Spycatcher case second to daughter’s query

THEODORE SIMOS was in a legal conference over the Spycatcher case one day when he took a telephone call from his daughter, Elizabeth. The young girl wanted to know how to load a film into a camera.

In Spycatcher, Simos represented the British Government, with Sir Michael Havers, QC, the British attorney-general, and was opposed by Malcolm Turnbull. The unflappable Simos, QC, took his daughter through the procedure step by step, while the lawyers waited to resume their conference.

It was the quiet, measured, undemonstrative approach that Simos, who went on to become a judge on the NSW Supreme Court, brought to everything he did.

Theodore Simos, who has died at 75, was born in Katoomba, to Zacharias Simos and his wife, Mary (Panaretos). Zacharias had left his home on the Greek island of Kythera in 1914 and caught a boat to Australia. He was 14 years old, quite alone and looking for work. He found it in Greek cafes in Tenterfield and Sydney.

In 1916, with the world at war, Zacharias established a cafe at Katoomba and called it the Paragon, meaning model of excellence. In 1934, Katoomba and called it the Paragon, Theodore was born at the Paragon. Some time after that, Simos sr and hung it on a wall at the cafe, “I am the salt that gives life its savour … I Am Work.”

Simos framed a testament to the work ethic and hung it on a wall at the cafe, “I am the salt that gives life its savour … I Am Work.”

One reason it was so delayed stemmed from the Yates Properties v Darling Harbour Authority case, in which Ian Yates brought a negligence action against solicitors Abbott Tout and barristers, including Simos.

Yates claimed that he should have received more money after the harbour authority resumed his company’s land in 1984. Proceedings dragged on from 1986 until the High Court decided in 1999 that the lawyers were not negligent.

On the bench, Simos was seen to be conservative but not narrow, cautious but fair. He was a legal scholar whose powers of reasoning were admired, a good listener who arrived at judgments through the application of principles, “I hope I’m not too conservative,” he told the Herald in 1995. “We live in times of change: I embrace change, but not for the sake of change.”

He retained much of the Greek attitude to family. His mother, Mary, who lived to be 88 and worked at the Paragon until late in life, would find a table for anyone in the legal fraternity who knew her son.

He married Helen Donnelly in 1962 and they had three children, who shared family holidays at South West Rocks, on the Macleay River, where he fished. He would often walk to work in the city from Centennial Park and was once picked up by a bus driver who recognised him as a fellow fisherman. Simos became somewhat reclusive as Parkinson’s disease took hold of his body, preferring people to remember him as he had been.

A memorial service will be held at St Francis of Assisi Church, Paddington, at 2pm on June 26.

Theodore Simos is survived by his wife, Helen, children John (Jack), Paul and Elizabeth and their families, including eight grandchildren.

Tony Stephens

Article from the Sydney Morning Herald

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