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Feuding couple chastised over damaging court case

November 20 2002
By Ian Munro

A County Court judge has rebuked a divorced couple for persisting with a paternity trial that generated wide publicity after its opening last week.



Picture: KEN IRWIN
Liam Magill Meredith Magill

Judge John Hanlon told the court yesterday that anyone with their children's welfare in mind would not have persisted with the case once they saw its coverage in the media.

He said he had raised the issue obliquely last week and wondered about the effect on the children when he saw the case reported on television.

Judge Hanlon's comments came as lawyers for the couple put their closing arguments in the case in which Liam Magill, 52, is suing his former wife, Meredith Magill, 36, who bore the two youngest of their three children by another man.

Mr Magill's barrister, Paul Bingham, said yesterday his client was seeking \$100,000 in general damages, plus further damages.

The court was told Mr Magill, who made child support payments for all three children from 1992-99, had suffered anxiety and psychiatric illness and was unable to work.

The couple met in 1987, married the following year, had three children and separated by late 1992.

"One of the unfortunate aspects of this case has been the attendant publicity, something anyone having the welfare of the children in mind would have done the

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utmost to avoid," Judge Hanlon said.

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He said that continuing the case despite the publicity was in "complete disregard of the welfare of the children".

Mr Bingham said Mrs Magill had considered a termination when she realised she may have become pregnant to her lover. She had concealed the pregnancy and looked for physical characteristics that might disclose paternity.

She had continued the "concealment and misrepresentation" over a long period and had made no attempt to adjust Mr Magill's child support payments.

Bill Gillies, for Mrs Magill, said she had only "a slight doubt" about her second child's paternity. "She knew she had sex with her husband more than she had sex with the other man," Mr Gillies said.

He said the evidence was that she had sex with her lover two or three times after her second child was born. "She held the mistaken belief that at the time of conception she only had sex with her husband," Mr Gillies said.

He said the evidence of harm done to Mr Magill was "very thin indeed".

Mr Magill appeared to have a pre-existing depressive condition and his psychological problems could not be entirely attributed to his distress over learning he had not fathered all the children.

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