

Michael Errington (1953-2001)

By Anne Rees

Michael Errington died suddenly on 29 January 2001. He was 47 years old. Readers of *Australian Family Lawyer* will remember him as a prolific and thought provoking contributor.

Michael graduated in Arts from Sydney University in 1974, majoring in pure mathematics and in Law in 1976. He served articles of clerkship and was admitted as a solicitor in March 1977. In 1978 and 1979 he studied at the London School of Economics and graduated with the Degree of Master of Laws. After returning to Australia he practised as a solicitor in Newcastle, in employment law and industrial relations as well as common law and areas of compensation. At the University of Newcastle, in the Faculty of Law, he lectured in contract law, trade practices, industrial law, forensic psychology and was a lecturer in law and ethics in the Faculty of Medicine. This latter interest led him to co-author *Law for the Medical Profession in Australia*, which was revised and published in its second edition in 1996.

Michael came to the Bar in 1984, practising in Newcastle where he was primarily a family lawyer and, in January 1991 he moved to Sydney and joined Culwulla Chambers. He quickly established a reputation as a clear and concise thinker and as a fearless advocate and relentless opponent. He hated to lose! Michael loved the intellectual challenge of the law and the cut and thrust of cross-examination. Appellate advocacy was his particular passion and he appeared in the Full Court in every state and against most of the leaders of the family law Bar.

In what passed for his spare time, he read widely in philosophy and religion, history, biography and fiction. He sailed and built things – like fences and bookshelves. Indeed no small repair was safe from his tool kit. He had the best repertoire of jokes at the Sydney Bar. He took great joy in his four children and adored his partner, Gayle Meredith, with whom he co-authored a number of articles.

We will miss his fierce delight in the law, but mostly we will miss a beloved friend.

Mariusz Pavel Podleska (1955-2001)

By Rick Burbidge QC

Mariusz Pavel Podleska, barrister, was killed in a traffic accident at Balmain on Thursday 8 March.

Mariusz was born in Stalinogrod, Poland on 10 February 1955, the only son of a classical musician and a great Polish beauty. The family migrated to Hobart in 1966. The family was granted Australian citizenship the following year.

Mariusz attended a local high school, where he experienced the problems associated with an absence of knowledge of the local language, a disability which he quickly overcame. At age 18, suffocating within the close confines of the local Polish community, Mariusz escaped to sea, joining a Sydney-Hobart yacht, which was sailing on to New Zealand. He was, alas, quickly tracked down through the international Polish brotherhood, and in a negotiated return to the bosom of his family he agreed to study law, but in Canberra. His sharp intellect enabled him to graduate at ANU as a Bachelor of Arts, with Honours in Philosophy and Politics. Though an excellent student, Mariusz, gifted with European charm, polished and far too good-looking, settled into the life of an antipodean Sebastian Flyte. He revelled in university life, but his leisurely pursuit of learning ultimately came to an end with his graduation in law, again, with Honours, in 1982.

In 1983 Mariusz was admitted as a solicitor in New South Wales and the ACT, and commenced work with Dawson Waldron, with Hugh Keller his supervising partner. In 1986 he was called to the New South Wales Bar, and in subsequent years was admitted to the bars in Tasmania and Western Australia. Mariusz' first chambers were on 10 Wentworth, then lead by Ken Handley QC. He read with Tony Bellanto QC and Martin Einfeld QC, accepting briefs in all jurisdictions, but steering himself towards corporate and equity work where possible. He later joined Windeyer Chambers and in 1991 I invited him to join my new chambers in the State Bank building. He later joined King Chambers under John Dowd QC and 3 Selborne Chambers under Peter Capelin QC.

During his practice years Mariusz involved himself in academic pursuits of many kinds, and his interest in academic law which he implemented by taking on a variety of teaching positions to some extent overshadowed his pursuit of professional eminence. He held at different times the posts of examiner in Constitutional Law at Sydney University, Resident Tutor in Law at St Andrews College, Lecturer in Practice and Procedure for the Solicitors' and Barristers' Admissions Board course and occasional examiner and lecturer at the College of Law.

Mariusz was a gregarious man, with an enviable generosity of spirit. He loved the law, its theatricalities and

its philosophies. He personally sparked the interest of numerous young practitioners, whom he supported with gifts of books, his own boundless enthusiasm and wisdom.

In 1997 he was advised that he had a terminal illness, and he determined to grapple with that issue alone. He gave up practice, and resided for some 18 months in Byron Bay. He succeeded in confounding his medical advisors, and by 1999 was looking to resume part-time practice. He joined Lismore Chambers, headed up by Geoff Radburn, and began intermittent practice in the Northern Rivers District. Mariusz was however not really suited to the demanding circuit court life of the common law, nor did his health prove as robust as he had hoped. He accordingly sought refuge in the academic world, and in 2000 secured work as a part time member of the Southern Cross University Law School, and as a teacher at the University of New England School of Law. Tragically, he had secured a position of a more permanent nature with the University of Newcastle on the day prior to his death.

He was a colourful figure against the increasingly neutral background of the Bar, and his passing at such an early age is a great sadness to all who knew him.

John McDonald Evans (1956-2001)

By Anthony Bartley S.C.

Jack Evans was 40 when he was admitted to practice as a barrister and solicitor in the Australian Capital Territory, 43 when he was called to the New South Wales Bar and 44 years of age when he died.

He was diagnosed with cancer late in the course of his condition and had only a few months to come to terms with it. He did this with remarkable humour and grace.

Jack had always wanted to be a barrister. Although his career at the Bar was short, he was already very much respected, trusted and liked by his colleagues, and there was no doubt about his qualities as a barrister and the potential for a successful career.

Jack was born in Albury. On the walls of his Chambers in Canberra he had old photographs of his forebears in the stock and station agent world, including a photograph of one of them presiding over a record sale of 44,000 sheep at the Albury Sale Yard. Although he had a country background, he grew up in Sydney. He had two degrees and initially was a librarian. His work as a librarian led him into industrial relations and vocational training fields and in these areas he was as respected, admired and trusted as he came to be later in the law. By the 1980s he had become assistant secretary of the ACT Trades and Labour Council. This was a very active time in the world of industrial relations and Jack often found himself dealing

with the industrial silks on the one hand and the tough and experienced union leaders on the other.

Jack had many joys in his life; the greatest was his family. He was married to Margaret Robson and their three children Caitlin, Johnny and Edmund were the delight of their lives.

His interests were perhaps more typical of an older generation of people who were called to the Bar. He read widely. He loved an extraordinary range of music. He had an abiding passion for politics and Australian history. He rode a bicycle to chambers most days of the week.

Jack loved being a barrister. There was no arrogance or false pride about him but he was immensely proud of his profession and of the duties which attached to it.

Jack's life and his short career at the Bar remind us of much that is good about the profession and much that gets lost in times such as these.

Born 26 June 1956 in Albury, New South Wales. Died 19 May 2001 in Canberra ACT.
