

Laurence Charles Gruzman QC

*Memorial Service
St James Church
19 March 1999*

Tribute by CJ Stevens QC

FROM HIS ADMISSION to the New South Wales Bar on 9 February 1949 to his retirement on 3 March 1997 Laurence Gruzman embodied the essentials of counsel, namely to adhere to the cab rank principle, accepting briefs when available which are within the barristers capacity, skill and experience whereby he practised without fear or favour, showing a fearless determination, even at times to his own detriment. Long before he was appointed a Queen's Counsel on 1 December 1966, he had attained an eminence in the law to which many can merely aspire.

Four very large and very thick scrap books of newspaper reports which Zoe has collected over the years give an indication of the range and depth of his practice but equally they are reminders of his flamboyance and notoriety.

Laurie had a tenacity by which he was able to turn situations around. One of the earliest legal memories of Anton and Adrian is of a case in the 1950s when Laurie overcame police evidence of his client having said 'I done it'. It was only Laurie who could convince the court that those words were being offered in a rhetorical manner or a quizzical manner and in no way constituted an admission. Laurie's client was acquitted.

One characteristic of Laurie to which we can all relate is that steely glint in the eye and the little shrug of the shoulder as if he was making himself perfectly comfortable before embarking upon a process of demolition of the witness before him or preparing a riposte to a judicial thrust. The judgments in so many of Laurie's cases contain findings that the principal against whom Laurie appeared would have his evidence accepted only where it contained admissions or coincided with that of other reliable witnesses, testament to the effectiveness of Laurie's cross-examination.

Laurie was an excellent strategist and lateral thinker. His first question in cross-examination of Alexander

Armstrong: 'Are you an honest man?'. He would be conscious of the weaknesses in his cases but look to attain the appropriate objective, frequently forcing his opponents to call a witness they otherwise would have preferred not to. Then, showing the meticulous attention to detail and recall of apparently innocuous facts Laurie would be able to destroy a witness's credibility. In the Barton and Armstrong saga a pencil note of a car registration number, one piece of paper in the thousands, was decisive in destroying the credibility of one witness. He showed that same meticulous approach years later when he was pursuing the Coles Myer relationship with Solomon Lew, knowing that one false or inaccurate step would bring down upon him the battery of lawyers Coles Myer and Lew had retained. That same tenacity of Laurie which would override a judge who wanted him to dissuade him or force him to sit down was recognised by the Australian Shareholders' Association when they gave him a silver medal in 1993 for his services to shareholder rights.

Laurie on occasions achieved the apparently unachievable. Associated with that, he would express his satisfaction both as a reminder to himself of what can be achieved and also as it were a proclamation to others to beware of taking him on. Having been one of the defendants in the ex officio indictments associated with the Barton proceedings which were ultimately quashed in the High Court, when Laurie subsequently obtained his entitlement for a significant cost order, that cheque was photocopied, framed and remained on the wall of his chambers for many years. Similarly, when defending one of the principals of Mineral Securities Limited his research disclosed a fatal flaw in the prosecution case. He was able to persuade the Senior Counsel who were representing the other directors to entrust to him completely the issues of accounting and audit and ask no questions on that subject whatsoever, obviously no easy task in itself. Laurie then prepared a summary of what he proposed doing, and made it available to the other silks but in envelopes sealed with

wax only to be opened after the event. Laurie was able to obtain a verdict by direction from Mr Justice Taylor at the close of the prosecution case on the very ground he anticipated. So often, Laurie was conscious of that need for secrecy and security and he had that penchant for flair.

Laurie was disarmingly charming. No matter how vigorous the legal battle, he did not carry it beyond the court. He surprised one of the juniors for the Commonwealth at the end of the Amann Aviation litigation when he and Zoe hosted a dinner at their home for the counsel and solicitors on both sides of the litigation, but that practice was usual. In the same way, when he had been involved in difficult settlement negotiations with attorneys in New York who were acting on behalf of Andy Gibb and the dealings were characterised by veiled death threats and a need for cloak and dagger security, when a settlement was arranged all of the parties were able to adjourn to Florida for the formal signing of the documentation and to take advantage of some additional jurisdictional benefit.

Laurie attained a mastery in any of the areas of the law to which he turned his attentions. His four appearances before the Privy Council involved markedly different legal issues; *Barton v Armstrong* raising issues of equity; *SimsMetal Limited v Mikhael* relating to negligence; *Brins v Off-Shore Oil* involving corporations law and the other showing his embodiment of the best traditions of the Bar. Laurence Gruzman was a returned serviceman who had served in the Middle East in the Second World War. That was no bar to his defence of a conscientious objector in his fourth appearance in the Privy Council.

Laurie's clients came from extraordinarily diverse fields. Many are present today. Some manifest the ultimate compliment to counsel, namely they had been parties directly or indirectly on the other side in litigation and subsequently sought Laurie's services as their advocate, for example the musician Sid Vicious and the wife of Alexander Barton, when she had her matrimonial proceedings. Although Laurie was apolitical at all times, he was one of the advisers to Prime Minister Malcolm Fraser in relation to the 1975 constitutional crisis and was extensively interviewed on the ABC television, not shrinking from the controversy but hoping to assist public understanding.

Laurie sought to share his love and learning of the law with others. He contributed articles to the *Australian Law Journal* on some observations on procedures in foreign countries (1975) 49 *ALJ* 577 and in (1991) 65 *ALJ* 646 liability of search and rescue authorities for negligence of which article the editor considered it to be a major contribution to the legal literature on the liability of public bodies for negligence. In July 1993 the *Herald* published his succinct contribution to the *Mabo* legislation, reminding us of the right to claim title to land after 20 years of hostile possession being available to all Australians, aborigine or not.

Laurence Gruzman was not merely an outstanding and successful lawyer and staunch advocate of the Bar, but was a kind and generous friend, a devoted husband, father and grandfather. He will ever occupy a unique place in the hearts of all those who knew him and has left his indelible mark upon the legal profession of this country.

Honourable Alan Victor Maxwell QC

Memorial Service
St Mark's Church
18 June 1997

Tribute by His Excellency the Honourable Gordon Samuels QC,
Governor of New South Wales

IT IS AN HONOUR to speak in celebration of the life of my dear friend, Victor Maxwell. I had the privilege of speaking at his father's Memorial Service; and over the years I, and my wife, have spent many joyous occasions with the Maxwell family, since friendship encompasses both joy and sorrow. Today, we mourn the passing of someone dear to all of us. But we are comforted by the example of a brave life, well spent in service to his community, of a loving husband, father and grandfather, and of a true and loyal friend.

Alan Victor Maxwell was born on 1 July 1922, the son of the late Justice Victor Maxwell and the former Margaret Lawless.

He was at school at Shore where he became Senior Prefect and Cadet Lieutenant. He demonstrated

considerable athletic ability and held the Australian junior records for 120 and 220 yard hurdles.

In 1941 he enlisted in the Army and subsequently served in the AIF in Western Australia, Cape York, Bougainville and New Britain from 1941 until 1945. In 1944 he was promoted to Major, one of the youngest officers in the Army to have achieved this rank.

After Japan's defeat and capitulation, he served as President of the War Crimes Tribunal in Rabaul and New Britain. In the course of that duty, he was obliged to impose the death penalty upon a Japanese officer convicted of war crimes. This was an event which made a deep emotional impression on him - it was something which he said later 'always lived with me'.

In 1946 he was discharged from the AIF and enrolled