

Obituary: Sir Ian Barker - a stalwart of the legal profession



The Honourable Sir Ian Barker KC.

The Honourable Sir Ian Barker KC passed away on November 11 at the age of 88. Born in 1934 in Taumarunui, Barker had a fierce intellect, prodigious memory, and great knack for languages, his family said.

Not knowing what to do, Barker enrolled at the University of Auckland hoping to complete a Bachelor of Arts. Following a year of compulsory military service, Barker was at a crossroads. Having no desire to teach, no attraction to engineering, and lacking the dexterity required for medicine, Barker additionally pursued law - a decision he never regretted, his family said.

Graduating in 1958, he was one of 23 law graduates and was admitted to the bar that same year. Having pursued commercial law, he became a partner with Morpeth Gould & Co (now Morrison Kent) until 1969 before moving to the bar, making Silk in 1973.

He was appointed as a judge of the High Court in 1976 at the tender age of 42 and served for 21 years before retiring in 1997. Throughout this time he was Executive Judge of the Auckland High Court for six years and championed the introduction of the Commercial List in Auckland in his capacity as Judge-in-Charge from 1987 to 1997.

The legal aficionado was the senior puisne judge from 1993, Acting Chief Justice for several periods, and periodically served on the Court of Appeal from 1981.

If that wasn't enough, as a member of the Rules Committee for 11 years he was instrumental in creating the new High Court Rules and introduced judicial case management - a revolutionary concept at the time. He also served as president of the Legal Research Foundation from 1982 to 1991.

Following his retirement at 63, he served as a judge for the Courts of Appeal of Vanuatu, Samoa, Pitcairn, Kiribati, Fiji, and the Cook Islands.

It's for the above reasons that it's of little surprise he was knighted for services to the law in 1994 and received an honorary LLD from his alma mater in 1999. In a statement Chief Justice Dame Helen Winkelmann said:

“Sir Ian was a highly esteemed colleague of his fellow Judges and admired and respected by those who appeared before him not just for his efficiency and intellect but also for his personal warmth. He will be greatly missed by his many friends and professional associates.”

Barker's daughter, Clare, said her father had a huge personal influence in mentoring other lawyers and supporting his fellow judges.

“He loved people and was a warm and generous man with a twinkle about him. I think that sharing his very human approach to the law with wisdom and humour was also an important ‘soft’ impact in a profession where people can take themselves quite seriously.”

Outside of the courtroom, Barker pursued a career in arbitration and mediation, founding Bankside Chambers in 2001. He was the first World Intellectual Property Organisation domain dispute panellist appointed in New Zealand in 2000.

Other appointments included serving as president of the Arbitrators' & Mediators' Institute of New Zealand between 2000-2002; chairing the Sir George Elliot Charitable Trust; serving as chair for the Banking Ombudsman between 1997 and 2010, and representing New Zealand at the Arbitration Commission in Paris in 2000.

In another life, the multi-talented and diverse character lectured between 1960 and 1973, which led to the role of Auckland University chancellor between 1991 and 1999.

During his tenure Barker oversaw changes including the establishment of the Alumni Association in 1991, the introduction of quotas for first-year papers in 1992, and the roll reaching almost 26,000 students in 1996. Further afield, Barker was a visiting fellow at law schools in Australia, Canada, and England.

His daughter, Clare, said Barker was a kind, funny, honourable, and generous person who was grateful for his family, friends, and life.

“Dad had a very strong sense of integrity - of doing the right thing and treating people with fairness - and he always liked to get to the heart of a question. These are the things he brought to his approach to the law.”

Outside of law, Barker was a founding member and former president of the Railway Enthusiasts Society. He was a long-time supporter of the Glenbrook vintage railway and following his retirement he would help students with remedial reading at Otahuhu College every week.

“Dad loved his family, travel, food and wine, friends, and was a long-time railway enthusiast, having grown up in Taumarunui, on the main trunk line.”

Barker is survived by his wife, Dr Mary Barker, his five children; Clare, John (who has his own practice), Andrew (KC), Mary Elizabeth, Lucy (a legal researcher), and 11 grandchildren. Two of those grandchildren are studying law at Canterbury University.