

Anne Gibbons – 66 years, Ada Evans Chambers

# Who is a barrister..?

As told by Ingmar Taylor

I was born in Tipperary in the Republic of Ireland. My parents were farmers.

As a child in rural Ireland I was steeped in property and tort law. As children we were conscious that flooding or disease that spreads from one property to another could amount to tortious acts. My father was keenly aware of the effects of adverse possession. If someone was on our property without permission my father would say, 'I sent him a solicitor's letter'. My father saw a solicitor's letter like a note from God. The ultimate step to take.

I came to Australia in 1975 when I was 24 years old. I had completed a Bachelor of Science and a Graduate Diploma in Education. I met my husband Geoff and we now have three children and five grandchildren. I taught maths and science in high schools while I completed a graduate Diploma in Science in parasite immunology at ANU in 1985.

In 1985 my husband and I moved to Boston for 5 years. During that time, I was awarded a Masters in Biology and Biotechnology from Tufts University. I subsequently worked at the University of Massachusetts as a research Scientist on the immune response to trauma at a molecular level. On my return to Sydney I worked as a research scientist at the Heart Research Institute. While I was working there I commenced my studies in Law through the LPAB.

In 2000 when our youngest child finished high school I commenced practice as a solicitor.

After two years I decided to come to the Bar at the age of 52. It came about because of my love of music. I walked into a restaurant in St Ives where the sound system was playing music I had not heard since my school days. 'That's *Panis Angelicus!*' I said loudly. Terry Healey, a Barrister at Ada Evans Chambers, overheard me and asked me how I knew that. That got us talking. He encouraged me to come to the Bar and I started at Ada Evans Chambers in March 2003. Terry was my tutor in criminal law.

In my first 6 months at the Bar I had the good fortune to appear as Junior Counsel to Peter Lowe in the High Court. He was arguing *Coleman v Power* (2004) 220 CLR 1, which was a case about the constitutional right to political free speech.

There are the luminaries at the Bar and then there are us – the everyday guys.

I have practised criminal law, particularly



sentencing matters, throughout my years at the Bar. Criminal law and family law are, for many clients, bedfellows, and my practice soon included family law matters.

Since joining the Bar, I have completed a masters degree in Law at Sydney University. I am also a nationally accredited mediator. The skills acquired from the latter serve me well in the areas that I practise where negotiations and mediation are the way forward for many matters.

I do not have ambition to be one of the pillars of the Supreme Court. I do, however, love the challenge of appearing in the Supreme Court as I have done in family provisions matters, equity and common law. Generally, I enjoy the collegiality of the bar as I do the mentoring of members of the bench before whom I appear. I see no place for bullying or embarrassment as I know very few, if any, who do not give their best when appearing in matters.

To be happy at the Bar, I believe that you have to be prepared to be challenged and accept the good with the bad. Acknowledge mistakes and be brave enough to pursue the best outcome that can be had. My dad used to say 'the fella that never made a mistake never made anything'

If the judge asks me something that I do not know the answer to I will just say that I do not know and ask them to assist me or give me a short time to consider the issue raised.

Bullying by judges is unnecessary. It is not collegiate. It is a good thing for judges to proceed on the basis that those before them should be brought up to standard but they do not have to be nasty or difficult when a barrister before them does not know the answer to a question.

Sometimes I feel like they are just bouncing me off the Bar table. You are just doing the best you can with what you have. Family law cases, in particular, can attract such difficulties. You do not want to say anything but you hope the judge does not seriously think that you settled that affidavit.

I have a particular interest in DNA evidence as provided particularly in criminal prosecutions as I have the good fortune to have an understanding of the science behind it from my science days. From time to time, Solicitors and other counsel approach me to assist them with the interpretation of DNA reports. I can usually tell them how powerful that DNA evidence will or will not be in the context of a particular prosecution.

I see advantages in having come to the Bar as older person. My experience as a teacher helps me identify that the cohort of students that find their way into the criminal justice system often mirror the students that were less gifted and appeared to have been neglected socially and emotionally. I believe that they often carry mental health difficulties that are undiagnosed and untreated. I believe that we have too much expectation that young adults can transition into resilient members of their community without good role models and or stable family circles. The rules that they fall foul of are often the very rules that they see broken every day in their school environment where it appears there are no consequences for behaviours such as bullying, assaults, robberies and the like. These crimes often set them on a path of relentless involvement with the police and security officers.

I am someone who is passionate about getting the right outcome for clients where I think that outcome will help them and is just. I don't just represent them in court. I assist to get them into rehabilitation and to obtain the other services they need to turn their life around.

Clients will call me and keep me up to date long after I have ceased acting for them to tell me where they are up to now with their lives. I usually hear from them again if they re-offend or need help for another family member.