

The Hon Justice Margaret Cleary

Margaret Cleary was sworn in as a judge of the Family Court of Australia at a ceremonial sitting at the Newcastle Registry on 8 July 2010.

Her Honour graduated with an Arts degree from the University of Sydney in 1978, and then worked as a legal clerk in the Corporate Affairs Commission of New South Wales while studying. Her Honour graduated with a Bachelor of Laws in 1981 and was admitted as a solicitor of the Supreme Court of New South Wales. Her Honour worked at the firm of John Allanson and Associates.

Her Honour was called to the bar in 1986 and read with Larry King QC, moving to Frederick Jordan Chambers in 1985 and built up practice a based on the law relating to children and property settlements.

In speaking on behalf of the New South Wales and Australian Bar Associations Adam Mooney said:

By 1984 your Honour had begun to weigh the pros and cons of practising at the bar. At a time when women barristers were fewer than they are today, your Honour went to see Priscilla Fleming QC. Expecting sage advice on starting a practice, or perhaps guidance in learning the art of advocacy, your Honour was taken aback when Fleming QC gave surprisingly simple advice: 'Don't be deterred from coming to the bar', she said. 'All you need to do is save enough money for the first year - because you won't be earning any - and take leave in the middle of the year'. Judging by the number of barristers absent whilst I was researching this speech, Fleming QC's advice is being honoured to this day.

Mooney said noted that her Honour:

acquired a reputation for being calm, respectful of the views of briefing solicitors and always across the finest details of a brief..

...

In real life, family law is a jurisdiction that is fraught with raw emotion, bewilderment and lasting pain. But amidst all of this, your Honour is praised as a person of the utmost integrity, who cares a great deal about the wellbeing of clients. Your sense of humour is also highly prized in times of stress. That said, at least one briefing solicitor has noted the value of bringing a client into your chambers in order for them to be brought down to earth about the prospects of their case

He also referred to some of her Honour's cases:

Your colleagues praise your knowledge of, and obvious respect for, the institution of family law. As practitioners in this jurisdiction will often attest, it is subject to policy shifts by successive governments. But wherever a complex point needs to be explored, your Honour is credited with doing the research in order to understand its evolution.

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In *Pierce v Pierce* [1998] FamCA 74 your Honour's made an important contribution to the issue of property settlement and the assessment of initial and post-separation contributions. In *Aldridge v Keaton* [2009] FamCAFC 229 – on the question of parenting orders and same sex relationships – your Honour conducted the case a mere five days after the relevant provisions of the Act had come into force. In so doing, you contributed greatly to our understanding of the application of the law on this point.

Mooney concluded:

Your Honour is said to be a strong admirer of judicial brevity, particularly as practised by Associate Justice Macready. A solicitor observed once that his submissions were often returned by your Honour, replete with red lines. In place of those redactions were what he called 'seminal points in submissible form'. I am told that this is good advice for counsel who will be listed to appear before your Honour. That being the case, I'd best conclude.