers in Parramatta live in suburbs as scattered as Blue Mountains in the west, Kenthurst in the north west and Newport in the north. They may, however, be briefed to appear in matters before the District Court in Campbelltown, the Family Court in Parramatta or Wollongong or the Local Court in Penrith or Gosford.

‘One of the big differences between a practice here in Parramatta and one in the city is that we spend more time in our car, often driving to and from court sittings’, said David Carter.

Urban decentralisation initiatives by state and federal governments, combined with the westward shift of Sydney’s demographic centre have resulted in the central business district of Parramatta becoming a vibrant legal precinct. Although the NSW Supreme Court no longer sits in Parramatta, several Family Court judges and two federal magistrates are located in the imposing Commonwealth Law Courts Building. Local and District Courts, the Tenancy Tribunal and the Workers Compensation Commission and Court are housed in the vicinity. This concentration of courts and tribunals is something that will probably be reinforced in the next couple of

years when the Police headquarters are relocated from Sydney’s Surry Hills to a new complex located adjacent to Parramatta railway station and by the possible construction of a new specialist Children’s Court complex to replace such ageing facilities as that currently located at Cobham.

Family law is the mainstay of the Parramatta Bar, followed by criminal law and personal injury litigation. In contrast to Phillip Street and the Sydney CBD, the Parramatta barristers report that their respective practices tend not to involve any substantial amount of equity work. Perhaps as compensation for this, they enjoy instead practices featuring a number of comparatively interesting and worthwhile jurisdictions such as RSPCA and other animal protection work, child protection matters, mental health advocacy and Defence Act cases.



Parramatta city by the river. Photo: Stephen Cooper / News Image Archive

Barristers at Parramatta appear to be briefed mainly by solicitors whose offices are located in the greater western suburbs. Briefs do flow west from the city, but mainly in family law. Of course, there will be occasions when Parramatta barristers will be appearing in court in the city or will be led by a silk. For that reason, it is usual for them to build relationships with chambers in the city – such as Frederick Jordan Chambers – from which they can select silk to lead them from time to time.

A legal precinct with a village atmosphere

Although we have observed that Parramatta is the geographic and demographic heart of Sydney, its members are convinced that it actually possesses the most desirable qualities of a regional Bar. Many of the more senior members of the Parramatta Bar, including the late Peter Sheldon, John Shaw, Peter Naughtin and Rob O’Neill began practising in the Sydney CBD, but decided to make the move out west. That said, Parramatta bares little resemblance to the arguably defensive escapism (until further reasoning proves otherwise) of a ‘sea-change’ destination like Lismore. Nor do the Parramatta barristers conduct a ‘country practice’.

Perhaps it is a ‘Goldilocks Bar’: not too big, not too small: but ‘just right’. The Parramatta Bar is comprised of around 40 members in two principal chambers: Lachlan Macquarie

Chambers, which has 26 barristers, and Arthur Phillip Chambers, with 15. In combination with the nearby courts and solicitors' offices, they form a distinct legal precinct, but one which has an informal atmosphere. David Carter likens it to a village.

'I read David Marr's book about Garfield Barwick, and he describes Phillip Street in the 1930s. That is what it is like here', said Carter. 'If you walk up and down the street you see judges and they come up and talk to you. All our solicitors are here buying their lunch. It's still a wonderful city.' John Wilson agrees, 'You have to say it's more relaxed out here. By the time you have been here a year, you know every other barrister, magistrate and judge pretty well.'

The barristers at Parramatta have a social circle all of their own and have replicated many of the traditions and ceremonies of the Sydney CBD, albeit on a smaller and more personal scale. A service is held at one of the three major churches in the area, Leigh Uniting Church, St Patrick's Cathedral, or St John's Anglican Cathedral, to mark the beginning of the law term. There is a regional Bench and Bar Dinner each year and, of course, there is a Melbourne Cup lunch. Interestingly, outside of work hours,

there is less socializing: the geographic dispersal means that they tend not to bump into each other at their children's school sporting days!

Members of the local judiciary are regularly entertained in chambers and when a Parramatta barrister is elevated to the Bench, colleagues hold a small and informal gathering for dinner or drinks. Some commented that these functions were the way 15 bobbys were intended to be. It is not surprising therefore, that a good professional rapport exists between Bench and Bar.

In a speech delivered at the ceremony to mark the swearing-in of Mark Le Poer Trench as a judge of the Family Court, Harrison SC noted another, more poignant reason for the camaraderie of the Parramatta Bar. They are, he said, 'a tightly

knit group of practitioners. That closeness was historically forged, at least in part out of the violent and tragic events involving, or at least directed at, some members of [the Family Court] in the early 1980s'.

By now, the obvious question being asked by every Phillip Street practitioner is: 'This is all well and good, but *how* precisely can they possibly reproduce the old world charm and ambience of the Bar Common Room?' One respondent laughed and shot back a reply, 'That stumped us for a while, but now we just pull down the blinds and turn off the air conditioning'.

'And we each bring in the worst paintings we can find,' added someone else.

'Nobody's struggling'

The barristers in Parramatta may have elected not to join the high fee, high-pressure environment of Sydney, but how do they fare, both in terms of fees and quality of their surroundings? Are there any financial benefits to practising in Parramatta, in terms of their costs and what do they get for their money?

The Parramatta Bar is perhaps distinct in one respect. Both Lachlan Macquarie Chambers and Arthur Phillip Chambers own their own free-standing buildings. Lachlan Macquarie Chambers occupy a squat, 1920s art deco structure, adjacent to the District Court building, which was once a branch of the Rural Bank (later State Bank). Arthur Phillip Chambers purchased and renovated the

former Public Trust Office building. Lachlan Macquarie now own their building outright. The interviewees were rather coy about the financial advantages that this affords, but they do believe it makes it one of the cheapest chambers in Sydney in which to practice.

However modest their costs in comparison to their city based counterparts, it was clear that Parramatta barristers enjoy spacious surrounds. Rena was certain that the readers room at Lachlan Macquarie, which was spacious and included a window, violated a long standing tradition of broom-closet style accommodation. She was equally incredulous at the sight of a garden terrace adjoining David Carter's chambers and is feverishly scrutinizing the *New South Wales Barristers' Rules* for possible breaches with respect to 'unwarranted comfort and amenity'.

So it's comfy - but is there enough work to go around? The state government's drive for so-called 'tort law reform' in personal injury, medical indemnity and workers compensation litigation seems to have washed over the Parramatta Bar with little effect. To the best of their knowledge, those we spoke to could think of only one barrister who practised solely in workers compensation and personal injury.



Old Government House in Parramatta Park. Photo: Bob Baker / News Image Archive

Nor does the issue of direct access and competition with the solicitor branch of the profession seem to cause any consternation. Direct access is determined largely by the type of brief. For example: the structure of family law cases, the mainstay of the Parramatta Bar, is such that they are rarely done through direct access. Conversely, a drug case from Cabramatta, for example, may be.

'The reality is you can make a good quid at a regional Bar and still enjoy a good lifestyle', said James Viney. 'We don't know anybody who's struggling.'

Both Lachlan Macquarie and Arthur Phillip Chambers are currently without a reader. David Maddox, Head of Arthur Phillip Chambers, was keen to point out that a reader who would do 'mentions, motions and devilling' would be most welcome.

A junior Bar

In April 1788 Governor Phillip selected a site for the development of Parramatta, and in November of that year the first settlement began at what is now Rose Hill. Parramatta has staked its claim to being the country's oldest city, and boasts more heritage listed buildings and historically significant sites than even the Rocks district at Circular Quay. Included among these are the nation's first cemetery (at St John's Cathedral) and the first surveyed street (George Street). Old Government House, in the

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centre of Parramatta Park is the oldest public building in Australia. Elizabeth Farm, built for John Macarthur in 1793 is the oldest private building in the country and Lancer Barracks is our oldest existing military establishment.

It therefore comes as something of a surprise to learn that, despite its historic surrounds, the Parramatta Bar is a comparatively new institution. Rob O'Neill, believes that it was not until 1961, when Russ Cox founded a private practice based mainly on criminal law, that counsel began practising specifically in Parramatta.

Attempts to account for the comparatively recent advent of a fully-fledged regional Bar are made difficult by the fact that published historical material has been quite limited. Dr J M Bennett's *History of the New South Wales Bar*, published in 1969, has only a single, passing reference to Parramatta. This situation was partly remedied by Geoff Lindsay's recently published book on the NSW Bar¹, in which Rob O'Neill wrote a section about the history of the Parramatta Bar.

David Carter thinks the explanation lies in the nature of the work available there prior to the formation of the Family Court. The Supreme Court has not sat in Parramatta for more than twenty years, but when it did, most of its work was in the form of murder trials, which were conducted mostly by crown prosecutors and public defenders.

Despite its 'youth' the Parramatta Bar does not lack pedigree and has started to produce its fair share of appointments to the Bench. *Inter alia*, Norm Delaney was appointed to the District Court (1998), Bob Manser to the Compensation Court and to the Family Court Bench have gone Ian Coleman (1991), David Collier (1999) and Mark Le Poer Trench (2001).

Despite the obvious talent that resides in the Parramatta Bar, it has been able to count only a handful of its own among the ranks of senior counsel. Russ Cox, the 'founding father' of the Parramatta Bar, took silk in 1978, but died not long after in 1985. Happily, when *Bar News* paid a visit to Lachlan Macquarie Chambers, a celebration was imminent following the inclusion of Robert Harding in the list of 2002 silks. Although he is now in Culwulla Chambers in Castlereagh Street, Harding built up his family law practice at Arthur Phillip Chambers in Parramatta.

So why are there no practising silks at Parramatta? We expected to tap into a well-spring of discontent towards Phillip Street. Instead, the equanimity of John Wilson's response was typical.

'If anybody had the pretensions to become silk they would go into the city and try and achieve it', he said. 'More to the point, there simply isn't the market for a silk to be out here all the time. If you take the Family Court as an example, most of the cases we have are what we call 'house and garden cases'. The main asset is the house, so its only \$300,000 that has to be divided between the parties. That doesn't make a silk. When there is a case involving \$10 million, which happens five or ten times a year, then a silk would be brought in.'

Aha! We hear you cry, but what about the percentage of women? We discovered that there are five women barristers practising in Lachlan Macquarie and Arthur Phillip Chambers; approximately the same proportion as it is for the NSW Bar as a whole.

Tyrannies of traffic, if not distance

There is a perception held by some of those with whom we spoke that, despite being less than 40km from Phillip Street, the

practical difficulties associated with attending committee meetings and social functions in town are enough to prevent them from being more closely involved in the social and 'political' life of the Bar.

'At one time I was on the ADR committee and I think I got into one meeting. It's almost impossible to make it into town by 5.00pm. It's just not going to happen', said Peter Dooley.

To this situation has been added the requirements of mandatory continuing professional development. The Parramatta Bar has responded enthusiastically to CPD and was well represented at the first conference held in the Hunter Valley in April of this year. On 24 October a CPD mini-conference was held at Parramatta. Those who spoke to *Bar News* were generally pleased with the arrangements made by the Bar Association to bring CPD to regions, such as distribution of video recordings of CPD seminars and mini-conferences. When videotaped CPD conferences are played at a gathering in chambers, where issues are discussed and questions are sent to the presenter, attendees will earn CPD points. Yet for the members of the Parramatta Bar, this situation may still be problematic. As mentioned before, the geographic dispersal of their home and practice across the suburbs may mean that they do not return to chambers in the evening following a court appearance in Campbelltown or Penrith. Thus, there was a feeling among those we spoke to that they will only be 'getting across the line' and little more.

'The best life in the world'

At one point in our conversation the enthusiasm on the part of the local barristers to convey to us the benefits of practising in Parramatta was slightly tempered by the concern that they should not be too encouraging. The fear was that too many people may come to enjoy Parramatta as well. They are convinced that being a barrister at their Bar is still the best life in the world. 'When you are not in court you can enjoy lunch at one of the fine restaurants on Church street', said David Carter. John Wilson summed up the mood in a way that would appeal to those who believe in reincarnation: 'It's the best life I've had so far'.

¹ Geoff Lindsay and Carol Webster (eds), *No mere mouthpiece: Servants of all yet of none* (Sydney, Butterworths, 2002)