

IN MEMORY OF DR GEORGE BARTON QC

*Christine Grice**

Speech notes presented at the special memorial sitting of the High Court in Wellington for Dr George Barton QC on 6 July 2011 at 4.30 pm.

I am honoured to speak today not only as a colleague and a friend of George Barton's for 30 years, but also on behalf of the organised profession. Like so many others, I was one of many young lawyers he took under his wing. I also joined a group of women who had the privilege of being mentored and encouraged by him. This group included Eva Schellevis (one of his early students who also lectured part time in the faculty) and, of course, Shirley Smith. The Hon Marion Frater, who is sitting today, was his chambers colleague and has often mentioned her gratitude for the guidance and support that he gave to her early in her career. More recently, he has been an enthusiastic supporter of the Wellington Women in Law group and its functions – sometimes the only male present.

I met George when I juniored for Peter Mackenzie in *Social Credit v O'Brien*. George had recently handed the brief to Peter. The litigation had a long and colourful history culminating in the defamation proceedings that were being heard in the Supreme Court in Nelson. George had stood aside as counsel. At one stage of the proceedings he was apparently called as a witness by counsel for the other party, Mr Gazley. That episode in itself has become a legal legend. George remained very interested in the various twists and turns of the case. As a young Nelson court lawyer I had the benefit of not only Peter Mackenzie leading, but George on the sidelines. I will never forget some of those lessons, but enough said.

Over the next 30 years, I came to know George well, as a friend and professionally. As well as being his junior, on occasions he appeared on the other side. The first time that happened I was rather apprehensive. Of course I need not have been. He was a generous and courtly opponent, although without giving an inch.

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I remember an incident that illustrated how seriously he took his obligations as an officer of the court. He had argued a point which he was obviously having misgivings about. When asked by the Court to respond to the counter argument he did not take up the Court's time trying to plug the gaps but merely said, "When I haven't got any straw let alone any twigs, I don't even attempt to build a house" and quickly moved on. He was not about to waste court time on a matter that was not going anywhere. That was a lesson for me.

George was a marvellous leader. He was senior counsel in a large piece of litigation that threatened to turn into a career. The hearing was in the High Court in Hamilton and stretched for weeks. He happily moved into my office and I had the very fortunate experience of weeks of lessons from "Dr George". One of my commercial partners learnt more about issue estoppel from him over dinner at the office than was good for the litigators in the firm. The partner concerned became an expert and to this day sees issue estoppel in every dispute.

George used his talents as an educator to make sure that we not only experienced the litigation, but we learnt as we went. He was a generous leader and allowed his junior to take charge and lead substantial sections of the case both at first instance and on appeal.

He, as we all know, had a passion for the law and cared deeply for the profession. His contributions in the area of education, practice and as friend and colleague are well known. He also contributed significantly to the organised profession. One example was in his role as member of what became the Lawyers Disciplinary Tribunal. He was appointed to the then Disciplinary Committee in 1980. This was a body which operated behind closed doors. It was replaced in 1981 by the Law Practitioners Disciplinary Tribunal. George was an inaugural member. This new body was open to the public and the press and wrought significant changes. George relished it. He sat on the Tribunal for many years. He took his duties very seriously and undertook those obligations with the same degree of professionalism he brought to every aspect of his endeavours.

George was always aware of the importance of keeping the judge interested, particularly when addressing a judge alone towards the end of a long and tedious civil trial. I recall in the last trial I did with him he wove into his closing the following lines from Edward Fitzgerald's translation of the poem *The Rubaiyat of Omar Khayyam*:

The Moving Finger writes; and, having writ,
Moves on: nor all thy Piety nor Wit
Shall lure it back to cancel half a Line,
Nor all thy Tears wash out a Word of it.

Reading those lines again, in the context of George's long life and honourable career, I am sure he would not want to cancel even half a line of it.

It is with fond memories and great respect for Dr George Barton QC, that I honour him both as a friend and colleague, and for the legal profession.