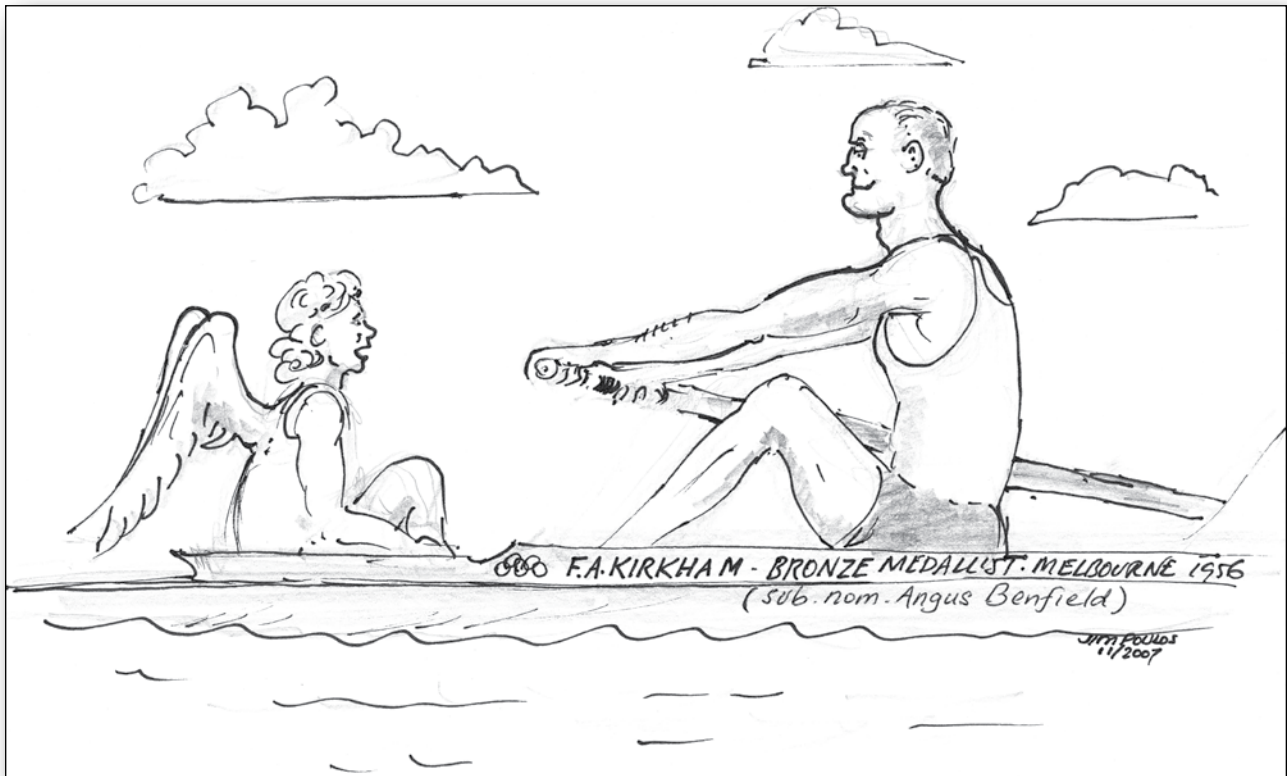


His Honour Judge Kirkham (1937 – 2007)



'It doesn't matter what you did in another life, Fred. Up here, I judge what the rating will be.'

I became a friend of Fred soon after he was admitted to the Bar on 6 December 1974, after he left the New South Wales Police Force, as it was then called, where most recently he worked in the drug squad. Many others in the profession and beyond were, or became and remained, his friends. Those friendships remained throughout his life, before and after he came to the Bar, during his time on the Bench, and in retirement.

Those of us who knew him soon realised that three things above all were important to him: his family, his friends and his work. He took pride and joy in the achievements of his children, and that pride and joy he shared with his friends. The encouragement he gave to Jan in pursuing legal studies gave him much delight and that delight he also shared with his friends. The devotion he gave to her in the course of her long illness inspired admiration and esteem in those who knew of it.

His practice at the Bar was predominantly in the field of personal injury and he acquired an extensive medical knowledge. In his years at the Bar, court listing systems were far from perfect, and it was common to spend much time waiting for cases to be called on. Fred would occupy the time and engage his colleagues with tales of past experiences in the police force, or as a member of the international community of those who had been Olympic rowers. Fred was a wonderful cartoonist and frequently would sketch colleagues and witnesses. He and James Poulos, also a cartoonist, in more ways than one, would sketch one another, and their works were displayed for the amusement, but not always the edification, of the inhabitants of the robing room or, indeed, one another. The disparity in their size led Poulos to call Fred 'Your Immense'.

After only 14 years at the Bar, on 9 September 1988, Fred was appointed to the District Court. He devoted himself to judicial life

with the same vigour and understanding which marked his life at the Bar. His work on the Bench confirmed his belief that human beings have a value independent of any temporal process. He had confidence in the greatness of the human spirit, and saw in each person the reflection of God's image. He treated everyone without distinction, and without regard to status or influence.

To the miscreant, he gave courtesy and scrupulous impartiality.

On one occasion, he recognised a prisoner in the dock as a man he had arrested and charged when in the police force. He said to the prosecutor: 'Mr Crown, I believe I should not preside over this trial. I had dealings with the accused in earlier years.' Those in the court who were unaware of Fred's former occupation were puzzled that a judge of the District Court would have had dealings with a man charged with a serious crime. They were flabbergasted when the accused man, after a long stare through squinted eyes at

the man on the Bench, said, if I may first use a euphemism, 'Blow me down, if it isn't me old mate Freddy Kirkham.'

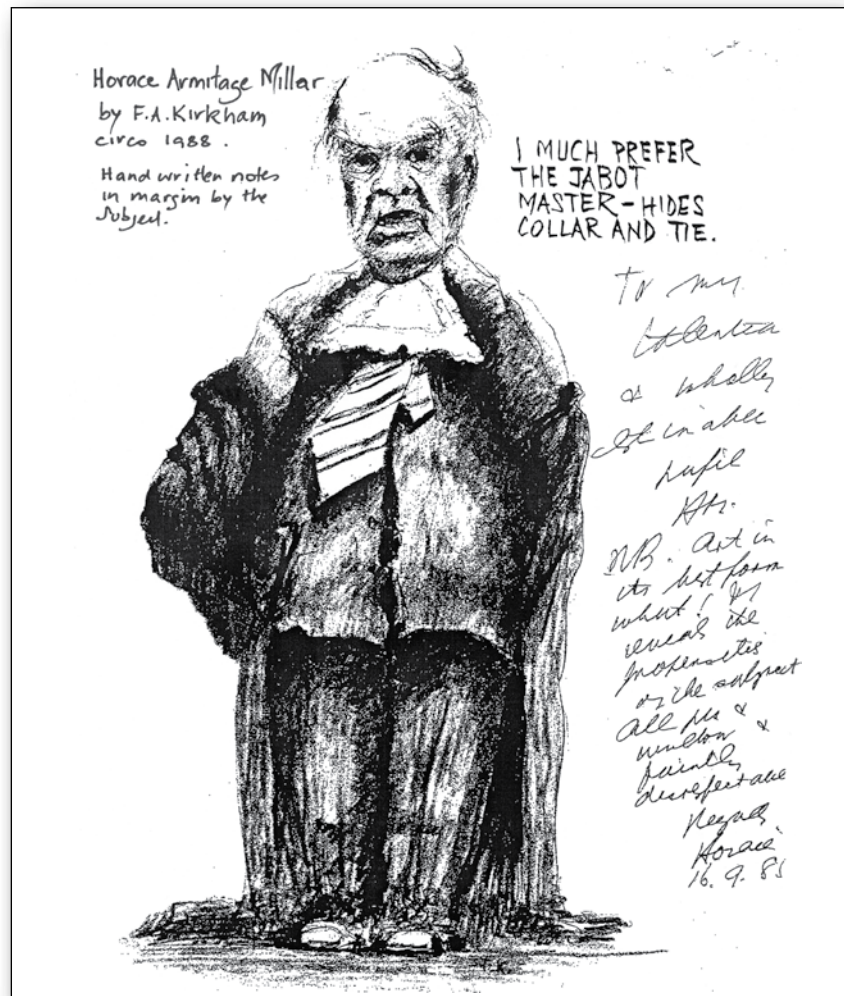
Fred was a wonderful cartoonist and frequently would sketch colleagues and witnesses.

Many will know Fred was a member of the 1956 Australian Olympic rowing team. He also carried the Olympic torch through the Rocks before the Sydney Olympics.

The community of former Olympic rowers is a close-knit one and friendships made between members of competing national teams last a lifetime. Fred maintained contact with many of those against whom he had competed. One of them invited Fred and Jan to the wedding of his daughter. When the invitation was accepted, a further invitation arrived asking Fred to perform the marriage ceremony. On responding that he lacked authority to join people in wedlock, his American friend, himself a lawyer, informed him that the laws applicable to the relevant part of the United States permitted any judge of a court of record to solemnize a marriage.

And so Fred, with approval from New South Wales and United States authorities, performed the marriage on the East Lawn of the White House wearing the robes of a judge of the District Court of New South Wales, as he was requested to do. He and Jan then attended the reception in the family's home, recognised by those who saw the film *Gone with the Wind* as 'Tara', once inhabited by Rhett Butler and Scarlett O'Hara, but then showing no signs of having been destroyed by fire during the American Civil War.

Fred enjoyed travelling, and took an interest in rural Australia. In circuit work, he found the opportunity to meet people associated with country townships and the land. He had an understanding of the travails of the litigants who came before him.



He had a liking for congenial company and pleasant discourse. His knowledge and experience covered many fields.

Fred's life was one in which good humour and wit were frequent. In all his relationships, he breathed kindness and gentleness.

Each of us needs friends with whom we can share a problem or a thought, and in Fred's friendship there was understanding, perception and affection. Friendship pure and unalloyed was Fred's special gift. In this friendship he gave freely of himself; he gave respect encouragement and support. His friendship was unselfish and generous, and those of us who were his friends benefited from it.

To Fred the invisible things – tolerance,

patience and kindness – were more important than the visible.

The words of the Irish poet John O'Donohue, aptly describe Fred's life:

- Compassionate of heart
- Gentle in word
- Gracious in awareness
- Courageous in thought
- Generous in love

Fred's life has endowed us with much we could imitate. It was a life marked by love of family, loyalty to friends and trust in God. With his family we mourn his passing, but we value the blessings we received from his life.

By Justice John O'Meally