

Robyn Ashes (1952 – 2003)

*By David Maddox and
Robyn Druitt: Based on a eulogy
given by John Ashes*

On 22 January 2003 the Family Court at Parramatta closed so that its staff and practitioners could attend the funeral of Robyn Ashes and to reflect on her life. There is no more fitting tribute that the legal profession could have made. She was an energetic, resourceful, friendly and loved member of Arthur Phillip Chambers from her admission in 1990 until her death from cancer in January 2003. She was also an expert family lawyer, as anyone who had contact with her in that field would attest.

Three groups of people gave Robyn strength during her career and in particular during her battle with cancer: Her family, her large circle of diverse friends (from school to her profession) and the legal fraternity. The comradeship and esteem she gained from all levels of the profession was of utmost importance to her. She loved the law and those who practised it.

Robyn was born on 25 November 1952. Her mother's family were of Hungarian extraction and moved to Australia, where they set up a distillery in the St Marys area before the start of World War II. Her father escaped from Poland only to be interned by the Japanese in the Philippines during the war, and came to Australia more or less by chance afterwards. Robyn's paternal grandmother survived the horrors of the Warsaw ghetto largely alone, migrating to Australia to join her son in the late 1940s and lived well into her 90s. She always showed the courage, spirit and love of life that was a trait of Robyn's.

Robyn attended her local primary school in Chatswood where she grew up, but in year five she gained a place in Artarmon Opportunity School. A very capable student in high school, she attended North Sydney Girls High, the premier selective high school for girls in NSW in those days. She always did well academically. Although never at the top,

she was not too far away. Robyn had a gift and love of the arts and languages. She spoke fluent German, could get away with French and right up until late last year was studying Italian in her spare time. This is not all that surprising, given that she initially planned to study arts with a major in Asian languages at The Australian National University and intended to work towards a career in foreign affairs.

Unfortunately for Robyn, a tumultuous event intervened. Her father suddenly and tragically passed away on the October long weekend in 1970, just before the HSC. This catastrophic event changed the direction of her life. She felt she could no longer attend the ANU in Canberra and study arts, and decided to stay at home to support and be with her beloved family.

What was she to do? Being an arts lover, teaching crossed her mind, but her mother immediately vetoed that, saying 'Your HSC pass is much too good for that. What about law?' And that was it: a change in direction to the new arts/law course at the University of New South Wales. Robyn was part of the first intake in 1971. It didn't take her long to settle into the new course and she never looked back. She established many firm friendships at university and in subsequent years that endured until the end. It was there that she also met her husband, at the UNSW ski club.

Skiing was one of Robyn's great passions, aside from her passion for world travel. She regularly searched the globe for skiing venues and from the early 1980s until recently she planned and looked forward to her annual 2-3 week overseas skiing holiday. It was a passion she shared with her husband and one which they were able to introduce to their children. They spent many a happy holiday skiing with family and friends. She was not a great sportsperson, but to be fair was a good swimmer and played a reasonable game of tennis; however, she was the most beautiful skier, racing for her ski club and UNSW in her youth. She had a very upright classic Austrian style that people used to stop in the middle of the slopes and admire.

On graduating from UNSW, in 1976 she attended the new 'college of

knowledge' in St Leonard's, being one of the very first intakes as the old article clerk system was being abolished. She easily completed the six-month course and then the real challenge began - to find a job. Due to her change of plans after school, a career had not really been fully thought through, nor did her family have 'connections' in the law. It was a difficult and frustrating time for her, but one that she showed the determination to succeed that we came to expect of Robyn. Her break came later in 1976 when Geoffrey Walker, a local Castle Hill solicitor, offered her contract work. He would drop over instructions to Robyn at her home in Baulkham Hills, where she would beaver away and prepare his documentation on her little manual portable typewriter. It wasn't much of a job, but it was a start. The applications went out and the rejections came in, including a one memorable one: 'This firm has never employed a female solicitor and will never'.

Finally a break came in later in 1976 when Keith Brown and John Vaughan, of Edgely Brown and Sanderson, an old established Fairfield firm of solicitors, employed her on to build their family law practice. Being relatively new to family law was not such a problem as the fairly radical Family Law Act had just been introduced by Lionel Murphy.

A year later Robyn left and set up in private practice in Castle Hill. When an approach came to amalgamate with Wilmot and Klimt in the early 1980s she jumped at the chance. The practice thrived for many years, with Robyn handling the family law and Peter Klimt and Peter Zipkis the property and commercial work – they always remained close friends.

In the late 1980s Robyn had strong feelings to change her career. She loved the court work, and her family was growing up and were less dependent on her time, so she made the decision to come to the Bar in 1990.

This was a reasonably traumatic decision for her, but with the support of her family and encouragement from many colleagues she undertook the Bar exams and Bar Practice Course. She was fortunate in that she read with David Collier, who always encouraged and

supported her greatly throughout her career. On being admitted, she joined Arthur Phillip Chambers where she stayed to the end.

Robyn gained strength from her move to the Bar and was a strong, enthusiastic member of her chambers. If jobs needed to be done, such as installing a new telephone system, Robyn could be relied on to organise it. She always had time for others, willingly helping and counselling colleagues and taking a special interest in those newer to the profession. Her trademark initiation of a conversation was: 'Tell me something interesting'.

While all of those at Arthur Phillip Chambers and in the profession generally greatly miss her cheery countenance and her winning ways, we are grateful to have known Robyn, to have learnt from her, and to have the gift of the many memories she has left.

We are grateful that Robyn was part of our lives.

Robyn died on 18 January 2003 after a long and courageous fight with breast cancer and requested that we consider the NSW Cancer Council rather than send floral tributes.

George Hillary Smith QC (1923-2003)

The following is an edited version of the eulogy delivered by his Honour Judge Stephen Norrish QC on 26 March 2003

Dorothy, Vicki, Greg and Rob, family and friends of George.

When I was asked by Greg on behalf of Dorothy to speak today I was deeply honoured but also immediately daunted by the task. Although I propose to only speak about the legal career of George, it was a significant part of his life and it overlapped in many ways with his personal life. My immediate concern was how could I do justice to a man who always did justice to those with whom he dealt particularly when required during his judicial career. As a judge he was

intelligent, he was insightful, he was wise, he was compassionate. These qualities were a reflection not only of his capacities as a judge, but his qualities as a man. It should be pointed out compassion is not encouraged nowadays in some quarters as a judicial quality.

He achieved so much but was a modest self-effacing man, slow to anger or frustration, always prepared to see the best in others, slow to judge unkindly. He disdained pomposity and had tremendous reserves of irreverent humour. Much of what I feel about George, and what I know about him by way of reputation was confirmed by my research for this eulogy.

The bare details of career do not tell the full story of his life.

The achievements as a lawyer and a judge were impressive enough but he had many other interests. Some overlapped with his love of the law. He held family life dearest to his heart. He had his charitable works to occupy whatever spare time he had. He loved theatre and music. Even 'conversation' according to the latest edition of *'Who's who'*.

George was educated at Sydney High School. He had service with the 2nd AIF between 1942 and 1945. He studied law at Sydney University, graduating on Australia Day 1949, with my dear friend and mentor Ken Glass (who passed away 18 months ago at the same age as George).

He completed his articles of clerkship at Dawson Waldron Edward Nicholls but was clearly made for a career at the Bar.

The overlap between law and his personal life is exemplified by his love for Dorothy, her love of him and the close support they gave one another throughout their married life.

George was called to the Bar on 10 February 1950, two months and 23 days before I was born. He was an original member of 3 Wentworth Chambers in 1957. Barrie Thorley and Phillip Twigg, two judges of my court (and present today) were colleagues on that floor, as was John (later Justice) Slattery QC, amongst many other legal luminaries.

He had a distinguished career at the

Bar. His contemporaries uniformly speak of his brilliant legal mind and his persuasive skills as an advocate. In fact most speak of their surprise that it was not until 25 November 1971 that he took silk. For many years before taking silk he was regarded as one of the best, if not the best, junior at the Bar. He had skills in equity and common law. He served on the Bar Council in 1960 to 1961 and 1968 to 1971.

George was appointed to the District Court on 16 October 1972. The chief judge was James Staunton QC.

The Sun newspaper (a reliable source of information, no doubt; I suppose that is why it is no longer published) detailed the speeches at his swearing-in. It reported George's swearing-in with the breathless headline 'Almost a 'High Court Bench'', a reference to the presence of Sydney High School alumni present such as Harold Glass QC, representing the Bar Association.

Apart from wit, whilst on the Bench George regularly displayed qualities of legal learning, erudition, incisiveness, courtesy and mercy for which he was widely renowned and universally respected. During his career on the Bench he served as deputy chairman of the Medical Disciplinary Tribunal. He also found time apart from family commitments to serve as president of the NSW Asthma Foundation (of which he had been previously a director) and was appointed its life governor in 1985. His interest in these matters arose from concern for the welfare of his own children and others as well as the encouragement of Dorothy who recently was awarded an Order of Australia for her tireless work for charitable and community causes.

On the Bench his work was greatly supported by Dorothy. She travelled with him when family commitments allowed. Her company was a source of strength and enjoyment in an environment when loneliness and isolation can dominate one's thinking. He made friends with the profession on both sides of the ledger (so to speak) in crime and in the civil jurisdiction. I note the presence of his good friend Bob Lord QC who I know admired George greatly for his wit, his sense of justice and his *bon homie*. They