

Forever proud to defend cops

by Brett Williams



Morry Bailes has earned, and so gets to enjoy, all the trappings of his highly successful legal career. He drives the luxury car, wears the expensive clothes, and lives in the hilltop home, with his beautiful wife, Mel, and two young children.

But that life of riches seems never to have made him too content to fight lionheartedly for his clients, particularly cops. Indeed, the managing partner of Adelaide law firm Tindall Gask Bentley relishes what he calls war-like battles in the Police Disciplinary Tribunal.

In that arena, police officers answer charges of alleged breaches of discipline. And whenever Bailes hears the words not guilty, he feels "like jumping out of my skin".

"You get serious matters in the tribunal, and it might be someone's job on the line," he says. "I just get a sense of satisfaction in helping those people, and in turning up month in, month out to do battle.

"At the end of the day, when I get instructions from clients, I have to defend them in whatever way, so long as it's lawful and proper. I've got to get the best result out of every situation, and sometimes some pretty awful situations.

"But I'm looking after police officers, not other people accused of criminal wrongdoing. That's my decision, and I'm entitled to make it."

Bailes, whose firm has provided legal services to the Police Association for

more than a decade, also responds, with association staff, to critical incidents. That role takes him onto the streets and right into the heart of front-line policing, often in the middle of the night.

Be it a police shooting, or a high-speed chase, which ends with a death, Bailes is quickly on the scene to give instant legal support to the cops involved. And fronting up in the early-morning hours, to stand by police officers after major incidents, is no burden to him.

"I'm likely to be one of the first ones called," he says. "There are not many lawyers around who can say that. That is something that I'll be proud of for all of my life.

"Every one of those events is memorable, not for the reason that it's a good thing, but because it's really the sharp end of what I'm asked to do.

"It's a tough gig when police are asked to use lethal force by using firearms. I'm never going to understand it because I'm never going to be behind the gun. But I can try my best to understand it, and help those members."

Bailes might be passionate in the way he plies his craft, but he does not consider himself a black-letter lawyer. A lover of history and a voracious reader, he reckons the label of "black-letter historian" would be a more appropriate fit for him.

The stories of Greek mythological figures, such as Hector of Troy and Trojan War warrior Achilles, are among

his favourite reading. But so, too, are the histories of the Boer War and World War I.

As a Vermont Technical High School boy, Bailes even thought about studying for a PhD in history. That was until his older brother, himself then studying for a PhD abroad, wrote to his teenaged sibling to suggest he consider a career in the law.

"When I picked up his letter and saw the word law I thought it was the sexiest thing that I had ever heard in my life," he remembers. "I started working my butt off to get the marks to get into law. And it came to pass.

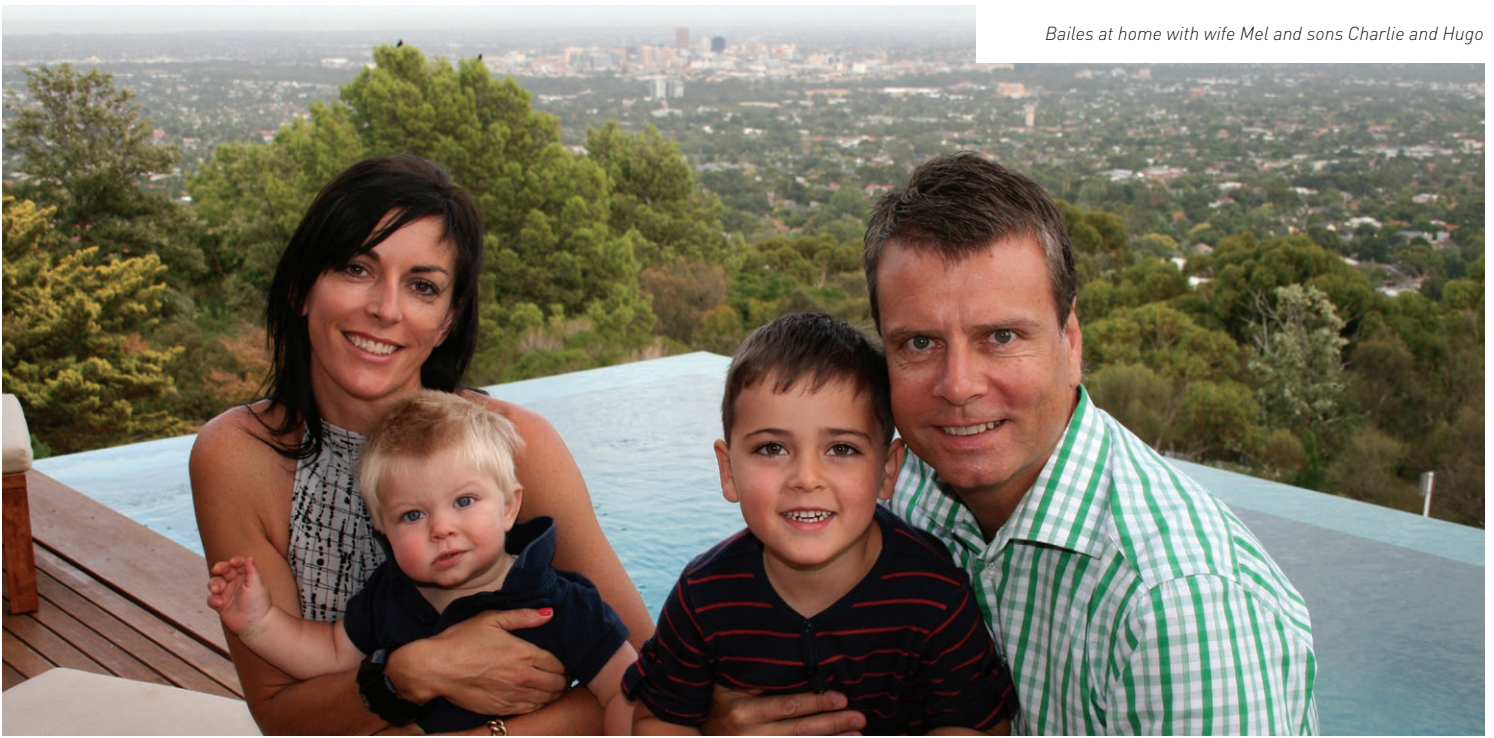
"But I'd never even dreamt of it until he mentioned it, and then it just seemed like the most interesting thing I could do."

Bailes studied at the University of Adelaide and scored work experience with Tindall Gask Bentley as a final-year law student in 1987. The next year, he joined the firm and worked in the field of workers' compensation law.

Later came opportunities to practise criminal law, for which Bailes had always had a fascination.

Among his strongest memories is a dependency claim he brought on behalf of the widow of a corrections officer, who died of colorectal cancer. The court found that a link had existed between the officer's workplace stress and the re-emergence of his cancer.

"To my knowledge, it was the first decision of its kind," Bailes says, "and it's nice to be involved in that."



Rising to the office of managing partner came later, after Bailes had developed an interest in how the firm actually functioned.

Today, his legal and business successes likely qualify as remarkable, given the disadvantages, indeed tragedies, he faced as a child. At the age of six, he lost his mother to a brain haemorrhage and, six years later, his father to a heart attack after a stroke.

His stepmother, whom his widower father had married shortly before his death, raised him along with her own three children. A religious woman, whom Bailes describes as harsh but fair, saw that he went to church every Sunday – “without fail”.

Back then, he felt somewhat uncomfortable about the fact that his stepmother had wound up with him, someone else’s child to raise. Today, he acknowledges just how much he owes her.

“To her credit, she never showed any favouritism to her natural children above me,” he says. “She was tough, but it was probably what I needed.”

Bailes is certain that all the tragedy and upheaval of his childhood shaped him, but he insists that he has never engaged in self-pity. “It just doesn’t become a person,” he says.

“I really think the legacy is to understand that, when it comes down to it, you’re alone in the world. Other people might be friends and acquaintances and

seek to help you but, if you can’t help yourself, you’re stuffed.”

Clearly, Bailes helped *himself* by never shirking hard work. And from his efforts have come rewards, opportunities to indulge his passions for reading, cooking and travel, particularly to Asia, his favourite destination.

His love of cooking began with home economics classes he took at high school; and he claims that, at home, he is the cook and his wife “isn’t allowed near the kitchen”.

He loves that arrangement, but is his wife happy with it? “Extremely – as long as she mows the lawn,” he quips.

Among his other loves is the Sturt footy club, but he also holds the vice-presidency of the Football Federation South Australia.

If, today, anyone were to perceive Bailes as the wealthy lawyer living the high life and out of touch with common people, it would bother the staunch egalitarian “enormously”. He considers that, in light of his background, he is totally in tune with the average person.

Indeed, Bailes describes himself as an average Joe Blow, and insists that that is the persona he and others present at Tindall Gask Bentley. “It’s difficult for a person who walks in to pick a partner as opposed to anyone else in the firm,” he says.

“If I was in Europe or the US, I would have to carry myself in a particular way and put distance between myself and other

staff. I find nothing better than forgetting all the highfalutin crap and getting together with a few coppers and dropping a few ales.”

Of course, Bailes enjoys the respect of those cops with whom he likes to share a beer but, in some quarters, lawyers have few fans. He suspects that that dislike has come as part and parcel of the influence of US culture, in which lawyers “don’t have a good reputation”.

Bailes contends that the average Australian, who has had dealings with lawyers, does not think badly of them. “Professional services are expensive,” he says, “not just lawyers, but accountants, architects and so forth.

“At the end of the day, it’s a question of whether you’ve got value for money. We might cost something, but if the outcome is far better than if you were unrepresented, then the client doesn’t quibble.”

Tindall Gask Bentley last year extended the legal services it provides the Police Association to include free consultations for members on non-employment matters.

Bailes now looks forward to an ever-strengthening relationship with the organization. He describes it as “the most professionally run association I’ve ever come across”.

“I saw that back when I first started acting for it,” he says. “I’m probably more impressed now than I was then, and I was impressed in those days.” PJ