

# John Alfred Crumpton (1926 - 2004)

*An edited version of the eulogy delivered by Ian Cullen at the chapel of St Ignatius College, Riverview, on Friday 30 July 2004*

John Alfred Crumpton was born on 15 May 1926. He enjoyed the privilege of attending St Ignatius College on a scholarship, wherein he not only absorbed sufficient knowledge to obtain his Leaving Certificate with marks adequate to enrol in the Faculty of Law at Sydney University, but also developed a love of the school, which he retained throughout his life. He enlisted in the army but the war ended before he could see active service.

He graduated from the University of Sydney in 1950 with an LLB and was admitted as an attorney, solicitor and proctor of the Supreme Court of NSW on 27 October 1950. Soon after he took off and worked in England and in Canada. He was called to the Bar on 6 May 1955 and practised as a crown prosecutor for a few years.

He joined the 3rd Floor Wentworth Chambers in about 1960 and began to build up a wide ranging practice in many and diverse areas of the law. The floor was one that developed into a judicial nursery producing such distinguished jurists as Justice Slattery, Justice Mahoney, Justice Ash, Justice Rath, Judge Thorley, Judge Robson, Judge George Smith and later Justice Gibson and Justice Rourke of the Family Court.

He obtained his Master of Laws degree in 1969. He went to Canada and America, working in Portland Oregon but America wasn't ready for him and neither were Dianna, Tim and Rosemary ready for it.

Although we all think of John as one who practised primarily in the common law jurisdiction, over the years his practice ranged far and wide. In a case which bears his name – *Crumpton v Morrine Hall Pty Ltd* – in 1965, he was junior counsel for the plaintiff, led by Dennis Mahoney QC, then also of the Third Floor, and subsequently a judge of appeal and president of the Court of Appeal – against WP Deane – later a High Court justice and governor-general – and Brian Beaumont – now a judge of the Federal Court – in a case about the rights of the holders of shares in home unit companies. John's client succeeded and the case to this day remains a leading authority on minority rights in corporations. It is still frequently recited in argument and judgments.

In *Churton v Christian*, in 1988, he was leading counsel for the respondent in the Court of Appeal; leading Rick Seton, then of the Third Floor and now himself senior counsel, in one of the first cases to go the Court of Appeal under the then new Family Provision Act. John succeeded in upholding an order for provision out of an estate in favour of the divorced wife of the deceased, which then was completely novel. That case, too, remains an important precedent today.

John was a tenacious and effective cross-examiner. Paul Brereton remembers well being led by him before Whitlam AJ

- then an acting judge of the Supreme Court - for a defendant. John cross-examined the exaggerating plaintiff, who struggled when pressed by John to raise the decanter in the witness box above his head and then exposed his malingering by video showing him drinking with ease from an up ended flagon of wine. Thereupon, the plaintiff's claim collapsed.

John took silk on 12 November 1986 and thus commenced another stage of his life at the Bar. John's practice as a silk was fairly general but he still tended to appear mainly in personal injury type cases. He appeared both for Insurers and for plaintiffs and in the late 1980s became involved in the then new field of common law industrial deafness cases. This meant prolonged stays on circuit in places such as Muswellbrook in the company of his instructing clerk Michael McGee and his usual junior Peter Seery. Many good times were had, they won some, they lost some but they all appeared to enjoy circuit life.

On 30 June 2003 John took the momentous decision to retire after 48 years of practise as a barrister in order to enjoy life, his children and particularly his grandchildren.

I'm sure John would like me thank his former clerks Pat Robinson, Roxanne Hmelnitsky, Cec Featherstone, and in particular his last clerk Judy Wilkes, who remained his unofficial clerk until the last, for their support during his years at the Bar. Further I'm sure he would want me to thank his legal family, past and present members of the Third Floor for their friendship, assistance and support, in good times and in bad.

In retirement, he planned at first to spend some months driving around his beloved France but regrettably due to a fall fracturing his femur on the very day of his farewell lunch this had to be postponed. John's attitude to his disappointment at this development, not to mention the pain and rehabilitation, was stoic and he recovered with much assistance from his loving family and friends. He used to talk with such pride of his beautiful grandchildren and his love of watching Nicholas play 'good rugby'.

His illness was unexpected and cut short plans to attempt a further invasion of France amongst many other things. The illness was short, perhaps mercifully so, and I'm sure he would have wished to have had the opportunity to have said goodbye to his many friends from the law and elsewhere. He was particularly buoyed by visits from such old mates as Judge Paul Flannery QC, Brian Murray QC, Snake McMahon and his brother in law Peter Brett in his last days.

He will be missed by the many people whose lives he touched. John now goes to be reunited with his beloved Dianna and also Andrew.

**Vale John Alfred Crumpton.**