

**Warwick Teasdale, principal of Kenna Teasdale,
interview with Juliette Brodsky about the late Molly Kingston
16 September 2008**

Q Warwick, when did you first meet Molly Kingston?

A I first met Molly in probably late 1969, early 1970, when I started my articles at Ridgeway Pearce & Freadman as it then was, with Jim Pearce as my principal. Molly was a barrister who was used a lot by the firm at that stage, particularly by Jim Pearce because he did a lot of family law work, matrimonial work. She at a much earlier stage had been a partner of Jim Pearce's in the firm which was then called Ridgeway Pearce & Kingston. The firm started off being P. J. Ridgeway & Co back in the 1880s or thereabouts, and Jim Pearce was Percy Ridgeway's nephew. Jim did his articles with Percy Ridgeway, who was really like the Ray Dunn of those days, or the Frank Galbally. Then Jim went away to the Second World War. Jim came back and it became Ridgeway Pearce and Co - Percy Ridgeway and his nephew Jim Pearce - and it then subsequently became Ridgeway Pearce & Kingston when Molly Kingston came in. She had come over from the west. This is anecdotal, because I remember Jim and Molly herself telling me about it. She came over from Western Australia, having been in the Women's Royal Australian Air Force during the war, and joined Jim. It must have been in the 50s some time, probably early 50s. (She) stayed there for a while and then decided subsequently that she would go to the (Victorian) Bar. I'm not quite sure when she went to the Bar, but it would have been probably in the early 60s, I suspect. She went to the Bar and Jim Pearce continued on as *the* matrimonial lawyer in those days, *the* family lawyer. The firm subsequently became Ridgeway Pearce Freadman and Murray - Ralph Freadman joined him and then a fellow by the name of Murray joined them. Anyway, the end result was that the firm was Ridgeway Pearce & Freadman when I joined it. I did my articles there. Paul Guest had actually done his articles prior to me, and Lynne Opas had done her articles prior to that. But that's where I met Molly. She was introduced to me (as the articled clerk) by Jim Pearce. He used to enjoy very much sending us up to court virtually straight away, and watching barristers in operation. He used to also say to me, "if you see anything at all that you want to go and have a look at (in court), just do so, don't worry about me and the firm because that's where you're going to get your grounding in the law. If you see an interesting case in the newspaper or you just want to go to court, just tell me where you're going and you can go". So I did. I used to go and sit in court a lot and Molly was one of those people that I used to watch.

Q What was her style like in court?

A Molly was a fairly stylish lady actually. She was tall and she was handsome, I suppose. She was quite striking because she had silver hair and she held herself very erect and she was very proper. Her court style was - for a woman, and there weren't all that many women at the Bar in those days - if necessary, fairly pugnacious. She was very forceful and she would make a point and persist with that point. I think one of the benefits that she had and (which) I saw in particular was that she knew most of the (of course it was all in the Supreme Court in those days) Supreme Court judges and she knew them well. I think she had probably known some of them through the latter years

of the war and I remember her saying that she used to know Harry Winneke well when he was in the Air Force, something to do with the legal aspect, so she'd known him there. George Pape, Esler Barber and Cliff Menhennitt and all of the people in those days, she knew them all very well and they used to treat her well. There was a certain amount of camaraderie between them. They would be quite forceful with her, but Molly would always bounce back.

She was a good and very thorough preparer, but in court (and that was your question I think), she would not hesitate in what she was saying. She would not have cross-examination set out, question after question, she would just follow the theme and she was quite good at doing that. She was not fazed by any comments from the other end of the Bar table or from the bench for that matter. She was never fazed, and she would plug on. I can remember people saying "oh, you don't want Molly - she's not much good on the real hard financial matters".

Q But was that her area of specialisation really? Do you mean in terms of negotiating the best outcome for her client in these family law matters?

A No I probably mean more in the cross-examination of somebody, an accountant, on balance sheets and profit and loss statements and things like that. But I always found her very thorough and very good on those aspects. But like all things, it was horses for courses. There would be some judges before whom you wouldn't brief Molly, you wouldn't put her before certain judges because you would know or she would say, "look you know, I don't get on terribly well with so-and-so, you might be better to get a man", for instance. She was quite honest about that. So she knew her gender and she understood why it was in those days that perhaps it would be better to get one of the fellows doing it rather than her.

Q Which judges - would you care to name names?

A No, I don't think, well when I say I don't think it would be fair, it wouldn't be fair at this stage - I'd probably need to give it a bit more thought but there were a few in those days who were probably more chauvinistic, if you like, than others. You would probably feel that you weren't doing the right thing by your client were you to put a female barrister up. No, I think it would be unfair. I know that for instance some people might say that George Pape might have been a fellow who wouldn't have liked women barristers. The anecdotal stories about George and what he used to say about people are legend, but I never ever saw him be unfair and Molly herself never ever was concerned about him. But there were a few of the others that she might have been a bit concerned about.

Q Did she ever complain?

A I don't think Molly was a complaining person, I'm sure that she wouldn't have gone and spoken to the powers that be at the Bar Council. She might have had a word to Jim Pearce who might have had a word to Harry Winneke or Ned Herring or somebody like that, who might have at that stage been the Chief Justice. They all knew each other. That was the way things were done, in those days. They might have a spot of lunch or something and say "well, Molly was telling me the other day that so-and-so gave her the rounds of the kitchen quite unfairly" - that sort of thing. But again, this is just anecdotal because that was the way that things were done in those days.

Q I notice in this obituary written in the Bar News that “with the coming of the Family Court system in 1973, Molly Kingston found herself less comfortable with the changing style of family law adjudication”. Do you know what that means? You were there as a young articulated clerk at that time. What exactly is that referring to as far as this changing style and her lack of comfort with it – why would she have been uncomfortable about it?

A I think, actually, that was more like 1975...

Q When the Family Law Act came to pass, yes.

A Yes, when the Family Court was set up. Molly was never comfortable with it because she didn't like the atmosphere of the court. The new court was glass and glitter to her, it wasn't what a “real” court was. The judges were not (those from) the Supreme Court. I think she would always have liked to think that she was appearing in the superior court of record. She would like to think that it was a Supreme Court matter and that she was part and parcel of a system which was duly respected throughout the country and the common law world. I would think that she was probably quite annoyed with the fact that (former Federal Attorney-General) Lionel Murphy for instance had brought in this new bill and it was something that had been rammed through. I think that she was probably uncomfortable with the judges, most of whom would have been her juniors and most of whom she would have knocked into a cocked hat most of the time. I don't think she liked walking to the new court – she didn't like the fact that it was a distance away from chambers – from Owen Dixon East. It was a distance to travel because it was down in Bourke Street at that stage.

Q Do you think it might have made a difference if she had been approached to sit on the bench in the Family Court?

A Yes, I think that would have been a big difference. It probably would have been a crowning point of her career. She never ever said that to me, not that I would have expected her to, but I think that she really would have enjoyed that. But at that stage she was probably well into her 60s and she would have been too old for it, she probably would have been 65 or 66 at that stage, I suspect.

Q She still could have had a few good years on the bench before...

A Oh, undoubtedly. Undoubtedly she could have given four or five years of good service. She was not lacking in confidence, she was never lacking in her knowledge of the law. She was a good scholar and she knew the law and she would research matters properly, she would be on to her instructors, like me, to ensure that we understood the law. She would ensure that you had the brief properly prepared. If you didn't have the brief properly prepared and hadn't done your homework, then Molly would tell you that.

Q No doubt very politely and nicely.

A Yes, and sometimes not so politely. Yes, sometimes there was quite a bit of steel in Molly. You didn't really want to cross her and have an argument with her because she had her strong views. But then again she would be perfectly charming afterwards. She would have her sets, for and against people, and she wouldn't hold back either. She would say that she liked certain people and didn't like others and she would say “I can't

be bothered with him". She didn't hold back because she was a person I suppose who had been her own mistress, as it were, for many years. She didn't need to have other people, she lived in a flat out in Hawthorn and she used to, on occasions, ask me (probably because I was like the successor to Jim Pearce in some ways, because I'd been in the firm) to look after her car if she was going overseas or interstate. Or she'd want me to go out and make sure everything was okay in the house for her while she was away. So to that extent I got to know her. She was very forthright, not the sort of person who would thank you very much. If she asked you to do something and you did it, well that was it - thank you. But she would never go out of her way to make a fuss of things. She was a positive person, apart from anything else.

Q I was given to understand that she was more than good friends with Jim Pearce - am I right?

A That was always the story, always the way in which it was spoken and on occasions, Jim would say "just going out to lunch with Molly" and he'd put his little hat on. Molly would meet him on the corner of Lonsdale and Queen Street there and they'd go off to lunch. She would most times have a hat on and probably gloves and Jim was shorter than Molly and they'd go on off the street and everyone would sort of "ha ha, nudge, nudge wink, wink". But I believe quite honestly and truthfully that there was a great friendship between them and nothing else. I think that was the strength of their friendship because Jim was a character in his own right as was she. In fact, on one occasion he said, "of course they think that I'm knocking Molly off, but we are just terrific friends". He said, "We enjoy each other's company". And I'd say, "that's good, Jim".

Q What about another rather formidable woman barrister that she would surely have met somewhere along the line, Joan Rosanove, who was the first woman to sign the Bar Roll? Did you hear anything about whether Molly had had much to do with her? They both worked in a similar jurisdiction.

A The only thing I remember - I didn't know Joan Rosanove, I knew her by reputation - the only time that I ever heard Molly talk about Joan Rosanove was when she was talking about Joan's daughter who was Peg Lusink. Peg at that stage was a lawyer, a solicitor working down at Corr's (Corr & Corr as it was then) in the Argus building and Molly was talking about "Joan's daughter". My recollection is that she didn't really think all that much of Joan Rosanove.

Q Do you know why? Admittedly you wouldn't have heard a great deal, I suppose, of her talking much about it, but then again, did she allude to why?

A No, she didn't, but I was surprised because you know, Joan Rosanove had been the doyen, the founder almost, of the Women's Bar and I just recall that it was a surprising thing for Molly not to have said "well, I enjoyed the fights with Joan" or "I enjoyed discussing things with Joan". But she was never fulsome in relation to Joan Rosanove.

Q Whereas she might be about someone else?

A Yes, she could have been, and was, about some of the other barristers or the younger barristers. She enjoyed a person with whom she could have a fair bit of intellectual rigour as well as a bit of to and fro at the Bar table. As time got on and I was seeing her

probably in the latter years at the Bar, I think she was getting a bit tired of having to fight all the time and that could have been one of the reasons why she wasn't all that keen about going down certainly to the Family Court in those early years because it was a mad house, it was just a bun rush down there at that time in '76 or thereabouts, '75 or '76 when it got going – just awful. That would have been another reason why she didn't enjoy it.

Q Do you think she would approve its evolution now if she were alive today? Would she approve of how the Family Court is run these days?

A I think she'd be very disappointed at the way it has become. I think she would have been quite pleased with the way it was probably, after its teething, from about 1980 through to '95 or thereabouts. She would have felt that yes, it was a court of superior record and it was knocking out some pretty good judgments and it was moving with the times and all of those things that were important. I think that she would have been quite happy with that. She would have told stories of course, she was a great storyteller, Molly – she used to tell the most outrageous stories.

Q About what for example?

A About judges and people and things, photographs and bonking and all of those sort of things – she was really very funny, very, very funny indeed. She used to put on the voice and she'd act the part. Some of the stories were absolutely – I suppose I have told them on occasions - but I've attributed them to Molly because really she was the one who used to love telling them, really love telling them.

Q Maybe they needed to treat her with the utmost respect, knowing that she knew a few people's peccadilloes perhaps?

A Well, it was certainly that, but it would never be an overly vicious sort of comment. It was probably more towards physical characteristics rather than trying to hurt a person. She used to love telling about what apparently Sir John Starke was reputed to have said. Sir John, or Jack Starke as he was then, came back from the war, and at the same time there was another barrister by the name of John Norris (later Sir John Norris) - Buggy Norris, always known as Buggy Norris, because of his prominent front teeth. Buggy Norris was saying to John Starke one day, and Buggy Norris would have been about 5 foot 7 or 8, I suppose, and Jack Starke was about 6 foot 4. Buggy Norris said to Starke one day - Molly would then put on her buck teeth and she'd mimic them absolutely perfectly - "I'm not getting any luck before juries at the moment, John, I have just got no success before the juries". Sir John Starke said "I've got the answer to that, John, I've got the answer to that – you've got to go and stand right at the other end of the Bar table as far away as you can from the jury before you start addressing them, or whenever you're taking your seat at the Bar table". Buggy Norris said, "Why is that, John?" and Starke replied, "Because you look like a fucking rabbit!" To have Molly telling that story in her prim and proper way, it didn't matter who the audience was. I saw her tell that story on about three or four occasions and the way she told it, and the mimicking way she rose up when she talked about John Starke and shrank down and put on the buck teeth when she was talking about Buggy Norris, it was really very funny.

Q It sounds very much like a true story, because I know Sir John Starke was a master of invective, wasn't he?

A He certainly was and of course they were all friends too. You see, it was those people, Starke and Cliff Menhennitt, there was (Sir) Esler Barber too of course, he was a great friend of Molly's and in fact, he's referred to in that Coventry case that I was involved in back in '74 or whenever it was. That was when Woods Lloyd, E.D Lloyd, was acting for the husband and Woods Lloyd stood up before Esler Barber and he said "well" - I'll never forget him saying this - "Miss Kingston would have you Your Honour, tell me, tell the Prime Minister and tell the Australian Navy that the 7th Fleet are going to come down and they're going to take this child away". And at that stage Molly, who was not led at that stage, we didn't have a QC leading her, she was just senior/junior because the client couldn't afford to have a QC, Woods at that stage had silk, his junior was Alan Goldberg - so it was quite an interesting case. But Molly's retort to that was "the 7th Fleet would do you no good, Mr Lloyd. I bet there's none of them who could recite the Declaration of Independence. Woods Lloyd could recite the Declaration of Independence and Molly knew that of course, and made comment about it. Poor old Esler told them to quieten down.

Q Yes, this clipping that you very kindly photocopied for me is quite interesting. Perhaps without sort of going into all of the details, you made an interesting comment to me, you said that although Molly lost this case, she ultimately won - maybe you'd like to explain what this actually entailed?

A Well, it was a case in which a young mother came out from America because her child had been spirited away, almost, by the father, and brought to Australia and he refused to send him back. Now those were the days when we didn't have the Hague Convention or anything like that. Carol Coventry, which was her name, had actually got an order for custody as it was then, back in the United States and we came out here to say "well look we've got an order for custody, we want to take the child back". They said "no, you can't take the child back to that backwoods Wisconsin or wherever it was. You can't take a child back there, he's here, he's in Melbourne Australia, it's a wonderful place and he can't go back". They knew that she had no money, (whereas) the parents of the father had a great deal of money. The end result was that we were unsuccessful because Esler Barber said that he just didn't know enough about the place to which he was sending, or asked to send, the child back, and therefore he wouldn't. But Molly was very interested in the case and so was I, and subsequently we ascertained that the mother, who kept in touch with the son, found out not only his schooling and where he was and all that sort of thing, which of course she continued to know about, but she then bought a flat in St Kilda, for herself in her name. But the boy at the age of about 18 or 19, was very inquisitive and wanted to know a lot about his mother, went and visited her in the States. She came out here on a few occasions. The end result was - and Molly was aware of this - that there was a tremendous sort of rapprochement between the son and the mother, much, much closer than there was with the father, and they continue, to this day I know, to see each other. I think she came out for his wedding not so long back. It was a nice story, actually, and Molly was very interested to know about what had happened to Carol. She used to ask quite often, "Have you heard from her?" and "what's happening with her?" She was quite good on the custody cases.

Q She would have been pleased with this outcome had she been alive now?

- A Yes, she would have been very pleased with it. Mind you, she'd probably say, "well I told you so" because that would have been Molly. Of course that would happen, anyone could tell that.
- Q Do you think Molly retired from the Bar sooner than she needed to?
- A I think yes, probably about four or five years sooner than she needed to, but Molly always had something to go on to and I remember asking her and saying "well look, there's going to be a hell of a lot of work in this new court" and she said "I don't really need the work". She said "I don't think I'll enjoy going down there - in fact I don't enjoy going down there" and she said "I've always wanted to do fine arts". So I think it was Melbourne, she went to Melbourne University and she did a fine arts degree and it was really to keep her mind active and to ensure that she had something to do. The sadness was in many ways that when she left the law, she didn't maintain many of the friendships that she'd made with younger practitioners. She didn't take on a mentoring role and I think she probably had a 'been there, done that, move on' sort of attitude. I always found that a bit disappointing because she was a character.
- Q Dare I ask, do you think if she had had a family, might that have made a bit of a difference to her as a practitioner?
- A That's an interesting question, because she was not an overly warm person towards young people. My children were young and she was very interested to know about my kids who were born in '73 and '75 so they were very tiny when Molly was around. But she could be quite cutting and quite disparaging sometimes about youth and the younger people and children and that sort of thing. Had she had children, I don't know - I suppose it might have mellowed her a bit, and if perhaps there had been children's children, she might have been in a position where she was a grandparent. I know that she was always envious of Jim Pearce who had children and grandchildren and whose then son-in-law was Michael Cannon who wrote *The Land Boomers*. Molly was fascinated with that, and knew Michael well and Jim's daughter Kerry, and she found that very interesting.
- Q What do you think Molly would have made of the fact that there has been, since 1993, a Women Barristers Association?
- A I think she probably would have refused to join. She would have said, "we are all barristers, we don't need to be women barristers or male barristers, I think we are all at the Bar and we are one and I don't want to be either patronised on the one hand if I'm a woman, nor do I want to be feted or put to one side or considered that I'm something other than a barrister". I think she would have been quite annoyed by that.
- Q *Would she have been prepared to concede that in the years that she was practising, she might have received fewer briefs than perhaps today, although people could argue today that they don't get briefed enough because they're women?*
- A I think that she was quite aware that there would be a preference for male over female (barristers) and I think that she would have been quite aware that if there were two and you're tossing up as to which one in those days, probably the male would have got it over her. However, she did have the people who would look after her. There were the Jim Pearce's, I suppose, but there were a number of others who would brief Molly.

I'm trying to remember. I think Lander & Rogers in those days, Chick Lander was somebody who briefed her - Chick Lander and Jim Pearce and a number of the others who had all been Presidents of the Law Institute. They were the sort of people who were aware that the women coming into the law were unstoppable and that there were people like Molly who were the harbingers of the new era. There had been the Joan Rosanoves, there had been others who had perhaps come and gone. When Molly was there, Lynne Opas had gone to the Bar at that stage. There were a few others at that time, but not all that many, back in the late 60s, early 70s.

I think she was a bit of a loner, but she used to have her group of friends and they would lunch together. She was very well read, and after she had finished (at the Bar), she travelled a bit. She knew a lot about a lot of things and she was a person who would hold her own and had held her own with men, and would come back at them and would nevertheless have a presence about her and also a dignity. She had a wonderful dignity, which on occasions, could slip, but that would only be when she was totally and utterly annoyed with somebody because they had failed to be straight up on something, or had failed to produce a document when they should have. Once you were in Molly's bad books, you never got out of them.
