

From the Profession

Former Judge Struck Off

New Zealand

Robert Hesketh, former district court judge in Northland, has been penalised by the New Zealand Law Practitioners Disciplinary Tribunal who ordered that his name be struck from the roll of barristers and solicitors following his appearance before the Tribunal.

Mr Hesketh admitted a charge brought against him by the Auckland District Law Society in the following terms: "That he has been convicted of an offence punishable by imprisonment which conviction reflects on his fitness to practise as a barrister or solicitor or tends to bring the profession into disrepute."

The NZ Law Society journal, *LawTalk* 477, 20 October 1997, reports that Mr Hesketh admitted and was convicted on eight charges of using a document with intent to defraud. The matter concerned false claims for overnight allowances while Mr Hesketh was a district court judge. The Tribunal noted that to Mr

Hesketh's credit, he had promptly resigned as a judge and had admitted the charges.

In announcing its findings, the Tribunal stated that it saw no impediment to Mr Hesketh being employed as a law clerk or a barrister's clerk.

President of the NZ Law Society, Ian Haynes found it necessary to answer the volume of public criticism received by the NZLS following the handing down of the Tribunal's decision. Mr Haynes, in responding to the criticism, noted that the Tribunal sat independently of the NZ Law Society and the district law societies. He remarked that although Mr Hesketh deserved credit for the honourable manner in which he had acted since the matter came to light, the almost inevitable penalty for a case involving dishonesty was to strike the offender off the roll.

"There can be no room in the legal profession for a dishonest practitioner," said Mr Haynes.

Media Release

On 21 October 1997, the Law Society issued a press release on the appointment of the Attorney-General as Queen's Counsel. Following is the substance of the release, as issued by the President, Steve Southwood.

- Mr Stone's nomination of himself as a Queen's Counsel is a purely political nomination. The judicial guidelines do not apply to nominations made by the Attorney-General.
- Such appointments are exclusively a matter for executive government. It was not for the Law Society to endorse or not endorse such an appointment.
- Political appointments are quite different to the appointment of practising legal practitioners as Queen's Counsel.
- Mr Stone did not have to satisfy the Chief Justice of the Supreme Court of the Northern Territory that he possesses the qualities of a Queen's Counsel.
- There is currently considerable debate within the legal profession as to whether the position of Queen's Counsel should be retained.
- Appointments such as Mr Stone's serve only to heighten the concerns of a large number of legal practitioners that the position of Queen's Counsel serves no proper professional purpose or function.
- It may be that the system of Queen's Council should be replaced by a proper accreditation system which covers the whole profession and not just barristers.

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