

# Reflections from the Red Centre's longest practising solicitor

On a recent trip to Alice Springs, Balance interviewed Max Horton, life member of the Law Society and the longest-practising solicitor in Alice Springs. When he retired last year, Max had been practising law in the Red Centre for 40 years. This is part one of that interview.

## What brought you to Alice Springs?

"There was a legal practitioner call Neil Hargrave and he was a pre-eminate member of the community here and the only legal practitioner for many years, I think in the 50s and he did a lot of community work with both organisations and legislative assembly I think it was in those days and he left Alice Springs and Ian Barker who is well known in the NT and one of the nations leading QC's."

"Ian Barker came to Neil's practice and he and Neil practiced for a while and then Neil went back to Adelaide and Ian Barker got Brian Martin, that's the previous Chief Justice and the firm became Barker and Martin.

"Now meanwhile I am back in Adelaide, I did my Articles with a firm called Knox & Hargrave. They were one of the traditional Adelaide firms. Adelaide was settled in 1836 and Knox and Hargrave's history goes back to 1836. That Hargrave family is the family of Neil Hargrave, who lived in Alice Springs, I think he was a nephew of the protagonist partners.

"Barker and Martin were needing someone else, they found it very difficult to recruit and Ian Barker approached Neil Hargrave. It was a relatively small firm, say about five partners, but I wasn't a partner in those days, I was a young practitioner and they decided that if they were going help Barker it would be because I could come up to Barker and Martin.

"It wasn't because I had to, that was the interesting thing about it, it wasn't a matter of we want you to go to Alice Springs it was rather a matter of this opportunity for us to get into business with Barker and Martin and if you want to go to Alice Springs we'll do it and if you don't, it doesn't matter, we're not that fussed about it.

"So I rang my wife and said; 'there is

this chance to go to Alice Springs, we don't really want to go do we', and she said 'oh that sounds interesting'. So we decided to move to Alice Springs.

"In those days, not like today where people get flown to were they are going to work to see if they like it or not, you had to decide whether you were going to come while you were still in Adelaide. The first we saw of Alice Springs was when we arrived, porportedly for five years, but we thought we could get away sooner than that if things were to crook. That was in 1969.

"My wife was pregnant when we arived, it was in August so it wasn't the middle of summer so it was still relatively cool. It was certainly a shock to the system, when you think of the town being of less than 10,000 or 8,000 people, whatever it was. The sealed roads never went anywhere. It was a very different scene, no traffic lights, no shopping centres and a very small town even by today's standards.

"In later years we had a legal secretary who spent about six months after the first set of traffic lights came to Alice Springs avoiding them, she used to drive her car all around so she didn't have to go through the traffic lights. It was the same lady who got very upset when golf ball typewriters came in.

"From a legal history point of view Barker and Martin had been the only legal firm with two practitioners for some years in the mid 60s. Then Paul Everingham came and set up practice by himself as a second practice, then there were three practitioners here and the town got used to that.

"Then I was the fourth practitioner which was a novelty in town, first we have two, then three and suddenly four quite quickly and two firms, so they actually had a choice of firms to go to."

According to Max, solicitors didn't

specialise in those early days because they needed to deal with all cases that walked through the door.

"I did everything from matrimonial to local court to supreme court to even jury trials and you did it all at once. So it was great experience, but one could find it quite daunting to have a practice like that these days. In fact you wouldn't have one because people really can't be that broad spread these days. Then you had to be, its not that you wanted to be, if someone came in and their situation was a jury trial or someone wanted to sue someone for damages or their situation was that they had this mining lease that was in dispute, whatever their position you were the solicitor that dealt with it.

"But there was nothing else no Aboriginal Legal Aid or Australian Legal Aid or even government solicitors in Alice Springs."

"There was the Magistrates Court and one Magistrate and a very infamous man called Godfrey Hall who was know as Scrubby Hall. There could be a book and half written just about him, he was... excentric that would be a bit kind, very odd and nortorious, notorious would be a good word, a very notorious Magistrate.

"The Supreme Court was comprised of only one judge in those days and he would come to Alice Springs on circuit. The court staff and the recording staff and so on would come with the Judge.

"The first judge that was here when I came here in 1969 was Blackburn J. Soon after that he was replaced by Judge Forster somewhere through there being more than one judge and he became the first chief justice in due course. But one magistrate used to visit Tennant Creek. There wasn't much concept of visiting settlements in those days and he pretty much sat in Alice Springs.



"Practising the law was my full time occupation but I was also involved at not just Alice Springs but moving onto national and international fields in several activities, namely the Anglican church and tennis administration. So I was fully occupied, I used to travel a lot out of Alice Springs. I was managing as president and chief executive the tennis association from Alice Springs even though the rest of the board was in Darwin.

#### **The nature of Alice Springs and the Territory**

"I often surprise people when asking about Alice Springs or the Northern Territory, what I have said to them is that it is an extraordinary cosmopolitan place."

"I think the two centres are so isolated and the Territory is so isolated it creates a certain type of person. The people who have come here have, by and large, been capital city people. Alice Springs and Darwin are people from all over the world, but particularly people from all over Australia, you walk the streets and ask where are you from, Melbourne, Perth, Sydney whatever.

"Those people had the gumption to come here to the NT, so that's the first thing, but through those reasons you have got a particular community in the NT and these people are living in a

pretty sophisticated situation within their lifestyle and are probably very particular people.

"It's my own experience that if you are in a small community you have a chance to be picked out of it and what I have said then is that if you can swim it doesn't matter, so I got in the big national pond in two areas because I had been in the small pond in the NT. The fact is that I have gone on from there and represented Australia or taken on jobs at a national level is not because I've come from the NT but because I am there."

#### **Closing Martin & Partners**

"I thought that after 40 years in the legal practice and all that time in running a private practice that I felt a burden lifted from my shoulders. It doesn't matter, I suppose what practice people have, in so far as the law is concerned, it is usually pretty demanding and it is usually relatively thankless. It's not just a matter of providing a high standard of professional service to people, but in private practice you have the added issue of running a business, having your staff etc and over that 40 years things have changed a lot with regard to competition for work and with regard to marketing. Another thing that changed was the concept of marketing your practice and what you did was something that was very important in

the last 10 or 15 years

"[The professionalism] obviously hasn't changed but there is something different about it which is another reason that I wasn't too despondent about retiring.

"Obviously the professionalism is always there and has to be because that's what it is all about but I am not sure that there is the depth of understanding of the professionalism. It's partly eroded by public attitude and of course public attitude is to a degree formed by how people practice. But I suppose a simplistic explanation is that 30 – 40 years ago I wasn't conscious of lawyer jokes.

"Now that isn't as simplistic as it sounds in a way because people did have a different attitude to the profession. I guess that is one of things I was bit concerned about over the later part of my practice that the lawyer jokes reflected the community view, and what your concern was that they reflected the community view that the profession had bought upon itself. When I am talking about the profession, I am probably talking about a small number of people in that profession. The courtesies of professionalism in my mind were much stronger and deeper when I first started in the profession than they are now.

**WILLIAM FORSTER  
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