

Celebrating 40 years in practise

On 26 October 2005, Cecil Black will celebrate 40 years of practicing law. After such an impressive milestone you would forgive a person for reminiscing about times gone by, but Cecil's sights are firmly set on the future.

"I have no desire to give up practice. I'll probably reconsider my future when I am approaching the 50 year milestone. I have no desire to not be a lawyer – it has been my life," Cecil Black said.

Black grew up in Queensland and started his articles on 21 October 1960, with Keith Henley a sole practitioner in Brisbane.

"I had a choice when I left school to go to agricultural college, or to study law. I was living on a farm, and that seemed a logical decision, but because of the influence of my mother who for many years had urged me to study law, I did just that."

"It's been a satisfying 40 years in the law."

After five years of articles and completion of the Solicitor's Board course, Black was admitted to the Queensland Supreme Court on 26 October 1965. He went to work for Feez Ruthning & Co, a large Brisbane firm, which later amalgamated with Allens.

"I practiced in litigation, as we used to call it. I remember well my first assignment with Feez Ruthning & Co. They were involved in a passing of action concerning pretzels, and my job was to interview persons who had answered a survey and to prepare affidavits in support of that action."

"I worked with that firm for almost three years. I came to the Northern Territory because my then fiancée was studying under a Commonwealth scholarship that required her to work in the Northern Territory."

Des Sturgess who was at the time at the Queensland Bar, and who later became the Director of Public Prosecutions put Black in contact with George Cridland, and the rest is history. George Cridland had a

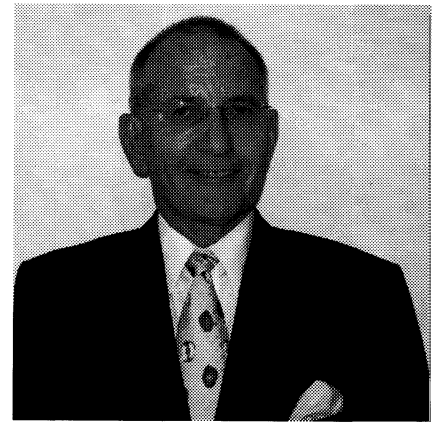
reputation for being the ruthless UJS "King".

Black arrived in Darwin on a hot afternoon on 30 August 1968 in his black suit and black hat, carrying his black umbrella and black brief case, to be met by George Cridland dressed in shorts and thongs, to commence employment with Cridland & Bauer and take over Geoff James's practice whilst he went off to America. He was admitted to practice in the Supreme Court of the Northern Territory four working days later.

Of the early days in Darwin, Black recalls that the private profession consisted of Ron Withnall, his daughter-in-law Nerolie, "Tiger" Lyons, George Dickinson, George Cridland, Harry Bauer, Geoff James, Richard Keller, Dick Ward (later Justice Ward), Alec Rorrison, Dick Kemp, and Bill Palmer. John Withnall although not admitted was working for his father. A recently struck off solicitor for trust account offences was residing in Fannie Bay Goal. He remembers that Crown Law consisted of Jim Williams, Peter Massie, Bill Raby, Alistair McGregor, Frank Williamson, David Hunt, David Mitchell, Tony Santospirito, and Bernie Sutherland. Barry Leader was an articulated clerk.

Justice Blackburn was the resident judge, Haynes Leader was the resident magistrate, and Bob Eldridge was the master/clerk of courts/registrar general/etc.

Black reminisces that his practice consisted of some crime, an area in which he had not practiced before coming to Darwin, general



Cecil Black, celebrating 40 years in legal practise.

litigation and family law. Black recalls the many experiences that he had in appearing before Justice Blackburn, and says he owes a lot to the patience of that Judge.

Early in his Darwin career he was counsel for a murder trial, obtaining an acquittal on the grounds of insanity. After his client's release from medical detention, that man was a regular visitor to his office for a "friendly" chat.

"The practice of the law has changed a fair bit since then". Black recalls seeing "Tiger" Lyons in action before a jury, with his instructions on a single sheet of paper.

Black also recalls that proceedings in the Supreme Court were a simple procedure with the issue of a writ, the delivery of a statement of claim and defence, the obtaining of a date for trial and the final appearances. Discovery and inspection were seldom used.

He also recalls that conveyancing was much simpler. Settlement was effected by the posting of the signed transfer and the title deed to the purchaser's lawyer's office in return for the purchase price, "none of this attendance at the Lands Titles Office".

Having been trained in articles, Black wonders whether the use of the Graduate Diploma in Legal Practice is a good idea.

Black became a non-equity partner in Cridland and Bauer in the early

continued page 9...

New High Court Justice announced

In September, Justice Susan Crennan was announced as the latest appointment to the High Court of Australia.

"The Government sought to appoint someone who has demonstrated, through the quality of her jurisprudence and her leadership, that she has the confidence of the legal profession and the broader Australian community," said Federal Attorney-General Phillip Ruddock.

"The essential criterion for judicial appointment is merit. Merit means legal excellence, a capacity for industry and a temperament suited to the performance of the judicial function," he said.

Justice Crennan has a distinguished legal career spanning more than 25 years. Commencing at the New South Wales Bar in 1979 where she read with the Commonwealth Solicitor-General, Mr David Bennett QC.

Appointed as Queen's Counsel in 1989, she was the first female Chair of the Victorian Bar Council from 1993 to 1994 and the first woman President of the Australian Bar Association from 1994 to 1995.

Justice Crennan was appointed to the bench of the Federal Court of Australia in 2003. She has also worked as counsel assisting the Tri-continental Royal Commission, been a part-time hearing commissioner for the Human Rights and Equal Opportunity Commission, and served on the Victorian Attorney-General's Law Reform Council and the Victorian Legal Aid Commission.

"Justice Crennan's appointment to the High Court is richly deserved and caps a long and distinguished legal career," said Law Council President-elect, Tim Bugg QC.

Justice Crennan's appointment to the bench will commence on 1 November 2005, taking up the position vacated by the retirement of Justice Michael McHugh. ①

Celebrating 40 years in practise cont...

70s. This firm was a training ground for a number of lawyers including Terry Coulehan, Tom Pauling, and Peter Barr, to name just a few.

After Cyclone Tracy, Black became an equity partner in Cridland and Bauer. This firm amalgamated with Poveys to become Cridlands. Black was associated with George Cridland for 26 years until he established his own family law practice in 1994.

Over the last 40 years, Black has extended his skills to more than just the law. He was Darwin Lord Mayor between 1980 and 1984 and spent 31 years involved in local government. He was the National President of the Local Government Association in 1985.

He has had a very long involvement in the community and he assisted in the foundation of the Marriage Guidance Council, now called Relationships Australia for which he was granted life membership, Crisis Line and the Good Neighbour Council.

Black has maintained his involvement as counsel and solicitor, regularly appearing in the Family Court, the Federal Magistrates Court, and to a lesser extent the Supreme Court, the last mention court in de facto relationship matters.

He has specialised in family law since 1975 and he has been an accredited specialist in family law for last six years.

During his time in practice, Black has witnessed many changes in family law.

"I'm probably one of the few people presently in practice, who had some knowledge of the law before the introduction of the 1959 Matrimonial Causes Act."

Black remembers well practicing under that Act. Obtaining evidence of adultery was common practice.

Preparing affidavits for private inquiry agents was commonplace.

The preparation of discretion statements was a regular event. In those days, it if a petitioner had an extramarital relationship that was an obligation upon the person to disclose that relationship. That disclosure was put into a sealed envelope, and the presiding judge was invited to read the discretion statement, and then to pronounce the decree nisi not with standing the facts contained in the discretion statement. The discretion statement was then placed in the envelope that was resealed.

For a divorce to be granted on the grounds of mutual separation, the parties had to be apart for five years.

The abolition of fault in the 1975 Act and the counselling facilities of the Court were welcomed by "litigants". Prior to that, black recalls that family lawyer's were also expected to be counselors.

"I think the real secret of being a good lawyer, is firstly to be a good communicator with your client, and secondly not to fall into the trap of taking on too much work."

Black says that his greatest joy as a practitioner was to have the privilege to move the admission of his son Carl who is now a senior associate with Cridlands, his old firm, as a practitioner of the Supreme Court of the Northern Territory.

To those practitioners who are about to embark upon a life within the law, or to his fellow practitioners who are already well established, his advice is "to follow your dream!" ①