

Law family business

Rachel Nickless talks to one of the leading lawyers for executives accused of white-collar crimes.

Paul Galbally has a rule for family functions: "Everyone leaves work at work."

It's a sensible approach in his case given so many of his extended family work in the same industry. If the criminal defence world has an aristocracy, Melbourne's Galbally family is it.

Two of Paul's uncles and his father founded the high-profile Melbourne firm Galbally & O'Bryan. Two of his brothers, two cousins and some other relations are also criminal lawyers.

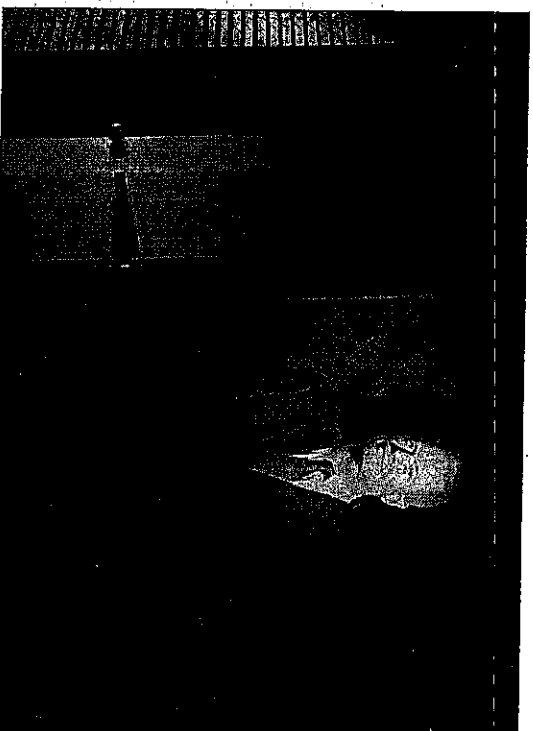
The best-known member of the clan is Paul's father Frank whose Hollywood-style advocacy was so powerful that court clerks would hurry to hear "Mr Frank" summing up to juries.

Paul Galbally is a different man altogether. He is quietly spoken and does very little advocacy work. He stumbled through criminal law at university, preferring commercial subjects. And he opted to start out in corporate litigation for a firm that became DLA Phillips Fox rather than joining his family's firm straight after university.

But like his father, the 48-year-old has carved an enviable niche in the legal fraternity. Paul Galbally's clients include former AWB chief executive Andrew Lindberg, who is battling the Australian Securities and Investments Commission in two civil proceedings in the Supreme Court of Victoria. Another was music entrepreneur Glenn Wheatley, who served a 15-month sentence for \$318,000 of tax fraud.

For business people accused of white-collar crimes, Galbally is one of a handful of lawyers in Australia considered the best.

Many lawyers are keen to keep a distinction between white-collar crime work and other criminal work, but Galbally, who also represents accused sex offenders, underworld figures and mur-



Paul Galbally says all clients deserve respect.

Photo: JESSICA SHAPIRO

derers, says "all clients should be treated with respect and understanding. I don't see a great deal of difference between white-collar crime and other criminal work. It all requires a forensic mind and good judgement."

A big part of that judgement, it seems, is to know when clients should keep their mouths shut. "In normal commercial litigation clients want to be on the front foot, and that's often the tendency of people in a white-collar situation," Galbally says.

People make their own judgement, regardless of your surname.

Paul Galbally

"Your clients perhaps in their career have been calling all the shots and they are used to dealing with the media.

"They need to be advised and counselled as to how the adversarial system functions, and that in many instances it's not in their interests to immediately engage in a conversation either with the public or regulatory authorities beyond what they are legally obliged to do."

Many people would feel uncomfortable acting for the cli-

ents who enter Galbally's offices each day, but he has no concerns. "You either have a disposition or a personality that can deal with this work or you don't," he says. Defence work offers more of a challenge than being a prosecutor, he says, because you are fighting for an individual against well-resourced institutions. He firmly believes in the role of defence lawyers in the justice system, and democracy generally. "The more you participate in it, the less you take for granted," he says.

He declines to talk about any of his clients' cases specifically, but says one area of law crying out for reform is the Australian Securities and Investments Commission's ability to bring criminal proceedings against a person after already bringing civil proceedings relating to substantially the same conduct. He says ASIC should have to make an election, rather than leaving individuals "struggling with the unnecessary burden and stress" of two cases.

Galbally's firm is planning to open an office in the expanding outer south-eastern suburbs, but he has no plans to expand interstate. He says his name has been neither a burden nor an asset in his career. "People make their own judgement of you, regardless of what your surname is," he says.