

IN MEMORIAM
IAIN DOUGLAS JOHNSTON: 1948 — 1985

On 18 October 1985 the Law Faculty was deeply saddened by the death of Iain Johnston at the tragically early age of 36.

Iain was a graduate of this University, where he graduated LL.B. with honours in 1969. He was, as I clearly remember, a gifted student who stood out in his class (a very good class) for his obvious interest in, and enthusiasm for, the law. He distinguished himself, among other things, in mooting, and in 1969 he and Tony Shea represented this university with outstanding success in both the New Zealand and Australasian mooting championships. Iain's style — one of quiet, imperturbable logic — was one which was to carry over to his lectures in future years.

After graduation he took a position with the Ministry of Transport in Wellington. One of his tasks there was to draft regulations, and some of his work on the Traffic Regulations still survives today. He was, I remember, particularly pleased with his redraft of the Warrant of Fitness provisions, for he had exposed certain problems in the original version when it was the subject of a moot in which he had participated some years earlier.

We were delighted when in 1971 he accepted an offer of a temporary assistant lectureship in the Law Department of this University. Very shortly after this, when still a very young man, Iain suffered his first major illness. Recovery took a long time, and Iain knew then that his health would never be completely restored to normal, and that he would thereafter be somewhat restricted in the things he could do. Yet, in all the years I knew him I never once heard him complain of it.

After a trip overseas with June, whom he had recently married, he returned to the University in 1974 as a temporary lecturer. He was appointed to a permanent lectureship in 1977, and was promoted to Senior Lecturer in 1981.

Iain was a careful, and very able, legal scholar. He taught International Law, Legislation and Tort before he took up the study and teaching of Family Law in 1981. Such was the reputation he developed in this last subject that it surprised me to be reminded that he had turned his attention to it so relatively recently. His contribution to Family Law in this country was a major one, and I use those words advisedly: in national terms he made a very significant contribution.

He was an innovator. He was one of the first in this country to study Family Law in its wider social context, and to adopt a multi-disciplinary approach to it. His lectures, quietly and clearly presented, embodied that approach. Some of his articles — all beautifully written and immaculately reasoned — created a great deal of interest, particularly those on child abuse and neglect. His writing for Butterworth's Family Law Service demonstrated the same qualities. He extended his talents beyond the Law Faculty. He was well known to social workers for the lectures he gave them and the work he did with them. He was one of the founders of the successful and important Family Courts Association, and was its first secretary and, later, its chairman. He was also a key person in organising and presenting seminars for the legal profession on the family. That course embodied Iain's ideals on the multi-disciplinary approach.

Iain's style of innovation reflected his personality. There was no hint of self-aggrandisement. He did not proclaim his cause loudly, or argue vociferously. If he thought something was necessary to be done he just



did it, quietly and without fuss. And because what he did was so obviously right, others followed suit and did it too. Because he loved his subject he was dedicated to it, and worked enormously hard at it. Members of the Faculty all knew stories of Iain working into the small hours, and rising before dawn, to complete some piece of work on which he was engaged. It is entirely in character that before he entered the hospital for the operation from which he knew he might not recover he came to the University, obviously unwell, and finished a piece he had promised his publisher — *because* he had promised it; and wrote out the answers to the questions he had set in his students' examination paper in case someone else had to mark it.

The Faculty will remember Iain as a fine friend. He was not a flamboyant person, and did not go much for big social events. Iain liked people rather than occasions, and he expressed his friendship in very personal ways. One member of staff remembers how, when he was first appointed, he stayed with the Johnstons for several weeks while he was looking for permanent accommodation; another how, on arrival in Christchurch, he was given the keys to Iain's car with an injunction to use it whenever he needed it. Iain believed in deeds rather than words. He was totally unselfish. These personal qualities made him an excellent adviser to, and friend of, students. They suited him ideally to his position of subdean, which involved him in seeing many students and planning courses for them. He also had special responsibility for advising overseas students, a task which he carried out with great care and sympathy.

When a younger man Iain had been an active sportsman, yachtsman and tramper. His health curtailed those more vigorous activities in later years, and they were replaced by gentler hobbies — pottery (he was a talented potter), gardening, and music. He went about these things with the same dedication and skill that he applied to his work.

He was also a devoted family man. He, June and son Nicholas, aged 8, were a very close family. We extend our sympathy and support to them. Iain is very sadly missed by all who knew him. His life was far too short, but he did not waste a single day of it.

J.F.B.

Only very special people are easily able to shed the academic gown and replace it with the barrister's wig. The rostrum and the bar are usually the domain of very different types. Some notable personalities have been able to effect the change competently but it is rare, to the extent that the names of those who have managed the transition readily come to mind. For someone to be able to bridge the gap between the lofty heights of academia and the lowly practicalities of the District Court seems almost a contradiction in terms but in Iain Johnston was such a person.

We first met in 1981 when I was "on the road" endeavouring to sell a new approach to Family Law. I somehow have the impression that after each and every presentation in the South Island Iain was there to engage me in constructive, practical and down-to-earth discussion about how this new concept was going to work in New Zealand. His somewhat whimsical appearance and quiet manner disguised and belied a tremendous depth of knowledge and intense concern for people; for individuals each with

their own human problems seeking sympathetic consideration and a solution which would leave their dignity and self-esteem intact.

His special concern was the disadvantaged and the impotent, particularly children. A review of his writings reveals the best interests of the child as a constant and recurring theme. His zeal for this emphasis was timely. His mind focused clearly on that precious commodity, the individual human personality and its needs. For him the esoteric, clinical dissection of legal principle was incidental; his compelling interest lay in considering how those legal principles could be used in a practical way to solve the problems of those who came before the Family Court and the Children and Young Person's Court in the course of their daily routine.

It is hard to think of Iain Johnston without becoming involved in apparent contradictions — a scholarly and precise legal knowledge but with a sympathetic understanding and total dedication to a multi-disciplinary, conciliatory, non-adversary approach to the dynamics of interpersonal relationships. His commentaries on children in *Butterworth's Family Law Service* are an exquisitely practical, yet academically satisfying memorial.

All of us, academics, practitioners and judges, are so much the poorer for his passing but so much the richer for his having been here.

JUDGE P. J. TRAPSKI