

## Katrina Dawson (1976–2014)

Katrina Watson Dawson was born in Perth in 1976 to parents Sandy and Jane Dawson, and was the youngest of their children, with two elder brothers, Sandy (of Banco Chambers) and Angus. Katrina spent her childhood years in Randwick and was educated at Ascham School in Edgecliff, where she was debating captain; a member of the school committee; and played hockey and basketball. Katrina completed the Higher School Certificate in 1994, ranking equal first in the state, as one of only 14 pupils who achieved a perfect Tertiary Entrance Rank of 100.0 in that year. She told the *Sydney Morning Herald* at the time that despite having obtained a place in arts and law at the University of Sydney, she did not want to be a lawyer.

Katrina subsequently attended the University of Sydney and the Women's College, ultimately graduating in 1997 in arts with a major in French, and in 1999 with a first class honours degree in law. During that time, in 1999 Katrina completed a semester at the Sorbonne in Paris. Happily for the legal profession, somewhere along the way she changed her mind about becoming a lawyer, and having earlier completed a summer clerkship at Mallesons Stephen Jaques at the end of 1998, she joined the firm as a graduate. As a solicitor she practised in the dispute resolution group specialising in banking and insolvency advice and litigation, as well as commercial disputes. At Mallesons she found not only professional success, but also her future husband, Paul Smith, whom she married in 2002. Katrina rose to the ranks of senior associate, while concurrently studying for a Master of Laws at the University of New South Wales, which she completed in 2004.

Katrina won the Blashki & Sons prize for the highest aggregate in the bar exams, and then came to the bar in February 2005 at 28 years of age, reading with Stoljar SC and McCallum J. She joined 8th Floor Selborne Chambers, where she remained for the duration of her career. Friday night drinks on the 8th Floor were (and some might say - obviously wrongly - still are) something of a bear-pit, and no place for the timid or fainthearted. If Katrina felt any hint of intimidation, she never showed it, and from the outset she displayed what we would come to learn were enduring character traits: calm self-assurance; an ability to hold her own; to match wits with the



best; and an impeccably wicked sense of humour. She rapidly became an integral and widely loved part of the floor, and the bar, and forged many enduring friendships.

Katrina prospered at the bar and developed a successful, even at times, eclectic, practice. As well as the more routine commercial and insolvency cases in which she was regularly briefed, Katrina attracted a wide range of briefs. Cases involving bull joining (look it up), train derailments, parquetry and tiling, and other oddities were a great amusement for the rest of us, but Katrina took them all in her stride, and whomever the client, Katrina fought hard for each and every one of them.

Katrina's time at the bar was briefly interrupted by the arrival of each of her three children. Just prior to the arrival of her second child, an obviously heavily pregnant Katrina was negotiating with an opponent at the District Court as to the timing of an adjournment. When her opponent suggested dates further into the future, Katrina indicated that she could not agree to those dates, as she was having a baby. Her opponent's response: 'don't you have to be pregnant to have a baby?' left her bemused and offended in equal measure. It did not stop her retelling the story many times.

In her nine years at the bar Katrina managed three trips to the High Court, appearing in *SST Consulting Services Pty Limited v Rieson* (2006) 225 CLR 516; *Campbells Cash & Carry Pty Limited v Fostif* (2006) 229 CLR 386; and *Black v Garnock* (2007) 230 CLR 438. She appeared in the Court of Appeal and before the full court of the Federal Court of Australia, often unled. She was regularly in the Supreme and Federal, and District courts. Katrina ran many cases unled, often against senior counsel many years her senior, and often with considerable success. It was fitting that Leeming JA, who led Katrina in many cases at the bar, paid this tribute to her in his reasons for judgment in *White v Johnston* [2015] NSWCA 18 at [156]:

This appeal was originally listed for hearing on 16 December 2014, the day when senseless nihilism came to Sydney. It could not be heard that day. It was heard as soon as possible thereafter, on the last day of term, in circumstances which must have tested both counsel. Their professionalism was exemplary. I wish to add that Ms

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Phillips' advocacy on the part of her client was in the finest traditions of the bar, and displayed a clarity, precision, fairness and restraint recalling that of Katrina Dawson, who appeared regularly and without a leader in this court and whose time as a barrister was far too brief.

In the same judgment Emmett JA at [20] paid a similar tribute:

[T]he loss to the profession of Ms Katrina Dawson was a momentous one.

Anyone who thought that Katrina's considerable success came effortlessly would be mistaken. One mark of greatness is the ability to make the difficult appear effortless, and Katrina certainly had that quality, but her many and varied successes were born of hard work, dedication, determination, and more often than not, sleep deprivation. In an email she sent me one morning in 2012 she said: 'Sent out my awful opinion (66 pages) and now they want to have a conference about it. I'm so tired that I fell asleep waiting for the water coming out of the hot tap to heat up!' I have no doubt that it was true. I still marvel at how Katrina seemed to find the time to fit in all the things she seemed to cram into her ever busy life. She always found time to attend the various activities that enriched her children's lives, whether it was school reading, sporting events, birthday parties or the myriad of other events. She also always found time to help others, whether it was meeting various would-be barristers who were thinking of coming to the bar to offer guidance; judging in school mooting competitions; or helping friends and colleagues affected by illness or other difficulties; Katrina always seemed to find the time and the words to assist.

The president's statement at the time of Katrina's death, that she was on her way to becoming one of the leading barristers at the bar, was no exaggeration. Katrina had a great capacity to absorb detail, even of the most tedious kind, and her mastery of it was her greatest strength as a barrister. In one case, with no notice, after lunch mid-trial her opponent called and was permitted to call a previously unforeshadowed witness whom Katrina was forced to cross-examine on the spot. Such was her knowledge of the detail of the case that the cross-examination ended the case – her opponent capitulating in the face of inevitable defeat. I marvelled at her capacity to work through detail of the most tedious kind, and her capacity for hard work. In another case she returned to chambers appalled that her opponent had not read the authorities on her list, and could not engage with the court about them. It was something she would never have done. No client who ever briefed Katrina ever got anything less than 100 per cent commitment from her.

Any occasional criticism (which was only ever constructive) was met with good humour. In one case which Katrina won at first instance (but to her dismay, lost on appeal), she met the trial judge subsequently at a social event. Having seen her cross-examine a number of witnesses in the case, in the kindest possible way the judge offered her the advice that she needed to develop a bit more of a 'poker-face' when cross-examining. As she later relayed the advice she had received, she explained that her undisguised incredulity, which had made an impression on the judge, was a product of her utter amazement and disbelief at the evidence that was being proffered.

'I just couldn't believe the answers that were coming out of their mouths!', she said.

There is no doubt that Katrina had great professional and academic qualities, for which she should be justly remembered, but it was her personal qualities that made her a truly exceptional human being. There is a natural tendency in eulogising those we have lost to exaggerate their good qualities and deeds. In Katrina's case, she was in every sense as good and wonderful as so many people have said. She had a generosity of spirit and a joy for life that is rare, coupled with a quiet determination and a humility that belied the true strength of her intellect and abilities. Always up for fun, and easily distractible, she was the perfect companion in chambers. Her lunching abilities were legendary among those of us who were privileged enough to have dined with her, and every day in her company was filled with good humour. In response to one joke, directed at her good friend Julie Taylor, who protested with some sarcasm that we were 'all hilarious', Katrina responded by email: 'I can confirm that I am, in general, really very funny'. And she was.

The circumstances of Katrina's passing will long haunt all of us, but for those who knew her, those events will never overshadow the joyous manner in which Katrina lived her life, and all the many great things that she achieved in it. We on 8th Floor Selborne will forever claim her as our own.

Katrina is survived by her husband, Paul Smith, and the three children she adored, Chloe, Ollie and Sasha, as well as her parents Sandy and Jane, and her brothers, Sandy and Angus.

**By Jason Potts**