

Street fighting over Justice Wilson



BRIEF CASE
John Bowie

I was thinking of Bangkok in recent days, and more in relation to cocks than the current bangs going on over there.

Let me explain. There was a cockfight I witnessed once when a street vendor told me never to step between fighting cocks. I had no intention of doing so but I was being warned all the same and it occurred to me that the same peril lies for those stepping into judicial cross fire, such as has emerged over the Justice Wilson affair this week.

Justice Savage, a former solicitor general and High Court judge, is a considered man notwithstanding the name, but has seen red over Ted Thomas' "published remarks" regarding Justice Bill Wilson.

In a letter to the *Dominion Post* last Saturday, he expressed regret that the Law Society, the Bar Association and the chief justice had not stepped up to say how fundamentally wrong it was to publicly attack a senior judge when all the facts were not known.

In fact, in all probability, most of the facts are known and one thing that is clear, apart from Justice Wilson's behaviour, is that some of Sir Edmund's factual material is at fault.

His reportage about Justice Wilson, and attributed to the senior barristers confreres, have not been accepted as being correct.

Justice Savage is "astonished" that Sir Edmund would make his remarks, saying: "If anyone should be aware of the dangers of hearsay, he should." Stand down.

Siemer's bail call

Meanwhile, in the highly interesting appeal decision between Vince Siemer and the solicitor general over Mr Siemer's imprisonment for contempt, the so-called "maverick publisher" has been requested to surrender to his bail at the Auckland High Court at 4pm today, unless he agrees to the terms of an injunction. The issues of "unlimited imprisonment" for contempt were thrashed out, with dissenting judgments from Chief Justice Elias and Justice John McGrath. Mr Siemer intends filing a writ for habeas corpus and laying a complaint with the UN Human Rights Commission.

Jones v Lee

Kapiti Coast investment adviser Chris Lee is used to passing judgment but he received one himself on Friday with his loss in the defamation lawsuit brought by Sir Robert Jones. Michael Reed QC was in top form with his final address, going so far as to contrast Sir Robert's colourful personality with boring people "like myself." However, the finding of ill will and the removal of the honest opinion defence were two major blows landed by the plaintiff, with a costs order still to come. Mr Lee is boldly putting it all down to experience, evidently. Quite how his in-house rating system will rank it remains to be seen. Meanwhile, Fairfax may be a little nervous over its forthcoming

fight with Sir Robert, given the much wider circulation of the *Sunday Star-Times* and the potential scope for damages. Julian Miles, instructed by IZard Weston I believe, will have it well in hand, I'm sure.

Ash clouds over Rotorua

The Clanz conference in Rotorua was highly successful, although featured speaker Bob Sawhney was prevented from coming by the Icelandic volcano which, it was pointed out, was a mere "4" on the volcanic index (a "cataclysmic" eruption), whereas Rotorua's Mt Tarawera eruption was a 5, being a "paroxysmal" eruption.

The star of the show, so my spies tell me, was former Minter Ellison partner John Allen, one of New Zealand's truly gifted orators. He spoke with real passion and vigour without notes and totally engaged with the audience. Few people with such a stellar career (law firm partner, CEO of NZ Post, head of Foreign Affairs) can speak so effectively on leadership without the ego that the trappings of high office often bestow. A principled yet pragmatic realist, with abundant intellectual curiosity, self-awareness and respect for others, New Zealand's top diplomat undoubtedly displayed the qualities that will help the quest for overseas trade success.

Clangers at Clanz

At the in-house counsel conference (all of them lawyers), the attorney-general struck a discordant note by referring to in-house counsel

and lawyers, among a series of surprising verbal gaffes. The big firms haven't used such language for years, presumably recognising the collegiality of all three branches of the profession (law firms, barristers and in-house). Christopher Finlayson also took the opportunity to lay down some law himself in terms of commandments for government lawyers. Thou shalt use Crown Law, and refrain from consorting with the jezebels of private practice. Thou shalt have no cause to make independent decisions in ministries and departments; thou shalt seek from the solicitor-general to beg my permission, and I shall decide for you. Lest they felt left out, Mr Finlayson flung a barb at corporate lawyers, too. The rules of discovery are being reviewed and precious few companies have bothered to make submissions, he reminded them.

My inquiries revealed that no one in the attorney general's office had actually told Clanz, as the in-house representative association, so it might have passed on the fact that change was afoot. Evidently few left the room unsmitten. Even Clanz's sponsor, Bell Gully, Mr Finlayson's old firm, was cajoled (jokingly perhaps, but by this stage who could tell) for not simply using its might to exclude all other law firms from this event, especially noting the presence of Russell McVeagh, Bell Gully's perennial competitor at the top end of town.

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