As 2018 draws to a close, it is clear that the events of this year have thrown into stark relief the necessity for our profession to re-evaluate our core values. In particular, we need to look at the level of assistance and support our professional body provides to its members.

The Wellington Branch Council is actively committed to supporting the initiatives of the New Zealand Law Society. In September the New Zealand Law Society launched its Law Care 0800 phone line which operates from Monday to Friday. The phone line is answered by one of five people, both lawyers and non-lawyers, specially trained to deal with complaints of harassment and related matters.

The support line is available to all staff in legal workplaces. If a you are unable to call during the times when the line is staffed, an email message can be left, requesting a callback. A poster outlining the detail of the service for workplace display may be downloaded via the New Zealand Law Society website.

It is hoped that practical initiatives such as this – providing a confidential forum for legal workplace staff to discuss sensitive matters and receive information on options and support – will engender substantial and permanent change.

Well-being and the tennis tournament

It was heartening to see the initiative of Juno Legal, in sponsoring and organising the inaugural Wellington Legal Tennis Tournament (see Council Brief October 2018, page 6), which grew out of their commitment to provide a confidential forum for discussion of questions arising from Dame Margaret Bazley’s report on the law firm Russell McVeagh. Kensington Swan special counsel, Linda Clark, moderated the discussion with Rt Hon Helen Clark, right; Young Lawyers’ Committee convenor Mina Rassam is at left.

The tournament was organised on a work day afternoon because the organisers were concerned that holding the event during an evening or weekend would discourage working parents from taking part. The organisations were disappointed that some lawyers who wished to participate were not permitted to take the time off work.

It is important that law firms provide opportunities for their staff members to participate in, not only CLE events, but also wider events that promote well-being.

Juno Legal also made a donation on behalf of each player towards the Wellington Solicitors’ Benevolent fund, in recognition of NZLS Wellington Branch support in publicising the tournament. The Wellington Branch gratefully acknowledges this donation.

Annual Lawyers’ Dinner

The annual Wellington Branch lawyers’ dinner is coming up on Friday 9 November 2018. His Honour, Justice Peter Churchman, is this year’s special guest and speaker.

In keeping with the feedback the Branch Council has received over the last couple of years, the dinner will again be held at the Queen’s Wharf Ballroom, Foxglove Bar and Kitchen. The dress code will be business wear rather than formal as it has been in previous years. Those who would like to dust off their dinner suits are welcome to do so but if you prefer to come straight from work, that is fine as well.

Encouraging younger practitioners

The Branch, as organiser of the dinner, is aware that for younger practitioners it is a financial barrier to attend the dinner if they also need to hire a suit or other formal wear. In years gone by the dinner was known as the Bar Dinner and the focus was around practitioners involved in the Courts along with Judges. The dinner is now the Wellington Branch Annual Lawyers’ dinner and it is our sincere hope that this invitation reaches all practitioners in the Wellington area. It is an opportunity for practitioners in firms, litigation lawyers, and in-house counsel to meet each other in a collegial environment.

The Branch also hopes that firms may assist with meeting some or all of the costs for younger practitioners so that they have the opportunity to attend this Branch-wide special event, and gain the benefits of meeting with a cross-section of lawyers across the spectrum of work area and experience.

The Branch Council and member well-being

By Annette Gray, Vice President Wellington Branch

The Wellington Branch of the Law Society has a range of resources for practitioners to use to resolve difficult issues. One of them is the Ethics Committee, whose principal objective is to give guidance on the highest ethical standards of practice – and a view on when those standards might not have been achieved.

The standards apply in relation to clients, other lawyers, the courts and society generally. Lawyers are of course also bound to follow the statutory requirements of the Lawyers and Conveyancers Act 2006, the Rules of Conduct made under that Act and the guidance issued from time to time by the Law Society, such as the rules on e-dealing. But lawyers’ ethics is discussed in articles and has also been the subject of case law.

A lawyer who would like to refer an ethical matter to the committee should contact the convenor, Paul Barnett at p.barnett@barnettlaw.co.nz, or tel: 04 498 4932. Paul will pass the matter to the committee and a distillation of the members’ views will be passed back to the enquirer. However, it is important to be aware that the views of the Ethics Committee have no particular standing. The committee is there only to provide guidance and views on issues or behaviour that is referred to it.

The committee also holds seminars where practitioners have asked for discussion of questions of ethics are considered live. The next one is planned for the first quarter of 2019. The Committee invites practitioners to suggest issues they would like to see discussed. Please send your suggestions to the convenor.

Wairarapa Country Garden Lunch

On Saturday 17 November 2018, commencing at 11.30am

The venue is the home and woodland country garden of Adrienne Hewitt and Grant Allan at 139 Tararua Drive, RD 8 Masterton

The trustees of the Louise’s Girls Trust (a trust formed to provide assistance for the daughters of our late colleague and friend, Louise Elder)

invite

all Wellington & Wairarapa Lawyers (with spouses/partners and children also welcome)

to a Wairarapa Country Garden Lunch

RSVP by 9 November 2018 to grant_allan@xtra.co.nz
Jim Stevenson, lawyer & public servant – a ‘perfectionist’ and ‘gentle soul’

– James Richard Allan Stevenson 31 October 1947-3 September 2018

By Chris Ryan

Jim Stevenson, who died on 3 September 2018, was a man of many parts, whose record as a public servant and as a lawyer was remarkable to say the least, and whose wit, intellect, industry and compassion were widely admired.

His career divides into two twenty-year periods: from 1970 to 1990 working for the Department of Trade and Industry and its successors, and from 1991 to 2011 with Buddle Findlay, with some work as a barrister sole from August 2011. Along the way he managed to wedge in an extensive contribution to the arts in general and to New Zealand in particular and was a soldier in the field of arts-related events – but more of that later.

He graduated with arts and law degrees in 1970 and was recruited to the Department of Trade and Industry as it shifted from policy and promotion, and was in particular managing big, and mostly arts-related events – but more of that later.

Early on he filled various positions in trade policy and promotion, and his talents were soon recognised. He was then in particular managing big, and mostly arts-related events – but more of that later.

In the meantime, Jim was offered a posting to Paris in 1983 as counsellor commercial, and part of the New Zealand delegation to the OECD. He travelled widely in North Africa during this time, visiting Algeria, Morocco, Tunisia and Libya negotiating meat and dairy contracts; in Libya he met Colonel Gaddafi and all on his own negotiated contracts for the New Zealand Meat Board.

Before the completion of his posting in early 1985 Jim left Paris and returned to New Zealand to take up the position of Assistant Secretary Commerce and the Examiner of Commercial Practices, a major promotion. Within a year he became Assistant Secretary of Business Competition and Corporate Affairs.

‘Rogernomics’ deregulation

This was the period of the fourth Labour government, the era of “Rogernomics”, with major deregulation of the New Zealand economy, privatisation of some government-controlled sectors such as electricity, state-owned assets such as railways, and the development of a new “light-handed” regulatory regime.

Barrister Alan Lear, a Trade and Industry colleague at the time, recalls Jim taking charge over the new Commerce Act as it was being drafted. He was quick to see and act on some important decisions – from memory he set the merger threshold, the dominance test, to reflect the size of the New Zealand market and need for domestic efficiency to help exporters.

In 1988 Jim became General Manager (Communications) in the Ministry of Commerce, the successor to the Department of Trade and Industry, in which he was concerned with advising on telecommunications and railways, and the development of a new “light-handed” regulatory regime.

Jim returned to Trade and Industry and spent the next three years as Director of the Commerce Division. It was during this period that Jim and his good friend and colleague Bernie Hill began to write a “competition bill” for the National government of the time. Bernie Hill says Minister Hugh Templeton, Ruth Richardson and others had proposed a comprehensive competition law reform proposal to coincide with the negotiations with Australia on the CER Treaty. “Jim and I worked on it for several months, often working late at night after the day-to-day tasks were done; we went to Canberra to research what the Australians had done with their Trade Practices Act and we had to pay for part of the travel costs ourselves so that the expenditure did not need higher-up sign-off of which risked being declined.”

It is difficult from the vantage point of 2018 to appreciate how tightly controlled the New Zealand economy was in the late 1970s and early 1980s, and how revolutionary this shift to a competition policy was in the context of the time. Bernie Hill, “One day it eventually surfaced on the National Party Caucus agenda and the Prime Minister Robert Muldoon said ‘who wants this then?’ at which point it was a dead duck. Instead, officials were telephoned in the middle of the night and told to prepare the mother of all price freezes. We even had to write the speech he delivered on radio a few days later.”


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Jim Stevenson, lawyer & public servant – a ‘perfectionist’ and ‘gentle soul’

“… incredible energy”

“Although it was Jim’s first ever court case, he was as cool as a cucumber,” relates Bernie Hill. He worked tirelessly – early mornings and late nights with incredible energy. He wrote and rewrote briefs of evidence and legal submissions over and over again until they were as perfect as possible. He drove that sense of perfection. Jim was an answer to any delay that resulted in any delay for his client. He managed major litigation including mediations and arbitrations including major trials in the High Court, Court of Appeal and the Judicial Committee of the Privy Council.

Buddle Findlay partner Alastair Hercus, who worked with Jim over a number of years and knew him well, echoes comments on Jim’s work output. “He had a staggering work ethic, and a meticulous and comprehensive approach to his work. He would work long hours on an issue making sure that he covered every angle, leaving no stone unturned. He was idiosyncratic in many ways and was quite a success at it. Jim had a huge loyalty and was very generous and thoughtful towards younger staff.”

Alastair and Jim worked closely together in the late 1980s advising former producer boards as they turned themselves into successful law firms, and an answer to any delay that resulted in any delay for his client. He managed major litigation including mediations and arbitrations including major trials in the High Court, Court of Appeal and the Judicial Committee of the Privy Council.

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Enthusiasm for the arts

Jim Stevenson was an aficionado of the arts throughout his life. Jenny Stevenson, his widow, recalls Jim organising medieval-style banquets on the Auckland University campus in 1971. “He was the first chair of the New Zealand Students Arts Council – he toured many rock bands nation-wide in the New Zealand and organised ground-breaking university tours by the Australian Dance Theatre, the New Zealand Ballet Company and the ‘Four Poets Tour’ featuring Alan Brunton, Denis Glover, Sam Hunt and Hone Tuwhare … Jim developed a close friendship with Alan Brunton and

Continued page 3
The new defence of public interest

SOME of the city’s leading media lawyers and journalists gathered recently for a lively and entertaining session organised by the Wellington Branch Media Law committee. The session set out to discuss the ramifications of the new defence to the tort of defamation: public interest in mass publications.

In a decision of the Court of Appeal issued on 31 July 2018, French, Winkelmann and Brown JJ recognised the new defence, a decision which nullifies the defense of qualified privilege recognised in Lange v Atkinson (1998).

This new defence builds on case law in the UK (Reynolds v Times Newspaper [2001] and in Canada Grant v Torstar (2009).

Unlike qualified privilege, which applied only to potentially defamatory material published about politicians, aspiring to politicians and political activities, the new defence of public interest stretches to all matters which are considered to be of public concern or interest as long as the reporting is “responsible”. So the new defence builds on case law in the UK (Reynolds v Times Newspaper [2001] and in Canada Grant v Torstar (2009).

It was recognised early on in the session that the new defence was not limited to areas of concern were around the two elements of the defence: that the subject matter be of public interest, that the “communication” must be “responsible” and the trial judge will determine whether these two elements have been established – based on facts as found by the jury.

The merits of what constituted “public interest” with today’s clickbait media mentality was hotly debated, given the Appeal Court suggested that, referring to Torstar, to be of public interest the subject matter should be one inviting public attention, or about which the public or a segment of the public has some substantial concern because it affects the welfare of citizens, or one to which considerable public notoriety or controversy has attached.

Responsible communication also fired up the panel – although the media contingent seemed less concerned about defending this than the lawyers. Fairness, accuracy and facts still reign in the newsrooms and these values are taught to budding journalists in the classroom. The media members of the panel were keen however to reassure the audience that the public interest defence would not result in journalists bypassing one of their fundamental roles: the verification of facts or allegations.

Despite some spirited questions from the audience around how the media lawyers on the panel would uphold the hypothetical plea of the defence (in anticipation of a mutual court date at some stage in the future perhaps) the lawyers kept their powder dry and the panel as a whole resolved to meet again and, in the High Court, Mallon J applied to strike out this defence.

Legal Aid Winner: John McCullum Runner up: Stuart Murray Flight Winner: Simon Baden Runner up: Bar Woodcock

Legal Aid Winner: John McCullum Runner up: James Blakely Flight Winner: Alastair McDowell Runner up: James Skinner

Fishing Winner: Julian Sage Runner up: Geoff Dinsmore Flight Winner: Eris Muskop Runner up: Richard Price

They also Serve Winner: Fred Thom Runner up: Ewan Robson Flight Winner: Simon Lance Runner up: Jess McFadden

They have no time for school Winner: David Dunmore Runner up: Alan Espie Flight Winner: Paul Barris Runner up: Mark Lucas

Jim Stevenson: lawyer and public servant – a ‘perfectionist’ and ‘gentle soul’

Jim Stevenson was a long-time teacher of dance and Jim supported her in the establishment of the Dance Centre in Wellington in the 1970s. In 1987 he became with me the co-founder and director of the Wellington Arts Centre which offered tertiary level and community classes in dance, singing and acting, operating for 21 years. It was subsequently sold to Whitireia New Zealand in 2009, when we jointly received the Absolutely Positively Wellingtonian Award for contribution to the city and community.

“During the time of WPAC’s operation Jim offered several personally-funded scholarships to Māori and Pacific Island students most of whom are still enjoying successful performing-arts careers. Jim also used his own funds to keep the business afloat on many an occasion and I can never thank him enough for his extraordinary generosity in this respect.”

Jim supported the experimental theatre group Red Mole, and its principals Sandy Rodwell and Alan Brunton, throughout their lives and his.

He wrote the constitution and was a founding executive member for the national dance advocacy group SANZ, was chair of the Auckland Ballet Trust and Auckland Ballet Company and the Mudra Dance Company.

Broadcasting Commission From 1991-1998 Jim was a member and subsequently deputy chair of the Broadcasting Commission. During this period Jim was instrumental in devising a funding model for New Zealand on Air, and played a major role in establishing Māori radio stations and Access Radio, among other areas.

Bernie Hill: “Jim was relentless that a segment of the word to describe him... He was a perfectionist in his work, plus he had a level of energy that could sustain that perfectionism. It might be thought because of this that he was a bit of an ogre, but...”

“Jim was an impresario in his student days. He was such a very good impresario that his operation Jim offered several personally-funded scholarships to Māori and Pacific Island students most of whom are still enjoying successful performing-arts careers. Jim also used his own funds to keep the business afloat on many an occasion and I can never thank him enough for his extraordinary generosity in this respect.”

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The 84th running of the world famous Devil’s Own Golf Tournament was held once again in a sunny Palmerston North on the weekend of Friday 28 September to Sunday 30 September. The matchplay final was contested between Phil Hyde of Norris Ward (Hamilton) and Michael Doesburg, the sole but most welcomed, Russell McVeagh entrant. Phil defeated Michael 3 and 1.

This popular annual lawyers’ gathering brings Palmerston North to an accommodation and transport crisis, and inevitably ends in tears of joy, sadness, laughter and pain, as the tournament progresses.

This year was no different with some 130 lawyers and sponsors attending the event for the golf, the companionship and to connect with others in ways unavailable through anything other than a multi-day golf tournament. A total of 18 newcomers sees a new generation of lawyers slowly becoming hooked on the tournament.

The now familiar midday “cannon” start resulted in only two complaints to the local council and Palmerston North Police. The local gun club (who provide anywhere between two to three cannons) spiced up their explosive mix this year and had a slightly underwhelming backfire with the smallest of their artillery line up, but followed up with an enormous bang from the bigger device that regrettably shattered some windows in the golf club house. Such is the relationship the event has to the golf club that the damage was simply laughed off.

The Friday qualifying round this year was followed with the formal dinner function, with the predicted and intended result of fewer exhausted lawyers falling asleep during the presentations and speeches. Mr Tobias Braun entertained the dinner crowd with a magnificent but introspective speech focusing on themes of pride and (generally) how Hamilton is lucky to have him. Giving a speech in front of the Devil’s Own audience is no mean feat, and Toby was predictably both average in his performance, yet thrilled he could accomplish this.

John McLean successfully carried out his fourth year of master of ceremonies duties and gave a terrific rendition of “Hallelujah” in honour of the late John Gatley. John’s version was called “Good Luck to Ya”.

If you have read this and you have never been to the event, then you owe it to yourself to try it at least once. Details can be found at www.devilsown.org.nz (sign up for the annual invitation and the event’s email newsletter, the “Devil’s Own Flute”).

You don’t know what you are missing!

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**Devil’s Own full results page 3**

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**Devil’s Own Golf**

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**MADEShi**

Answers: See page 3

1. What four letter word reads the same left to right and upside down?

2. If 30 seconds are required to sound 2 o’clock, how many seconds are required to sound 3 o’clock?

3. What is the next number in these series:
   (a) 4, 8, 32, 512, ?
   (b) 9, 27, 243, 19683, ?

4. It is white’s turn to move. What should white do?

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