

User name

Password


 Print this Issue

[Home](#) • [Archive](#) • [About Us](#) • [Contact](#) • [Advertise](#) • [Merchandise](#)
[Subscribe](#) • [Free Trial](#)

 RSS Feeds

News

[Around The Firms](#)
[Bar Talk](#)
[JustyFlix](#)
[City Desk](#)
[Court in the Act](#)
[Hellfire Club](#)
[Judges](#)
[Theodora](#)

Columnists

[Percy Lo-Kit Chan](#)
[Stephen Keim](#)
[Procrustes](#)
[Only in America](#)
[Barry Lane](#)
[Critics' Corner](#)
[Evan Whitton](#)
[Leverhulme](#)
[Polly Peck](#)
[Roger Fitch Esq](#)
[Sir Terence O'Rort](#)
[Tulkinghorn](#)
[Wendler on Wine](#)
[William Collins](#)

Bloggers

[Tippy](#)
[Pious Cant](#)
[Baby Barristers](#)
[Victoria Mole](#)

Featurettes

[Crosswords](#)
[Jaws](#)
[Department of Gripes](#)
[Deja Vu](#)
[On the Couch](#)
[Flatulence](#)
[Archive](#)
[Anonymous news tips](#)

Sir Terence O'Rort

 11 February, 2005 FREE

The tireless buffing of the Baker Johnson "brand"

Sir Terence O'Rort ushers us inside the steamy world of an extraordinary Queensland law shop.

In April the new Legal Practice Tribunal, i.e. Queensland's Bureau de Spank under the baton of Daphnis de Jersey CJ, will hear an application by the Legal Services Commissioner to discipline Mick "Rhino" Baker.

Mick is a senior consultant and former senior partner of Queensland law shop Baker Johnson, whose firm motto is "Get With The Heavyweights" and whose mascot is an enraged rhinoceros.



Amongst other things, Mick "Rhino" Baker is alleged to have used crude, insulting and offensive language in front of clients and staff at Baker Johnson.

The tired hacks at the Queensland Law Society are amazed that solicitors sometimes use foul language and presumably the tribunal will be asked to protect the public from the Rhino's frightful sprays.

It will be recalled that in August 2002 The Bowen Hills Bugle reported on the extraordinary energy Baker Johnson displayed in its chase for every last cent of fees. It had brought over 200 cases in the Brisbane Magistrate's Court chasing former clients for money. Sometimes it bankrupted the poor wretches and there were cases where the firm was claiming fees in excess of the clients' "winnings".

Proceedings on behalf of some former clients alleging "fraud, deceit, fraudulent misrepresentation and negligent misrepresentation" were commenced against the law shop.

See [Justinian story](#)

In the space available I'm keen to provide a broader perspective by ventilating some material that bears on the Baker Johnson "brand".

Pers points Percy at Mrs Rhino



Contact the editor

justinian@lawpress.com.au



We can trace a lot of Mr Rhino Baker's anger back about 10 years when he and Mrs (Gayle) Rhino were having "difficulties in their marriage" according to Trafford Walker SDCJ in Baker v Pershouse [2003] QDC 328.

Mr & Mrs Rhino thought that it would be a good idea to see marriage counsellor Owen Pershouse. However, after a few months of counselling Mrs Rhino told Mr Rhino that it was over and he should go. He left the house with a cardboard box of belongings.



Rhino (seen here) became suspicious when he learnt (courtesy of Mrs Pershouse) that when Mrs Rhino consulted Pershouse at his office "the blinds were drawn and the room locked". Mrs Pershouse gave evidence that at this time her husband was "distant and strange".

By sheer coincidence within a week of Mr & Mrs Rhino separating Pershouse announced to his wife that their marriage was over, although he denied he was involved with anyone else.

A few weeks later there was a distressing event at the Pershouse residence when the daughter, young Joselyn Pershouse, found the bed in her parents' room had been "disturbed". There was both male and female clothing on the bed and some flowers with a card that read, "Thank you for being a special person".

Jocelyn argued with her father who, it was claimed, told her: "That is the woman I love and always will be with."

All of this was too much for Mr Rhino and he commenced proceedings in the District Court against Pershouse alleging that the counsellor had maintained a sexual relationship with Mrs Rhino during their counselling and that this caused or contributed to the breakdown of the Rhino matrimonial union. The plaintiff claimed damages for breach of fiduciary duty.

Mrs Rhino and Pers admitted in evidence they had been having an affair, but nothing of a horizontal nature happened until after the counselling had finished.

Unfortunately, for the plaintiff, Trafford-Walker agreed and dismissed the claim with costs.

However, Mick Rhino Baker is not one to lie down. Recent investigations reveal that he has lodged a complaint with the Health Practitioners Tribunal.

Apparently there is a rule to the effect that people in Pers' position have to keep their Percys well and truly under wraps in relation to former clients for at least two years after the cessation of treatment.

Based on Pers' evidence at the Baker v Pershouse porking trial the defendant in that action could be in strife.

The hearing before the tribunal commences on February 14.

Dean Bax

The Baker Johnson web site describes Dean Bax (pictured) as a Practice Manager and Managing Law Clerk and proudly says he has been a part of the injury claims division of the firm for over ten years.



Not quite. Bax had an enforced 12-month holiday from BJ courtesy of the pre-Daphnis Bureau de Spank, the Solicitors Complaints Tribunal.

According to the web site one of Bax's qualities is that he, "is always prepared to go the extra yard to further the interests of the firm's clients".

Here's Bax going the extra yard yards in this touching interview with one of the firm's clients (as found by the tribunal):

" those fmg blackfellas – they think they can do what they want. If they muck around with me, I am a solicitor. I know what I can do and what I can't do"

In fact, he was not a qualified solicitor and the ever-vigilant Queensland Law Society took exception to this pork pie. The tribunal put him off the track for 12 months in order that he undertakes cultural sensitivity training.

Craig Bax

Dean Bax's brother, Craig, who was a qualified solicitor and partner in Baker Johnson, had a dreadful encounter with the Stipes in 1997.

The QLS Statutory Committee upholding its position as public guardian, decided that Craig Bax had all the qualities to remain a solicitor notwithstanding that he had fraudulently backdated loan documents and lied to a creditors' meeting about those documents. He was fined \$15,000.

Happily the Court of Appeal disagreed with the Statutory Committee and struck Craig from the roll. There was a beautiful cameo moment in Doc McPherson's judgment:

" basic honesty is not a quality that is ordinarily acquired through experience or by lengthy practice of trying one's best to be honest"

Patrick Earl

The Earl (on the right) is a solicitor at BJ and the web site tells us that for several years he was President of the Queensland Star Trekkers and that he hopes to further pursue his interests in historical re-enactment and experimental archaeology.



It's a pity that the Earl didn't spend more time on earthly pursuits because if he had then possibly Mr Stubbings' file would not have " fallen between the cracks in his office" as he told District Court Judge Alan Wilson in 2004 when explaining why nothing had been done since August 2002 in an action commenced in 1997 (Stubbings v Terkate [2004] QDC 181).

Industrial Relations – Rhino style

The BJ website says industrial law as one of the firm's practice specialities.

The firm's support staff policy manual declares:

"As a Law Firm, the public expects a high degree of decorum from our employees. All staff members should behave in a dignified and courteous manner at all times as the reputation of the firm depends upon the manner in which staff members conduct themselves"

Bravo for that. If the judgment of the Queensland Industrial Relations Commission in Barton v Baker Johnson [2003] QIR Comm 349 is anything to go on then, sadly, it seems old Rhino Baker hasn't read the manual.

Ms Barton, the complainant, gave evidence that Baker and Gold Coast partner Shane Alexander subjected her to constant verbal abuse.

Apparently it came as a complete surprise to Rhino that she objected to being called, "fucking moron fucking cunt and piece of shit".

This oversensitive woman also took offence to being told to "fuck off" and "piss off" in front of members of staff and, allegedly, clients.

The firm sacked Barton for being "disruptive in the workplace".

She brought an application before the commission and it ordered Baker Johnson pay her six months worth of salary as compensation for wrongful dismissal.

During the hearing Rhino gave frank evidence that he had indeed used the expressions "fucking moron" and "fucking cunt" but he vehemently denied saying "fucking cunt" in front of clients in the reception area of the Gold Coast office.

Showing how attuned he is to his employees sensibilities he insisted that he only said "fucking cunt" in his own office or on the tapes he had dictated for typing.

Thank heavens for that.

Personal injuries and professional negligence

Baker Johnson has carved out an important market niche by combining the two practice areas of personal injuries litigation and professional negligence.



Not even being dead prevents BJ from charging through the undergrowth on behalf of a client.

Take the sad case of Thomas Kisse who had retained BJ to act on his behalf in a personal injury claim. Shortly after seeing the firm on October 8, 1998 he committed suicide.

BJ decided to go the extra mile for the late Mr Kisse and some three years after he died it issued proceedings in the Magistrates Court for damages for personal injury on behalf of his estate.

Baker Johnson did not consider it necessary to either identify an executor or locate his widow before suing.

McGill DCJ thought otherwise and found that BJ needed a punter with a pulse in order to give instructions to sue and ordered indemnity costs against the firm (Nominal Defendant v Kisse [2001] QDC 290).

On the other hand having a pulse does not always improve the prospects of Baker Johnson's clients.

Dr Godsall and his wife were very much alive when in 1991 they retained BJ in relation to a commercial dispute. The firm moved with lightning speed issuing proceedings in 1994. By 2000 BJ had not even made disclosure.

Unsurprisingly, the defendants brought an application to strike out the action for want of prosecution and they succeeded in the District Court.

BJ's client appealed and Justice Geoff Davies in a very sympathetic judgment gave Dr Godsall another chance by setting aside the order below and noting: "a history of extraordinary dilatoriness and incompetence on the part of that firm." (Marvon Nominees Pty Ltd v Reeves-Saunders [2000] QCA 438.)

More recently Justice Margaret White in the Court of Appeal found it extraordinary that Shane Alexander, the Gold Coast partner, when explaining another mishap, admitted that he had no familiarity with, "the practice of the Court of the (sic) Appeal".

Justice White said that even if it had been Alexander's first civil appeal he should have familiarised himself with the court's procedures, (Van Steensel Van Der A'A v Nominal Defendant [2004] QCA 410).

So now it's onwards to April for the next round in the endless buffing of the Baker Johnson brand.

Sir Terence O'Rort QC reporting



[Home](#) : [Archive](#) : [Subscribe](#) : [About](#) : [Contact Us](#) : [Advertise](#) : [Merchandise](#)
[Print latest issue](#)
[Your privacy](#) : [Terms and conditions](#)
© Law Press of Australia

Website by [Circle42.com](#)