

John Coombs QC (1937-2007)



Graham Ellis, who worked on many cases with John, was the last of four speakers at the function held to celebrate John's life after he lost his battle with cancer on 16 July 2007. The following is an edited version of his speech on that occasion.

The funeral notice for this function appeared on the NSW Bar Association's web site above a paragraph headed 'Federal Court seminar on litigation funding'. That served to remind me that Coombsie commonly used his own form of litigation funding: no win – no pay. The fact that he made a good living under that system is testimony to his skills as an advocate.

I first appeared as his junior when the barrister with whom I read, Justice Hulme (as he now is), took silk and passed me a junior brief for the defendant in *Southland Mining v QBE*, a case in which our opponents were AM Gleeson QC and R Giles (as they then were). Not long after, we spent two years working together as Counsel Assisting the Evatt (Agent Orange) Royal Commission.

Apart from courtroom duties, being John's junior included jogging through Lenin

Peace Park in Hanoi, down to Fisherman's Wharf and back up Nob Hill in San Francisco, around Darwin in summer and along the banks of the Yarra in winter not to forget swimming laps in rock pools near Sydney. Despite being 16 years younger, as I was tiring John was changing from freestyle to butterfly. For many years he took pride in swimming, on his birthday, a lap for each year of age. There was also the memorable occasion when his squash partner, Don McCredie, was unavailable. Being unaware that John had two university blues for squash and having no suitable shoes, I offered to play him in bare feet. The final score was 3-2 (meaning he won all three games and I had two blisters).

I recall being invited to the fancy dress birthday party of his daughter Dom to which I wore a Herman Munster mask. For the equity practitioners I would say that the interior surface of the mask, when co-mingled with perspiration, developed adhesive qualities. To those who practise in common law: after dancing with Dom I worked up such a sweat that the mask stuck to my face. To this day I do not know whether John's suggestion that I drive home with the car air-con in high was borne of a genuine belief that would solve the problem or of the fact that, at that time, there was a random breath test facility establish close to his home.

One morning, during the life of the Agent Orange Royal Commission, I fielded a call for John from the Headmistress at Abbotsleigh. Peta, another one of the four daughters John loved, was in the office of the Headmistress, accused of forging a note from her father which she had presented when she arrived late for school. When I was told that the note read: 'Because her father is an unpunctual slob, Peta is late for school'. I was able to give two reasons why the note was written by John, not Peta. First, as I had been working back at John's home that night and had stayed over, I had seen John write the note. Secondly, that Peta, a student of Abbotsleigh, would not start a sentence with the word 'Because'.

John also adored his grandchildren. I well remember the time when he rang me up to boast: 'My grandson just beat me at

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snooker' from which I deduce that either there is a snooker prodigy amongst those grandchildren or that one of them is well on the way to misspending his youth.

Over the years, John and I became involved in each other's cases. We were briefed to appear in the High Court together on three occasions. The first time he turned up with his robes. The second time he turned up without his robes. The third time he didn't turn up – an experience which I feel no junior should ever miss.

Although John appeared in a wide variety of cases, including commercial, industrial and building disputes, I gained the firm impression that he gained the most professional satisfaction in cases where the liberty of the client was at stake and from obtaining just compensation for accident victims. Indeed, I can recall one case where the outcome was a multiple of the insurer's offer inclusive of costs, plus an order for costs.

Perhaps the best example of John's devotion to the rights of accident victims was when he worked for the abolition of TransCover and WorkCover and for the introduction of the Motor Accidents Act. Nor should it be forgotten that John did more than his fair share of pro bono cases. He commonly received 'thank you' letters from his clients, be they plaintiffs in personal injury matters or defendants in criminal cases.

John also resuscitated cases for members of the junior Bar, often after they had commenced. On one occasion he dropped everything and came to PNG to assist me in the conduct of a commission of inquiry. During that visit we had lunch at a restaurant where he ordered a fruit pizza and his advocacy skills were such that he managed to make it sound delicious when he wrote of that meal in his 'culinary column' in the *Bar News*.

Underneath the long succession of cases in which John was briefed lay a number of unshakeable principles. These included, of course, a rigid adherence to ethical

standards and a firm view that barristers should not avoid hard cases which is the practical application of the 'cab rank' rule. Those views reflect the fact that John Coombs QC did not just practise at the Bar: he loved the Bar. It was his intended career from his teenage years. He was not just a master of the law: he was its servant.

In the preface to *Bacon's Maxims of the Law* we read the words:

'I hold every man a debtor to his profession; from the which, as men of course, do seek to receive countenance and profit, so ought they, of duty, to endeavour themselves, by

way of amends, to be a help and ornament thereunto.'

There may have been a time when John Coombs QC was a debtor to his professions but there has been a credit balance in that account for some time.

Some are here today to pay tribute to a skilled colleague; others to farewell a much loved partner, father, grandfather or friend. As one who falls into both those categories, I am glad to have had the opportunity to acknowledge, with admiration, appreciation and affection, someone who was, to me, a brother in the law.

Mark Anthony Macadam QC (1941-2007)



Mark was born in Tumut. His father Archibald, a young Scottish migrant, fought at Gallipoli and the Western Front, was decorated for bravery at Passchendale in 1917. He moved to Tumut as a soldier settler and married Isobel Halloran, the daughter of a local grazier in 1923.

Mark inherited leadership, eloquence, a stage presence and a fine singing voice from Arch, along with a highly developed sense of fair play. Arch was in many respects a model for Mark throughout his life, including, unfortunately a predisposition to depression later in life.

His mother Isobel was a strong personality with a great sense of humour, manifest in her ability to make do with limited resources

and laugh about it. Mark's brother, Robert, recalls her amused pride in overalls she made from sugar bags, decking them out during World War 2.

Arch and Isobel walked off their farm, broke, in 1929 and moved into town where they somehow managed to raise their eight children on Arch's salary as a council clerk, including providing them with a boarding school education. The four boys all went to St. Patrick's College in Goulburn where Mark's unique leadership capacity emerged. Despite an aversion to playing sport and a moderate scholastic record he was, in 1958, appointed School Captain as well as Adjutant of the 250 strong Army Cadet Corps, and maintained his popularity with the boys and Brothers.

After leaving school, Mark revelled in his freedom as a telegram boy in Tumut in 1959, but came under increasing pressure from the higher aspirations for him of Arch and Isobel. The first step was a less than successful stint as an administrative assistant on the Snowy Scheme, followed by a somewhat desperate declaration of a vocation to the priesthood that led to a thirteen (13) day sojourn at St Columba's Seminary at Springwood. Mark's lifelong nickname among his boyhood friends of 'The Archbishop' stems from this interlude.

Isobel's maiden sisters in Leura intervened and introduced Mark to Jack Bolton, a barrister and family friend who launched a stellar career by getting Mark a job in the Clerk of Petty Sessions Office, which he began on 14 March, 1960.

Mark gained valuable practical experience at the Childrens', Coroners', Manly and North Sydney courts. He was also on the court relieving staff for a period. Mark qualified by studying through the Barrister's Admission Board and was called to the bar in 1972 while then working at the Office of the Clerk of the Peace, the precursor to the DPP.

Mark and Margaret (nee Underhill) Macadam began a 40 year marriage in 1967. They lived in Beacon Hill and Roseville before moving, in 1981, to Lismore where Mark became the first resident crown prosecutor with establishment of the Office of the Director of Public Prosecutions, Lismore Regional Office.

Mark and Margaret had three children. Andrew was born in 1970, Mathew in 1971 and Kate in 1980. Mark and Margaret were deeply affected by Andrew's death in a tragic accident in 1990.

In recognition of Mark's skill as an advocate, and no doubt his inherited stage presence, he was one of the first appointments as