

CHAPTER TWELVE

Legal Practice in the Late 20th and Early 21st Century

CONVEYANCING AND THE ART OF SETTLING TRANSACTIONS

The following excerpt under the hand of Kevin Callinicos, a partner of Willis Toomey Robinson, was taken from a recent newsletter which recounts the practice of law in days gone by and was intended to cause the practitioners reading it to reflect on how impersonal the practice of law can be these days when lawyers (and their staff) are no longer required to leave their offices in order to settle a property transaction. Quite often, the only times that practitioners from different firms get to meet one another is at social functions – that is, if they even get to attend those.¹²⁷²

Old boy – we are due to settle this matter on Thursday 23rd September. Money of course follows title so I will pop onto the train and head south from Napier to Hastings arriving shortly before midday. We can settle at the State Advances Office whereupon you can hand me the Discharge of Mortgage, disbursements on the Discharge, Memorandum of Transfer, Certificate of Title, Keys, your written solicitor's undertaking as to rates, and the assignment of your client's insurance policy. I will furnish to you our trust account cheque for the settlement sum.

Having completed such an arduous endeavour, can I suggest we then retire to CBD Café and Wine Bar for a snifter or two where we can consider if there are any factors that would entitle us to render invoices to our respective clients in excess of the scale!

I will get the keys to my clients when I return on the evening train – I am sure they won't be in any rush.

The age-old custom of showing new practitioners around the local firms is now more honoured in its absence but the author has endeavoured to make a point of doing so for the past twenty years. It is always welcomed by the firms when it does occur but admittedly it can take the best part of a whole morning to get around just a select few in Napier, let alone any of the firms in Hastings or further afield.

¹²⁷² Courtesy Kevin Callinicos, New Zealand Law Society (Hawke's Bay Branch), 10.9.10. This piece initiated a regular social fixture in the legal calendar known affectionately as "Settlement Drinks".

DUPLICATION OF DOCUMENTS

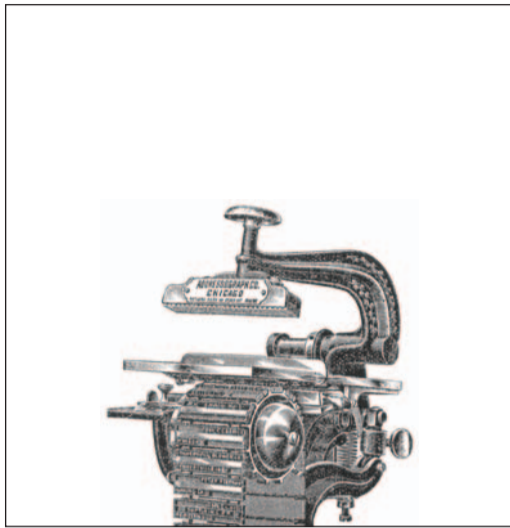
Hand written Minutes of the Hawke's Bay District Law Society gave way to typewritten Minutes starting from 1935.¹²⁷³ At least from the 1960s the common form of duplication of documents, apart from producing carbon copies of typewritten work, was to have documents "cyclostyled". This involved a form of stencil copying invented by David Gestetner in London in 1890. A stencil is cut with the help of small toothed wheels on a special paper underlaid with carbon paper which serves as a printing form. Gestetner named the Cyclostyle after a drawing tool he used.¹²⁷⁴

In June 1961 the Society approved of the acquisition of a set of Addressograph Plates incorporating the names of all of the firms in the District so as to assist with distribution of correspondence, reports and notices emanating from the Secretary (then Graham Cowley). An Addressograph Machine of the 1960s was essentially a steel frame with an integrated keyboard for stamping out address plates, a cassette-style plate feeder, a heavy-duty, rapidly moving inked ribbon, a platten for hand-feeding the mail piece, and a foot pedal for stamping the address. The individual steel address plates were inserted into card-sized frames which had a series of slots along the top where coloured metal flags could also be inserted for sorting purposes. The plate assemblies were placed in steel cassettes resembling library card catalogue drawers, which were manually inserted into the machine. At the press of the foot pedal the plate assemblies were swapped in sequence in a similar fashion to a slide projector, placing an impression of the raised type on to the mail piece.¹²⁷⁵

¹²⁷³ The third bound volume of minutes starts off with a rudimentary attempt probably under the hand of the long-serving Secretary H de Deene after a couple of "dry runs" at typewritten Minutes and Reports toward the end of the previous volume. Correcting fluid had yet to be invented and there are a number of corrections manifested in handwriting and overprinting. The frequency of those diminished as de Deene obviously got the hang of things.

¹²⁷⁴ www.wikipedia.org

¹²⁷⁵ www.wikipedia.org

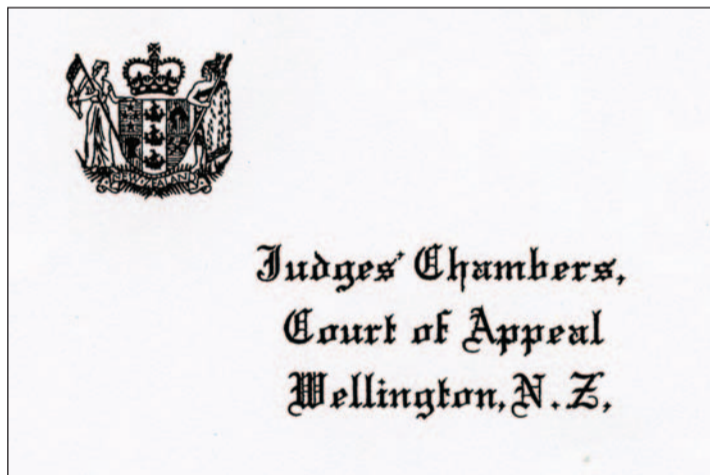


(C13_1): This image of an Addressograph Plate Machine (manufactured by the Addressograph Co., Chicago) is a much earlier 1896 version of the one that would have been purchased by the Society in 1961. Image source: www.wikipedia.org

CENTENARY CELEBRATIONS

Sainsbury Logan & Williams celebrated its Centenary in 1975 with a special dinner held at the Hawke's Bay Club on 2nd July of that year. Sir Owen Woodhouse was one of the keynote speakers¹²⁷⁶ and regaled the (then) partners¹²⁷⁷ and invited guests with stories of the firm – its principals, staff and clients – in past years.

Such an anniversary provides the best sort of reason to pause and feel grateful for one's origins and one's predecessors.



(C13_2): Sir Owen Woodhouse's Court of Appeal letterhead paper.

Sir Owen recounted in relation to Napier that on 2 July 1875 (which was a Friday) Blythes were conducting a great winter sale and that HB House across the road had "a more pedestrian choice of winter shirts at 4/9d". The Criterion Hotel had just opened under the management of one H. Ford. The Hawke's Bay

1276 Sir Owen's speech notes were kindly loaned to us. They were typed on the backs of memo paper inscribed in Old English font with the words "Judges Chambers, Court of Appeal, Wellington, N.Z."

1277 Former partner W A McLeod (who had retired earlier that year), and current partners J H Zohrab, A D McLeod, P J Tong and A M Morrison.

Club by then was nine years old, Robert Dobson was the NZI agent for Hawke's Bay, two vessels "Result" and "Fairy" were in Port and George Edward Sainsbury arrived in town!

Sir Owen then reviewed an early case involving an action for slander brought by the proprietor of a boarding house (a Mrs Palin) against a Mrs Roadnight who had apparently told one of the lodgers that Mrs Palin, a widow of three children "indulges" and drinks the money that ought to be spent on the table! The case was heard by Chief Justice Prendergast¹²⁷⁸ and a special jury¹²⁷⁹ on 23 December 1875. Under severe cross-examination Mrs Palin admitted that she did take alcohol but only when ill "a little brandy mixed with the castor oil". Lascelles (for Mrs Palin) in his final address said that "the slanderous rumour went to deprive the widow and fatherless of their bread and she had been brought to the verge of ruin". According to the *Hawke's Bay Herald*, Counsel for Mrs Roadnight tersely "characterised the action for slander as most trumpery". The jury returned a verdict after 15 minutes and found in favour of the defendant, Mrs Roadnight. George Edward Sainsbury was Mrs Roadnight's counsel.¹²⁸⁰

This then prompted Sir Owen to opine:

One can truly say about Sainsbury Logan & Williams, here for sure is a legal practice firmly built upon a foundation of ALCOHOL, SLANDER and DEFAMATION!

Sir Owen recalls the widowed Mrs Sainsbury as a "well-remembered and dear old lady who lived opposite my house when I was a small boy of about five...who fed me on ginger beer and hot scones and toffees..."

Francis Logan was remembered as a "tall, likeable, energetic man fond of people and he knew everybody". He was three times president of the Hawke's Bay District Law Society, five times president of the Hawke's Bay Club and president of the Hawke's Bay Rugby Union and Hawke's Bay Tennis Club to boot. He was a keen golfer and an even keener fisherman. Sir Owen refers to a photograph (which must have been produced for the occasion) taken in 1912 at Whanganui Bay, Taupo depicting, amongst others, Francis Logan and his two sons. He was wearing fishing knickerbockers, waistcoat, jacket and bow tie, rod in the left hand and pipe in the right pointed in a manly way to the photographer.¹²⁸¹

Remarking on the nominee mortgage portfolio of the firm, Sir Owen observed that when the Auditor Harold Edgely turned up, he would disappear into the strong room for weeks on end. When he had finished he was obliged to walk around town in dark glasses for weeks until his eyes became accustomed to the light.¹²⁸²

The Māori word for Logan was "Rokena" because of the apparent difficulty in the Māori idiom with pronouncing the letters "L"

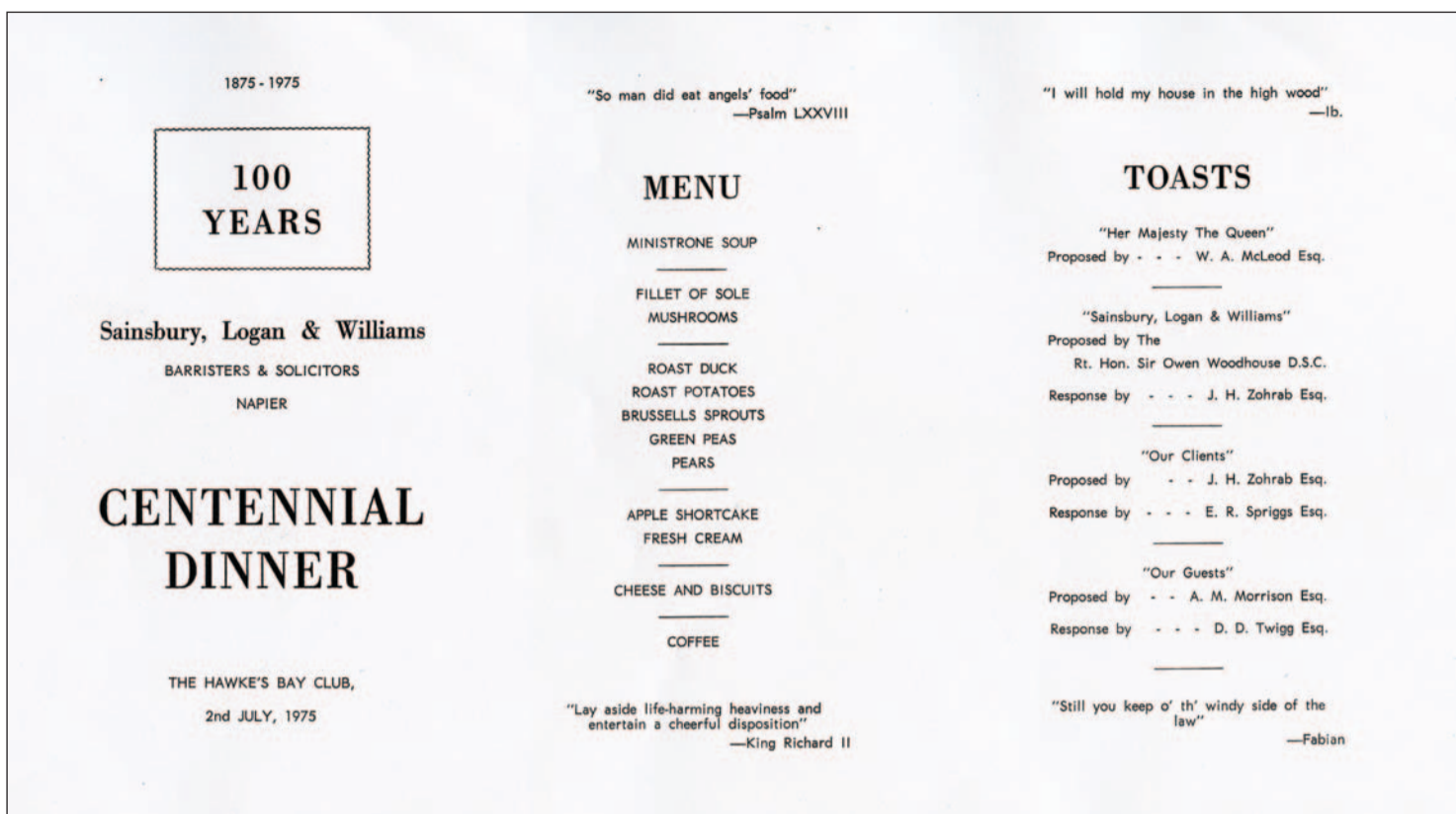
1278 See Chapter 2 under the heading *Departure from England*.

1279 Messrs J G Kinross (foreman), W Russell, T Tanner and J N Williams.

1280 No. 480 in Writ Book Napier Supreme Court (Minute Book No. 12 Folio 16).

1281 That photograph is reproduced in Chapter 2 under the heading *Home Life*.

1282 See Chapter 10 under the heading *Accountants*.



(C13_3 and 4): Excerpt original Order of Service from the Sainsbury Logan & Williams Centennial Celebration Dinner on 2nd July 1975 (front page). Image source: Sir Owen Woodhouse private collection.

and “G”. That remained as the telegraphic address of the firm for many years.¹²⁸³

Amongst the guests that night for the Centennial Dinner was the former Chairman of the Harbour Board (E R Spriggs).

Sir Owen concluded his speech by drawing a clever nasal sensory analogy to introduce the clients of the firm:

There was always a delightfully redolent smell of the latest client to visit them. CHLOROFORM and you would expect to see the Chairman of the Hospital Board. J D Ormond, A E Jull, Pat Higgins, Trevor Geddis and Ron Spriggs brought from the Harbour Board the TANG OF SALT WATER. The subtle redolence of NEW BANK NOTES suggested the ANZ. ODOUR SANCTITY – [the] Waiapu [Board]. The General Manager of Williams and Kettle and Hawke’s Bay Farmers, came with touches of BLOOD AND BONE, POTASH AND MALT WHISKEY on their lapels. While the STRONG SMELL OF SHEEP DIP and DOGS late on Wednesday afternoon meant that BUCK AMYES or BILL McLEOD had just returned from the office in Waipukurau.¹²⁸⁴

MEA CULPA? FAUX PAS? ANECDOTES OF ERRORS

One of the more amusing aspects of professional practice is the discovery of the odd “unforced error” committed by one or other staff. The firm has acted for the Anglican Church (Waiapu

Diocese) from the 1800s.¹²⁸⁵ From time to time it would assist by placing money on investment with the firm. For that purpose The Waiapu Board of Diocesan Trustees had several different trust entities, as investors, and it would be required to audit the accounts on an annual basis. The Board or its accountants would write to Sainsbury Logan & Williams and ask if any funds were currently out on investment on the relevant balance date. One of the Trust entities was called “The Bishopric’s Endowment Trust”. Upon receipt of the standard letter, a standard response would be dictated.

On one particular occasion the letter was dictated and then transcribed by one of the typists and signed off by the staff member concerned. Luckily it was spotted before it was sent because the heading on the letter read “BISHOP’S PRICK ENDOWMENT FUND”. The mistake having been detected and disaster averted, the incident was nevertheless drawn to the attention of the Secretary to the Board who promptly published it in the next Cathedral newsletter, thankfully leaving the firm’s name out of the detail!

Recent examples of unforced errors include “Order-to-General” when “Auditor-General” was intended and “Guidance for Members of Local Authorities About the **War** on Conflicts of Interest” [emphasis added] when “Guidance for Members of Local Authorities About the Law on Conflicts of Interest” was intended.

However, a priceless example of legal malapropism arose out of some legal dictation work that produced the following passage

¹²⁸³ In fact, Andrew Morrison insisted on retaining it on the letterhead (presumably as some kind of connection with the shipping/maritime law we did) long after it was technologically impossible for us to send one.

¹²⁸⁴ Speech Notes, Centennial Dinner, Sir Owen Woodhouse (see Chapter 12 under the heading *Centenary Celebrations*).

¹²⁸⁵ See Chapter 7 under the heading *The Waiapu Board of Diocesan Trustees*.

4.

At risk of going off on a tangent
it seems worthwhile recording
A LIMERICK - written by a FARDON man

A lady of Napier named Maude
Seems a sort of society fraud
In the parlour one's told
She's distant and cold
But out on the verandah - my Gaud!

TO RETURN TO THE TOWN ON 2 JULY 1875
H. FORD HAD JUST OPENED CRITERION
H. B. CLUB 9 YEARS OLD
ROBERT JOHNSON NZI AGENT HB
"RESULT" "FARMY" 10 OTHER VESSELS
AND POPULATION MOVED 3514 TO 3512
BECAUSE UNLESS THIS OCCASION A SHAM
GEORGE EDWARD SAINSBURY
HAD ARRIVED IN TOWN

7.

SHE WAS TOLD that Mrs Paling
A widow with 3 children
"INDULGES. She drinks the money
that ought to be spent on the table".

So on FRIDAY AFTERNOON 2ND JULY
ELIZABETH MAYO left
and eventually BECAME A WITNESS
in a slander action
AT NEXT SITTING OF SUPREME COURT at Napier

SPECIAL
A

Case was heard by PREDEGAST C.J. AND A JURY
on 23 December 1875

J. G. KINROSS FOREMAN
Wm Russell
Thos Tamm
J N Williams

5.

At one point
under SEVERE ~~CROSS-EXAMINATION~~ ^{XXX}
Mrs Paling ADMITTED

SHE DID TAKE ALCOHOL
but only when ill
"A little brandy ALWAYS mixed with
CASTOR OIL"

X Lascelles for plaintiff IN HIS FINAL ADDRESS
"the slanderous rumour went to deprive
the WIDOW AND THE FATHERLESS
of their bread
and she has been brought to the
VERGE OF RUIN"

In the words of H.B. Herald counsel for
Mrs Roadnight TERSELY
XX "Characterised the action as most trumpery"

The C.J. then summed-up
after ~~some~~ ^{long} for evening dinner
jury retired
and returned into Court 15 mins. later

with a verdict FOR THE DEFENDANT

And who was MRS ROADNIGHT'S COUNSEL
No other than G.E. Sainsbury

So my gift to S.L. & U. tonight is
that AUTHENTIC REPORT
of the firm's FIRST SUPREME COURT ACTION
NO. 490 in Wind. & Napier MINUTE BOOK NO. 2
see 3 long columns: 1875 H.B. Herald Folio 16
24 December 1875 page 5

Thus ONE CAN TRULY say
about S.L. & U. what here for sure is
a legal practice
FIRMLY BUILT upon
a foundation of ALCOHOL, SLANDER & DEFAMATION.

22.

Finally a husband dear a few days

There was always a delightfully
redolent smell of the latest client
to visit them.

CHLOROFORM and you would expect
to see the Chairman of the HOSPITAL BOARD

J.D. Ormond, A.E. Jull, Pat Higgins
Trevor Geddies and Ron Spriggs brought
from the Harbour Board the
TANG OF SALT WATER

The subtle redolence of NEW BANK NOTES
suggested the A.N.Z. BANK
ODOUR SANCTITY - WAIPU

The GENERAL MANAGER OF U. & K. or H.B.F. came
with touches of BLOOD AND BONE, POTASH
AND MALT WHISKY on their lapels

While the STRONG SMELL OF SHEEP DIP and DOGS
late on Wednesday afternoon meant that BUCK AMYES
or BILL McLEOD HAD JUST RETURNED from the office
in Waipukurau.

SAINSBURY COMPETENT ADVOCATE
REGULARLY IN ALL COURTS
1900 PRINCY COUNCIL
PURVIS ROSSSELL PRES 45 1896

FRANCES LOGAN joined as managing clerk in 1881
and within a year was a partner

He SETTLED INTO THE LIFE IN H.B.
with enthusiastic enjoyment

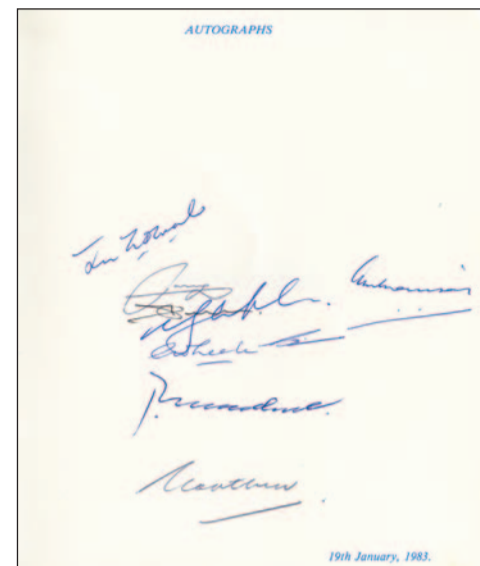
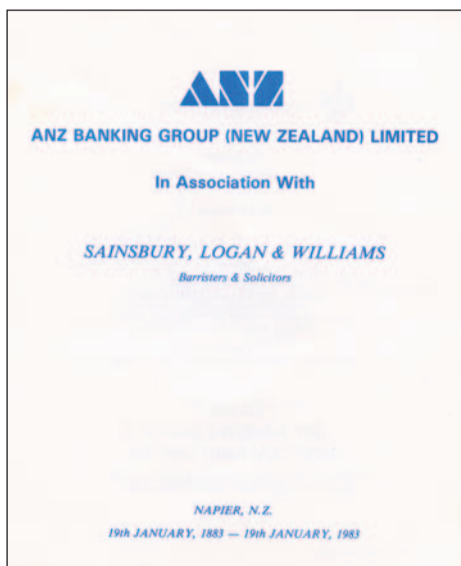
He was a TALL, LIKEABLE, ENERGETIC man
fond of people
and HE KNEW EVERYBODY.

3 times
He was ~~was~~ President H.B. LAW SOCIETY
President H.B. CLUB NO LESS THAN 5 TIMES
President RUGBY UNION
and I think H.B. TENNIS CLUB

He was a keen GOLFER
even keener FISHERMAN

There is PHOTOGRAPH 1912 Whanganui Bay, Taupo
2 days from Napier. G. E. Mannering, Lethbridge,
W. N. J. Mackay and FRANCES LOGAN with FRANK on
one side - IVAN on the other.
FISHING KNICKERBOCKERS waistcoat and jacket
AND TIE
FRANCES LOGAN BOW TIE Rods upright in left hand
In the right, each has a PIPE POINTED IN A MANLY
way at the photographer.

(C13_5_10): Excerpt original speech notes (on Court of Appeal monogrammed notepaper). Image source: Sir Owen Woodhouse private collection.



(C13_11): Commemorative invitation from the ANZ Bank (formerly the Union Bank) marking the 100th Anniversary of their association with the firm with an invitation to lunch at Le Ronde Restaurant in Napier. See next image. Note that the firm still banks with ANZ National after more than 127 year although, as is probably right and correct, this does not entitle us to any greater benefits as a result! Image source: Sainsbury Logan & Williams Archive.

transcribed as part of an affidavit in proceedings before the Employment Relations Authority:

Last evening, my client attended an Executive Meeting and it became apparent to her during the course of the meeting that the Board Chair (amongst others) was continuing a campaign of undermining the Chief Executive to the extent that the behaviour could be considered to constitute a course of conduct, the dominant purpose of which is intended to secure the Chief Executive's **post humus** resignation. [Emphasis added]

The humour in this can be realised at once when one considers that the last sentence was dictated phonetically as "...the dominant purpose of which is intended to secure the Chief Executives...apostrophe 's'...resignation..." Unfortunately the grammatical direction on the digital dictation file **apostrophe 's'** was mis-heard as **post humus**! Some sympathy can be felt for the unfortunate secretary who wrongly assimilated the two diametrically opposed phrases because they do sound similar if rattled off at speed. It created an interesting but potentially embarrassing result.

The absence of a female partner

Although other firms have made a point of it, the fact that Sainsbury Logan & Williams has never taken a female partner is (in the author's experience) completely coincidental. There have been many very talented female staff solicitors passing through the ranks, but fate or destiny has prevented proprietorial emancipation.

THE PERENNIAL DEBATE: SO WHO HAS BEEN AROUND THE LONGEST?

The issue not infrequently arises as to which firm is the oldest firm in Napier.

As legal firms value their history and their antiquities more and more and use that in commercial competition as a point of difference, the true answer to the question takes on increasing importance.

It is sometimes suggested that "Sainsbury Logan & Williams is the oldest firm". But that is a matter of conjecture and generates not insignificant debate from time to time.

If it was a formal debating topic then the ensuing banter might be interesting to witness.

In the true tradition of debate, it would be incumbent on the affirmative team to define and redefine the topic. Of course, what the question really calls for is to discover which firm has been around the longest without changing name, location or basic structure.

Who are the possible contenders besides Sainsbury Logan & Williams? Both Langley Twigg and Carlile Dowling have laid claim to being the oldest¹²⁸⁶ although to be fair, Carlile Dowling more modestly suggest that they are **one** of the oldest, not **the** oldest.

It is suggested, however, that the issue can be quite easily resolved through biblical references.

It is said that we are all descendants of Adam and Eve, although the conundrum around who Caan and Abel married still leaves some questions unanswered.

A high degree of homogeneity in the world population has occurred since, which makes it difficult to see a direct trace back to our earliest of forebears. The fact that people have acquired a wide variety of different surnames is but one hurdle.

And so it is that we can immediately despatch Langley Twigg who claim to be "...the longest-established law firm in Hawke's Bay" and "...able to trace [their] Napier origins back to 1864" because what they mean, without setting out the required proof, is that - *G E Lee, who came to Napier in 1864 and practised at the*

¹²⁸⁶ Compare each of their websites. Langley Twigg, at the time of writing say this: "Langley Twigg is the longest-established law firm in Hawke's Bay and is able to trace its Napier origins back to 1864". Carlile Dowling, on their website say: "The firm [is] one of the oldest in Hawke's Bay and [can] trace its history under the one name from the earliest days of settlement." Meanwhile Sainsbury Logan & Williams simply state on the website "Lawyers since 1875" and let everyone else be the judge.

Bar principally in criminal matters, and went into partnership for a time with H A Cornford who later went into partnership with Dewes (but without Lee) and who was later still joined by his own son, C D Cornford, in partnership in 1912 and then joined forces with Victor Langley in 1923 when the older Cornford died and took in Jock Twigg in 1939 before he went away to war – somehow passes for continuity despite five name changes, a range of defections and a variety of different office premises.

Israelites wandered the desert for decades grouping and regrouping, so that the crowd that first started out did not resemble the populace that emerged at the end of the desert wanderings.

In this way we can despatch Carlile Dowling from contention because, although J W Carlile may have been *admitted to the Bar, arrived in Napier and commenced practice* a year earlier than George Sainsbury, the truth of the matter is that the firm today is the product of a vast array of splits and amalgamations to the extent that the firm has morphed itself into something barely recognisable from its origins. For example, it uses as its name two former partners from different centuries (James Wren Carlile and Hallam Walter Dowling, each starting off in legal life quite separately). Carlile was in partnership with McLean who then recruited Scannell and went on to entice Wood to the ranks. After several deaths and defections the firm had possibly the longest name of any firm in Hawke's Bay, ever: Carlile, McLean, Wood, Sorrell & Dobson.¹²⁸⁷ Hallam Dowling on the other hand approached from a different direction and the firm that he championed spent time being called Lawry, Dowling & Wachter. In April 1980 the firm merged with Peach, Sturm, Prescott and Jamieson and thankfully reduced itself to being called simply Dowling & Co. In 1985, that firm dissolved and two of its partners decided to go their own way and formed McKay, Hill & Co. Later Dowling & Co merged with Carlile McLean to become Carlile Dowling.

On the other hand, George Sainsbury was joined in partnership by Francis Logan in 1882 and later in 1900 by Heathcote Williams. From that date to the present there has been no change of name, location, split or merger. It has also outlived its accountants and bankers, all of whom have changed their names or are no longer in business. In fact, as Allan McLeod would describe it, the firm has “spawned” a number of other firms in Hawke's Bay including fragments of Langley Twigg, Holderness Mansfield and Willis Toomey Robinson.

So, Langley Twigg might be known for the **longest** stretch of the imagination when reviewing their “origins”, Carlile Dowling, in one of its earlier machinations may have had the **longest** name, but it seems that Sainsbury Logan & Williams has been around the **longest** without changing its name, location or basic structure and truly deserves (in the author's unbiased opinion, the title of being “the oldest firm in Napier”.

¹²⁸⁷ S W Grant, *The Law Society of the District of Hawke's Bay*, op. cit., page 67.

GENDER NEUTRALITY

After more than a century of practice where female lawyers were uncommon let alone admitted into partnership, the partners of Sainsbury Logan & Williams resolved in 1993 to:¹²⁸⁸

1. Drop the common addressee form of “Messrs...[XYZ]”;
2. Drop the usual greeting “Dear Sirs...”;
3. Drop the word “RE: [XYZ]” in the heading to the letter.

Although a rider was inserted at the last moment in the motion before it was adopted that each partner could use their discretion to step outside of that policy and use something more idiosyncratic. There were no guesses at the time (nor now) as to who was the major promoter of that rider!¹²⁸⁹

COMMUNICATIONS WITHIN AND ACROSS THE OFFICE

It has been common practice for some time to refer to the partners in all internal memoranda and communications by their abbreviated initials. This has led to some consternation at times with new staff when confronted with the initials DIM (for Donald McLean) and SAG (for Stephen Greer) and WAM (for William Aeneas McLeod) with individuals like Magnus Macfarlane with three Christian names having to be truncated to MEM (by missing out the J for “James” in Magnus Edwin James Macfarlane).

REMEMBERING THAT THE CLIENT IS ALWAYS RIGHT

There are some strange things that lawyers are required to do from time to time based on their client's instructions. Remembering that at all times we are really a mouthpiece for the client, negotiating a way through the thicket that is legalese and process, and that we do not necessarily agree with or subscribe to our client's view of life, as lawyers we should never substitute our own opinion for that of our client.

If it is bad enough to have to write a formal letter to another lawyer asking for the return of your client's children's gumboots, left after a weekend's access, then consider the following true story about precious roses.

An elderly fisherman client who married a woman much younger than himself and whose hygiene habits did not give him cause for concern when he arrived in the office smelling of fish bait, allowed his marriage relationship to run aground. He, being of the old school, his wife was forced to remove herself from the matrimonial home in order to carry on her life. In a not atypical separation and dissolution context, the parties went about splitting their assets. The elderly fisherman got to keep the house but only on the condition that he give up some of the wife's precious roses in the process. Such was the deteriorated communication between them that her lawyer wrote to say that certain varieties of roses (specified in a schedule to the letter) were to be dug out by the husband, their roots wrapped in damp newspaper and

¹²⁸⁸ Sainsbury Logan & Williams Minute Book, 1993.

¹²⁸⁹ The partners at the time (in order of seniority only) were Jim Zohrab, **Andrew Morrison**, Magnus Macfarlane, Gerry Sullivan, Stephen Greer and Stuart Webster [emphasis accidental].

they were to be placed at the top of the driveway at a set time for the wife's local pastor to call and collect.



(C13_14) "Out of Court Settlement": Cartoon by Herrick.

In another "parting of the ways" fact scenario, a Chinese client had been working as a beautician for a local businessman. The employment relationship came to an abrupt end over some "last straw" issue. The businessman preemptorily dismissed the employee but found that he had overpaid her by approximately \$171.48. He demanded that she refund him the overpayment. She refused. He threatened to take her to the Labour Inspector. She reluctantly agreed to refund him the overpayment but would do so in her own idiosyncratic style. Within several days she turned up at his business premises with a jar containing 17,148 one cent pieces that she had carefully ordered from the Bank. He refused to accept them on the basis that it did not constitute legal tender because of the small denomination of the coins. Whereupon the client went away with her jar and promptly displayed it in her restaurant. The businessman never followed through with his threat to recover the overpayment but for years after the incident every customer who frequented the restaurant would always spy the jar at reception, remark on the extraordinary number of one cent coins on display and would then be promptly told the story about how the businessman had behaved so badly in demanding the miserly overpayment and a recommendation that the customer would do well to avoid patronising the businessman's premises.

Lawyers are often asked to do things for clients that are not strictly "legal" tasks such as helping a client shift house on settlement.¹²⁹⁰ One of the stranger requests came from an elderly

¹²⁹⁰ In respect of which the author's recurring "back injury" comes in handy.

female client who was, ordinarily, fiercely independent but on this occasion was incarcerated in an elder care facility with limited mobility. She was without her normal comforts and could not go out shopping. On a visit to discuss her Will instructions, she pleaded with the author to arrange the purchase of a brassiere – size 32B and "not too tight-fitting". Happily the author had brought his legal executive with him who was immediately relegated the job of locating the item and delivering it. There is no recollection of the way in which the purchase was described in the disbursement column of the invoice or statement but is most likely to have been hidden from ridicule in the general expenses column.

One of the difficulties of legal practice is estimating anticipated fees on transactions that appear, on first blush, to be straightforward but which turn into conveyancing marathons. In these cases the old adage of "once jinxed..." holds truer than is statistically forecast whilst Murphy's Law takes hold. A client who ran a pizza business complained towards the end of a nine month conveyancing marathon that his legal bill had exceeded the estimate given nine months earlier. In his own words he said, "I do not change the amount a customer pays for his pizza when they are half way through eating it." The obvious reply that had to be sent back to the client, using the pizza analogy, went something like, "yes, but in this case you re-ordered the same pizza ten times and changed the topping every one of those ten times."

Citizens Advice Bureau performs a very valuable role for people who could not have access to justice any other way on account of cost. Often it is simply a matter of pointing the person in the right direction, suggesting government agencies or other community providers who can help, or confirming to them that they really do need to engage a lawyer. For the author, the voluntary community service is a small inconvenience to one's leisure time once every six months.¹²⁹¹ In fact, it provides a different and satisfying dynamic to legal practice because of the many and varied real-life stories encountered by people day to day. For example (and without breaching a confidence) the elderly woman who came in to see what could be done about her incomplete ceramic collection. According to the story she told the author, an advertisement appeared in *The Listener* for a series of ceramic hand-painted animals representing the entire manifest from Noah's Ark (excluding, of course, the unicorn), which upon 26 weekly instalments of a set amount would be delivered two by two to her mailing address. This woman turned up at Citizens Advice Bureau with all of her bank statements and the invoices and statements sent by the supplier together with two hand-painted giraffes to show the author by way of reference. With respect, according to the author whose unqualified appreciation of these collectables can certainly be questioned,

¹²⁹¹ Both the author and his fellow partner Andrew Wares have been volunteers for Napier Citizens Advice Bureau since they arrived in Napier (respectively). They are now, without question, the oldest of the volunteers on the list. Most other firms adopt a "fagging" policy where the very latest recruit to the firm is automatically added to the roster whether he or she likes it or not. In the author's case it keeps his practice "grounded" because the issues that arise on an average Saturday morning in Clive Square are unlike anything he deals with day to day. In some cases they provide an enormous appreciation for those who work in the areas of family and criminal law on a daily basis.

the ceramic pieces were cheap and nasty knock-offs that were probably painted by child-slaves somewhere on the Asian continent. The problem for the woman was that the last animals in the series were supposed to have been two magnificent tigers but the supplier was arguing that she had not paid the crucial last instalment to enable them to send the tigers to her. She was adamant, and had the statements to prove it, that she had made all 26 payments by postal note to the supplier. What to do? A letter was hastily drafted for her, to be sent to the supplier and copied to the Commerce Commission, with the intention of embarrassing the supplier into completing the series. The one major drawback of this voluntary work is that one seldom gets to hear the ending. So to this day it is not known whether the tigers turned up or whether the woman capitulated and sent a further postal note, effectively paying twice for those valuable tigers.

Another story without an ending involved a transsexual who had come to Citizens Advice to check on his¹²⁹² rights concerning the use of conveniences in his local pub. This person presented as a female – long hair, print dress, flattering makeup and visible cleavage. After some delicate questioning, it was revealed that he was scheduled to have gender re-assignment surgery performed later in the year and so still had a penis but that in the meantime he was taking drugs for breast enhancement and facial hair reduction. According to his story, he was being discriminated against by the publican of his favourite hotel because he was asked not to use any of the conveniences in the hotel but instead visit the public conveniences outside the hotel across the road. The publican complained of being stuck between a rock and a hard place. If the aspiring transsexual used the women's conveniences (which admittedly had a larger mirror than the men's and made it preferable for makeup application) then the female patrons complained because the transsexual was still technically male with compromising body parts that could place them at risk. On the other hand, the male patrons complained about this person who, although technically male and who could stand his ground at the stainless steel urinal, looked for all intents and purposes like a female and created the same unease among male patrons for all of the opposite reasons. The transsexual objected to having to leave the premises and use the public conveniences across the road. The dilemma was unresolved. Conventional legal training could never have prepared the author for this conundrum. In a stroke of brilliant sidestepping the transsexual was referred to an Auckland based community group dealing with gay and transgender issues in the hope that this unique situation (for Hawke's Bay) had occurred at least once before in that larger metropolis.

The names of clients sometimes attract disproportionate interest. One of the author's clients had a middle name spelt "Diann". That person ended up owning a number of properties both in her own name and as a trustee of a family trust. In the days when transfer documents were sent by the purchaser's solicitor to the vendor's solicitor for signing in preparation for settlement, there was any number of do-gooder solicitors and legal executives who automatically assumed that the client's middle name had been spelt incorrectly and that the "e" had obviously been missed and

1292 At the time the person was still technically a male.

made the alteration to the document (without reference) and had it initialled by the vendor only to be returned before or after settlement to get the vendor to remove the "e" so that it matched the client's correct name as it was expressed on the client's birth certificate. Eventually the mystery was explained to the author by the client. When she was born, her father was given the solemn task of arranging the birth certificate for the chosen name including the middle name that her parents had decided upon – "Dianne". However, spelling was not her father's strong suit and he filled the form out by missing the "e" off "Diann". Whether or not he was questioned by the registrar remains a murky point, but the name that got added to the Register was "Diann" and that's all that mattered. A gratuitous offer to have the name changed by Deed Poll to "Dianne" for free was never taken up and so the status quo remains, even today.

One of the firm's more colourful clients was a farmer who owned property in the Meeanee area. He ran sheep and cattle amongst other farming activities. He was keen to utilise whatever resources were available to him for a reasonable price including vegetable waste from Watties in Hastings upon which to supplement his stock feed. Often he would collect off cuts and deliver them back to his farm and spread them on the pasture for the stock to eat. He would frequently neglect to move the vegetable matter in a timely fashion and was renowned for the smell which emanated from the property to the extent that it became a nickname for him. He was not bothered. On one occasion he obtained some beetroot off-cuts and the intensive feeding by his sheep resulted in the sheep producing pink wool "on-the-hoof" for an extended period until their diet was changed. This same individual had an accountant who neglected to file an annual return and either didn't receive or neglected the reminders from the Company's Office Registrar. This led to the company being struck off and some valuable land going *bona vacantia* to the Crown. Some deft footwork was required to restore the company to the register and save the land being vested in the Crown. This same farmer client who had been in the area for a very long time, recalled during World War II the presence of German U-boats off the Hawke's Bay coastline. He would often tell a story about how one morning he found his cows had been milked dry and that it must have been the German sailors because they later attended a dance. Years later he was asked the same questions in a television documentary and just smiled and maintained that his story was correct. The director however had tracked down the German U-boat Captain who confirmed that he would never have risked his own life or that of his crew by going ashore in a hostile country.

In the days before the most recent edition of the Rules of Professional Conduct was promulgated, a lawyer was obliged to act for any person who required representation unless the lawyer could show that he or she was too busy, was not experienced in the area required or had an irresolvable conflict of interest. So it was that the author, who could not claim any of those things, and was a member of the second oldest profession had the misfortune to be asked by a woman belonging to the oldest profession to represent her in an employment case against her employer, the owner of a local brothel. The allegation was one of unjustifiable constructive dismissal, the grounds of which should not be repeated here, suffice it to say that she had a very

good case based on intimidation and stand-over tactics by her employer and her employer's partner. The mediation part of the process was entertaining enough. The language used behind closed doors would make a fisherman blush and a clergyman faint. The brothel owner and the client came the closest the author has ever witnessed to punching each other out across the mediation table in front of two counsel and an experienced mediator. However, the unresolved grievance made its way to the Employment Relations Authority and part of the case was a cross-claim by the client based in contract for loss of profits. Expert accounting evidence was required. On the day in question, the client turned up for a pre-hearing strategy briefing wearing pink leather pants which she deemed to be entirely appropriate for her courtroom debut. Unknown to the author, as we left the office she placed a bottle of personal lubricant conspicuously on his computer to be discovered by his PA on her very next visit to his office to check his out-tray. When the Investigation Meeting commenced, the client leaned over and whispered loudly and audibly in the author's ear for the whole room to hear "I don't like this Judge. Can we have him removed?". The expert accounting evidence was adduced with straight face, but only just. The client was asked to prove what she would have earned if she had been given the opportunity to become a co-owner in accordance with her employment agreement. This involved extrapolating out the number of girls who could be accommodated at the brothel in any given 24 hour period multiplied by 7 days a week but allowing a discount for the odd rest period as appropriate. The case was ultimately decided in the client's favour on the allegation of constructive dismissal but the Authority Member did not feel confident enough to award loss of profits based on a theoretical full house of smiling patrons 24/7. The author's accountant friend left the accounting profession soon afterwards. It is not known to this day whether his foray into the Employment Relations Authority had any influence on that decision.

PAPARAZZI

One of the younger members of the firm (no longer with us) occupied an office on the first floor overlooking Tennyson Street and the premises of a certain hair styling establishment. He, like most other males in the firm, became besotted with one of the employees of the hair styling establishment. This particular solicitor was known to visibly fog up his windows and frequently stop mid-dictation whilst staring out at the window across the street. Soon it was discovered that he regularly had his hair cut at this particular establishment by the young and attractive employee just mentioned. On one such occasion it was resolved to obtain a permanent record of this and a photographer who worked for the *Daily Telegraph* was immediately summonsed with "the highest powered telephoto lens you can find", to set up his tripod in one of the adjoining offices to take a photo of the solicitor having his hair cut by the attractive hair stylist. The resulting photograph was presented to the solicitor when he left the firm but not until it had "done the rounds" in an informal "caption of the week" contest. Whilst the image is still available, sadly it cannot be published in this book because it will immediately identify the solicitor involved. He is now a Partner

in a boutique Auckland law firm specialising in defamation. However, he was later to have the last laugh because in those days he was uncommitted and unattached and later regaled the males of the firm with stories of conquest.

OFFICE MEMORANDA

Informing the staff on matters related to their work has taken on a variety of different forms. Typewritten memos could be considered a "window to the soul" of a firm at any given point in time. The following extracts give a valuable insight into the inner-workings of Sainsbury Logan & Williams.

MEMORANDUM FOR RECEPTIONISTS¹²⁹³

Public Relations

Reception is our primary point of public relations, so that the Receptionist must always be very careful to exercise absolute diplomacy and understanding, since clients tend to equate the reception response with the tenor of the whole firm. It is recognised that reception is difficult because lawyers are trying to be available at all times, also give exclusive interviews to clients at times, also do research at times, and be out of the office in other matters or other calls at times.

At the same time the duty of the lawyer is to:

- * Be available to accept telephone calls at all times with very few exceptions;
- * Do research and other such work at night because law is not an 8-hour job;
- * Respond quickly to any telephone calls and messages;
- * In the case of conveyancing lawyers, keep the phones open in order to take calls.

Later in that same memorandum is the following passage concerning courier packets:

Mail

The essence of mail:

- * Prepare courier packets, and must be sure these actually go, and that mail required to go actually goes, or the author told of any reason why this does not happen. It is impossible if any mail is desperate to go, but does not go and then the author is not told.

In another memorandum to staff/partners dated 27 March 1986¹²⁹⁴ the following office procedure relating to invoices was introduced:

As from Easter 1986, we propose to try the following scheme and will ask for careful compliance:

- 1 The present system is that Bills are typed; the yellow xerox goes into the Bills basket inside the door of accounts department, and orange copy is placed on file.
- 2 Henceforth, the following will be done:
 - (a) Original Bill goes to client

¹²⁹³ Date unknown but its prominence had its roots in the 1980s.

¹²⁹⁴ Andrew Morrison is the author.

- (b) Orange copy goes straight into *Rod Lemin's Box* located next to W.P. Printer and labelled.
 - (c) Xerox white copy of Bill goes into existing *Bills Basket* on shelf inside door of accounts department.
 - (d) Xerox white copy goes on client file.
- 3 It is imperative that the system be followed whether bills are issued through W.P. or typed separately. All W.P. *orange copies* go straight from Printer into RH Lemin's Box. The purpose of the system is to ensure that a copy of every Bill printed just goes automatically into *Rod's special box* so that he can always refer back to whatever has been printed off by way of Bills, in order to clarify any confusion by getting back to source without difficulty. This should overcome the instance of mislaid bills, or copies which do not get correctly into the account system for some reason.¹²⁹⁵

Another memorandum dealt with billable time and charging objectives.¹²⁹⁶

6.4 Charging objectives

- (a) Time objective – 70 units per day per author chargeable units.
- (b) Monthly monitoring by partnership plus AMM responsible for progressive discussion with authors towards costing evolution.
- (c) Accounts should be referred to senior partner where any uncertainty.
- (d) Law Society Rules – see NZ Law Society extract as to mode of calculation of accounts.¹²⁹⁷

A Memorandum for Wills Preparation reflected the firm's conservative view about careful checking of every Will by a partner before the Will was accepted into the system and destroying any old Wills that might cause embarrassment by turning up in family protection proceedings. This conservative approach also featured a long-term resistance to "Plain English" Will forms.

8.4 Revocation of Wills

Unless there is some good reason for not doing so once the new Will is signed the author should suggest that the old Will should be destroyed in the presence of the testator. If the old Will is to be retained, the Wills Envelope should be carefully noted – *Will dated...replaced by Will dated...by the author*.

A similar philosophy pertained to Trust Deeds particularly during Jim Zohrab's time:

Trust Deeds

A photocopy of every Trust Deed must be handed to Mr Zohrab for perusal and also when signed to the accountant by the author concerned.

Staff Absences:

- (c) If anyone wants to leave the office for some purpose during the day then that is basically not permitted, since morning and afternoon teas are to be taken within the office.

Doctor's appointments and similar appointments should be arranged within lunchtimes whenever possible.¹²⁹⁸

Hours of work:

The office is officially open from 8.30am to 5pm. Lunch hours must be taken from 12.30–1.30 unless otherwise arranged with the Staff Partner. All staff must be punctual. Authors/Partners leaving the office must advise where they will be and the expected length of their absence.¹²⁹⁹

Confidential Business:

No names or particulars of any business within the office should be mentioned around the office or especially to any people outside the office. Documents should not be read over between typists in the vestibule area in case clients overhear confidential information.

Tearoom:

18.1 The tearoom must be kept as tidy as an entertainment room in one's own home, and rubbish and papers not left lying about.

18.2 All cups are to be washed and dried and returned by the user.¹³⁰⁰

DICTATION INSTRUCTIONS

With the advent of improved technology, authors moved away from having a fulltime secretary who would do that author's typing to a word processing pool. This led to complicated rules about how work would be presented and who gained priority. Most of those rules are tedious but the following excerpt concerning dictation instructions bears some reflection:

All Dictation:

- (a) Use Lanier Dictaphones only
- (b) Do not exceed 10 minutes on any one tape and use only one side (the "(a)" or "(b)" side as directed from time to time. If you are dealing with a matter which requires more than 10 minutes you may continue to the end of that side of the tape and onto the next side. At the end of the first side you must say that your dictation continues on the second side.¹³⁰¹ Ideally tapes should not exceed 5 minutes.
- (c) If you have more dictation (to complete work you are doing) say so at the end of the tape and refer to its completion on the second. Then make sure that the two tapes get to the WP together.
- (d) Always complete the dictation intended.

A funny story is told of Andrew Morrison, ever-ready to keep working in a dull or quiet moment. On one occasion he was driving his Rover motor vehicle between the South Island and North Island and was required to catch the ferry. His secretary

1295 It is a pity we do not have a picture of Rod's special box for publication in this work.

1296 Date unknown.

1297 "Costing evolution" was probably a highly accurate term because Darwinian natural selection definitely dealt with those who did not improve. Underachievers were certainly shown the door.

1298 Cynical business proprietors amongst us believe that cappuccinos, mochachinos, lattes, flat whites and other caffeine concoctions were invented specifically so staff could escape the walls of the office from time to time. A survey reveals that even if the latest, most expensive espresso machine was installed, staff would still go out of the office for coffee.

1299 This is now honoured in its non-compliance.

1300 It is not clear whether any of the staff are likely to have mustered coloured formica furniture and vinyl upholstered chairs in their "own homes". Rebellion is therefore assured.

1301 It was an impossible task to judge when one was running out of tape.

at that time (Anna King) recalls with much laughter listening to his dictation tapes whilst he was sitting at the ferry terminal in Picton with the screech of wheels of train traffic shunting freight aboard the ferry. According to Anna, much of the dictation work could not be picked up over the din of the train noise.

In defence of solicitors however, no one at university or in practical training teaches you how to use a Dictaphone. Quite often new solicitors will hide themselves away behind a locked office door to practice a series of *dry runs*. Several have been known to require the assistance of a mirror whilst dictating. In an attempt to be helpful, the office memorandum dealt with some of the more annoying habits (obviously collated from talking with the word processor operators):

THINGS TO AVOID:

- 1 Incomplete addresses;
- 2 Indistinct or garbled dictation;
- 3 Dictation while phone ringing, papers rustling;
- 4 Not spelling names and words;
- 5 Not keeping long term when changes or corrections may be required;
- 6 Dictating past 5 minutes;
- 7 Failing to say “end of tape” or “tape continues on second side”;
- 8 Retaining documents long term, unnecessarily or longer than necessary;
- 9 Producing letters which are longer than necessary (especially when longer than one page);
- 10 Failing to use available precedents...
- 11 Using WP when standard letter pads suffice.

Miscellaneous:

- 5 VERY LONG, VERY LONG TERM, VERY SPECIAL OR POSSIBLE PRECEDENTS must be referred to the WP partner without exception.

GENDER AND POLITICAL CORRECTNESS

Andrew Morrison saw fit in 1989 to issue the following memorandum for the office:

1 Letters

You will have noticed some firms writing “Dear Partners”. This is not good grammar or form. In order to avoid offence, we have resolved that our letters to other firms henceforth should read as follows:

Where both men and lady partners – “Dear Sirs and Mesdames”

Or where no lady partners – “Dear Sirs”

Or where one lady – “Dear Sirs and Madam”

PLEASE BE VIGILANT TO FOLLOW CORRECT PROCEDURE!¹³⁰²

1302 This impossible task (namely to always count the number of males and females on partnership letterheads) led to a later suggestion by the author that there be simply no greeting/salutation at the beginning of letters because no matter what form was used it was either going to be incorrect or offensive.

BANK CHEQUES

It was inevitable that sooner or later some firms would be caught out and would fail to honour their trust account cheques. This is of vital importance when relying on undertakings for settlement transactions. It started in the big cities but there came a time in 1993 when Sainsbury Logan Williams was required to follow suit and insist on other firms using bank cheques rather than trust account cheques for settlement purposes. The following *communiqué* is important:¹³⁰³

We have adopted the policy of insisting upon bank cheques for settlement purposes. This policy is now widespread in the cities. It is adopted as a “blanket” policy by larger firms for fear of insulting or disparaging lesser firms by adopting any “selective” process. We do need to be careful because some people are sensitive and you should be ready to explain that we have adopted a global policy in case it is thought by any practitioners, from whom we require bank cheques whilst at the same we required only trust cheques from other firms that defamation existed. Diplomacy and tact are necessary. You will also have noted the recent decision which endorsed a bank action in stopping a bank cheque which it had issued. This creates grave problems, and ultimately devolves back to the credibility or credit worthiness of the person on whose behalf the bank cheque is issued. We are to discuss this issue with the banks and expect that most firms will need to resolve this with banks in the near future.

SMOKE-FREE POLICY

The Labour Government in 1990 introduced smoke-free environments legislation which required every workplace to have a written policy on smoking. The responsibility of putting this in place devolved to Stephen Greer who produced a pithy notice as follows:¹³⁰⁴

HEAR YEA ALL PARTNERS & EMPLOYEES:

The Partners of Messrs Sainsbury Logan & Williams **DO HEREBY ANNOUNCE** their policy on smoking in the office to be as follows:

- 1 The designated or permitted smoking area in the office is the northern-half of the lunchroom or tearoom where the coffee and tea-making facilities are kept.
- 2 Subject to clause 5 hereof no smoking is permitted in the hallways, on the stairwell or in office areas where more than one person works in a common air space.
- 3 No smoking is permitted in the southern-half of the lunchroom or tearoom.
- 4 No smoking is permitted in any part of the workplace to which the public normally have access.
- 5 Notwithstanding the foregoing provisions, smoking maybe permitted in each enclosed area occupied exclusively by employees of Messrs Sainsbury Logan & Williams providing each employee in each enclosed area in writing to the Partners – 5.1 requests that smoking be permitted there; or 5.2 states that he or she does not object to that area being designated as a permitted smoking area.

1303 Office memorandum, 26 February 1993.

1304 Memo to staff, 1 March 1991.

WORD PROCESSING AND DICTATION UPDATE

In a memo dated 9 May 1991¹³⁰⁵ the following was related to the staff concerning word processing:

Please ensure:

- * All work is accurate in all detail. Give full spelling out of names and addresses.

Refer to WP manual.

- * DO NOT produce extra written material unless essential.
- * DO NOT dictate long letters (or any unless essential).¹³⁰⁶

Everyone will remember the hike in interest rates arising after the share market crash in the late 1980s. By way of example, Sainsbury Logan & Williams were endeavouring to secure competitive bulk deposit rates with its bankers and make those available to its clients. In March 1991¹³⁰⁷ there was a push to secure client funds for short-term deposit with both the ANZ and NZI who were providing a return of 12% for a two month facility.

In September 1989 the firm had the best part of \$9m invested with the ANZ, BNZ, NZI, National Australia Bank and Napier Building Society. The best rates were provided at that time by NZI Money Market for deposits over \$20,000 which would return 13.8% for a deposit of 90 days.¹³⁰⁸

Dictation gets further treatment in February 1991.¹³⁰⁹

Word Processor

Authors must assume responsibility for accurate drafting and for the presentation of work in a final form. This will avoid duplication and repetition.

Equally, word processor operators must type accurately. Accuracy will achieve great economy in both time and cost of production.

Again in an undated memorandum under Andrew's hand it is reported that dictation volumes are "*unjustifiably high*", that staff are "*improving rapidly*" but "*need consideration*". It was therefore imperative to heed the following warning:

- * Do not be purposely verbose in dictation.

TIME WASTING

In another memorandum in 1989:

DO NOT countenance the spending of time by people in congregating around Downstairs Copier (this distracts accounts department and WP department, besides causing congestion).

DO NOT pass through the WP room as a passageway but kindly go around the passage route. [?!]

1305 Under the hand of Andrew Morrison.

1306 The author is certain that Andrew Morrison would not object to being described as a little prolix. The "long letter" edict would appear at first glance to be a case of the pot calling the kettle black.

1307 Office memorandum under the hand of Andrew Morrison.

1308 This was in the days of bank interest rates to home lenders exceeding sometimes 18%

1309 Office memorandum under the hand of Andrew Morrison dated 4.2.91.

OFFICE PARTY¹³¹⁰

The partners would be pleased to invite the staff to an office dinner evening at Beaches Restaurant, probably in the first week of December. We hope that this will represent a pleasant evening and a change from the format in previous years. It is intended that all members of staff and their spouses, fiancés will be invited.¹³¹¹

COSTS AND SUNDRY DEBTORS

Sometime in 1990, Magnus Macfarlane distributed a memorandum on costs and sundry debtors which basically echoes the same difficulties faced today:

- 1 People are much less afraid of challenging the lawyer in his fees. Some even set the lawyer up – I think there are a few recent examples in our office. Some refuse to pay or are always and intentionally slow. Of these there are a few who will act as follows:
 - 1.1 Deny receipt of the account.
 - 1.2 Then claim it is wrong.
 - 1.3 Or excessive.
 - 1.4 And to tender a lower sum in full and final settlement.
 - 1.5 Or arrange a slow ineffective payment arrangement.
- 2 Most of these people are readily identifiable because –
 - 2.1 Somehow they do not pay any or enough money on account.
 - 2.2 Or they agree to allow payment from sales/purchases or loans but escape that by sleight of hand or dealing with a staff solicitor, secretary etc.
 - 2.3 They have done it before.
 - 2.4 They are really bad debt risks known to someone in the office.
- 3 The strangest category is the good payer/good client with many matters. Over time a slow accumulation of bits and pieces produces a debit balance of impenetrable fog, the parting of which costs more in partner time than the exercise is worth. These clients are probably justified in refusing to pay someone who holds a sign, sticks it out of the fog and says pay \$900 and six pence please.
- 4 Attached is a list of people who are bad payers, or are in the debtor recovery class. This is by no means complete. As it is apparent that so many clients are reluctant to pay, have not the ready means to do so, and are more ready now to challenge us, we must be more careful. It is inexcusable for the conveyance to have substantial fees outstanding on sales and purchases or loans. It is no longer permissible to say – times are hard, we must be considerate. It that is your view please do not clutter the debt balance lists with those clients and remember that times might also be hard for the lawyer. We are not a charity. Our first consideration is to the number 1 client – Sainsbury Logan & Williams.
- 5 Please also note that if you have the merest suspicion of a doubt that your fee is too low, talk to someone about it.

1310 Office memorandum under Andrew Morrison's hand 25.9.89.

1311 The author recalls the occasion of that Christmas celebration and the embarrassment of lengthy speeches from the Managing Partner in the middle of a restaurant full of couples endeavouring to have a romantic (and hopefully quiet) candlelit dinner.

IN A PURE FORM OF MORRISON-ESQUE¹³¹²

In a 1990 memorandum Andrew implores the staff to:

PLEASE concentrate on following the office disciplines closely – they exist so we can all operate together in efficient harmony, remembering our prime objective to efficiently secure and provide complete service to good clients.

The mantra continues in a memorandum in 1990:

Fees are down

Please remember that this will happen unless you do 6 hours actual chargeable work per day, and remember to do quality work and complete it within the client fee market, so that the client gets a good result. Whatever it is, do it now and fast and DO NOT waste:

- * Client time
- * Our time
- * Our staff
- * Our typing and machinery.

NEVER, never actually get long memos prepared and typed to the fellow in the office:

Your time

His time

\$100 cost of memo

And no fee –

all make it silly to write letters to each other.

STAFF MEMOS

Finally, the staff were not without their own memos:¹³¹³

MEMO TO SOCIAL CLUB MEMBERS

A social club meeting was held on Friday 31 August 1990. The following was decided:

- 1 A committee would be formed.
- 2 The committee members would be:

Anna King	Bronwen Wilkie
Rod Lemin	Ann Eaton
Lois Otter	Trevor Cardo
- 3 Members contributions would be increased to \$2.00 per pay.
- 4 Social Club funds were to be used as follows:

Farewell Presents

- (a) \$30.00 for 1–5 years employment.
- (b) \$40.00 for 6–10 years employment
- (c) \$50.00 for service over 10 years (subject to funds being available).

Social activities

Morning tea, drinks, dinners, shows and other entertainment 3–4 functions a year.

Flowers for – wedding, bereavement, illness (hospital) and births.

Social activities will be funded either fully or partially. For those who wish, funds will be refunded in lieu of attending the function.

The Peak House function will be subsidised for all financial social club members.

Quite often senior partners would talk to newly engaged solicitors about the rules of conduct. In small towns for example, it was not uncommon for senior partners to warn the new staff “if you leave this firm, you leave town!”¹³¹⁴

PROFESSIONAL ETIQUETTE

On the author’s arrival in Hawke’s Bay¹³¹⁵ he was introduced to senior counsel in neighbouring firms as was the tradition then and is carried on by Sainsbury Logan & Williams still today. One of the senior litigators in Napier at the time was A K Monagan who had somewhat of an abrupt and fierce reputation for new entrants. The author made the mistake of being overly familiar and referring to him as “Keith” without having been invited to do so. Within hours of the visit a call was made to the then senior partner of Langley Twigg (for whom the author was working) and a visit from Graham Cowley then ensued on the basis that “Keith Monagan is a personal friend. He thinks you will do all right but you will need to be reminded of matters of common courtesy. He did not like being referred to as “Keith” but don’t worry about it, next time you meet him, refer to him as “Mr Monagan” and he will immediately turn around and say “please call me Keith”.

For the remaining years before he retired he was always addressed by the author as “Mr Monagan” but never once was the author invited to call him “Keith”. And this, despite always surrendering one’s place at the top table if Keith Monagan arrived late at Banco Court and no seating was available.

EMPLOYMENT OF FAMILY AS STAFF

For a time, in the early 1990s, it became fashionable for some of the partners to engage their wives to work in the firm on various duties, including reception and deeds. Whatever the outcome, it was never hugely popular amongst the other staff, principally because it was believed that matters might be reported back home. No doubt there were important tax reasons for doing so, but it fell into disuse within a short time afterwards.

1312 See office memorandum, 8 June 1990.

1313 August, 1990.

1314 Author’s personal recollection.

1315 14 July 1987.