

Focus

FRANK GALBALLY 1922 – 2005



Galbally with union leader Jack "Putty Nose" Nicholls in 1974 and (right) addressing a rally outside the painters and dockers royal commission in 1980.

GALBALLY'S LORE

He was the silver-haired, silver-tongued barrister who could mesmerise a jury with his oratory and his flair for the theatrical. To some, Frank Galbally was a publicity-seeking showman. To others, he was the supreme advocate for those seeking justice. By **Andrew Rule.**

PETER Ward is a criminal lawyer, and a tough one. But one of the last times he visited his mentor Frank Galbally, Ward wept real tears. Galbally didn't recognise him. Alzheimer's disease had eaten away one of the sharpest minds of a generation; arthritis had crippled his once-athletic body.

This was a man who had spoken Latin as fluently as he could swear, who loved the classics as much as Collingwood Football Club, and whose memory was so sharp he cross-examined brilliantly without notes.

That visit to a nursing home, Ward says, "was probably the saddest experience of my life". So when Frank Galbally died after his long illness yesterday, Ward was sad, yet relieved that the final scene of a remarkable life was dignified and peaceful.

"He passed away quietly with his whole family around him," Ward said last night. "He was Australia's greatest criminal lawyer but I will remember him as a warm human being."

Not everyone loved Frank Galbally — especially police and prosecutors — but Ward knew the generous side of a complex character. Ward's eyes fill as he speaks of the father of eight who treated him like one of his own.

When Galbally gave the young Ward his start in the law 31 years ago, he was probably the finest defence advocate in Australia, possibly the world. Tall, handsome, with silver hair, silver tongue and a soft heart, he had given Ward a chance when others wouldn't give him a second glance.

Ward's university results were average and he owned up to defective eyesight in letters to prospective employers. It was 1974 and there were plenty of promising graduates to choose from, all with good eyes, good results and good connections. Ward was rejected dozens of times before Galbally gave him a job.

Ward was overwhelmed. Now a senior partner in Galbally & O'Bryan, he is still grateful to the man he calls "the Bradman of criminal law".

"I owe my whole working life and success to one man," he told *The Age* in 2002. "It sounds pretty cute, but there it is. He showed no prejudice and gave me a chance no one else would have."

Frank Galbally helped many people. One became a premier, one became Chief Justice; at least 10 became Queen's counsel. Then there were his clients. Of some 300 people he represented on murder charges, most were acquitted. They speak of him reverently.

His art lay in building a story from the accused's viewpoint. He had an eye for telling detail, an ear for words to move a jury.

It is said he used to scrawl a note on his clients' briefs, a reminder that their instructions — their version of events — should be "a reasonable story that fits the facts".

The rest was up to him. No one did it better.

One of the best-known of a long list of Galbally clients was Billy "the Texan" Longley, a notorious figure in the "dock wars" of the 1960s and 1970s. Longley, 80, last night praised the man he called "Mr Frank".

"He protected me from the slings and arrows of outrageous fortune — and the homicide squad," Longley said. "He was a great man to me. Frank liked me and I liked him."

Longley, who sometimes acted as a bodyguard for the lawyer, credits Gal-

bally with getting him off seemingly unbeatable shooting charges.

Terry Forrest, the son of a judge and who later became a QC, was assisting Galbally in a murder trial one morning when a shaft of sunlight shone through a skylight above the bar table. Galbally asked him to note the exact time it happened. Next day, Galbally was making his closing address to the jury. As he built towards the climax he stepped back at the right moment and on cue, the sun lit him like a spotlight as he delivered his final lines.

"He looked as if he had a halo," Forrest recalled. "What an alliance of stagecraft and advocacy. He brought Hollywood to the law."

He did. When Raymond Burr, the American actor who played famous TV lawyer Perry Mason, came to Melbourne he met Galbally and borrowed his wig and gown while a photographer took their picture together. The story goes that a colleague who saw the picture quipped, "Who's that with Frank?" Years later, Galbally talked his way into a private audience with the Pope. At his peak, Galbally was the most persuasive advocate in the business. Rumpole of the Blarney.

Galbally detested the Rumpole tag but couldn't avoid it. No one else produced more Rumpolean moments than he did.

One of the most famous of Galbally's wins was the murder trial of William Kropke, a young man who had shot his father 27 times. It appeared a planned execution — albeit of a brutal deviate. Galbally gambled on showing a jury how the whole family had lived in fear of the dead man. First the accused's mother appeared on a popular TV current affairs show and spoke frankly about their sorry life. Then Galbally took the jury to the Kropke house and showed them the peephole in the bathroom wall that Kropke senior used to spy on his daughters in the shower.

One of the daughters was Miss Australia 1978, Gloria Kropke. Galbally surprised the Crown by calling her at the trial. He presented her as beauty to her father's beast — the girl who left home

at 16 to get away from a violent degenerate she feared would hurt them if they had gone to the police.

By the time Galbally sat down — no one knew better how to time a pause or an exit — there was hardly a dry eye in the house.

The Kropkes were acquitted. And another Galbally story became lore.

FRANCIS Eugene Galbally was born in 1922, eighth of nine children of William Galbally and the former Eileen Cummins. The Galballys were Irish Catholics, but William had been born in Australia of a "mixed marriage". His mother was Presbyterian. Eileen was half Irish and half English. Although devout Catholics, the couple's ancestry might have added tolerance to their toughness.

William and Eileen came from Gippsland farming families. William, a Boer War veteran, was a tailor until the Depression forced him to become a travelling salesman.

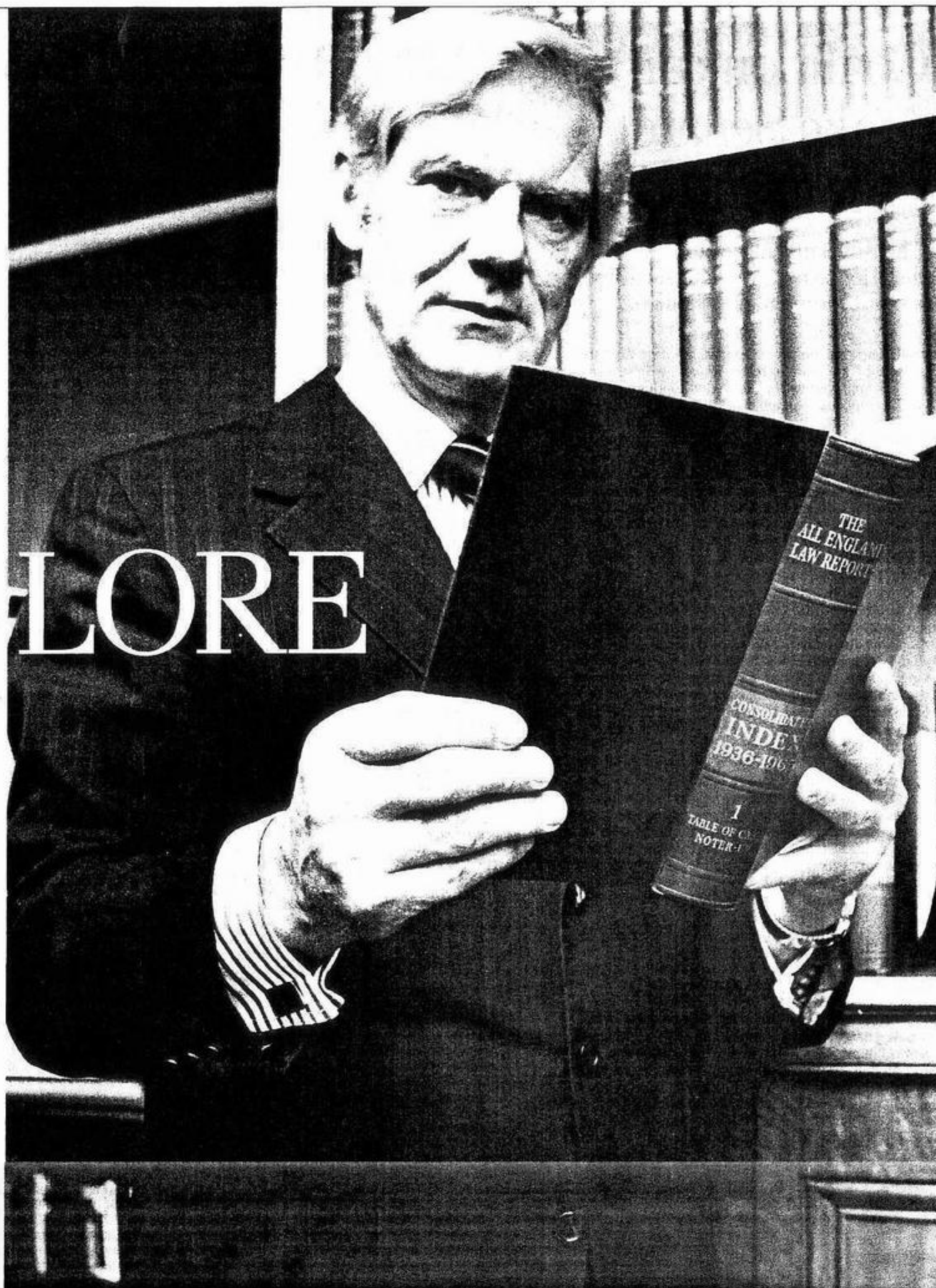
As if feeding nine children was not enough, Eileen fought to educate them all. Her brood was clever, worked hard and stuck together, a trait that was to survive the family's rise to affluence.

Kathleen became a teacher and, later, an anaesthetist. Jack did law, started the firm that was to become Galbally & O'Bryan, entered politics and was to become State Opposition leader and, later, a Queen's counsel. Two brothers, Robert and Bryan, became doctors.

Despite the Depression — or because of it — Frank and his siblings hungered for success.

When Frank finished school at 16, he thought he should be a priest. In 1939, he went to Corpus Christi College at Werribee. When Japan attacked Pearl Harbour in December 1941, he had an excuse to leave. He joined the navy.

While waiting to embark, he trained with Collingwood and played a few games under Jock McHale.



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His football career was cut short when he almost crippled himself while cutting wood with an axe. A surgeon saved his leg, but he was in hospital for two months and was still bandaged when the navy called him in.

Galbally had felt poverty and understood battles, but he was a self-improver. After elocution lessons and three years in the seminary, he had the cultivated voice that was to become his signature. It got him into fights, but he won them and became a natural leader of the "lower deck", a role he was to play all his life.

Life below decks taught him he had the power to persuade people — power he would later use to spellbind juries.

On leave in 1944, Galbally fell for Bernadette O'Bryan, a judge's daughter. He was too poor to marry. He persuaded Melbourne University to let him cram its three-year law course for returned servicemen into two years. He passed, finished his degree and borrowed the price of an engagement ring, but Bernadette's father, Justice Sir Norman O'Bryan, told him he couldn't be a novice barrister and support a wife. If he wanted to marry, he should be a salaried solicitor.

Galbally joined his brother Jack's firm. The egalitarian Jack sometimes did court appearances for clients to keep their costs down, and told his little brother he should do the same. Frank shone at it, carving out an unconventional niche as a solicitor advocate who never went to the bar.

He defended his first murder case in 1950, and a dozen more in the next five years. In 1955, he defended a Geelong policeman, James Broome, charged with shooting his wife.

After winning an acquittal, Galbally took Broome to a city church to pray. It wasn't the last time he took a client to church after a big win. And the press was usually there to record it.

That evening Galbally and Broome went to *The Sun* office, where Galbally dictated Broome's "own story" in the first person to a reporter.

The story fitted the facts — and covered two pages. Galbally's name was made. For the next 25 years, it just got bigger.

By 1980, when he represented the Painters and Dockers Union in the Costigan royal commission, Galbally was famed for an astonishing acquittal rate. He had been awarded a CBE and three Italian national honours for his work for migrants, was first president of the Australian League for Democracy in Greece, and had chaired Federal Government migrant bodies.

Known to all, admired by many, Galbally sparked hatred in some. A profile

of him published in 1982 reflects the controversy stirred by the Costigan inquiry, which exposed bottom-of-the-harbour tax avoidance schemes and aired startling allegations about illicit activity from the docks to the boardrooms of the rich and powerful.

"To his detractors he is a money-making, publicity-seeking, social-climbing political opportunist always with an eye to the main chance," Garry Sturgess wrote in *The Age*. "To his admirers he is the pre-eminent advocate battling injustice. A religious man who has spent a lifetime pushing the causes of the 'lower deck'."

Galbally wasn't liked by some sections of the legal establishment — after all, he was Catholic, a Collingwood supporter, worked for criminals and was conspicuously successful in the higher courts without going to the bar. In 1975, his switch to the Liberal cause during the Whitlam dismissal won him new enemies.

Among his many admirers are former premier John Cain and Victoria's former chief justice, John Phillips, who tells the story that as a law student in the 1950s he hung around courts just to see Galbally address juries.

When the Galballys finally sold their big family home in Ivanhoe eight years ago, the Chief Justice and a group of barristers gathered with friends and relatives to pay tribute to the old man in the wheelchair. They all knew it was the end of an era.

English barrister Marshall Hall had a success rate of about 50 per cent and famous American Clarence Darrow's strike rate was less than 60 per cent. But Galbally's was between 80 and 90 per cent.

Frank Galbally gave his children a lot of advice. Two things stuck in the mind of his son David, now a QC.

One was "be like Jesus ... kind to all men". The other was always to walk towards the cameras.

1982: Frank Galbally outside the Supreme Court with sons David (left) and Francis, both lawyers.

1993: Launching his book *Galbally for the defence*.