

Matthew Bracks (1964 - 2008)



Matthew Bracks commenced his legal career as a solicitor in the Sydney Office of the Commonwealth Director of Public Prosecutions in August 1989. His ability was recognised at an early stage, as evidenced by the fact that within three years he had been promoted to the level of principal legal officer. He worked in various positions within the offices of DPP in Sydney and Canberra, and was seconded for a period of time to the Australian Stock Exchange, before accepting a position as the deputy director of public prosecutions in Darwin in April of 1999. The position in Darwin provided Matthew with opportunities to appear as an advocate over and above those which had been available to him in the positions he had held prior to that time. It was therefore no surprise that upon his return to Sydney in February 2001 he took up a position of in-house counsel with the DPP.

Over the ensuing five years, Matthew appeared principally in jury trials and in

proceedings before the Court of Criminal Appeal. In doing so, he earned a reputation as a skilled, articulate and committed advocate. He was meticulous in his preparation of each and every case in which he was briefed. His presentation of those cases was equally meticulous, reflective of his appreciation of the fairness with which the Crown is bound to act, and the accompanying need for the Crown to be a model litigant.

Matthew's success whilst in house counsel was such that his progression to the private bar was inevitable. When he made the move in February 2006 he confided in those close to him that he was overcome by feelings of excitement on the one hand, and fear on the other, explaining that his fear stemmed from what he viewed as the possibility of not being able to generate sufficient work in order to survive. He need not have worried - within a short time he had developed a busy criminal trial practice and, after a period, had commenced to build up a sizeable civil practice as well.

Quite apart from his skills as a lawyer and advocate, Matthew was universally regarded as one who upheld the finest traditions of the bar. Without fail he conducted himself, and the cases in which he was briefed, in a way which was reflective of highest of standards of ethics, propriety, honesty and integrity. He was, as his brother-in-law so eloquently described him in the course of a eulogy given at his requiem mass, a man who had the manners of a gentleman of a bygone era, and who carried himself accordingly.

At the beginning of 2008 Matthew had many things to which he was looking forward - being a father to his newly born son Joseph, to whom he was lovingly devoted, was one. The continued

consolidation of what was a flourishing career at the bar was another. However, in a cruel demonstration of the fragility of life, he was diagnosed with leukemia on 24 April 2008.

In the three months which followed that diagnosis, Matthew faced challenges which were many and varied. He dealt with each and every one of them in typical fashion - with courage, determination, and dignity, all aided by his strong and unwavering Catholic faith. The generally positive reports which had been received regarding the progress of his treatment were such as to generate cautious optimism amongst his friends regarding the prospects of his ultimate recovery. It was therefore with both shock and sadness that we learned of his passing on 28 July 2008, just three months after his diagnosis.

A large gathering of family, friends, past and present colleagues, and members of the judiciary, gathered at Matthew Bracks's requiem mass at St Aloysius College on the morning of Saturday, 2 August 2008. A few days earlier, the underlying reasons for the esteem in which Matthew was held were succinctly stated by Christopher Craigie SC, the director of public prosecutions, in a memorandum to his staff:

He gave outstanding service as counsel and was frequently briefed by the office. That frequency arose from the simple fact that he gave exemplary service, and was a highly competent and ethical lawyer. He had a powerful grasp of the prosecutor's special role in upholding the rule of law. He was held in high professional regard by those who briefed him and by his peers at the Bar, including his opponents. More importantly than all of this, he was a pleasure to work with, a fact very apparent from the great affection generated amongst the many professional colleagues who became Matthew's friends as a result of his personal, as much as his professional, qualities.

All of us who were fortunate enough to know Matthew Bracks will be poorer for his passing.

May he rest in peace.

By Geoffrey Bellew SC

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