

New Zealand  
 BAR ASSOCIATION

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Mr Murray McCully MP  
Parliament Buildings  
Wellington

By email to [murray.mccully@xtra.co.nz](mailto:murray.mccully@xtra.co.nz)

Dear Mr McCully,

**Terence Arnold**

I have just read the piece that you have posted on to your website expressing very strong and critical views about the performance of Terence Arnold during his tenure as Solicitor General and also his fitness to be appointed as a Judge of the Court of Appeal.

On behalf of the New Zealand Bar Association, I wish to place on record that your views are not shared by the Bar as a whole which, to the contrary, holds Mr Arnold in the highest respect and welcomes his appointment to the Bench. It is to be regretted also that, as a lawyer and a member of Parliament, you should express your views so intemperately and in a way that does nothing to uphold the respect of the community both for the office of Solicitor General and also of the Court of Appeal.

It is acknowledged that decisions by any Solicitor General are likely to be controversial from time. As the chief legal adviser to the Attorney General and hence to the Government of the day, that is inescapable, at least in the case of decisions that are the subject of political disagreement. This will be especially so when the actions of individual members of Parliament are the subject of allegations of criminal offending.

It is acknowledged also that the individual decisions of a Solicitor General in this last area in particular may be the legitimate subject of criticism on the merits.

What is not acknowledged however – and indeed is strongly disputed - is that the decisions by the Solicitor General in this case, or in any other case of which I am aware, have not been given improperly or otherwise than in accordance with the duties that he has as a lawyer and officer of the Crown.

What is also strongly disputed on behalf of the Bar is the fitness of Mr Arnold to serve on the Court of Appeal. Speaking personally for a moment, I have worked with and against him many times during the last 15 years in litigation and have nothing but respect for both his ability and integrity. Whether he had stayed at the private bar or had taken the appointment of Solicitor General (as he in fact did), in my view he was always destined for appointment to the High Court (including within that term the Court of Appeal) and that is a view that, I know, is shared by the senior bar.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim Farmer", with a long, sweeping horizontal flourish extending to the right.

**Jim Farmer QC**  
President, New Zealand Bar Association