

VALEDICTORY CEREMONY - KEVIN McCREANOR

17 July 2014 – Cairns

By The Honourable Justice Henry

We gather this morning to honour one of the pioneers of the Cairns bar, our friend Kevin McCreanor.

Kevin's retirement at the end of last month was a significant milestone in the history of the Cairns bar. He circuited here, as most barristers did, before taking chambers here in the late 70's in the embryonic stages of the development of a resident local bar. In that era, from the perspective of the visiting superior courts, Cairns was something of a frontier circuit centre. Kevin sometimes cultivated that frontier perception in court for the advantage of his client and out of court for the sheer fun of it.

In Kevin's time our city and our local bar has evolved and grown substantially. Resident Judges have been appointed and circuiting Judges, previously easy prey to legal ingenuity disguised by a tropical façade, are harder to come by. The duration of the bar's once vigorous working lunches has shortened. Negotiations and settlements tend to be achieved in quieter more sterile rooms than the public houses which so generously hosted the bar's alternative dispute resolution measures in earlier days. Through all of those changes Kevin has been a constant and enthusiastic presence. He has embraced our bar's successful development, all the while ensuring, through his guidance by spirited example, that our local bar's tropical air of collegiality and conviviality lives on.

Kevin has practiced in many areas of the law but in none has he shone more obviously than the criminal jurisdiction. I was first against Kevin in a criminal trial at the old courthouse some 27 years ago. I was prosecuting. The case involved the alleged theft of a hire car from its lessee. Within ten minutes of a cross-examination, in which Kevin took on a comforting, almost priestly demeanour, he coaxed a concession from the lessee that the car had been leant to the accused, not stolen. Judge Fred McGuire happily received my prompt entry of a nolle prosequi.

Over the years, in various cases, I prosecuted against Kevin, defended with him and in more recent times presided over cases in which he has appeared. His oratory skills, his gestures, his presence, were a major part of his armory as a formidable advocate. But I took most pleasure in seeing him apply his knowledge of the human condition when performing his craft. He not only knew what made his fellow human beings tick, as Judge Pat Shanahan was wont to say, he could also communicate with jurors in terms they understood. His explanation of the standard of proof to jurors seemed to resonate with them when he would ask them to merely accord his client the same fair go they would want for their son or daughter, brother or sister or close friend if ever one of them was unfortunate enough to find themselves in the dock.

His common touch and tolerant insight into human frailty doubtless sprung in part from his own eclectic interests, life experience and patent enjoyment in engaging with others. In my travels away from Cairns I have often bumped into persons with some passing experience of life in our town and when I have, words such as these have

been ubiquitous: “Ah a lawyer from Cairns, you’d know that fellow McCreanor?” or “Ah I served on the Australian Press Council with a barrister from there, Kevin McCreanor” or “Played golf with a barrister there once, lucky fellow, his ball kept bouncing out of the rough back onto the fairway, had the luck of the Irish, what was his name?”... “McCreanor?” I would ask... “Yes that’s him”, would come the response, “McCreanor” or “I was in the beef and burgundy club when I lived in Cairns, I remember a barrister member, good company he was”...’McCreanor?’ I would ask..., “ah yes that’s him, Kevin McCreanor”. I need not speculate on why of all Cairns barristers it seems to be Kevin who registers so famously on the richter scale of recognition ... that perhaps is for another venue. However it bears out the impression that Kevin’s knowledge of the human condition, applied so skillfully in court, was the product of hours of selfless, scholarly dedication to engaging with humans out of court.

The truth is that we are all better lawyers if we are well-rounded persons, engaged in the world around us. Moreover such engagement leaves us well positioned to continue to embrace life in retirement. Golfer, gardener, painter, traveller, reader, raconteur...Kevin McCreanor, a man for all seasons, an engaged and enjoyed retirement awaits you.

The bench thanks you for your many years of exemplary service as an advocate and officer of the court. We salute your formative contribution to our dynamic local legal community and wish you and Crissie a long, happy and healthy retirement.

Mr Morzone?