
CELEBRATING A QUARTER OF A CENTURY

Speech by Paul Cavanagh QC

It is my privilege, and it gives me great pleasure to speak to you this evening about Shortland Chambers' first quarter of a century - 25 years in which we saw and experienced the gradual evolution of the Independent Bar and the steady growth of Chambers into arguably – New Zealand's leading and largest Barristers' chambers.

As well as proposing a toast at the end of my speech, I intend sharing with you some recollections of the Bar back in 1986, and recalling some of the more memorable experiences of the original 12 founding members as they set up Shortland Chambers.

But perhaps - the real heart of my comments tonight will be all about the people! Because, in the end - central to the very spirit of Chambers - are the people! This was the case in 1986 and it will be the same in another 25 years.

Just to set the scene then, and reflecting back 25 years, it is important to appreciate that for those setting out as barristers – this involved leaving the security of an established law firm, for the uncertainties of the Bar. It demanded courage and a willingness to test the waters. In contrast today, established Chambers have eliminated most of the uncertainties and there are far fewer risks – that is, excluding the current economy!

Why then, did people take the risk? It was I think - the sheer challenge and freedom from the restrictions and formality often associated with working in a traditional law firm. And, it was also all about the ability to practice in the company of people whom you respected and enjoyed associating with. The collegiality!

So who were the 12 Shortland Chambers founding members?

1. **Jim Farmer QC:** The Bar is extremely grateful to Jim for the important work that he was responsible for in establishing in association with Ted Thomas, the New Zealand Bar Association and promoting the interests of the Independent Bar. Regrettably, he remained a member of these Chambers for only a brief period
 2. **Sonja Clapham:** She stood out as a woman who had carved out her own practice at the Bar when few women were encouraged to take the initiative
 3. **Colin Nicholson QC:** Involved in the establishment of Chambers from the outset, Colin had a significant practice at the Bar but elected later to accept an appointment to the District Court and later the High Court
 4. **Raynor Asher QC:** Always a star and a natural leader, Raynor was sadly missed when he took up his appointment on the High Court bench. I personally enjoyed regular banter with Raynor and Graham Kohler when both had rooms on the 12th floor. Raynor was also memorable for:
 - The annual Christmas Card Competition
 - His Annual Rose Show – a cheater's paradise
 - His cars – the V8 Triumph Stag, the V12 Jaguars, the Aston Martins
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There was the occasion, many will recollect, when Raynor was driving over the Harbour Bridge, I think in the Jag with the top down because he couldn't close it. It was pouring with rain with buses passing by, and no doubt many commuters enjoyed the view of someone in an expensive car getting a good soaking! But never to be caught out, Raynor made a good go at appearing nonchalant!

5. **Tony Molloy QC:** A regular crusader, wonderful writer and raconteur and winemaker, Tony is an internationally recognised leading expert in Trustee Law. Also of note is Tony's room – books and paper everywhere!
6. **Roger McLaren:** Known as Radio McLaren for his media work, Roger's reputation for the enjoyment of the finer things in life – notably wine, preceded him. However, unlike others he didn't settle comfortably in Chambers and later accepted an appointment to the District Court but tragically died soon thereafter
7. **George Howley:** a character not unlike Roger, George was an advocate who seldom saw the need to include references to the law in submissions to a Court. He was an accomplished pilot. I recall an occasion when he flew me in a light aircraft over the city, circling the Chambers while Misha waved back to us from the roof of the building. I am uncertain whether we adhered to the 1000 feet minimum height above the building at that time but it was clear that he was a careful and competent pilot
8. **Charlie Cato:** A brilliant academic and master of the obtuse debate, Charlie always took the opposing position. He acted for some of the country's leading criminals and only left the Chambers to enter the Queensland Bar
9. **Michael Crew:** As many may know, Michael was a very clever advocate with an excellent future ahead of him. Sadly his life was cut short as a result of a tragic accident on Turtle Island in Fiji
10. **Gary Harrison:** Gary was one of the original management team including myself and Raynor Asher. He played a significant part in the establishment of chambers and its management and administration over the last 25 years
11. **Alan Galbraith QC:**More on his contribution later
12. **Myself:** No explanation required!

I must also acknowledge three more key characters in the establishment of Shortland Chambers, the redoubtable Kay Cranston – my wonderful PA or also fondly known as Aunty Kay, Denise Sowter secretary and librarian Faye Spence. These women have collectively been part of the spirit of chambers since its inception and played no small part in its gradual transformation over the last 25 years.

Returning to the establishment of Chambers in 1986

A recollection just to put things in perspectivewhen I left my firm in 1976 to practice as a barrister sole, I think from memory, there were about 12 people in active practice at the separate Bar in Auckland. This highlights just how small the Bar was and how much it has grown today. In my opinion, the establishment of Shortland Chambers in 1986 was a very significant event for the development of the Independent Bar in NZ. And, just 2 years later in 1988 there was the incorporation of the New Zealand Bar Association. These two factors and the intervention of the 1987 market failure led to a general exodus of litigators to the Bar, a process that continues to this day.

From memory too, the Shortland Chambers' story starts in 1984 with the courageous – some might even suggest reckless decision by Alan Galbraith QC to establish a new set of Chambers, taking upon himself the obligations set out in an agreement to lease the top three floors of a building then under construction at 70 Shortland Street. He then convened a bibulous lunch held at Le Brie restaurant, attended by John Henry QC, Colin Nicholson QC and Gary Harrison. The purpose of that lunch was to discuss steps to be taken to ensure the project could be successfully accomplished. Peter Blanchard agreed to act as solicitor to the Chambers and prepared the founding documents which were based on Edmond Barton Chambers in Sydney.

I was then approached by Gary Harrison who called to see me at my then Chambers. He outlined to me the proposal and asked whether I would be interested in joining. I told him that I would think about it. He said, less than a minute later I then said – OK I'm in. Gary then went on to secure Raynor Asher, Roger McLaren, George Howley and Charles Cato as members. Alan Galbraith secured Jim Farmer QC, his wife Sonja Clapham and Michael Crew. Thus the initial membership of 12 was secured.

Negotiations with Wilkins & Davies Construction Ltd were fraught with difficulty. There were significant delays in achieving completion of the building. This raised particular concerns for many of us who had to negotiate termination of existing lease arrangements and a firm possession date was therefore required. In the end, accepting that the building was far from ready, occupation was set down for 1 June 1986.

This meant:

- We had only one temporary lift
- The foyer was still under construction and entry accessible across planks
- Our staircase was fitted with temporary stairs - had the Health & Safety & Employment Act 1992 been in force, this would have created difficulties.

It also meant we got to know Tui the liftman - a character covered in tattoos who proclaimed that he had just come out of serving a long-term in prison. His job was to operate the lift upon request. There were no controls and the doors were operated by Tui using a stick to release a catch when called upon. These lifts were a nightmare and caused constant trouble and failures until a new owner replaced them entirely.

But eventually and to everyone's relief, access was fixed and Chambers was formally opened on 29 August 1986 by the then Chief Justice, Sir Ronald Davidson.

Since that time and until quite recently, the 12th floor has been the hub and engine room of Shortland Chambers. I hold much affection for many of the people past and present who have occupied this floor! Among the memorable were:

- Dale Green who joined the Chambers a little later and then in short order accepted appointment to the Family Court. She was replaced by Deb Hollings, then Geoff Mercer, David Hurd and now Bob Hollyman
- Jim Farmer was a member for only a brief period and Raynor took his room which was later taken by David Hurd and now occupied by Stephen Mills

- Raynor's former room went to Dennis Jenkin and Colin Nicholson's room to Ian Williams. Rod Joyce occupied a room briefly on this floor and when he moved to the 11th floor, Graham Kohler took over his room.
- It is noteworthy that Graham remains the only member of Chambers to this day, who has managed to run his boat aground on the Meola Reef!

Returning to the establishment of chambers – a significant component of this included building a library. Initially we purchased a small library from Robert Smellie to which I added my personal library – both provided the foundation for the library. Over the last 25 years, Faye Spence has worked to expand our resources ensuring Shortland Chambers maintains its position as a premier Chambers in New Zealand.

Faye's professional contribution to chambers has been significant as indeed has been the contribution of our many clerks – too many to name. We are indeed blessed by the calibre of Chambers clerks today currently working with members having regard to their background as clerks to Judges of the High Court and the Court of Appeal.

Historically, Chambers began employing clerks sometime in the early 1990's. It was part of tradition that we ensured that our clerks received full benefit from their involvement with the Chambers and we had a role in their growth and education. That this has been successfully achieved is evident in the fact that a clerkship with Shortland Chambers is now much sought after. As one example as to how this has worked, in 1999 I engaged Jonathan Brook, then a clerk as my junior on an important case. That involved his appearance as my junior in the High Court, Court of Appeal and Privy Council. I am well aware that other clerks have received similar beneficial exposure to important litigation.

Last and certainly not least and still on the subject of Chambers people, from its inception, Shortland Chambers sought to present as a corporate entity representing all its members collectively, presenting one face to the profession and public.

This meant our management staff has always had an important role to fulfil. We have received great assistance from Misha Kafka, Morna O'Brien, Catherine Taylor, and Trudy Weinberg. Today Pamela Caldwell brings her own particular skills to this important task. However, whereas Chambers originally functioned under the broad over-sight of a Management Committee, we now have a more formal Board of Management and all that this entails. Some of us may hark back to the far less formal times, but it must be accepted that this is unrealistic. The Chambers present status in the profession and function demands standards are continually improved.

Now to return briefly to earlier times and more frivolous moments

Back in the 80s and 90s, Chambers dinners and Christmas parties were often hilarious events. I recall a members' dinner at Hoffmans Restaurant, now known as the Jervois Steak House where, as Chairman, I rose at the appointed time to speak. The raucous interjections, pejorative questions and general insults ensured that I had no option but to sit down – all taken in good fun. BD Gray would no doubt be appalled!

And, there were the Christmas parties - in early times, they were memorable. I recall one held on the 13th floor decked out as an Arabian Nights tent. I think Rod Joyce was Santa and I seem to recall that Rhys Harrison was Sugar Plum Fairy, that role always being fulfilled by the most

recent member. Gifts were chosen anonymously and often were outrageous. All were required to sit on Santa's knee while he asked them what their wish was for Christmas – an occasion always involving general hilarity and a good evening spent by all of us. Harry Waalkens was always a memorable Santa and at one function at O'Connell Street Bistro, appeared by trapdoor from beneath the floor.

Conclusion

In conclusion, while there's no doubt that for the surviving 12 founding members, there is considerable nostalgia in recalling the:

1. Heady, liquor-filled early days
2. The members
3. Many outrageous moments,
4. And the freedom from rules and formality

We would all, I am sure, agree that with growth came greater professionalism and opportunities. These benefits are all part and parcel of the Chamber's steady growth over the years into arguably this country's leading and largest Chambers.

So - in proposing a toast to Shortland Chambers, I would like to acknowledge the 12 founding members, those barristers who have come since and the many who will be members in the future. I also remember those former members who have died.

Thank you for the opportunity to speak and please now join with me in a toast to all who have sailed in this fine establishment, then, now and in the future!

8 September 2011