

## Chester Alexander Porter QC

(1926-2021)

Chester Alexander Porter QC passed away on his 95th birthday last 15th March. Chester practised at the bar for 52 years, having commenced in 1948 aged 21 after doing law at Sydney University, the early part of which was during the war years. He was initially in the old Denman Chambers and in 1963 moved to the 12th floor of Selborne Chambers, where he formed many solid friendships and where he was the floor leader for many years. As a young barrister, he honed his oratory skills by joining Rostrum, where he eventually became a judge and mentor. Chester always described himself as a 'general practitioner' who was open to accept any kind of brief, but he was probably best known for his work in criminal law and allied fields. Chester was undoubtedly the pre-eminent criminal law silk in Sydney for at least two generations of barristers. Numerous present judges and Senior Counsel were his juniors and untold numbers of them went to him over the years for advice and mentoring. He was a President of the Academy of Forensic Sciences and a President of the Australian Council of Professions.

Chester's list of significant high-profile cases included:

- the 1951 Royal Commission into the murder conviction of Frederick McDermott
- the second Royal Commission into the 1984 sinking of HMAS Voyager
- the Royal Commission into the circumstances of the prosecution of Superintendent Harry 'the Hat' Blackburn
- the inquiry into the conviction of Alexander McLeod Lindsay
- the 1976-78 Nagle Royal Commission into NSW Prisons
- representing the NSW Bar Association in the proceedings opposing the admission of Wendy Bacon
- appearing for the Minister of Environment in the 1992 ICAC inquiry into the circumstances of the appointment of Dr Metherill to a position in the public service
- the Royal Commission into the convictions of Lindy and Michael Chamberlain
- the trial of Judge John Foord



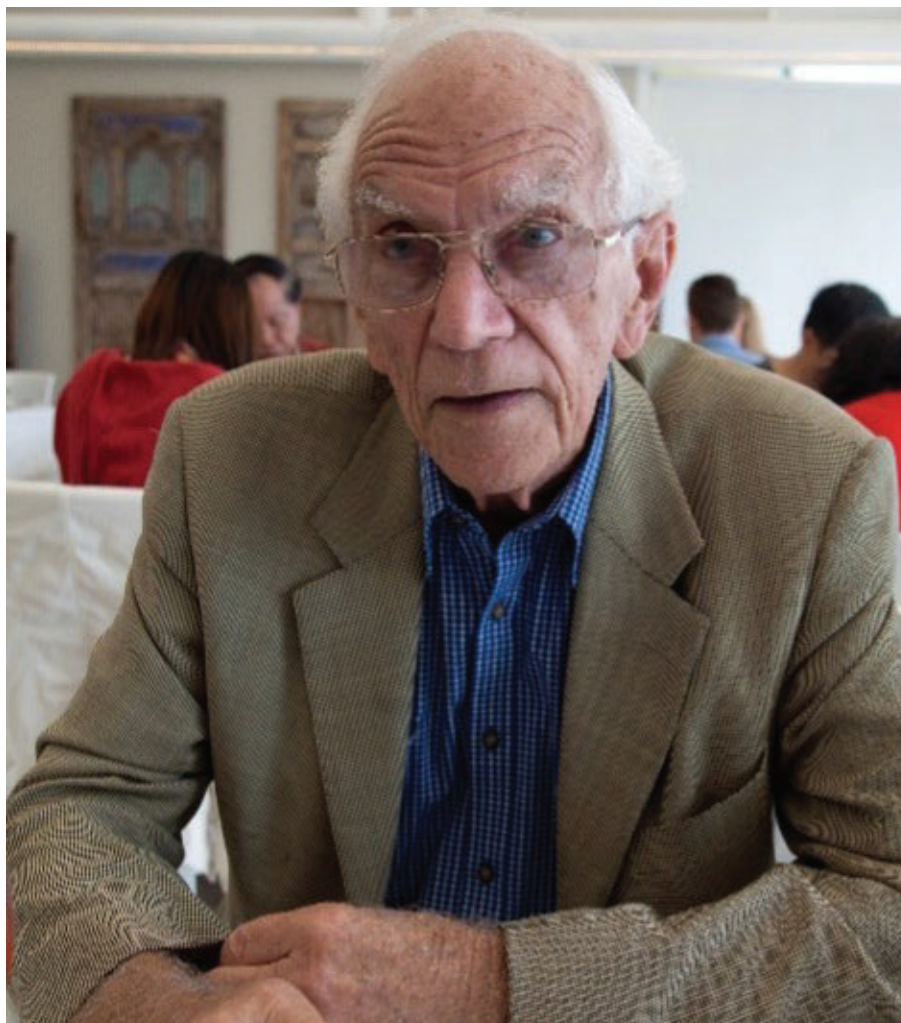
- one of the trials of former Detective Sgt Roger Rogerson
- the trial of Andrew Kalajich

Chester's dedication to being a 'general practitioner' saw him doing criminal trials on both sides of the Bar table. After appointment as a Silk in 1974, he was involved in prosecuting some of the lengthy and complex trials arising from investigations by the recently formed Commonwealth-State Joint Drug Task Force. At the same time, he was becoming the senior counsel of choice for the defence.

Chester's informal advice in criminal law matters was always of immense value. He hated the scattergun approach in which a defence counsel would go down every rabbit hole, just in case there was anything there. He thought that the best approach was to mount a defence with two or three really good points, and forget the other ones that would just dilute the good points. He would take on clients without any sort of moral judgment. When persons who didn't understand the law asked him how he could represent guilty people, he would say to them 'As they enter my chambers, they take on a

halo of innocence'. Such was his adherence to the presumption of innocence.

Chester was renowned for having an open-door policy in Chambers and anyone who entered his chambers would be given plenty of time and attention to sort out their legal problems. I was one of those very fortunate barristers to have benefited from Chester's mentoring over many years. In a way, I was the son Chester never had, and I think he was delighted when I made the move to go to the Bar in 1977, thinking that I would become a commercial law barrister. At the end of my first year at the Bar I received a phone call from Gordon Beard, one of Chester's long-standing solicitors, asking me whether I would accept a brief as Chester's junior to represent a defendant in a legally aided, multi-accused committal proceeding in the Magistrates Court that was expected to go for three weeks. Having not yet had a hearing that had gone for longer than three days, I readily accepted. That committal became known as the 'Greek Conspiracy case', and it ended up going for three years, at the end of which I was a criminal law tragic. Chester never actually appeared in the committal proceedings, but



I had the benefit of his wise advice during the whole hearing without him receiving any fees whatsoever.

I was not the only barrister whose career was powerfully influenced by Chester Porter. Many of his juniors progressed their careers by being involved with him as his junior in complex matters. Chester also assisted a number of barristers, whom I shall not name, who needed representation in their own right and who received not only sound representation and advice from him, but also much needed emotional support.

Chester was known at the Bar and in the media by two epithets: 'Chester Porter walks on water', which amused him, and 'The smiling funnel web' which he hated. Both had a foundation in reality. The first was based on his belief that extensive preparation was the key to success in the courtroom. The second derived from his cross-examinations, which could be withering, and his presence in court, which was commanding.

Chester retired from the Bar on 30 June 2000 at the age of 74 and after 52 years of distinguished practice. The Bar Association honoured him with life membership for his exceptional service to the law. For those who

asked him, the excuse he gave for retiring at the peak of his abilities was that he couldn't stand the idea of filling in GST returns for the government each quarter – an obligation that came into existence the day after his retirement. However, the real reason was that he wanted to leave while he was still at the peak of his craft and before the natural deteriorations of age set in. He had every encouragement from Jean for this step.

Chester's family of origin was an interesting mixed bag. His mother, Coralie, was born Jewish, but totally rejected that background in her late teens and became a staunch Anglican. Chester and his brother, Hal, only found out about their mother's exotic ancestry as adults when solicitor Cedric Symonds informed Chester that his maternal grandparents had been Jews. A confused Chester later spoke privately with his father, who confirmed the information and explained that Coralie had always wanted to keep it secret. Chester readily told his own daughters about their heritage, and they have always been proud of it. Daughter Dorothy discovered to her delight that one of their Jewish ancestors had been on Christopher Columbus's famed expedition

to the New World as an interpreter. Chester's father, Frederick Porter, came from solid English stock. At a very early age, Chester was sent to boarding school at Barker College, which he found traumatic, due to the old school bullying mentality that was prevalent at the time. He later went to Shore, where life was better, but it was not really until University that Chester really excelled, graduating with first-class honours in 1947.

Jean was the great love of Chester's life. Chester met Jean Featherstone through mutual friends. She was attracted by his intellect, integrity and good looks. He was attracted to her unassuming, giving nature, based on an immense inner strength, an intelligence that at least matched his own, albeit less demonstrative, a bubbly personality and her passion for her vocation as a science teacher. They were married in 1953. Their love, devotion and companionship endured until his recent death, with Jean providing him with unending support during the serious deterioration of his health in the last few months.

Chester and Jean began their married lives in a modest home at Mona Vale which they purchased very early in their marriage and



which they lived in until moving together to a nursing home about a year prior to his passing. It was Chester's love of animals that resulted in the purchase of a property in what was then a far-flung outlier of Sydney, and that was big enough for a serious hobby farm. Their home at Mona Vale consisted of three blocks on which Chester kept a menagerie of chooks, ducks, geese, bantams, and various other fauna such as native tortoises, as well as fruit trees. Anyone who came for a meal would be treated to roast duck which had been bred, slaughtered and dressed by Chester, and then wonderfully cooked by Jean.

Chester always valued his family life and made a point of never taking his professional work home. Considering the complexity of some of his briefs, that was an amazing achievement. His travel between Mona Vale and the city meant that he spent a lot of time in transit, so he would invariably leave home by 6:30 AM and return home at around 7 PM. However, once at Mona Vale, he would be totally focussed on life at home and his beloved hobby farm. Even after retirement, Chester and Jean could not break the long-standing habit of waking up at 5:30 AM.

In late 1983 Chester and Jean were involved in a horrific car accident on their way home from this writer's place, when a drunk driver crossed onto the wrong side of Mona Vale Road. Chester, who remained fully conscious throughout, was severely injured, Jean less so, and one of Chester's two cocker spaniels was killed. Chester spent months in hospital and rehabilitation, but insisted on returning to work even while limping and in pain. Surprisingly, he found that he no longer received prosecution briefs, but was even more favoured and in demand by defence clients. Chester put it down to solicitors and clients thinking that because he had suffered so much himself, he would have more compassion for their plight. Indeed, he thought he became a better advocate after the accident.

I was fortunate to have known Chester all of my life. Chester's wife, Jean, was the best friend of my late mother, Ruth, and the three Porter daughters, Dorothy, Mary and Josie, were roughly of similar age to the three children in my own family of origin. Chester and Jean's daughters became like close cousins to us. In 1962, my parents, Robert and Ruth, built a fibro holiday shack in the bush in the Blue Mountains, and a couple of years later Chester and Jean bought an old wooden cottage nearby. From then on, our holidays consisted of numerous bushwalks, picnics, birdwatching, horse riding, overnight stays, swimming in the council swimming pools and remote bush



swimming holes, visits to the old picture theatre at Katoomba, dinners at obscure old-fashioned Blue Mountains cafes, Mark-rules cricket, bike riding on dirt roads, playing endless board games, and numerous other activities. For all six children in the two families, it was a wonderland for holidaying, and to this day we all cherish those years of holidays together. Chester and Jean were keen bushwalkers and birdwatchers, and we all derived from them a lifelong love of the bush and a knowledge of flora, fauna, geology and history of the mountains.

Chester had a great love of dogs, and cocker spaniels in particular. From an early age he always had a cocker spaniel, or two. His understanding of dogs and his ability to train them was one of the main reasons his daughter, Mary Davis, decided to study veterinary science, which led to her winning the University medal at Sydney University and becoming an enormously successful and proficient veterinary surgeon.

Chester also had a great love of history and literature. His interest in history and biography was deep and his general knowledge profound. There were very few topics on which he could not have a sophisticated and informed discussion. After his retirement, Chester and Jean became avid members of the Dickens Society. Their daughter, Dorothy Porter, began writing a diary and schoolgirl stories in her early teenage years. She went on to become a great poet and a teacher of creative writing. Her successes led to her becoming the pre-eminent Australian poet of her time, with

publications galore, including probably her best-known work 'The Monkeys Mask' which became an HSC text. Unfortunately, in 2008 Dorothy passed away after a short illness at much too early an age of 54.

Mary was not the only daughter in that family to win a University medal. Chester and Jean's youngest daughter, Dr Josie McSkimming, won the University medal in social work at UNSW and went on to become a highly successful clinical social worker in the mental health care industry, specialising in narrative therapy, couple therapy and clinical supervision of her fellow professionals, as well as lecturing generations of students at the same university. After many years of adherence to staunch Anglicanism, Josie became disenchanted with the institution's attitude to women and, with her husband James, left the fold and wrote about her experiences in a doctoral thesis published as an insightful book *'Leaving Christian Fundamentalism and the Reconstruction of Identity'*.

Chester leaves behind his beloved wife, Jean; two of his three daughters, Mary and Josie; his daughters' partners (Andrea Goldsmith, Bruce Sanderson and James McSkimming); five grandchildren (Kate, Tom, Sam, Alex and Emily); and four great-grandchildren (Elise, Abigail, Vera and Felix – the last born soon after Chester's passing). He also leaves behind this writer's admiration and gratitude for the huge contribution he made in so many diverse areas of my life.

**Mark Tedeschi AM QC**



## Priscilla Flemming QC

(1942 – 2021)

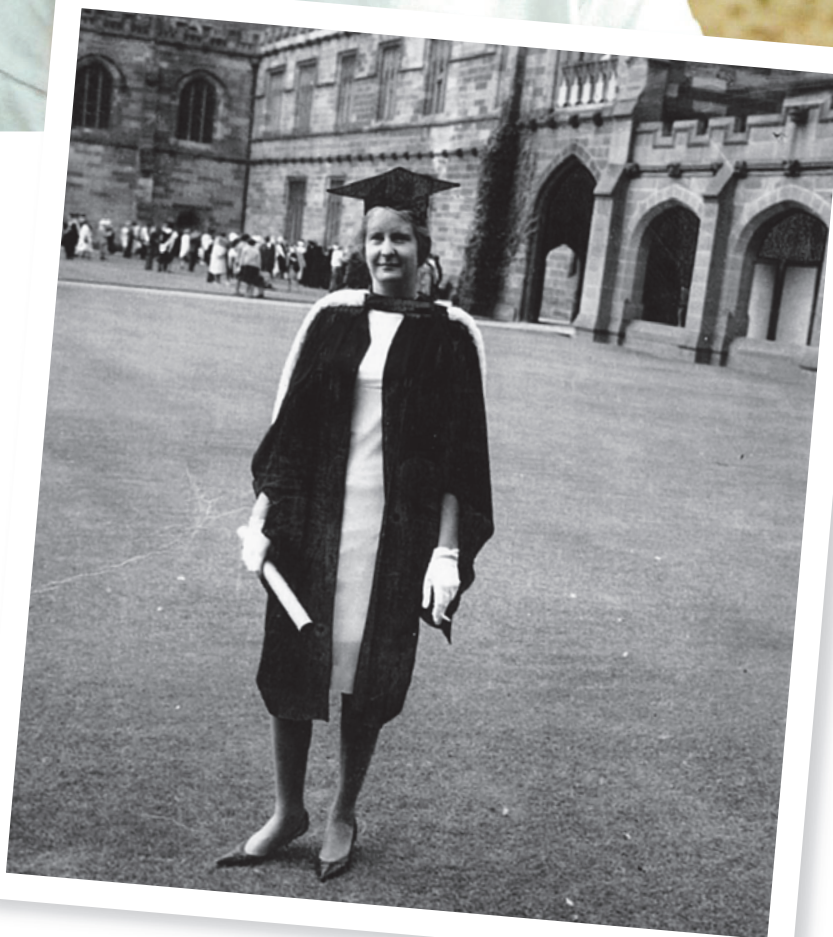
### The first female Queen's Counsel of the Private Bar

Priscilla Flemming QC (Flemming QC) became the first Queen's Counsel in the male dominated world of the Private Bar in 1985. For some, it seems just yesterday. Not 36 years ago. To label her as a 'trailblazer' and an 'innovator' because of that unique and singular achievement is only to recognise a small aspect of her generous and kindly nature as a human being. She had a firm but pleasant nature and was much loved. In different times, Flemming QC dared to tread where angels feared. She was possessed of a happy and joyful disposition. She was a wife, a mother, a friend and a mentor to many fledgling barristers. Flemming QC had a quiet determination and perseverance which saw her succeed.

Flemming QC's father was none other than, the Solicitor General, Harold Alfred Rush Snelling CBE QC, who had served in the WWII in New Guinea. Priscilla Flemming QC attended Kambala at Rose Bay for both primary and secondary school education. It was an idyllic and privileged childhood in the fold of the Law at Vacluse where the family had always lived. HAR Snelling QC was an eminent member of the legal profession at the Bar and later he rose to high office in the Menzies Government. Those years are shrouded in mystery, which coincided with the time that Dr (Bert) Evatt became the Chief Justice of NSW Supreme Court (after a lengthy period on the High Court of Australia). Snelling QC retired on 12 September 1974 aged 70 years. He never took judicial appointment but opted for more gentlemanly pursuits in retirement such as swimming and gardening in Leura.

After matriculating, Flemming QC went on to the University of Sydney for an education in the Liberal Arts. In that era women had three (pre-motherhood) career options: a secretary, a teacher or a nurse. Flemming QC had no such intentions. The heady days of the 1970s had commenced and the world was changing. Shortly after graduation, she married and went on to have two children in quick succession. She was fortunate to have been raised in the cream of the Sydney legal milieu. Her destiny had been sealed: Law beckoned.

By 1970, Flemming QC had an idea that she wanted to practise at the Bar. Indeed, her friends and family began talking about it in the year or two preceding her admission.



It was an idea which appealed to Flemming QC immensely. She wanted to be a barrister. She could imagine it.

In the early 1970s, Flemming QC enrolled in the Barristers Admission Board exams. She was industrious and brimming with ambition and purpose. She was no stranger to the basal legal concepts. Her father, Harold

Snelling QC, did not immediately condone her decision to become a Barrister, warning her '[the Bar] is no place for a woman'. But she was her father's daughter, and Snelling was immensely proud of her achievement upon her admission to the Bar in 1971. Flemming QC was the 24th woman to be admitted to the NSW Bar.





In those days, Flemming QC was part of a very select group of women who were admitted and were in active practice at the Sydney Bar. It was rare to see the coterie which regularly appeared before the courts at that time; Fleming, Janet Coombes, Mary Gaudron, Jane Matthews, Caroline Simpson and some time later Joan Rosanove, Virginia Bell, and Margaret Beazley, PA Bergin, Elizabeth Fullerton and Carolyn Davenport.

At the time, the Bar was punctuated by an intimidating atmosphere – it was a tacit feeling of being unwelcome and inadequate. Women bore the brunt of that atmosphere. Flemming became accustomed to it but was not deterred.

Flemming QC found great fortune to have as her Pupil Master, RJB St John (1925 – 2003) (who later became a QC and an original Judge of the Federal Court of Australia). His nickname was 'The Bear' on account of his uniformly grumpy and cantankerous temperament and personality. St John taught Flemming QC much of the craft of the Barrister and the old tricks of trial advocacy and especially jury trials.

Junior Barristers in her era tended to do family law before the family law legislation came into effect in the mid 1970s, as well as many criminal briefs both defence and prosecution. Flemming QC was often in

cases concerning motor accidents and was often led by Bob St John in some significant cases, however, often she appeared for defendants. The Commonwealth Crown Solicitor often briefed Flemming QC and she became a preferred counsel. With the rise of administrative law, Flemming QC also gained experience in that sphere, together with statutory interpretation. She also appeared before the Licencing Court and also the Worker's Compensation Court, amongst other niche courts.

Most solicitors across the board refused to brief female Barristers. This added to the wall of unconscious bias clearly and saw the practical exclusion of women barristers for so many years. Flemming QC keenly observed and understood the inner workings of the profession that she came to love. Female practitioners were still a minority and were widely regarded as an oddity or at least never taken seriously. There were however, some solicitors, both suburban and country, who contrary to the prevailing practice, entrusted briefs to Flemming QC.

Also at this time, most established Chambers would not accept female applications. Bob St John was Flemming QC's entrée onto the 12th Floor of Selborne Chambers. Her pupillage was in the old style – she sat in Bob St John's room and was

able to observe and participate in most of his daily life in chambers.

As a member of the distinguished 12th Floor, she fraternised with some of the best Barristers of the time; Chester Porter QC, The Hon. David Yeldham QC, The Hon. JMN (Moreton) Rolfe QC and The Hon. Brian Sully AM QC. The Hon. Murray Wilcox QC had been one of her mentors. The Hon. Peter Wolstenholme Young AO QC from 8 Wentworth Chambers, often led her in the Federal Court of Australia, which was a fledgling court in those days. Later, Young QC became the Chief Judge in Equity and a Judge of Appeal.

Towards the end of her professional years, Flemming QC observed residual hostility about the male female divide in the profession. She often recalled the advice of Joan Rosanove who expressed it with graphic hyperbole, 'One needed to have the hide of a rhinoceros, and when they kick you in the teeth you must look as though you hadn't noticed'. She pointed out a certain urbane brutality in the Old Bar Common Room at the time – the traditional gathering place for luncheon for male barristers. Female barristers were generally not welcome. She was introduced to members of the Bar and the judiciary, who would often answer: 'Ah yes, you mean, Harold's daughter...'





Priscilla Fleming QC with family (from left): daughter-in-law Sabina, son Dan, grandsons Noah and Ethan, husband Paul and daughter Claudia



By 1985, Flemming QC had been practicing continuously for fourteen years. It was the year she took Silk. This marked the occasion of the first woman in private practice to take Silk at a time when the Governor-in-Council would make recommendations to the Queen for those eligible to be one of her Majesty's Counsel learned in the law. The Hon Mary Gaudron had taken silk four years prior in 1981 but she was at the time the NSW Solicitor-General, a position that came with Silk.

Flemming QC would continue in practice at the Bar as a QC, capably and well, for four years before retiring. The enormity of the workload took a toll in the ensuing years. At the height of her seniority, Flemming QC worked seven days a week. The work was relentless and the pressures unimaginable. She knew the Bar too well.

The apple doesn't fall far from the tree. Flemming QC did not seek appointment to any court, in fact, she had been made several offers to become a judge but rejected them. She determined that the isolation and loneliness of judicial life would not have suited her. She also recalled her father Harold Snelling QC's predicament in high office.

A currently sitting judge of the Supreme Court, the Honourable Justice Peter Johnson, vividly recalls appearing in a number of cases with Flemming QC leading him, namely *Varley v Attorney-General of New South Wales* (1987) 8 NSWLR 30 and *Murphy v Tavern Stock* (1988) 93 FLR 14. He also recalls her appearing as Counsel Assisting the Coroner Kevin Waller, at inquests in 1987 and 1988 after the Family Court bombing occasioning the deaths of Pearl Watson and David Opas.

His Honour recalls learning a lot from Flemming QC, who was a supremely good operator and had the ability and fine judgment that a Silk should exercise. Johnson J recalls her serene demeanour and her calm and polite presence both in and out of the Court room.

The Honourable RS McColl on the occasion of her appointment to the NSW Court of Appeal recalled Flemming QC's support of her in her swearing in speech in the Banco Court. Her Honour recalled that together with Margaret Renaud, both barristers, did not know her but still afforded her time and effort to progress her at the Bar. Margaret Renaud eventually obtained appointment to the Family Court of Australia, and likewise Justice

Ainslie-Wallace and Justice Margaret Cleary. McColl JA recalled Flemming QC taking silk and having then a vast practice of a Silk at the height of her powers.

Flemming QC had achieved what she set out to do. She became a distinguished member of the inner bar. By retiring in 1989, she enjoyed three decades of wonderful other experiences. Flemming QC and her husband moved to the Hunter Valley then latterly to Lake Cathie on the NSW Mid-North Coast (near Port Macquarie). There she lived a seaside life with her husband Paul. Her contact with the City and the Bar diminished. The Bar was one aspect of her life – albeit an important one. Most of all, she prized being a warm, kindly and personable individual in both her professional life and her personal life. She is recalled fondly and lovingly by all of her colleagues who survive her from the Bar.

Flemming QC had a distinguished professional life of the most fulfilling kind. She will always be the first female QC of the Private Bar. Her exalted status at the Bar was a feat to be celebrated and remembered. It signalled the changing face of women practitioners at the NSW Bar and in the legal profession. As in life, may her light shine brightly...

**Kevin Tang, 8 Wentworth Chambers**



## Phillipa Gormly

(1957-2021)

Phillipa Gormly, barrister, one of three siblings at the NSW Bar, daughter of a Sydney silk Frank Gormly QC, the fourth of six close siblings, spouse, mother and grandmother, was admitted to the Bar twenty four years ago in 1996. She died 29 May this year at the age of 63. She had been a very sweet child and maintained throughout her life, the gentle belief, held with unbending conviction, that the world was a wonderful place. So, it came as a surprise to see an iron will and a steely personal discipline explode onto the scene to match the onset of Multiple Sclerosis.

Pip led a remarkably full life both 'before' and 'after' her diagnosis. She was a Loreto Kirribilli girl who left school to do economics at Sydney University, travel, socialise, work for Citibank as it then was, and to marry. She had four children while renovating houses in Annandale and Lindfield. She remained physically active taking her children skiing and supporting them in all their extracurricular activities.

After a marriage breakdown she continued to work and bring up her four children. At the same time she took up law part-time in the SAB course – completed it in 1993 –and met her future husband Alan Clark. They had some time together before the more serious onset of her disease and married four years after the diagnosis. At that stage she was still quite mobile, but skiing was coming to an end.

She worked as a solicitor for three years, an experience which she valued. She was admitted to the Bar in 1996 and only recently ceased holding a practising certificate. At the Bar she did a range of work appearing at some stage, in most jurisdictions. Her work started as commercial, but it expanded over time to cover some insolvency and bankruptcy, wills and estates, guardianship, family and discrimination work. Early appearances before the Teacher's Disciplinary Tribunal and the Guardianship Board sparked an interest that in turn led to appointments between 2003 and 2013 as deputy chairperson in a variety of tribunal work dealing with optometrists, chiropractors, osteopaths, physiotherapists and psychologists.

She spoke of the reluctance of some people to brief her, being unsure of her needs. She believed in exposure to disability as an antidote to shyness of it and as a result, took pleasure in receiving a second brief from the same person. She was determined not to be



defined by her disease. She enjoyed the work she received over a long period from the NSW Crown Solicitor's Office.

At the end of a day in chambers or court, she would wheel herself down to Wynyard station, make the appropriate arrangements with the station staff and catch the train home to be met at Pymble by her husband. Eventually that independent commute had to end but, with the support of her husband and four fine children, she continued to work. She received consideration from the courts and tribunals she appeared in. She was ever grateful to her chambers, Garfield Barwick, Ground Floor Wentworth, Blackstone and Second Floor Selborne.

Phillipa was led by a number of silk in interesting appellate work. John Hislop SC as he then was, led her as his junior in the High Court on many occasions. All this time she was balancing work with being a mother to four children, a spouse and with a deteriorating condition. Her experience of working at the Bar from a wheelchair, was recorded in an interview with Rena Sofroniou in *Bar News* 2003. Asked about whether preconceptions were projected onto her as an MS sufferer in a wheelchair, she answered '*Certainly not here at the Bar. I feel at home here. I feel welcomed. I feel accepted and people are always willing to lend a hand if I need it, which I do often...*'

She went on to say *'Certainly the MS is no reason for me to stop my work. It is possibly, probably, now as bad as its going to get. I'm not particularly bad for an MS sufferer – I'm just dramatic because I'm in a wheelchair, so people notice me.'* Her eternally optimistic self-prognosis was incorrect, as she must have known. In the same interview she spoke of offers she made to her silk to carry their red bag on her lap. She told Rena it was no problem as she had no feeling in her legs anyway. She found this sort of thing amusing, but it was also an illustration of a mental attitude and a will to keep working, that kept her going for around 20 years more.

She and her husband Alan, with whom there was a strong mutually supportive relationship, travelled a great deal including after she became wheelchair bound. It was a big exercise for her and Alan. Her last trip was to Spain during which she was happy to be bounced around on cobbled lanes and roads. There were five other family members in the travelling troupe, all kept busy at different times, but especially her husband and her daughter Olivia. An earlier

trip was a visit to our sister Jenny, then living in Malawi. At Pip's insistence she was lifted, still in her wheelchair, into the rear of an open ute, strapped down and driven for hours over dirt roads in the backlots of Malawi. It rained for some part of the trip, a matter of indifference to her. Everything was an adventure.

Pip was quite politically active as an advocate for the disabled. She gave interviews, lobbied Tony Abbott and spoke with John Howard for support for the NDIS. She had been a long-term director of Living My Way Ltd, a member of the Bar's Equal Opportunity Committee and a director of the NSW Multiple Sclerosis Society. In smaller ways she was like a dog with a bone. She and the late Phillip Selth, then Executive Director of the Bar, had numerous discussions to improve access issues and disabled toilet issues. She also worked with Michael Slattery QC then President of the NSW Bar Association. She wanted a re-build of a new concrete wheelchair ramp from footpath to road in King St outside the Supreme Court. He

made a submission to Sydney City Council. We all expected a fight or a delay. In fact, the re-build was done within days of the Council receiving the submission. The large ramp in front of Wentworth Chambers was sometimes referred to as the Phillipa Gormly Private Ramp, she being the only barrister at the time in a wheelchair but, as we have all seen, many others have been grateful for it.

Her efforts were recognised, including in 2015 with the award of life membership by the NSW Women Lawyers Association. She was delighted by that award.

Phillipa is survived by her four children and her five, soon to be seven, grandchildren. She took great interest, pleasure and pride in her family and in legal life. She is survived by her husband Alan Clark – a man loved and valued by the whole family – who has spent the last 25 years ensuring that Pip had the best life she could have.

**Jeremy and Julian Gormly**

