

# Brian Francis Murray QC (1934-2006)

By Phil Doherty SC

Nearly 35 years ago when I first started in the District Court section of the GIO, I had a case where the plaintiff seemed a bit of a shonk. A little guy who had the most infectious laugh I have ever heard worked on the other side of the partition. So I leaned over and asked him 'Who is the best cross-examiner?' He didn't even look up. 'Brian Murray' he said.

So I briefed this Brian Murray and by the time he'd finished cross-examining, the victim took my miserable offer. Shortly after that I had my first meal with Brian Francis Murray.

It was this same ruthless cross-examiner who, some years later, wanted to sell his little Lexus. He happily gave the prospective purchaser a test drive on his own. The proposed purchaser waved to Muz (standing there on the side of the road) as he drove off. Neither car nor purchaser was ever seen again.

You know the chronology. Brian Murray came to the Bar when he was not quite 26 years of age. To put that in context, the Vietnam War was hotting up. 'Tie me Kangaroo Down Sport' had just been displaced from number 1 on the Top 40 by that all time classic, 'Itsy Bitsy Teeny Weeny Yellow Polka Dot Bikini'. Heady days.

He worked hard. He wanted to provide for his family in a way his own dad had struggled to do. He became a very good barrister.

He became queen's counsel in 1981. His skills were always in demand. Later he was as an acting Supreme Court justice

and, more recently, an acting District Court judge. Behind the scenes, he sat on umpteen committees. He was head of chambers on 8th Floor Wentworth and 11th Floor Garfield Barwick Chambers.

With all this, you'd expect a touch of arrogance. But not a sniff of it. The hallmarks of his life in the law were compassion, simplicity and friendship. He was universally liked and respected. He was so dedicated to his clients. I saw it scores of times – the rapport with uncomplicated country folk and the genuine empathy he felt for injured people.

Of course there was a right way of going about things. He seemed to preside over a courtroom, even from the Bar table. Never yet have I seen a better first instance persuader in a big case.

When sitting as an acting judge, he ran a quiet, pleasant and respectful court. No anger. No angst. There was always due decorum – even when he was dripping with yellow paint thrown over him by a litigant in person. That chap obviously didn't know what a good draw he had.

He brought out the best in counsel because he genuinely wanted to hear their submissions. At one stage, there were nearly 70 District and Supreme court venues in New South Wales. Brian Murray would have been to nearly every one of them. Peter Brennan will tell you that the people of Grafton thought he was a local.

He even developed an international practice doing cases in England, Ireland

and the United States. He certainly had a love of travelling to new places and meeting new people.

A couple of years ago Patrick Joseph Heath and I were returning from a case in India when we were forced to stop in Singapore. I sent Muz an SMS message: 'We are in the Long Bar at Raffles Hotel in Singapore, where Rudyard Kipling wrote Kim. Have you ever been here?'

His reply: 'Is Fred still the barman there?'

He didn't just preside over a court room. He presided over meals. That psalm about the Lord being my shepherd tells of setting a table in sight of your foes. Well, they'll be in for a long one because Muzza won't be coming to eat, he'll be coming to dine.

It's hard to believe you're lying there Muzza. But you are. Your wonderful life has come to an end. We're so glad that you'll be judged as you judged.

From all your friends who are here and those who are not here, from all those who have loved you over the years and from the thousands of people who benefitted from your knowledge, determination and compassion – thank you for your life.

Without exception, you were regarded as a gentleman in the law. I'm sure you chose to die on St Paddy's Day so that we will forever raise a pint to your memory and say: 'To Muzza – what a great man'.

Go on now Muz, the Lord is setting a table for you.

*continued from page.... 78*

Court. Tony has an understanding of the situation faced by Aboriginal people within the criminal justice system, which lawyers from more traditional legal backgrounds could never achieve.

His work as a public defender was as significant as his earlier work with the Western Aboriginal Legal Service. For

over a decade he provided high-quality representation as a barrister working for those charged with serious criminal offences. It is timely to reflect upon this work and the context in which it was carried out. At a time when the motives of criminal defence lawyers were under constant attack mostly from ill informed commentators all those who sought to

pursue personal ambition Anthony Parker worked tirelessly to provide the highest quality legal representation to the indigent.

At the memorial service at St James Church he was described in these terms which remained fitting 'Anthony Parker was a champion. We will not see his like again'.