

EDEN crescent

Faculty of Law Annual 2012



Fifty years of crimes and chardonnay

**Celebrating the Law School:
A glittering affair**

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Photo by Godfrey Boehnke

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From the Dean



Earlier this year large numbers of alumni helped faculty and staff celebrate some of the Law School's recent successes. I had cause to reflect then on what makes the Auckland Law School so strong.

We stand unashamedly for quality. We have higher entry standards for our degrees than any other New Zealand law school with just twenty to twenty-five percent of our first-year cohort admitted into second-year law. More than one judge has commented that the A- average now required may have proved challenging!

We offer the largest range of undergraduate law courses in the country. This year there were 55 different electives on offer for students who had completed the compulsory courses – 19 of them in commercial and corporate law alone. It is a function of the strength of our faculty and the depth and breadth of our specialisations, that we can offer many more papers than any other New Zealand law school.

We also have the most extensive postgraduate programme. Last year we had 262 students studying for the LLM. Victoria had 49, Canterbury 27, and Otago 14.

Our graduates are highly sought after. Whatever measuring stick is employed – positions in law firms, as judges' clerks, or winning scholarships to top universities overseas – Auckland law students fare extremely well.

One of the great things about the Auckland Law School is the enormous range of opportunities we can offer our students. Around 12 per cent of our final-year students get to spend a semester studying abroad at another top law school. *The Auckland University Law Review* continues to be run by students and to publish outstanding student work.

Earlier this year our mooters represented New Zealand in the final rounds of the Jessup Mooting Competition in Washington DC. Competing against 115 teams drawn from 600 teams worldwide, they ended up in the top four, narrowly losing their semi-final in a 5-4 decision of the judges.

I have very much enjoyed meeting alumni, not only at the Law School Celebration held in May, but also at gatherings in London, New York, and Australia. As I have mentioned at these events, the challenge of the next five to ten years will be to maintain and to enhance the Law School's position as one of the top ranked law schools in the world. We will face increased competition from better resourced law schools. I have visited several during the course of the last year: law schools which have substantial, purpose built buildings; which can afford to hire faculty when and as needed, from anywhere in the world; which can fund extensive small group teaching and individual mentoring, and can provide even greater opportunities for staff and students.

To continue to succeed we must build upon and enhance our international links. We already play our part in the international network of legal scholarship. Our staff publish in leading journals and present their research at international conferences. Each year we bring out a dozen or so of the world's top scholars, from universities as diverse as Oxford, Sydney, Singapore, and Virginia, to teach in our LLM programme and to take part in the life of the Faculty. This year we hosted major visits, reported later in the magazine, by, among others, Andrew Ashworth (the 2012 New Zealand Law Foundation Distinguished Visiting Fellow), Ted White (the 2012 Legal Research Foundation Visiting Scholar), and Sir Kenneth Keith (one of our most

distinguished alumni, serving as a Judge of the International Court of Justice). We organised this year's Pacific Law and Culture Conference, hosting academics and students from throughout the South Pacific.

We are working to expand the opportunities for more staff exchanges, including with some of the best law schools in Asia. Our last two annual alumni appeals have assisted several of our top undergraduates to spend a semester abroad. In April I sat in on a class being taken by one of our students at the Centre for Transnational Legal Studies in London. Auckland is a partner member of the Centre together with Georgetown, Melbourne, Singapore, Toronto and other top universities. Classes on offer include International Economic Law, Comparative Income Taxation, Choice of Court Agreements, International Refugee Law, and many more. The class debate was vigorous and the benefits for that student, as she mentions later in the magazine, were considerable.

We are using these sorts of experiences to look hard at what we teach and to compare this to best overseas practice. Proposals to establish a more formal and rigorous legal writing programme and to increase the amount of first-year law will come before the Faculty early next year.

One feature of the world's best law schools is having a strong postgraduate school. More LLM and PhD students can add enormously to the research environment at a law school, allowing staff to teach into their specialities, sparking synergies between the research of staff and students, and contributing to the advancement of legal knowledge and of the law. We are looking to build an even stronger postgraduate school at Auckland and are grateful to all the alumni who have already contributed towards establishing scholarships to encourage more of the very best students from within New Zealand and abroad to undertake higher degrees at Auckland.

The Auckland Law School is increasing its strengths in corporate and commercial law. Last year we made two new appointments and, with the generosity and support of Chapman Tripp, we have been able to establish a new chair in corporate and commercial law. Earlier this year, with the University's support and that of several of our alumni, we established the New Zealand Centre for Human Rights Law, Policy and Practice. We have centres of environmental law and of business law. Strong research centres can add enormously to the Law School's research, postgraduate and external profiles.

The Faculty and I are determined that we remain a strong and successful law school. We benefit from enormous support from our alumni, the profession and the judiciary. As mentioned later in the magazine, two and a half million dollars has been raised for the Law School's Innovation and Development Fund. Many of the activities mentioned have been directly funded by alumni generosity. We have been able to plan and implement new projects. We have benefited not only from financial support but from all the other forms of assistance and advice we are given by law firms, barristers' chambers, judges, alumni and friends of the Law School. This includes alumni who are passionate and knowledgeable about their subject areas talking to groups of students and helping inspire and mentor them. It includes lawyers and judges who adjudicate our competitions and moots. It includes law firms who sponsor subject prizes, support student events and activities, and encourage some of their best new lawyers to take up the opportunity of studying for a higher degree, to deepen their knowledge in specialist areas and to contribute to the advancement of legal scholarship and the broader course of the law.

The Faculty and I are extremely grateful for all the support we have received. This has been a very successful year for the Auckland Law School, as is amply reflected in the pages of this magazine.

Dr Andrew Stockley
Dean of Law

Celebrating the Law School: A glittering affair



The Chief Justice and the Dean with the Auckland Law Students' Society Committee



(From Left) Andrew Stockley, Sir Anand Satyanand, Paul East, Deborah Hollings, Geoff Ricketts, Gretchen Goldwater

Law alumni and staff – including many prominent members of the legal profession in New Zealand – gathered in a marquee outside Old Government House in May to celebrate the Law School. More than 500 guests attended the gala occasion, which also marked the public launch of an Innovation and Development Fund designed to ensure the continued advancement of the Faculty and to facilitate its plans for the future.

The Right Honourable Sir Anand Satyanand, a graduate of the class of 1970, provided a sense of the occasion when he said: “We meet in front of Old Government House, equidistant from all the places in which the Law School has been housed. I offer respects to all of those buildings – the present school, below us so to speak, on Eden Crescent, and its precursors in the upper floors of the University General Library complex on Alfred Street, in Pembridge on Princes Street, and in the Roy Lippincott Clock Tower building on Princes Street which used to be called the Auckland University College Arts Building. I then acknowledge those people who have preceded us, who would, I suggest, have been pleased indeed to observe a turnout of several hundred listening to what has occurred

in activities and in the fundraising, and which causes in all of us great pride. Andrew Stockley, you stand in the shoes of many illustrious lawyers who have held the deanship before you – and without wishing to cause offence by omission, I think any alumni members of the recent past, would wish to mention (in the sense of honourable mention) – Julius Stone, Geoffrey Davis, Jack Northey, Brian Coote, Jock Brookfield, Michael Taggart, Julie Maxton, Grant Hammond, Bruce Harris and Paul Rishworth. I acknowledge many important members of the legal community present this evening. Your Honours – Judges of many courts both present and formerly, led by you Chief Justice, Dame Sian Elias; holders of public office, present and formerly such as Attorney-General and Minister of Defence, you, Rt Honourable Paul East, and you, Law Commissioner, Dame Alison Quentin Baxter, presidents of the New Zealand Law Society, Sir Bruce Slane and Jonathan Temm.”

The Dean of Law, Dr Andrew Stockley, noted the successes of the Auckland Law School, including having higher entry standards for its degrees than any other New Zealand law school, offering the largest range of undergraduate law courses, having the most extensive postgraduate programme, and providing an enormous range of opportunities for students. The Law School is, in short, “an incredibly good place to study law”. This has been reinforced by the Auckland Law School being named one of the top law schools in the world in the prestigious QS World University Rankings.

The Dean talked about the next challenge being to maintain and enhance this position, while facing increased competition from

better-resourced overseas law schools. He outlined areas in which the Law School could build on its strengths and thanked alumni and members of the profession and the judiciary for the generous support they provide, not only in financial terms but also by helping and mentoring students, adjudicating moots and competitions, sponsoring prizes and supporting student activities.

The Law School has launched an Innovation and Development Fund to help it remain one of the best law schools in the world. The Campaign Committee is chaired by the Right Honourable Paul East QC and includes Deborah Hollings QC, Greg Horton, Geoff Ricketts, David Williams QC, and the late John Haigh QC.

Sir Anand Satyanand concluded with a challenge: “it remains important – whilst we all feel good about past successes – that we ensure that this law school will continue to produce graduates who will come to know and use the law, fearlessly and actively, in achieving a better community – whether here in Aotearoa or abroad. In that regard the words ‘kia kaha’ seem to sum it up best of all.”

The Law School's Innovation and Development Fund

At the Law School's Celebration I announced that the Auckland Law School has established an Innovation and Development Fund to help it remain one of the very best law schools in the world. I would like to thank all alumni who have contributed to the fund. We have raised over \$2.5 million towards the immediate campaign target of \$5 million.

Some of the activities mentioned in this magazine have been directly funded by alumni generosity. We have been able to plan and implement new projects. An anonymous donor has pledged a very substantial sum for staff development. John Mayo has contributed enormously to the Davis Law Library, enabling us to establish the Marylyn Mayo Rare Books Room and helping the Law School across a range of activities. Tim Cameron has enabled us to establish a fellowship for top American scholars to visit and teach at the Law School. Lynda Park is honouring the life and vision of a former teacher by supporting a student who will give back to the community and show commitment to justice for the weakest members of society. Greg Horton's on-going support will assist us to develop our offerings in health law and our relations with some of the top law schools in Asia. And there are many others to whom we are very grateful.

I would like to thank everyone who has contributed to our success and to what we are now able to plan. I am not embarrassed to ask all alumni for your support. Large or small, all assistance makes a difference. Someone made the point that if all our graduates contributed \$100 a year, the Law School would gain three quarters of a million dollars, the sort of sum that in our context can make an immense difference.

To remain a top law school we must advance on a number of fronts. With alumni support we can:

- Hire the staff needed for a more comprehensive legal writing programme.
- Establish scholarships to attract top domestic and international students for postgraduate study.
- Increase staff and student exchanges with other top law schools around the world.
- Attract more visiting scholars to contribute to and enrich faculty and student life.
- Establish new professorial chairs and research centres to provide leadership in different subject areas and boost the Faculty's external, postgraduate and research profiles.

Alumni support is critical to offering these sorts of opportunities and operating at the level of excellence required to remain one of the world's best law schools.

Andrew Stockley
Dean of Law

Please contact Gretchen Goldwater (the Law School's Development Manager, phone 09 923 9434 or email g.goldwater@auckland.ac.nz) to discuss specific support. Donations to the University of Auckland Foundation for the Law School's Innovation and Development Fund may qualify for a 33.3 percent tax credit.



Paul Rishworth and John Mayo



Dame Alison Quentin-Baxter and Brett Cunningham

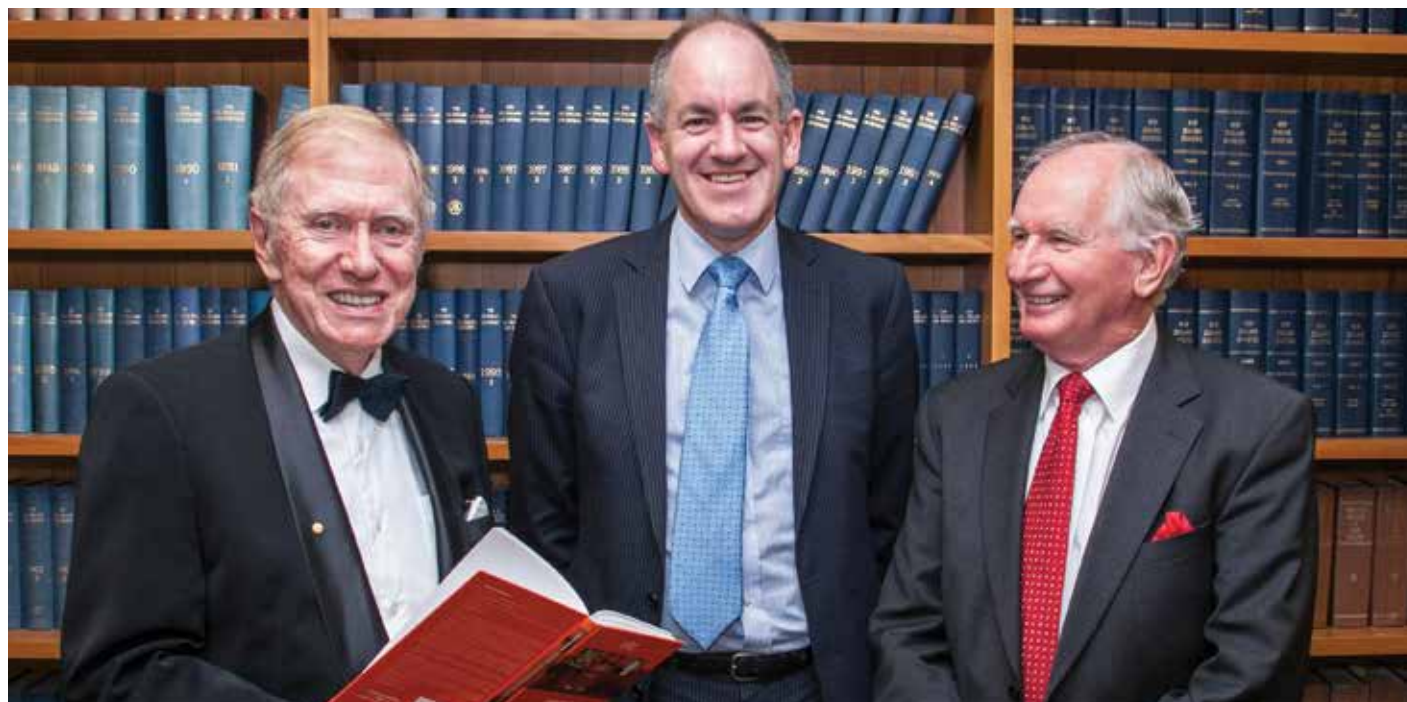


Michael Littlewood, Simon Judd and justice Ailsa Duffy



Keri Tilsley, Tracey Thomas, Darryl Maher and Josie Wirjapranata

Ted Thomas interviews Michael Kirby on “Judicial Activism”



The Right Honourable Sir Edmund Thomas interviewed the Honourable Michael Kirby on the subject of “judicial activism,” the topic of Kirby’s Hamlyn Lectures in 2003.¹ The interview took place in March at the Law School in front of a standing room only audience in two lecture theatres. Sir Edmund will be familiar to readers as a retired judge of the New Zealand Court of Appeal and former Acting Judge of the New Zealand Supreme Court. He is currently a Distinguished Fellow at the Auckland Faculty of Law. The Honourable Michael Kirby is a former Justice of the High Court of Australia.

The interview did not disappoint the expectations of the audience. It was a witty and lively exchange on many of the deeper issues underlying judicial methodology and the development of the common law. The full version of the interview is published in (2012) 18 AULR 1 and a video can be viewed on the law school webpage. The editors of AULR have generously provided Eden Crescent with permission to reprint the following extracts:

On the differences and similarities between the two speakers....

Sir Edmund Thomas: [B]ecause I am an interviewer tonight and Michael is the guest, I want to establish my bona fide neutrality and objectivity when it comes to this ersatz subject of judicial activism. And, so, I just want to say that there are differences – contrasts – between us. For example, overseas visitors frequently ask me, “Are you the Michael Kirby of New Zealand?” But no one, no one, has ever asked Michael Kirby, “Are you the Ted Thomas of Australia?” And if you go to Australia at any time you’ll find that Michael is worshipped as an icon, especially by the public. In contrast, I have never been called an icon. It’s true that at 11.37 pm on the seventh of March last year someone did call me “a living legend”, but the force of the compliment was somewhat impaired when the speaker,

within a matter of only a few seconds, fell off the barstool onto the floor.

On the subject of judicial activism.....

Thomas: ... Now apart from the numerous times you’ve been called a judicial activist there are a number of descriptions of you. It’s been said that you nakedly usurp the law-making power, that you’re a purveyor of judicial wilfulness, that you’re a subverter of the constitution (which is treason is it not?), that you’re a “hero judge.” And in a thinly veiled attack upon you by your colleague, Justice Heydon, just before you delivered the Hamlyn Lectures, it was said, or suggested, that you suffer from a “delusion of judicial immortality [in] its most pathetic form”.² Now, are you bothered by these epithets?

The Honourable Michael Kirby: ... No, I’m not bothered. I mean the law is about free expression. We all have our different points of view. It’s interesting how some of those who would regard themselves as judicial conservatives, when a matter touches something that is important to them, can become quite creative. Let’s use that word, “creative”. And Justice Heydon signed on to a case in Australia called the *Work Choices Case*,³ which was about whether there was power under the Australian Constitution to deal with industrial relations under the heading of power dealing with corporations. That had been there since 1901. It had never been able to be used for industrial relations purposes because the authority of the courts was against it. There were a thousand cases, which dealt with the matter. All swept away. And the law of conciliation and arbitration (which we copied in Australia from New Zealand) was replaced by dealing with industrial relations under the

¹ Michael Kirby *Judicial Activism: Authority, Principle and Policy in the Judicial Method* (Sweet & Maxwell, London, 2004).

² Dyson Heydon, Judge of the New South Wales Court of Appeal, “Judicial Activism and the Death of the Rule of Law” (speech to the Quadrant dinner, Sydney, 30 October 2002), later published in (2004) 10 *Otago L. Rev* 493, at 502

³ *New South Wales v The Commonwealth of Australia* [2006] HCA 52; (2006) 229 CLR 1 [*Work Choices case*].

rubric of corporations law. And so that was, I thought, very activist. I thought it was very creative. I never said it was activist because I think that expression has become a sort of swear word.

There are values in the law. This is something that Julius Stone taught me (one-time Dean at Auckland Law School, one-time Professor of Jurisprudence at Sydney Law School). He taught that judges have values and that values are involved, at the cusp, in making decisions. You and I both know that. Some people don't like to admit it. But the point of my Hamlyn Lectures was to try to demonstrate, by reference to the cases, that it's inevitable that you have values. The question for a judge is: do you own up to them? Now Justice Heydon has his point of view – he's entitled to it. His point of view was what I was brought up on. I mean that was the remarkable thing. Julius Stone was teaching jurisprudence, about the creative element in the judiciary, at the very time when Sir Owen Dixon (a great Australian chief justice) was teaching that virtually everything is, and should be, on automatic pilot. That it's *all* there in the books. All the judicial decision-maker has got to do is have the techniques and the abilities to find the law and that it's an objective science.⁴

Thomas: That's the legalism of the Dixon era.

Kirby: Yes and not only Dixon. Essentially, let's be frank, it's the legalism of the positivist approach of the English in the last two centuries. Followers of Austinian⁵ jurisprudence like to think, and really sold it very cleverly to the legal profession, that they have no creative element. That it's all objective. Dixon said the law would've lost its meaning if it didn't pre-exist the decision. And so he didn't feel comfortable with the creative element. And yet if you read the *Communist Party Case*⁶ in Australia which struck down the Communist Party Dissolution Act of 1950 (Cth), I defy you to say that that didn't reflect a great value (essentially a great British value) that you deal with what people do. You don't try to invade their minds and deal with what they believe in or what they think. So Dixon was creative. But Stone taught that we must be more honest and more candid in acknowledging that law has a creative role. That judges have the duty to fill gaps by exercising what he described as the "leeways" for choice.⁷

On common law development over time...

Thomas: Well one aspect that we perhaps haven't touched upon is the basic rationale of the law. What do you see to be the basic rationale of the law?

Kirby: To bring order and to prevent other sources of power – money, guns, influence, nepotism – taking over. To provide, as far as possible, opportunities for ordinary folks to influence the nature of society and the way it runs. To bring in change in an orderly way and reform society through law. And, overall, to try to ensure that justice, as we conceive it in each generation, is available to the people. Things will obviously change over time. I've often said in written papers and in conversations with you: if I had sat in *Quilter v Attorney-General*,⁸ when *Quilter* was decided in New Zealand about equality in marriage, I probably would've been with the majority, at least at that time. And that is speaking as somebody who, at that stage, was in the 30th year of my relationship with my partner Johan. It is to your great credit that you saw that that was discriminatory, and you were the only dissident in that case. And

that is a wonderful thing about our system. Unlike Continental Europe and the civil law countries, we have dissent. Somebody on a multi-member court may have that gift to see ahead. And to reveal what is seen as a very serious injustice and discrimination.

Thomas: *Quilter* is the case where all judges held that ...

Kirby: You couldn't read the statute down so that "marriage" in the Marriage Act already included "same sex couples". ... Now would you still have that view?

Thomas: I might go further now. I might go further.

Kirby: Yes. See this all proves, doesn't it, that we're all the victims of our generation? Of our age, of our upbringing, of our legal education?

Thomas: It's also a question, I think, of strategy. I learnt early on that it is of advantage to one's clients to be ahead of your time, but not too far ahead. And I think that going further probably would've been too much of a bite at the time. As it was, my dissenting judgment was criticised. But the reasoning in it has now been the reasoning that's been adopted by many courts in North America.

Kirby: *Absolutely*. You might even be the father of same sex marriage!

Thomas: Possibly even the mother as well.

Kirby: But you've always been creative. That's not so unusual. Yet I'm very critical of myself on this that, when I first read *Quilter*, I thought, "Well marriage is man and wife and Ted's really lost it on this one". But now I look back and I say to myself, "How could you have been so rigid? How could *you*, in your situation, and with your position and insight, have been so rigid?" I really had the legal blinkers on. I was not thinking in a human rights way ...

Thomas: Human rights and the approach that follows from a commitment to human rights must be the key. I didn't find it difficult because at base, it's about human dignity and I regard human dignity as the fundamental emanation of humanity, of humanness, and so on, and everybody has a right to dignity. And I just could not see why a person's sexual preference should be sufficient to deny them that basic dignity. That was it.

Kirby: Well at that stage I'd lived with my partner for 30 years – we've just celebrated our 43rd anniversary – and anybody who would deny another human being the equal dignity or right of public recognition of a companion in life, of somebody who is always there, who'll be critical when you deserve it, who'll be supportive when things are bad, who will tell you where to get off, and who is somebody who you're happy touching and so on. I mean just an ordinary human thing. It's so good for your health. The AMA in America and the other medical bodies have all said so. This is a very important aspect of human health and the avoidance of depression. Depression and suicide amongst young gays is quite high. [T]he equality of rights to access to the civil status and legal status of a one-on-one marriage is a current issue. It's all been unleashed by your decision in *Quilter*. You should be honoured for your perceptions and insight before a New Zealand audience... You should be honoured and respected for having seen it first. There were some very great minds on that court. Sir Ivor Richardson was there and Justice Keith, now of the International Court of Justice, was there. They said you can't read marriage as being available to same sex couples. And they held that this conclusion was not discriminatory because it's always been thus.

⁴ Swearing in of Sir Owen Dixon as Chief Justice of the High Court of Australia (1952) 85 CLR xi at xiv.

⁵ So named for John Austin (1790–1859) whose work *The Province of Jurisprudence Determined* (Lawbook Exchange, Union (NJ), 1999) propounded "positive law" as an antidote to the confusion between law and morality in "natural law". See Julius Stone *Legal System and Lawyers' Reasonings* (Stanford University Press, Stanford, 1964) at 82–89.

⁶ *The Australian Communist Party v The Commonwealth* (1951) 83 CLR 1 [Communist Party Case].

⁷ Stone, above n 5, at 241.

⁸ *Quilter v Attorney-General* [1998] 1 NZLR 523 (CA).

Bernard Brown: 50 years of crimes and chardonnay



Bernard Brown, one of the University's best-loved and most enduring identities, has clocked up 50 years since his appointment to the Faculty of Law. To mark this rare distinction his friends organised a surprise lunch for him in February. Nearly 50 people – academic colleagues past and present, librarians and other professional staff, several judges and Queen's Counsel – gathered in the Student Common Room to show their fond esteem. And a total surprise it definitely was.

"I was lured there by my colleagues' threat of a peer review of my criminal law tutorial performance," says Bernard, joking: "I came very close to taking a QC with me."

Professor Warren Brookbanks opened proceedings by remarking that Bernard had begun teaching before some of the current staff were born. He mentioned how Bernard had mentored academic colleagues early in their careers, and spoke of the warmth and affection for him within the Law School and the wider legal community. In the impromptu tributes which followed Bernard was praised for his prowess as an academic lawyer, writer and peerless raconteur, and for his kindness and humanity as a person. Memorable snippets of his poetry and prose were read out along with the lavish accolade he received in the autobiography of his good friend David Lange. As senior lecturer Kris Gledhill put it: "It's nice to remember that Bernard has a serious side to him captured by his thrilling ability with words."

As well as writing legal texts, which include his book on *Crime and the Law* and the first printed text on *Papua New Guinea Law*,

he has produced scintillating collections of poetry and prose, most recently *Unspeakable Practices* and *Sensible Sinning*. The Law School celebration capped a memorable week for Bernard; the previous day he had been admitted as an honorary life member of the NZ Society of Authors.

Bernard's arrival in Auckland half a century ago was more serendipitous than a planned career move. Born and raised in England, he studied law at Leeds University intending to practise as a barrister. However National Service intervened, taking him to pre-independence Singapore where he "combined court martial appearances and some part-time university teaching with riot squad control". At the National University of Singapore's new law faculty he found himself "lecturing on the rule of law to students against whom I had acted in the riot squad, fortunately disguised with a gas mask. Of the non-rioting students, one became deputy prime minister, while another is still the chief justice".

By 1962 Bernard "could see the game was up for those referred to by the then leader as 'being from perfidious Albion'". He telephoned the only New Zealander he knew, the legendary Professor Jack Northey, soon to become Dean of Law at Auckland, to find that an appointee to a lectureship had suddenly "fallen by the wayside". Bernard was invited to take his place, flying into Whenuapai a few days later. "The University still owes me £27 for my fare from Singapore," grins Bernard. "I pleaded for it for many years but when Jim Kirkness retired as Registrar it was conveniently forgotten by the administration."

For many years Bernard taught criminal law and legal history, and he introduced criminology as a subject. He also took on the daunting task of lecturing in administrative law while Jack Northey, the redoubtable New Zealand authority in the field, was on sabbatical leave.

In the mid-1960s he was seconded to an academic position in Australia for three years. "Two rather piquant misprints" saw the Sydney Morning Herald advertise for a Fallow (sic) in Papua New Guinea law at the Australian National (sic) University. "I thought a fellowship at a notional university would do me very well." While at Canberra Bernard prepared a blueprint for a village court system. Implemented at PNG's independence in 1974, it survives to this day. During fieldwork he picked up an arrow wound, "of which my eminent HoD was rather envious," along with malaria.

As a mark of his calibre as a teacher Bernard received a University Distinguished Teaching Award in 1997. Three years later he was made an Officer of the New Zealand Order of Merit in the New Year Honours for services to legal education.

Bernard, by now an associate professor, stopped teaching full-time in 1998. "I spent three days trying to use my leisure time in a constructive way and just gave up. I desperately needed to come back. To my surprise, I found I needed the students perhaps more than the students needed me." His salvation was the then Dean, Professor Bruce Harris, who offered him a part-time tutoring position in criminal law along with a legal English course for international and domestic students needing help with their written expression.

Fourteen years later, and designated Professional Teaching Fellow, Bernard is still hard at it at the age of 78. He comes in to the Law School every day and he has no plans to quit. "There is nothing worse than drawing the curtains on life." Bernard and his wife Gaynor (pictured), a recently decorated educator at Auckland City Hospital, are both still so busy that "we manage to meet to chat only four or five times a week during the day".

Bill Williams⁹

⁹ Bernard notes that this was one of the last pieces written by the late Bill Williams before he took ill.

The lecturer who doesn't take his own advice

How ill white hairs become a clown.

The difficulty for jesters, fools,

old queens, comedians, is knowing when to stop, when to shut up.

Don't, like the lecturer or beauty, slowly fade. Simply, abruptly, terminate the act. Say thanks most daffily, and go.

This circle is, or was, your stage, so be your age before they shut you down.

Bernard Brown (From *Unspeakable Practices*)

Groundmark

Words like *Clay*; *Boxley Abbey*, 1540

This is my church place where there is no cutting from image to image:

the blind don't see, the lame don't walk and the dead stay where they are.

This place of play knows nought of miracle. Prophets in euphoria are treated

with the spade. Their tales, especially in verse, are by far the trickiest, the worst – two faced, stone blinded and yet somehow prising light - elusive of control by governors or church. Such perfidy can find excuse in artful slip of tongue. The ax won't stop it for, like verse, it cuts both ways and stays in others' heads. A spade's the thing; it cleaves necks just like clay before an evil sets, or fashions more. Bluntness is the only certain fix.

Bernard Brown

New Appointments

Natalie Coates



It's a long way from the small Māori Bay of Plenty community of Te Teko to the hallowed halls of Harvard University, but that has been a journey undertaken by new faculty appointment Natalie Coates, in pursuit of her postgraduate studies in law. Natalie's whanau hails from Te Teko, where she attended an all Māori bilingual school. This exposure to her Ngati Awa tikanga and te reo has kept her grounded throughout her schooling and higher education. Natalie says that

growing up in an isolated rural community also opened her eyes to some of the perpetuating socio-economic disadvantages between Māori and non-Māori in terms of poverty, education, health disparities, suicide, gang affiliations and rates of imprisonment. Although she appreciates that most Māori experience of law has been negative, Natalie saw the potential of law as a tool of change, and accordingly chose that path in her tertiary studies.

Following high school, Natalie completed a BA(Hons)/LLB(Hons) at the University of Otago, where she was a top graduate in both faculties. After graduation, she worked for a period of time under Annette Sykes, principal at Aurere Law in Rotorua, when the firm was acting for some of the accused in the Operation 8 case. Natalie says that working with an experienced advocate so committed and passionate about advancing the cause of ordinary Māori was invaluable.

Natalie was the recipient of the Nga Pae o te Maramatanga sponsored Fulbright Scholarship, which enabled her to pursue a Master of Laws at Harvard in 2011. She says she relished the programme at Harvard, which allowed her to explore issues around social justice, creating critical consciousness and human rights. One of the highlights of Natalie's postgraduate study was the opportunity to be involved in the International Human Rights clinic, which took her to a refugee camp in Thailand, where she interviewed Burmese refugees about their experiences. She says this trip not only put into perspective the real human suffering of some peoples, but it also confirmed the need for legal educators and students to put their theory and learning into action.

Natalie's teaching and research interests will include Jurisprudence, Tiriti Issues and Law and Society. One of her long-term goals is to assist in the adoption of the clinical model of legal education, common to many American law schools, as a means of supplementing student learning at The University of Auckland. Her appointment has been particularly welcomed by Te Tai Haruru, the Māori academic staff of the Faculty of Law, as well as Te Rakau Ture, the Māori law students' association. Nau mai haere mai e te rangatira!

Khylee Quince

Chris Mahony



In 2003, Chris Mahony left New Zealand to spend a year in troubled Sierra Leone and Liberia. The long-running war in Sierra Leone was not long over, and neighbouring Liberia was still in the throes of civil conflict. Not your typical “year out”, but it was a transformative year for Chris and one that laid the groundwork for his future studies and career. In the course of that year, Chris started working with a non-governmental organisation, Campaign for Good Governance, and Sierra Leone’s Truth and Reconciliation Commission. He was involved in examining questions of access to justice and governance. Later that year, in Liberia, he spent some time considering human rights monitoring mechanisms in internally displaced persons camps.

Chris returned to New Zealand the following year to finish his studies, graduating from Otago University with LLB/BCom, and starting work with Meredith Connell in Auckland in 2006. He subsequently moved to Oxford and completed a Masters in African Studies, before embarking on his PhD.

Returning home to Auckland in 2011, Chris was appointed as Deputy Director of the Human Rights Centre for Law, Policy and Practice at the Faculty of Law. In the past three years, in addition to completing his PhD, he has been working on various projects, including advising the US State Department, Open Society Initiative, the International Centre for Transitional Justice and, most recently,

the International Criminal Court on transitional justice and witness protection issues.

His research is focused on transitional justice – exploring how societies emerging from periods of conflict find a way to seek accountability, justice and reconciliation. One aspect of this research that Chris is particularly interested in is the way in which witness protection programmes are established and conducted. This interest was triggered during his second visit to Sierra Leone in 2007, when he was studying at Oxford. He was asked to return in 2008 to work for the UN, directing the design of Sierra Leone’s witness protection programme. In doing so, he looked at a range of other African systems and also worked closely with the United Nations Office Drugs and Crime in Vienna. That work led to his 2010 book, *The Justice Sector Afterthought: Witness Protection in Africa*, published by the Institute for Security Studies.

With his long-standing interest in Sierra Leone – his PhD examines the politics of case selection at the Special Court for Sierra Leone, as well as at the International Criminal Tribunal for Rwanda and the International Criminal Court – Chris followed the Charles Taylor conviction and sentencing carefully. Taylor, former President of Liberia, was convicted in April this year of eleven counts of war crimes and crimes against humanity. In Chris’s view, the verdict epitomises the flaws and the promise of the emerging system of international criminal justice. He agrees that it sends a message to weak heads of state and senior leaders who allow these crimes to occur that “their time is up”. But, he says, “the domestic exercise of ‘universal jurisdiction’, whereby domestic justice systems indict individuals on their territory for crimes committed elsewhere, is a less politicised alternative to the idea of internationally-based criminal justice.” We should not over-emphasise the role of international mechanisms in post-atrocity criminal justice.

Apart from his professional achievements, Chris has had great success on the rugby field. Due to various injuries, it was not until 2006 that he was able to play a full season competitively – for the Auckland NPC team. Although he had moved to Oxford by 2007, he returned home for the New Zealand rugby season and it is probably no coincidence that this was the year his team won both the National Provincial Championships and the Ranfurly Shield – a first! Even at Oxford he managed to fit in rugby into his studies, playing professionally as well as playing for Oxford from 2006-2009. Indeed, he played for Oxford in four Varsity matches (the famous annual Oxford v Cambridge match at Twickenham), which is the second highest number of Varsity match appearances in Oxford’s history.

With his return to Auckland to work at the Centre, it may be time to consider a Faculty of Law rugby team!

Treasa Dunworth

Promotions

Treasa Dunworth

In February this year Treasa Dunworth (Irish pronunciation: “Trussa”) was promoted to Associate Professor, an event which her colleagues and students alike warmly celebrated. The occasion provides a welcome opportunity to update our readers on Treasa’s many activities and achievements since joining the Faculty in 1999.

After completing her LLM at Harvard, Treasa worked for four years for the Organisation for the Prohibition of Chemical Weapons (OPCW) in The Hague. The role required her to work with states to prepare their domestic regulations to comply with the Chemical Weapons

Treaty, and took her far afield throughout Europe, Africa, Asia, and the Caribbean running seminars and working closely with governments. The position also involved practice as an international lawyer in the disarmament field.

Little did Treasa know, but her former Law Professor, Mike Taggart, was keeping close tabs on her movements. He chased her down and persuaded her to apply for an advertised academic position in international at her alma mater university, to which she was appointed the following year with the specific mission of rejuvenating the subject

at Auckland. She embraced that challenge with typical talent and tenacity.

Treasa teaches a broad suite of public international law courses, including Public International Law, International Criminal Law, the Law of Armed Conflict, Advanced International Law, and an honours seminar. As well, there has been a recent sortie into teaching Jurisprudence, much to the delight of the 2012 class. Treasa is one of the Faculty's most popular teachers. She describes herself as passionately committed to education: "All great societies in our history have valued education. While many of our students are focused on being lawyers, our mission is to see them being educated as thinking, questioning citizens in our community." She describes her guiding teaching philosophy: "What parent has not expressed exasperation at the constant stream of 'how come?' and 'but why?' questions from their children? Sadly, by the time those children reach tertiary level education, and Law School, the 'how comes' have been left behind. My guiding philosophy as a teacher is to bring the 'how come?' back." This means helping them to develop critical thinking and "lawyering skills" – the



ability to read, analyse, critique and formulate a reasoned argument and ask fundamental questions about the system of international law.

Treasa is a leading expert on the New Zealand domestic implementation of international law. She has written widely in the field, and in 2011 convened an important colloquium that brought together scholars from around the world to consider the relationship between domestic law and international law. A second strand to her research is disarmament and security issues. In 2011 she began a major project which considers the way in which thinking about disarmament has changed over the last 20 years, with concern increasing about the human costs of the development and use of particular weapons, such as Israel's extensive use of cluster munitions in 2006 in South Lebanon. Leave to pursue research interests has taken her to many prestigious institutions and universities, such as the Graduate Institute ELAC Centre at Oxford University. In 2013 she is looking forward to a six-month period as a visiting scholar to the Centre for Military Law at Melbourne University to continue working on her disarmament project.

Since 2008 Treasa has made a huge contribution to the life of the Faculty. A problem here is what to include when so much must be left out. A key role has been as the Faculty's Pasifika Academic Counsellor. "A significant percentage of Auckland's population identifies as Pacific Islander", Treasa points out. "The Law School is working hard to reach out to this important sector of our community." She has focused on building a strong relationship with the University of the South Pacific in Vanuatu, and in 2012 hosted a highly successful conference, "Law and Culture," in Auckland (see below). She co-edits the flagship journal, the *New Zealand Law Review*, has served on the Faculty's Research Committee, and for many years trained our highly successful mooters for the Jessup International Law moot.

A striking aspect of Treasa's achievements during her time at the Faculty is that in the world of international organisations her former students are literally everywhere. Each testifies to the infectious enthusiasm of their teacher in International Law at Auckland, who convinced them that they could live their dream by working in an international organisation and making their own positive contribution to the world.

Jo Manning

Law School secures prestigious writing awards

The Law School won three of the four Legal Research Foundation Legal Writing Awards for 2011. Amokura Kawharu and David AR Williams QC won the JR Northey Memorial Book Award for their treatise, *Williams and Kawharu on Arbitration*. Professor David Williams was the runner up in this category for his book, *A Simple Nullity? The Wi Parata Case in New Zealand Law and History*.

Hanna Wilberg won the Sir Ian Barker Published Article Award for, "In defence of the omissions rule in public authority negligence claims" (2011) 19 *Torts Law Journal* 159. Professor Bruce Harris was the runner up for his article, "The Resignation of Wilson J: A Consequent Critique of the Operation of the Judicial Conduct Commissioner and Judicial Conduct Panel Act 2004" [2011] *New Zealand Law Review* 625.

David Griffiths, who recently completed his PhD at Auckland, won the Unpublished Post-Graduate Paper Award for his paper, "Section 15 of the New Zealand Bill of Rights Act: The Case for Transplanting US Religion Clause Doctrine".

In addition, joint winners of this year's Banking and Finance Law Association of Australasia Unpublished Research Essay Prize were Chris Hare (former senior lecturer, now at Oxford) and Sam Hiebendaal (a Law School alumni, currently a solicitor at Bell Gully). The winning essays will be published in the *Journal of Banking and Finance Law & Practice*.



(From left) David Williams, Amokura Kawharu and Justice Raynor Asher

LLD for Bruce Harris

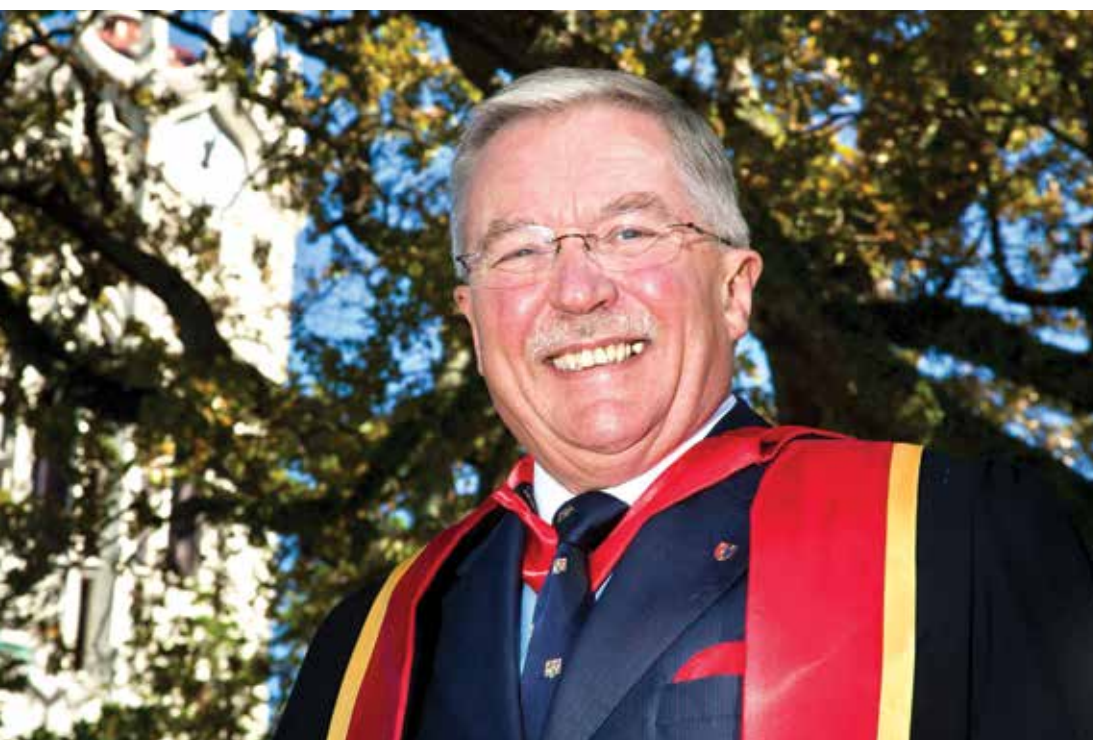


Professor Bruce Harris was awarded the degree of Doctor of Laws (LLD) by the University of Otago in December 2011. The LLD is most often awarded as an honorary degree and Bruce's is only the fifth examined LLD awarded by the University of Otago.

Individuals who have published original contributions of special excellence in the history, philosophy, exposition or criticism of law are eligible to be awarded the degree. Bruce, whose research and teaching interests are in constitutional and administrative law, submitted a collection of published articles, book chapters and a small monograph for examination. The research was particularly concerned with the legal sources of power vested in each of the three branches of government, the legal mechanisms facilitating the accountability of the executive and the judiciary, and the possible design of the legal underpinning of New Zealand's future constitutional arrangements. Bruce's trilogy of *Law Quarterly Review* articles on what he has labelled the "third source" of authority for executive action was included in the collection.

Bruce was appointed as a Professor of Law at The University of Auckland in 1994 after two years practising as a litigation lawyer and 17 years researching and teaching law at the University of Otago. From 1995 to 2000 he was Dean of Law at Auckland and is currently the elected representative of the Senate on The University of Auckland Council.

PhD for District Court Judge



"Generally I plan my day in the pool," says the former international Mastermind champion. "I'm then into the office by 7 am and have completed a couple of hours of my own work before I start the day job."

David's PhD thesis, supervised by both Law and History academics, studies the development of the printing press, the various regulatory structures that developed around it and its use by law printers, lawyers, law students and the state between 1475 and 1642. The thesis takes the theory of Professor Elizabeth Eisenstein in her book, *The Printing Press as an Agent of Change* and considers it within the context of the intellectual activity of the English legal profession in the sixteenth and seventeenth centuries. "It's difficult to work out the drivers of change so I thought I would examine the way a technology acted as an agent of change within a particular intellectual or literate elite and then develop an analysis of the

technology on behaviour," says David.

Rather than travel overseas he used modern-day technology to speed up his research process, studying early English books online and digitising secondary material. He says the academic discipline of doing a PhD has brought rigour to his role as a District Court Judge. "You learn to footnote everything. It imposes very high standards. And I think the PhD's been of considerable assistance."

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Every morning District Court Judge and new doctoral graduate, David Harvey gets up at 5 am and swims a kilometre at Newmarket's Olympic pool. It's a routine that over the last six years has enabled him to do his job at court while simultaneously researching and writing a thesis for his PhD in Law, teaching a Law and Information Technology elective course for third and fourth-year Auckland law students and, on top of all that, publishing a new edition of his text book *Internet.Law.NZ*.

Ron Paterson: A significant community contribution



Shortly after stepping down from his role as Health and Disability Commissioner and taking up a chair at the Law School in 2010, Ron was appointed as Chair of the New Zealand Banking Ombudsman Scheme and Community Director of the Board of the Royal Australasian College of Physicians. In his banking role, he continues an Auckland Law School connection: Nadja Tollemache was the first Banking Ombudsman and Sir Ian Barker QC was chair for 13 years before Ron's appointment.

Ron has also taken on other health sector roles. Since 2010 he has worked part-time as Chief Advisor Quality to the Waitemata District Health Board, advising New Zealand's largest district health board on how to improve the safety and quality of health care, the resolution of complaints, and the experience of patients in the Waitemata district. During 2012 he has been chair of a major Maternity Care Review in the Counties Manukau region. In this capacity Ron chairs an independent panel of clinical, Māori and Pacific experts, charged with reporting to Counties Manukau District Health Board later this year and recommending improvements to reduce the rate of perinatal and maternal mortality in Counties Manukau. And in October, Ron took on a new role as the chair of an independent steering group appointed by the 16 practitioner health registration authorities, developing a business case for shared services to improve the quality of health practitioner regulation in New Zealand.

This is a breathtaking array of responsibility on top of his academic responsibilities as a full-time law professor. However, Ron sees himself in a position to make a unique contribution, which utilises and builds on his ten years of experience as the Health and Disability Commissioner. He enjoys the combination of working with boards, regulators and health sector leaders - and the broader focus of the Australasian College role, which takes him frequently to Australia.

Ron has always been fascinated by health and drawn to both law and medicine. Even at Law School he was fascinated by medico-legal issues. In Family Law he obtained permission from Pauline Tapp to write a paper on the consent to medical treatment for children instead of the assigned topic (his prize-winning essay was published in the *Journal of the Auckland Medico-Legal Society* in 1976). Ron was offered a place in the Auckland Medical School while at Law School but had become so engaged by the law that he did not get around to taking it up. He credits his great friend Mike Taggart with encouraging him to pursue his medico-legal interests when he was first appointed to the Law School in 1986. Ironically, Ron believes that he has been better placed to make a contribution to patients' rights and healthcare quality than had he gone into medical practice.

Without any conscious plan Ron has spent half of his career in legal education and half in health policy and regulation. He is now able to draw together these disparate aspects of his career. His role as Health and Disability Commissioner and his current governance positions have allowed him to give practical expression to his long-standing academic interest in finding ways to support good health care, while protecting the public from poor practice. At the same time his practical experience in complaint resolution, health policy and regulation is informing his teaching and scholarship. He is also in demand to speak at conferences, particularly since publication of his book, *The Good Doctor: What Patients Want*, earlier this year (see below). A recent highlight was returning to Ottawa (where Ron began his legal academic career: 1983-85) to give the keynote opening address at the biennial conference of the International Medical Regulatory Authorities in October.

Ron's governance responsibilities have taken him back to school. During the winter break, he took a five-day intensive course on

company directorship and sat his first exam in 31 years. "My exam skills were a bit rusty but I'm happy to have passed and gained the GAICD qualification" (Graduate of the Australian Institute of Company Directors). In his role in banking regulation Ron is developing new skills in the field of financial service provision - but the principles of complaint resolution are similar to those he has dealt with in the health arena. He notes that after health concerns, financial concerns are the ones most likely to make people want to complain when they feel they haven't been treated fairly.

"I've always enjoyed teaching and writing," he says. "These days, when I stand before a class or do research for a paper or conference talk, I have lots of relevant experience to draw on. I realize that I'm a rather unusual law professor. I'm grateful for the latitude to take on my various community roles - and the response from students tells me that they enjoy what I bring to class."

Julia Tolmie

Ken Palmer: Resource Management Law Association's Outstanding Person Award



Ken Palmer and Hon Peter Salmon QC

Associate Professor Ken Palmer was awarded the New Zealand Resource Management Law Association's Outstanding Person Award in 2012 for his contribution to research, teaching, law reform and legal practice in the fields of planning/resource management law and local government law.

"It is no exaggeration to say that Dr Palmer is widely regarded as the 'guru' of resource management and local government law in New Zealand," read the citation at the awards ceremony.

For Ken receiving this award is an honour, and an acknowledgement of a lifetime of work in the law. He attributes in part his success to the support of the Faculty of Law.

New chair for the Family Violence Death Review Committee

In December 2011 Associate Professor Julia Tolmie was appointed as the Chair of the New Zealand Family Violence Death Review Committee. The Family Violence Death Review Committee is a statutory committee of the Health Quality & Safety Commission mandated to review and report on family violence deaths and to develop strategic plans and methodologies that are designed to reduce family violence morbidity and mortality. It is one of four mortality review committees that exist in New Zealand.

The Family Violence Death Review Committee has developed a "no blame" review process which uses the review of individual death events as a "window on the system" - trying to determine what is working well and what can be improved in the response of all of the agencies involved in the case, including how the different agencies work together and the particular tools and concepts they are using. The expertise of those around the table assists in understanding whether the practices that are revealed were typical responses or one off events.

Julia says it is an exciting opportunity to make a difference to our response to family violence in New Zealand. Other interesting challenges in the role are working within government and working across disciplines with brilliant and committed professionals, including key players within the family violence sector.



Two Auckland scholars leave for Oxford

The University of Oxford has poached two of the Law School's rising stars. Chris Hare and Richard Ekins have left Auckland to take up academic positions there.

Chris Hare



Hailing from the North of England, Chris Hare joined the Faculty at the beginning of 2005. At the time of his appointment he was a fellow of Jesus College, Cambridge, and before that had been a barrister in Gray's Inn for two and half years. With law degrees from Cambridge (including a diploma year at the University of Poitiers in France), Oxford and Harvard, and teaching and researching in commercial law, he was seen as a great acquisition for the Faculty. This he proved to be, and a great colleague as well.

Richard Ekins



Chris's teaching in private law for the Faculty has been diverse. He became a mainstay in Contract Law (the most genial of people, it is hard to credit the reports that his Socratic methods terrified some of the class), and taught or co-taught elective courses in Banking Law, Commercial Law, International Sales & Finance, and European Commercial Litigation.

Chris's areas of research were equally broad. Banking law requires a knowledge of all areas of private law (contract, tort, restitution, and equity), as does company law, one of his other research interests. To these were added his expertise in international trade and private international law. While at Auckland, Chris made major contributions to two books. He is co-author of the 5th edition of Ellinger, Lomnicka and Hare, *Ellinger's Modern Banking Law*, OUP, a leading Commonwealth text in the field, for which he was responsible for 14 out of 22 chapters. He is also one of the three authors of Watts, Campbell and Hare, *Company Law in New Zealand*, LexisNexis. A third book, *Documentary Credits: Law & Practice*, Informa, London, is not far off completion. In addition, Chris wrote a considerable body of articles, and was co-editor of the *New Zealand Law Review*. In 2011, Chris was awarded the prestigious New Zealand Law Foundation International Research Fellowship to write a book on banking and the conflict of laws. This year he was the joint winner of the Banking and Financial Services Law Association Research Essay Prize.

While all this was being achieved, he and his wife, Helen, have become parents to two delightful children, Daisy and Edward. Most regretfully, for us anyway, Chris has been appointed to a Law Fellowship at Somerville College, Oxford, and has recently returned to the United Kingdom. We wish him and his family all the best for the move back, and hope they will return frequently to New Zealand. We will understand if their three Labradors are not required to make the trips.

Peter Watts

Richard Ekins left us in August 2012 to take up a position as a Fellow in Law of St John's College at the University of Oxford. This prestigious appointment is a testament to Richard's outstanding abilities, of which we have seen abundant evidence throughout his time with us at Auckland.

Richard was one of our own, graduating in 2001 BA/LLB(Hons) and completing also his BA(Hons) in 2003. Richard won an array of prizes at, and shortly after, Law School. Among these were a Senior Scholarship in Law, the LRF award for best unpublished paper in New Zealand in 2001, and postgraduate scholarships to several elite northern hemisphere law schools. After serving with distinction as a Judges' Clerk for two years, he chose Oxford, graduating BCL with distinction in 2004. Then followed doctoral studies under Professor John Finnis, during which Richard held a fractional appointment with the Auckland Law School and returned for several weeks each year to teach Jurisprudence. Richard's DPhil was ultimately awarded in 2009, having been defended before (and lauded by) two of the leading international scholars in the field. The book, based on that thesis, is now in press: *The Nature of Legislative Intent*, OUP, 2012.

As a full-time colleague since the start of 2009, Richard's contribution has been outstanding. He has published prodigiously in

a range of areas of public law and jurisprudence; at the level of legal theory (for example “Legislative Intent in *Law’s Empire*” (2011) 24 *Ratio Juris* 435), of analysis and exposition (“Reckless Lawmaking and Regulatory Responsibility” [2011] *NZ Law Review* 407 (with Chye-Ching Huang); “Rights-Consistent interpretation and the Human Rights Act 1998” (2011) 127 *LQR* 217 (with Justice Sales)), and engaging with contemporary New Zealand controversies (“‘Light Smacking’ and Discretion” [2009] *NZLJ* 427 and “The Case Against the ‘Three Strikes’ Legislation” [2010] *NZ Law Review* 689 (with Warren Brookbanks)). As well as contributing several book chapters to other texts, Richard edited (and wrote a substantial chapter for) *Modern Challenges to the Rule of Law*, LexisNexis, 2011. In 2010 he won a highly coveted Marsden Fund Award to undertake a project titled “Artificial Personality and Democratic Self-Rule”, a study on the nature of the state.

Richard threw himself into the academic life of the Faculty,

organising the academic visitor seminar series and always contributing cheerfully to vigorous common room debates. He was a willing organiser of events that enabled high-level academic debate and interaction –arranging a special symposium, for example, in 2010 around the visit of Oxford Professor John Gardner. Recently he organised another on “Limited Government and the Political Constitution,” around the visit from Professor Robert George from Princeton University.

All this Richard did with unfailing good humour and efficiency. He will be much missed at Auckland Law School by his colleagues and students. We anticipate regular visits in the years to come, in both directions. Richard, Rebecca and their three sons James, Alexander, and Henry all left with the Law School’s very best wishes.

Paul Rishworth

Human Rights Centre



Chris Mahony, Andrew Ashworth and Kris Gledhill

Oxford University’s Vinerian Professor of English Law, Andrew Ashworth, launched the New Zealand Centre for Human Rights Law, Policy and Practice with a lecture in March 2012 at Old Government House. The occasion was attended by a significant number of senior judges as well as academics and students.

The Centre has been established by the Faculty of Law to examine human rights in a changing world and to do so from a multi-disciplinary perspective. Its advisory board includes senior members of the judiciary and legal profession. In its initial months it has hosted a number of lectures examining human rights issues, including Widney Brown, lead counsel to Amnesty International, and Esther Brimmer, the head of the US Bureau of International Organisation Affairs (see below).

The Centre has put together the Human Rights Working Paper Series, formally launched in September. It has more than 30 thematic and geographic areas, and under each heading a research infrastructure has been created; podcasts, reports on human rights, links to journals and relevant institutions. Working papers will be developed into journal articles and book chapters, edited by some of the Centre’s academic members: there are over 60 members, from many departments at The University of Auckland and from other universities in New Zealand and abroad. Assistance is provided by a significant number of research associates.

Other initiatives are designed to ensure that the legal profession

is encouraged to make use of human rights standards. The Centre supported the creation of the Aotearoa New Zealand Human Rights Lawyers Association, launched in June 2012 with a lecture by Judge Jonathan Moses (noted below). The Association, which includes Sir Anand Satyanand on its advisory council, will be involved in human rights education and advocacy, including taking cases to the Human Rights Committee of the United Nations. It is also developing a bulletin in which keen members of the profession will write on the implications of significant human rights cases. The bulletin will work with the student-led Human Rights blog, on which Gretta Schumacher and Sam Brookman are editors in chief, and which also provides an outlet for commentary on human rights issues.

Various events are planned: for example, a symposium on the interplay between Māori scholarship and human rights scholarship is being developed, and a conference on access to justice will be held. In addition, the Centre will develop a clinical legal education programme. Student groups in departments as diverse as the Medical School and the Department of Economics are beginning to work on projects with the Centre.

The Zealand Centre for Human Rights Law, Policy and Practice aims to build on New Zealand’s past position as a leader in human rights by placing human rights, again, at the centre of public discussion. It’s off to a healthy start!

New books

Alison Cleland, *Youth advocates in Aotearoa/New Zealand's Youth Justice System*, New Zealand Law Foundation.



Thanks to the New Zealand Law Foundation, Alison Cleland was able to complete significant research into the work of lawyers for young people accused of offences in Aotearoa/New Zealand's youth justice system. Alison interviewed 34 youth advocates throughout Aotearoa/New Zealand, representing approximately 14 percent of lawyers for young people currently on the Youth Court lists. This is the first time empirical legal research has been conducted on the role of these specialist lawyers. The report provides evidence of the complexity and importance of the role of youth advocates. These lawyers act as

Court Judge Andrew Becroft, John Hancock, solicitor from the Office of the Children's Commission, Dr Nicola Taylor, Director, Centre for Research on Children and Families, Dr Kirsten Hanna, Institute of Public Policy, AUT University, Nicola Owen, Development Manager, Auckland Disability Law, and Michael Gardam, convenor of the NZ Law Society's Youth Justice Committee.

His Honour Judge Becroft welcomed the research as a significant contribution to knowledge of Aotearoa/New Zealand's system. "In New Zealand we have an extremely good youth justice system that is

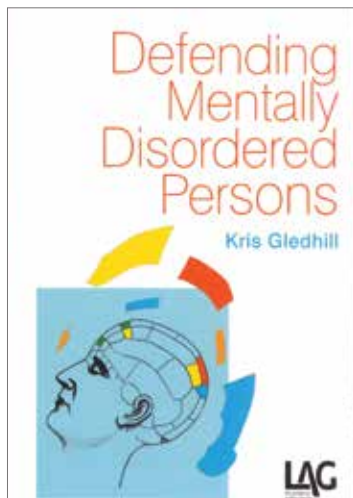
This is the first time empirical legal research has been conducted on the role of these specialist lawyers. The report provides evidence of the complexity and importance of the role of youth advocates.

advocates, mentors and protectors to their clients and their advice ensures that young people can understand and participate in the youth justice process.

The research report, entitled *Youth Advocates in Aotearoa/New Zealand's Youth Justice System*, was launched at the Faculty in August 2012. Those attending the launch included His Honour Principal Youth

significantly undervalued. We must not take for granted the role that Youth Advocates play in New Zealand. Your research gives our youth justice system a good clean bill of health, but with improvements suggested, and these are noted. Thank you for what you have done in helping blaze a trail for research into youth court practice. We will take your recommendations to heart."

Kris Gledhill, *Defending Mentally Disordered Offenders, the Legal Action Group, London.*



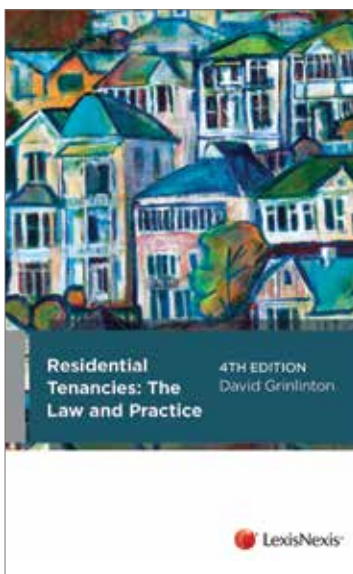
In a review published in *Inside Time*, the national prison magazine in the UK, in August 2012, barrister Flo Krause described this book as a “godsend” as it provided a much-needed explanation of the interplay between the mental health and punitive systems. The context, of course, is that many people in prisons have mental health problems and might benefit from being outside the criminal justice system.

The book aims to provide an overview of the steps that can be taken in relation to people with mental disorders who come

to the attention of the police and prosecutors, going from the initial arrest to the decision to charge, to bail and other pre-trial matters, then fitness to stand trial, and then procedural and substantive issues that might arise in the trial. There is a lengthy section on the relevance of a mental disorder at the time of sentence and during any custodial sentence.

In addition to a comprehensive account of the state of English law, the book sets out arguments that advocates should consider in seeking changes to the case law, including explanation of the myriad of relevant statutory provisions where courts have arguably fallen into error in their interpretations.

David Grinlinton, *Residential Tenancies: The Law and Practice* (4th edn), LexisNexis.



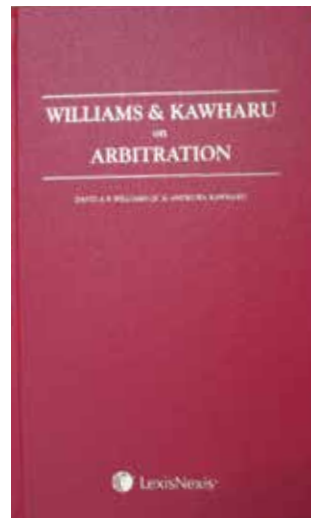
The law governing the rights and obligations of residential landlords and tenants has been an area of increasing activity in recent years. Demographic, cultural and economic factors have led to an increasing percentage of people in New Zealand opting to rent rather than buy residential housing, particularly in the larger urban centres. In addition to a substantial increase in litigation and decisions at all levels of the court hierarchy, the Residential Tenancies Act 1986 was significantly amended in 2010. This included the expansion of the Tenancy Tribunal’s jurisdiction to cover disputes

arising out of the Unit Titles Act 2010. Litigation has also expanded beyond the traditional range of tenancy disputes to include human rights issues (eg, *Winther v Housing New Zealand* [2011] 1 NZLR 825 (CA)) and conflict of laws questions.

Residential Tenancies: The Law and Practice is a substantial re-write

of the earlier texts by Andrew Alston, last updated in 1998. The book is a comprehensive and analytical reference work for lawyers and Judges, law students, policy-makers and government agencies.

Amokura Kawharu and David Williams QC, *Williams and Kawharu on Arbitration*, LexisNexis and Butterworths.



The Attorney General, Chris Finlayson speaking at the launch of *Williams and Kawharu on Arbitration*, described it as a “magisterial text”.

“David and Amokura go to some lengths to trace arbitral practices from ancient times. Consider this passage:

‘Arbitration in various guises has been practised as a method of dispute resolution since antiquity. In the early stages of its development, arbitration was used to resolve a mélange of one-off disputes. According to Greek mythology, the dispute as to the most beautiful out of Hera, Athena and Aphrodite

was settled by a shepherd named Paris on the slopes of Mount Ida. Ultimately, Paris made his award in favour of Aphrodite by presenting her with a golden apple.’

What follows is a very careful analysis of the origins of our Arbitration Act 1996, designed to be self-contained and to suffice in all the most difficult of cases.”

The Attorney General pointed out that part of the book deals with international commercial arbitration and analyses the different types of rules for arbitration. “Many of those rules seek to streamline arbitration so that parties can concentrate on the real issues in dispute and could ideally be adapted for use in domestic civil litigation.” He went on to say:

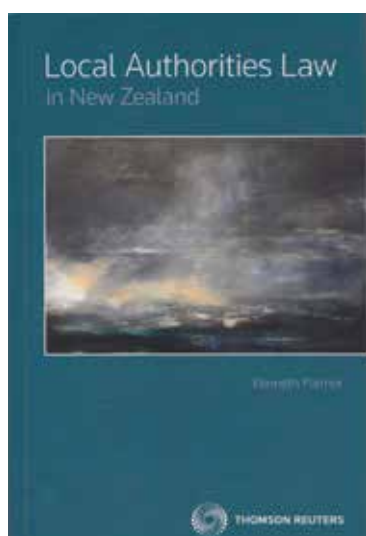
“New Zealand could become a centre for international arbitration. Over the years there have been many International Chamber of Commerce Paris arbitrations held in New Zealand and there are several reported cases involving such arbitrations in the New Zealand Law Reports. A couple of years ago there was a London Court of International Arbitration arbitration held in Auckland. David Williams has told me that this week, an International Centre for Settlement of Investment Disputes treaty arbitration has been heard in Auckland. The only other such case ever to occur in New Zealand is *Attorney-General v Mobil Oil NZ Ltd*.¹⁰ With the number of free trade agreements and bilateral investment treaties the government is signing, the investor-state arbitration provisions included in many agreements will send further arbitrations New Zealand’s way.”

He then offered an even larger vision:

“if we can ensure our rules relating to arbitration are kept up to date and that we develop a reputation for having a court system which delivers just, speedy and inexpensive results through all levels, then maybe we could become known as a southern hemisphere centre of excellence for dispute resolution, much in the same way London is regarded today in the northern hemisphere. I don’t think that is an unrealistic possibility when one considers the quality of our law schools and graduates, the fundamental strength of our judiciary and of our legal system.”

¹⁰ [1989] 2 NZLR 649 (HC).

Ken Palmer, *Local Authorities Law in New Zealand*, Thomson Reuters.

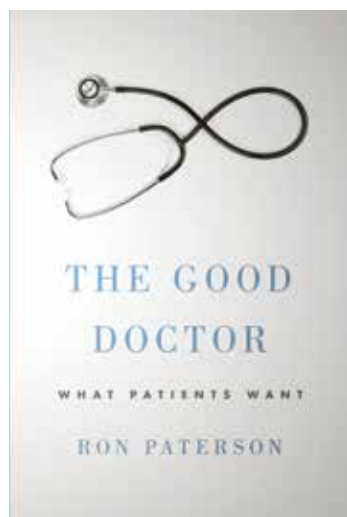


Local Authorities Law in New Zealand by Kenneth Palmer was launched at the Law School in May 2012. The guests included Hon. Justice Robert Chambers of the Supreme Court, Hon. Justices Ailsa Duffy, John Priestley and Edwin Wylie of the High Court, Sir Bruce Slane, former Privacy Commissioner, and Frank Godinet, President of the Auckland District Law Society.

The keynote speaker, the Hon. Peter Salmon QC, a former High Court judge and chairman of the Royal Commission on Auckland

Governance (which led to the establishment of the Auckland Council in 2010), described the book as “a work of immense scholarship and attention to detail.” He referred to the list of 23 chapters to illustrate the scope of the work, pointing out that in addition to matters directly relating to the relevant statutes, it covered in some depth the law relating to nuisance and negligence, contracts and arbitration and administrative law. Other chapters concerned the Auckland Council, council-controlled organisations, Māori rights and participation, civil offence and emergency response powers, and the history and theory of local government. A 200 page section on the Resource Management Act was a text in itself.

Professor Ron Paterson, *The Good Doctor: What Patients Want*, Auckland University Press.



What makes a good doctor? Why are there bad doctors still practising and how can we protect patients, increase trust and improve medical care? These are the issues Ron Paterson brings to the fore in his book, *The Good Doctor: What Patients Want*.

At the launch Ron said that the book is his attempt to explain why the simple aim of ensuring that every licensed doctor is a good doctor has proven so difficult to achieve - and to suggest the steps that need to be taken to meet the modest expectations of patients. It is divided into four parts:

the ideal, the reality, the roadblocks, and a prescription for change. “I suggest some concrete steps that should be taken to build trust between the public and the medical profession. I argue for a model of good medical practice that will realise the legitimate expectations of patients, encourage true professionalism in doctors, and form the basis of a new contract between patients and doctors”.

The Good Doctor has received strong praise. Sports physician Chris Milne wrote on 16 September 2012 *New Zealand Doctor* 16

“Here is a book that every doctor should read. Why? Firstly, it covers issues that are germane to all of us. Secondly, it confronts difficult problems and actually provides solutions to these. Finally, it is very well written; there is none of the turgid prose that seems to characterise many of the North American medical journals. The words chosen are crisp and apposite, almost as if Hemingway had been reincarnated as a lawyer.”

There is none of the turgid prose that seems to characterise many of the North American medical journals. The words chosen are crisp and apposite, almost as if Hemingway had been reincarnated as a lawyer.

Ron delivered his inaugural professorial lecture after the book launch. In the lecture, titled “Good Doctors: Competence and Professionalism”, Ron drew on a decade’s experience in handling patient complaints as Health and Disability Commissioner, and his research for *The Good Doctor: What Patients Want*. Ron completed the research for his book during his time as New Zealand Law Foundation International Research Fellow in 2010 -11.

Peter Watts, Neil Campbell and Chris Hare, *Company Law in New Zealand*, LexisNexis.



A major company law text, *Company Law in New Zealand*, was launched in late 2011 at a joint function between the Law Faculty and Shortland Chambers. The book, by Professor Peter Watts, barrister Neil Campbell (formerly an associate professor) and Christopher Hare (formerly a senior lecturer, now at Oxford), is published by LexisNexis.

Written for both students and practitioners, the book is a treatise covering the principles and the detail of company law in this country. While focused on companies formed under

the Companies Act 1993, the work is international in outlook, sourcing its case law, statutory comparators, and supporting academic literature from other common law jurisdictions, including the United States. It was many years in the writing.

Speaking at the launch function on 24 November, the Rt. Hon. Justice Blanchard congratulated the three authors on their “splendid text”. It would “rank with any book on the subject of company law you will find in your libraries”. He predicted the book would “sell well and I would be surprised if it is not often cited judicially with admiration, both in this country and elsewhere”.

Professor Jane Kelsey: International trade law and tobacco



Photo by Laura Dueker

Serendipity can lead researchers down interesting and unexpected paths! In 2011 Professor Jane Kelsey, the Faculty's Associate Dean of Research, was speaking at the University's *Introduction to Research* day for new academics. Sitting next to her was Nathan Cowie, a research fellow with the New Zealand Tobacco Control Research Turanga at the School of Population Health, which was about to bid for Health Research Council funding to support the Smokefree 2025 goal.

Jane became part of that successful bid, producing a 100-page report in May 2012 entitled *International Trade Agreements and Tobacco Control*. "Initially I thought this involved assessing the trade and investment law implications of one policy. It turns out there were 19 proposed policies, each of which had to be analysed against the World Trade Organisation agreements and nine other bilateral and regional treaties," Jane recalled.

The research could not have been more timely, as smokefree policies, especially proposals for plain packaging, hit the headlines here and tobacco companies in Australia challenged Australia's version before the domestic courts, World Trade Organisation and an investment tribunal. "I really have to thank the tobacco companies for making my research so topical", Jane quipped.

In addition to public meetings, Jane has twice briefed the Māori Affairs select committee, which conducted the original tobacco inquiry,

delivered addresses and seminars to public health groups, briefed the World Health Organisation on the report in Geneva, and presented the findings at major conferences in Wellington and soon in Boston. Jane has become one of the go-to people for the media on the issue.

The tobacco research has spilled over to alcohol control policies. Jane was invited to address the Global Alcohol Policy Conference in Bangkok in February 2012 and to brief Vietnam's public health regulators

I really have to thank the tobacco companies for making my research so topical.

specifically on the Trans-Pacific Partnership issues for alcohol control in Vietnam in September.

Wearing her (soon to be relinquished) associate dean hat, Jane sees this project as a great example of interdisciplinary collaboration, bringing some external research funding into the Law School and creating opportunities to engage with new professional and public audiences.

Auckland hosts Law and Culture 2012: Pacific Law and New Zealand/ Aotearoa



With the generous assistance of the New Zealand Law Foundation, and with the support of the Centre for Pacific Studies, the Faculty of Law hosted the *Law and Culture 2012: Pacific Law and Aotearoa/ New Zealand* Conference in August. Over 100 people attended, including practitioners, academics and students from across New Zealand, as well as from Australia, Vanuatu, Fiji, Tonga, Samoa, Papua New Guinea and the Solomon Islands. Special guests included His Excellency Sir Kenneth Keith (the International Court of Justice), ‘Aminiasi Kefu (Solicitor General, Kingdom of Tonga), and Sir Anand Satyanand (former Governor-General of New Zealand).

The theme for this year’s conference was the examination of legal issues in the Pacific, as well as the way in which Pacific peoples experience the law in New Zealand. Presentations were delivered on issues of land ownership and tenure, the intersections and tensions between customary law and constitutional law in the Pacific, questions of electoral and constitutional law, family law and the governance of natural resources. With the support of the Law Foundation, the conference was able to bring together students from each law school in New Zealand and also from the Pacific to take part in the conference. Several “emerging voices” panels were convened in which students presented their research to participants.

In addition to panel presentations, the conference programme included a “Roundtable on Judicial Diversity”, facilitated by Fuimaono Tuiasau of the Ministry of Pacific Island Affairs, and with a keynote speech delivered by His Excellency Sir Anand Satyanand. Judges Gerard

Winter and Ema Aitken participated in the roundtable, as well as Frank Godinet (President of the Auckland District Law Society), Hermann Retzlaff (President of the Pacific Lawyers’ Association) and practitioners Tavake Barron Afeaki, Bernadette Arapere and David Clark (also attending on behalf of the New Zealand Law Foundation). Panelists unanimously supported the desire for gender and ethnic diversity in the judiciary, and considered the possibility of reform to both the criteria and process of judicial appointments as a means of achieving this. In addition, it was agreed that all judges should undergo professional development and training to ensure they are aware of, and competent to respond to, cultural matters that are brought before them by counsel. The roundtable provoked lively discussion, which highlights the need for an ongoing conversation on this topic.

A traditional highlight of the conference is the mooting competition. The University of the South Pacific in Fiji and in Vanuatu, as well as the Universities of Otago, Victoria and Canterbury, sent teams to participate in an inter-University Pacific Law mooting competition, along with teams from The University of Auckland. In line with the overall theme of the conference, the problems mooted involved the role of customary law in interpreting constitutional rights to be free from inhumane and degrading treatment; and the tension between anti-floor crossing measures in Parliament and guarantees of freedoms of expression and association.

Legal Histories of the British Empire Conference



Conference participants from Israel, Singapore and Tanzania

Professor David Williams was a member of the organising committee for the *Legal Histories of the British Empire: Law, Spaces, Cultures & Empire: Engagements & Legacies* Conference held at the National University of Singapore in July 2012. He assisted Emeritus Professor John McLaren (of the University of Victoria in

Far from being an “indirect” form of government, the native courts played a pivotal role during the period from 1920 to 1945 in the implementation of colonial economic policies by state coercion in Tanganyika.

Canada) and Dr Shaunnagh Dorsett (of the University of Technology, Sydney) in preparing for the conference, organising the programme which comprised more than 110 papers offered by scholars from some 30 jurisdictions of the former British Empire. With the hugely generous support of the dean and staff of the National University of Singapore Law Faculty and of Professor Andrew Harding (Director, Centre for Asian Legal Studies), their efforts culminated in a very successful conference attended by 130 academics and postgraduate students from history, law and a range of other disciplines. See: <http://legalhistorieempire.ca/>



David (pictured above left) chaired the “blue ribbon” plenary session of the conference with presentations by senior academics from Trinidad, Canada and Australia. His own presentation was entitled “The ‘invention of tradition’ and colonial rule in Tanganyika.” Drawn from his doctoral research, supplemented by research for teaching a graduate course in Colonial Legal History at the University of Dar es Salaam in 2010, David’s paper discussed “indirect rule”, the role of “traditional chiefs” and criminal cases in native courts. Far from being an “indirect” form of government, the native courts played a pivotal role during the period from 1920 to 1945 in the implementation of colonial economic policies by state coercion.

Given the success of this conference, a second gathering on legal histories of empires will be held in Cape Town, South Africa, two years hence.

Talking tax at Oxford and Cambridge

In June and July, Dr Michael Littlewood visited the universities of Oxford and Cambridge. His visit revolved around two events, the first of which was the Annual Summer Tax Conference organised and hosted by the Oxford University Centre for Business Taxation (in particular, Professor Judith Freedman and Dr Glen Loutzenhiser).

The most fruitful sessions at Oxford were those involving the imminent enactment in the UK of a General Anti-Avoidance Rule or GAAR – that is, a rule against tax avoidance as such, as opposed to Specific Anti-Avoidance Rules or SAARs, which are aimed at specific forms of avoidance. GAARs appear to be an antipodean invention, New Zealand and Australia both having first enacted one more than a hundred years ago. Hong Kong, Canada and South Africa all followed suit, but there is as yet no GAAR in the UK. The reason is that it is generally a bad idea for Parliament to enact a law against something that it cannot define or explain; and so far no one, anywhere in the world, has explained satisfactorily, let alone defined, the line between tax avoidance (which GAARs are intended to catch) and acceptable tax planning (which they are intended to leave alone).

The British government has at last decided that the problems inherent in having a GAAR, while serious, are less serious than those produced by not having one; and the enactment of a GAAR in the UK now appears inevitable, unless perhaps the current coalition government collapses. Both in the UK and around the world, therefore, we can all look forward to the views of the UK Supreme Court on the distinction between tax avoidance and acceptable tax planning – currently one of the trickiest conundrums in the whole of the law (see *Penny v CIR* [2011] NZSC 95 for our own Supreme Court's most recent analysis). Michael's contribution was to suggest that the scope of a GAAR depends almost entirely on the courts; and that British attempts to draft one in such a manner as to restrict judicial notions of what should not be permitted are likely to prove futile – so we shall see.

Michael's second event was the Sixth Biennial Tax History Conference organised by the Cambridge Centre for Tax Law. John Tiley, Professor of Tax Law at Cambridge, runs the centre and invites a small group of academics, practitioners, revenue officials and judges from around the

It is generally a bad idea for Parliament to enact a law against something that it cannot define or explain; and so far no one, anywhere in the world, has explained satisfactorily, let alone defined, the line between tax avoidance (which GAARs are intended to catch) and acceptable tax planning (which they are intended to leave alone).



world to attend these conferences. Michael has presented papers at several of them, on both New Zealand and Hong Kong tax history: see John Tiley, ed, *Studies in the History of Tax Law*, Hart, vols 1-5.

At Oxford Michael stayed at St Hugh's College, where Dr Loutzenhiser is a fellow. St Hugh's is a relatively new college, founded in 1886. It comprises a beautiful and spacious assemblage of Victorian and new buildings with a large lawn to the north of the city centre. At Cambridge, he stayed at Lucy Cavendish College, which is even newer, having been founded in 1965 and which has always hosted the Tax History Conferences. As usual, the hospitality at both Oxford and Cambridge was excellent, with Cambridge on this occasion winning by virtue of "Squirrel Suet Pudding" – and yes, "squirrel" meant "squirrel".

What defective building inspections, bribery of trustees and the regulation of deep sea exploration have in common....



In September 2012, three members of the Law Faculty, Ken Palmer, Peter Devonshire and Rosemary Tobin (pictured), attended the Society of Legal Scholars annual conference held at the University of Bristol. This is one of the largest academic conferences in the UK, attracting many delegates from the UK and overseas. In addition to the plenary sessions, the various subject sections enabled members to present papers and engage in (often lively!) debate with their colleagues.

Rosemary Tobin presented a paper entitled "Local Authority Liability in Tort to Owners of Defective Buildings: Challenges for the New Zealand Position". New Zealand courts have consistently held local authorities liable in tort when there has been a failure to properly inspect a domestic dwelling during the course of its construction. This can be contrasted with the approach in England where, since the House of Lords in *Murphy v Brentwood District Council* [1991] 1 AC 398 convincingly analysed the damage (defective foundations) as economic loss, a local authority does not owe a duty of care in tort to the owners of a residential dwelling for any negligence on its part in the construction process. New Zealand chose not to follow *Murphy*. Instead, in *Hamlin v Invercargill City Council* [1996] 1 NZLR 513 the Privy Council confirmed that the New Zealand courts were free to develop the law in this area in accordance with New Zealand conditions.

Rosemary argued that when the New Zealand Supreme Court recently had the opportunity in *North Shore City Council v Body Corporate 188529 (Sunset Terraces)* and *North Shore City Council v Body Corporate 189855 (Byron Avenue)* [2011] NZLR 289, it should have confined *Hamlin* to its facts, a single story residential building, rather than extending the *Hamlin* principle to multi-unit residential

properties. Not only has the building environment changed since the building in *Hamlin* was erected, but the focus of the Building Act 2004, and the 1991 Act that preceded it was on the health and safety of the building occupants and not the economic interests of the building owner.

Peter Devonshire presented a paper entitled "The Remedial Response to Bribes and Secret Commissions in a Fiduciary Relationship". He analysed the inconsistent state of the law in respect of remedies against fiduciaries who receive a bribe to subvert their duties. One line of authority, attributed to *Lister & Co v Stubbs* (1890) 45 Ch D 1 (CA), holds that the betrayed principal is unable to assert a proprietary claim in respect of the bribe or its exchange product. This has profound consequences. The viability of a claim *in personam* is dependent on the defendant's solvency. If, as is not uncommon, the errant fiduciary is insolvent, the principal's claim will be reduced to that of an unsecured creditor. In contrast, in *Attorney General for Hong Kong v Reid* [1994] 1 AC 324, a case on appeal from the New Zealand Court of Appeal, the Privy Council took the view that the bribe or its proceeds were held on constructive trust for the principal. In a notable recent development, the English Court of Appeal in *Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd* [2001] 3 WLR 1153, declined to follow *Reid* and affirmed its earlier decision in *Lister v Stubbs*. This has interesting implications for New Zealand, which would likely follow its own precedent in *Reid* unless the Supreme Court chooses to revisit the matter in a future case.

Ken Palmer presented a paper entitled "Environmental Management of Oil and Gas Activities in the Exclusive Economic Zone and Continental Shelf of New Zealand". He considered the present and

pending legal position in New Zealand regarding regulation of deep sea exploration and mining. The marginal recognition of existing obligations under international law (contained in the United Nations Convention on the Law of the Sea 1982) in New Zealand law was considered. The acknowledged deficiencies in comprehensive sustainable management are being addressed under reform legislation: The Exclusive Economic Zone and Continental Shelf (Environmental

Effects) Bill 2011/2012. Ken assessed the merits of the purpose and regulatory powers under the legislation.

In addition to the formal conference proceedings, Rosemary, Ken and Peter were able to enjoy some of the recreational events, including a memorable dinner on the SS Great Britain, originally designed by Brunel and now restored in dry dock at Bristol.

Youth justice tag team

The first elective course in Youth Justice to be offered in any law faculty in Aotearoa/New Zealand has just completed its third successful year. Alison Cleland and Khylee Quince teach the elective together and the many students who enrol in the popular course get more than they bargained for.

Alison and Khylee want to make sure their students are exposed to different perspectives on the key issues in youth justice. So both teach every class, with one taking the lead on an issue and the other offering additional comments and encouraging student debate. Alison's background is in Scots child law, Khylee's in criminal law in Aotearoa. Class topics include international youth justice standards and Māori critiques of Aotearoa/New Zealand's system.

When designing the new course, Khylee and Alison found that there was almost no academic research on team teaching in law schools.

They decided to conduct research into their students' responses to their team teaching. The results were extremely encouraging. Students seemed more engaged in the classes:

"It's not like your normal law class... The way they teach and how, it feels a lot more relaxed and less formal which I think encourages a lot more people to speak and it isn't the same people you're hearing from all the time..."

They also seemed to appreciate the different perspectives presented:

"It is quite good to have two different kinds of opinions happening in the class. Where it does help us, or it does help me, is to sort of look at things from the different angles and how to approach the issues."

Khylee and Alison presented a well-received paper on the messages from their research at the Australasian Law Teachers Association in July 2012.

The Postgraduate Programme

The Law Postgraduate Programme continued in 2012 to be the most sophisticated in New Zealand, offering a wide range of globally relevant courses comparable with the best taught-LLM programmes in the common law world. This was achieved by the mix of the University's own very well qualified academics and the high profile international visitors we bring to teach in the programme. This year, overseas visitors included, from the United Kingdom: Leslie Kosmin QC (London), Robert Stevens (UCL), David Fox (Cambridge), Glen Loutzenhiser (Oxford); from North America: David Vanderzwaag (Dalhousie), Jeff Berryman (Windsor), Randall Thomas (Vanderbilt), Sandford Gaines (New Mexico), Grant Huscroft (Western Ontario); and from Australia: Peter Cashman and Chester Brown (Sydney), Lee Godden and Tim McCormack (Melbourne). External New Zealand teachers included Honorary Professor David Williams QC and Paul David from Auckland.

While domestic enrolments in the LLM continue to predominate, numbers were down somewhat on 2011. On the other hand, international enrolments were up on the year before. Enrolments from Scandinavia, particularly Norway, continue to be strong.

Also noteworthy in 2012 was the graduation of a number of our PhD students, including Drs David Griffiths, Judge David Harvey (story above), An Hertogen, and the late Jason Karl.

Supervised by Prof Paul Rishworth and Dr Caroline Foster, David Griffiths wrote his thesis on "Religious Conduct Exemptions under the New Zealand Bill of Rights Act 1990: An Advocacy for the 'Equal Regard' Reading of Section 15". David observed that recent trends in immigration from non-Western countries suggest that the judiciary will be required to adjudicate on the matter of the right to practise one's religion more often than in the past, when the population was less religiously diverse and religious conflict was relatively rare. He followed this with a Postdoctoral Fellowship at AUT.



Christian Haug (LLM candidate from Norway) doing Halloween in Grey Lynn

An Hertogen wrote her thesis on "Safeguarding a Liberal System of States: Reinterpreting States' Freedoms in Increasing Interdependence". She examined how international law should deal with situations where one state's regulatory policies affect another state's exercise of its sovereignty and whether international law creates the necessary foundations for cooperation between states on global problems. She currently tutors at The University of Auckland and works as an assistant editor for *Opinio Juris*. An's PhD was supervised by Prof Jane Kelsey and Dr Caroline Foster.

The late Jason Karl wrote his thesis on "Regulation by Exemption: The Securities Act Regime as a Case Study in the Propensity for Regulatory Distortion, and Some Solutions". The thesis involved a theoretical and empirical analysis of the Exemption Notice regime (1989 to 2007) as operated by the Securities Commission pursuant to the Securities Act 1978. The thesis was a case-study in the propensity that discretions to grant exemptions from statutory rules have for distorting the application of those rules over time. The thesis then formulated a range of proposals for addressing the relevant problems, proposals that might be applicable to other exemption regimes. Most unfortunately, Jason died before he could graduate. A moving posthumous award of the degree took place at the May capping ceremony with the family

present. Jason's thesis was supervised by the late Mike Taggart, Peter Watts and Bruce Harris.

2012 saw some staff changes within the Postgraduate Office. Andi Martin, the Postgraduate Manager of three years, left the University and returned to Canada in late 2011. Dr Suranjika Tittawella moved across from the undergraduate programme as the new Postgraduate Manager, and Scott Pilkington stepped in as Postgraduate Student Advisor while Jeanna Tannion is on maternity leave. Peter Watts finishes as Associate Dean (Postgraduate) at the end of 2012, and Paul Myburgh takes over from 2013.

We are again offering a wide range of courses in 2013, with teachers coming in from around the globe. The overseas universities represented include Alberta, Central European University (Budapest), George Washington, London School of Economics, New South Wales, Oslo, Oxford, Western Ontario, and York. Also contributing are experts from Essex Court Chambers (London), Norton Rose LLP (London), the Ontario High Court, Bankside Chambers, Shortland Chambers and Chapman Tripp. The full table of courses is below. The 2013 prospectus and full course outlines are available on our website: www.law.auckland.ac.nz.

Professor Peter Watts
Associate Dean (Postgraduate)

2013 course offerings:

Enrolments for 2013 open in November 2012. For further information, please contact the Postgraduate Student Advisor: +64 9 923 2123, or postgradlaw@auckland.ac.nz.

Compulsory course				
LAW 788	Legal Research Methodology	Maya Mandery, The University of Auckland	Intensive	27 February-1 March or 17-19 July
Semester 1 courses				
LAWCOMM 711	Commercial Equity	Richard Nolan, University of York	Intensive	20-26 March
LAWCOMM 712	Insolvency	Mike Jasling, Department of Commercial Law, The University of Auckland	Full semester	Wednesdays 5-8 pm
LAWCOMM 733	ST: Comparative Corporate Governance	Susan Watson, Department of Commercial Law, The University of Auckland	Intensive	22-24 May and 27-28 June
LAWCOMM 738	ST: International Intellectual Property	Mark Perry, University of Western Ontario	Intensive	12-18 June
LAWCOMM 739	ST: Contract Interpretation	Richard Calnan, Solicitor, Norton Rose LLP, London, UK	Intensive	6-12 March
LAWCOMM 755	Corporate Finance	Jennifer Payne, University of Oxford, UK	Intensive	10-16 April
LAWENVIR 710	International Environmental Law	Klaus Bosselmann, The University of Auckland	Intensive	15-21 May
LAWENVIR 713	Mining, Energy, and Natural Resources Law	David Grinlinton, The University of Auckland	Part semester	30 April-4 June, Tuesdays and Thursdays 5-8 pm
LAWENVIR 725	Global Environmental Governance	Alexios Antypas, Central European University, Budapest, Hungary	Intensive	5-11 June
LAWENVIR 736	ST: Comparative Water Law and Policy	Janice Gray, University of New South Wales, Australia	Intensive	20-26 Feb
LAWENVIR 737	ST: Protection of the Marine Environment	Tom Schoenbaum, George Washington University, USA	Intensive	13-19 March
LAWGENRL 718	ST: Law of Evidence	Peter Sankoff, University of Alberta, Canada	Intensive	19-25 June
LAWPUBL 705	Criminal Law and Policy	Warren Brookbanks, The University of Auckland	Part semester	5 March-18 April, Tuesdays and Thursdays 5-8 pm (excluding week 1-5 April)

LAWPUBL 732	Comparative Indigenous Peoples and the Law	Nin Tomas, The University of Auckland	Part semester	7 February-28 March, Thursdays 11 am-3 pm
LAWPUBL 750	Regulation of Health Care	Ron Paterson, The University of Auckland	Intensive	10-16 July
LAWPUBL 755	ST: Comparative Sentencing – Regulatory Offences	(Justice) Rick Libman, Ontario High Court, Canada	Intensive	13-19 February
Semester 2 courses				
LAWCOMM 702	International Arbitration	David Williams QC, Honorary Professor, The University of Auckland and Chester Brown, University of Sydney, Australia	Intensive	30 September-5 October (rest day 3 October)
LAWCOMM 706	Competition Law and Policy	Chris Noonan, Department of Commercial Law, The University of Auckland	Full semester	Mondays 5-8 pm
LAWCOMM 709	Corporate Governance	John Farrar, Bond University, and Department of Commercial Law, The University of Auckland	Intensive	14-20 August
LAWCOMM 715	International Sales	Michael Bridge, London School of Economics, UK	Intensive	11-17 September
LAWCOMM 732	ST: Commercial Fraud – the Use and Abuse of Equity and Trusts	Paul McGrath QC, Barrister, Essex Court Chambers, London, UK	Intensive	28 August-3 September
LAWCOMM 754	Copyright	Justin Graham, Solicitor, Chapman Tripp, Auckland; and Kevin Glover, Barrister, Shortland Chambers, Auckland	Intensive	7-13 August
LAWENVIR 716	Resource Management	Ken Palmer, The University of Auckland	Part semester	23 July-29 August, Tuesdays and Thursdays
LAWENVIR 723	Climate Change Law	Christina Voigt, University of Oslo, Norway	Intensive	9-15 October
LAWGENRL 717	ST: Mediation	Nina Khouri, Solicitor, Auckland	Intensive	4-10 September
LAWPUBL 725	Privacy Law	Stephen Penk, The University of Auckland; and Gehan Gunasekara, Department of Commercial Law, The University of Auckland	Part semester	17 September-24 October Tuesdays and Thursdays
LAWPUBL 726	Selected Issues in International Law	Treasa Dunworth, The University of Auckland	Full semester	Wednesdays 5-8 pm
LAWPUBL 736	Human Rights Litigation	Kris Gledhill, The University of Auckland (with assistance from John Wadham, Equality and Human Rights Commission, London, UK)	Intensive	30 October-5 November
LAWPUBL 749	ST: Rights, Courts, and Democracy in NZ: Comparative Perspectives	Paul Rishworth, The University of Auckland	Intensive	24-30 July

Faculty news in brief

Valmaine Toki has departed from the Auckland Faculty of Law in order to take up a position as a senior lecturer in law at the University of Waikato. The Law School has been able to appoint two new staff who have teaching and research interests in Treaty/Māori legal issues to fill the gap: Natalie Coates (profiled above) and Claire Charters who is arriving in July 2013 and whom we will profile next year. Claire currently works in the Indigenous Peoples and Minorities Section of the United Nations Office of the High Commissioner for Human Rights (OHCHR).

Chapman Tripp, one of New Zealand's leading commercial law practices, has continued its strong tradition of both supporting the Law Faculty and boosting the research and study of commercial

law by funding a new scholarship: The Chapman Tripp Iwi Governance Scholarship in Law.

AI Green Consultants Ltd has established the Alan and Virginia Green Prize in Environmental Law, named after Auckland Law School alumnus Dr Alan Green. The intention is to recognise the importance of environmental law in our society and to encourage and reward excellence in research and writing in the area.

The Pacific Lawyers Association has created a prize for Pacific Island Mooting, to recognise and reward excellence in mooting on Pacific Islands issues at The University of Auckland.

Professor Andrew Ashworth: New Zealand Law Foundation Distinguished Visiting Fellow.



(From left) Stuart McCutcheon (VC), Andrew Ashworth, Paul Rishworth, Warren Brookbanks and Rick Collins

Professor Andrew Ashworth was the New Zealand Law Foundation Distinguished Visiting Fellow in 2012. He is Vinerian Professor of English Law at Oxford and a Fellow of All Soul's College. He served as chair of the Sentencing Advisory Panel from 2007 until its abolition in 2010 and has also been a member of the Criminal Law Revision Committee and chair of the Select Committee of Experts on Sentencing at the Council of Europe.

The lecture was particularly topical because the European Court of Human Rights is arguably partly responsible for the strong divergence between English and New Zealand criminal law jurisprudence in recent years.

Professor Ashworth gave a staff seminar on "English Sentencing Guidelines: Success or Failure?", discussing the functions of the Sentencing Council in England and Wales, the form that sentencing guidelines take, and the criteria that should be used to assess their

success or failure. He examined the extent to which the guidelines have enhanced the rule of law in sentencing, tackled the democratic deficit in sentencing practice and improved practical effectiveness.

Professor Ashworth's public lecture was entitled "Judges and Politicians: Recent Controversies in the UK and Europe". In his lecture he talked about the various conflicts between the UK (both government and judiciary) and the European Court of Human Rights in Strasbourg. The lecture was particularly topical because the European Court of Human Rights is arguably partly responsible for the strong divergence between English and New Zealand criminal law jurisprudence in recent years. Professor Ashworth examined the criminal justice topics which have generated the greatest disagreement and discussed why Lord Hoffman has strongly criticised the Strasbourg court.



Professor Ted White: Legal Research Foundation Distinguished Visiting Fellow.

The Legal Research Foundation Visiting Scholar for 2012, Professor Edward (Ted) White, is the David and Mary Harrison Distinguished Professor of Law at the University of Virginia. Professor White gave a series of talks at the Auckland Law School on topics relating to legal history and judicial biography.

He presented a faculty seminar on the distinctive features of researching and writing biographies of judges. He talked about biographical writing generally and the particular challenges of judicial biography, drawing upon his books on Chief Justice Earl Warren (for whom he had clerked) and Justice Oliver Wendell Holmes. Professor White discussed the challenges of writing the life of a visible public official; the research obstacles posed by the professional role and public status of judges; the prospective audiences for judicial biography; and the problem, which exists for all historical figures but may be accentuated with judges, of the changing relevance of the careers and accomplishments of judges.

His public lecture was entitled "No Fault Accident Compensation in New Zealand and the United States: Divergent Species from a Common Ancestor". His lecture was attended by, among others, Sir Owen Woodhouse, the chair of the 1967 Royal Commission which recommended an accident compensation scheme in New Zealand. Professor White noted that at approximately the same time, between the mid 1960s and the end of the 1970s, accident compensation systems replacing or modifying the traditional tort system's governance of automobile accidents were established in New Zealand and the United States. In New Zealand, the Accident Compensation Act of 1972 instituted a no-fault standard for recovery of damages incurred in auto accidents, with compensation schedules administered by the Accident Compensation Commission. In the United States, by the end of the 1970s, 16 states had adopted no-fault compensation schemes in the

field of automobile accidents, based on first-party accident insurance and limited, as was the New Zealand compensation regime, to economic losses. Professor White noted that the New Zealand accident compensation system is still intact, its periodic modifications primarily being directed to efforts to reduce funding and administrative costs. In contrast, no-fault automobile accident compensation plans have fared poorly in the United States since the 1970s. No additional states have adopted no-fault automobile accident legislation since 1980, and some states have repealed earlier legislation. At present only 12 require some form of no-fault coverage. Professor White's lecture examined why no-fault accident compensation plans, which originated out of common concerns in the United States and New Zealand at approximately the same time, have evolved so differently in the two nations. He emphasised differing attitudes toward the role of government, different governmental structures, and the continuing importance of tort law as a mechanism for governing accident compensation in the United States.

Finally, Professor White gave a student lecture on the American experience of bicameral and unicameral legislatures.



(From left) Sir Owen Woodhouse, Ted White, Sir Geoffrey Palmer and Andrew Stockley

Professor Susan Bright: “Losing homes: Personal stories and the problem of chalk and cheese in law”.



Professor Susan Bright, Professor of Land Law at the University of Oxford and a Fellow of New College, visited the Law School in April. Professor Bright’s visit was funded by Bell Gully and the Legal Research Foundation.

Her current research interests focus on the home in land law and “green leases”. In relation to the home her work explores the legal models that are used for delivering affordable home ownership, and the considerations that come into play during the legal process when a home is lost. She gave a public lecture while in Auckland on the problem of incommensurability of values in actions to recover the possession of homes. She examined whether homes do, and should, matter in law. That is, when a home is being taken from someone, does the law enable weight to be attached to the importance of this home to this person? She discussed the question of how, if the law does allow a “personal home story” to count, a judge should balance this against the rights of the owner or creditors or the wider public interest.

Professor Bright’s green lease work is focused on the commercial property sector and considers the hurdles and opportunities that leasing patterns present to improving the energy performance of the commercial built environment.

She discussed the question of how, if the law does allow a “personal home story” to count, a judge should balance this against the rights of the owner or creditors or the wider public interest.

Annual Pacific Islands Law Officers Network meeting

The Auckland Law School was delighted to co-host, together with the Solicitor-General of New Zealand, David Collins QC, the annual Pacific Islands Law Officers Network (PILON) meeting in December 2011. The PILON meeting involved the Attorneys- or Solicitors-General, or other law officers such as secretaries for justice and directors of prosecutions, from 15 Pacific states (including Australia and New Zealand), from Palau in the west to the Cook Islands in the east. Also in attendance were representatives of various organisations including the Commonwealth Secretariat, the Pacific Forum Secretariat, Pacific

Islands Maritime Lawyers Association, MFAT, NZAID, Ausaid, MAF, Red Cross, the Pacific Lawyers Association, and others.

The theme of the meeting was sustainable economic development, and the invited speakers included New Zealand lawyers who addressed issues such as climate change, commercialisation of state assets, drafting of commercial and investment legislation, fisheries ventures and fisheries management. Each state presented a country report, highlighting issues for them over the previous 12 months.

Leslie Kosmin QC: Corporate Law



Leslie and Ruth Kosmin

In March 2012 the distinguished recently retired London barrister, Leslie Kosmin QC of Erskine Chambers, visited the Faculty to teach the LLM intensive course on the Law of Company Meetings. Leslie is the joint author (with Catherine Roberts) of *Company Meetings: Law, Practice and Procedure* (OUP, 2008). He said that the teaching of the Auckland course was very helpful to his current writing of the second

Leslie has appeared as counsel in many leading company law cases in the House of Lords and Privy Council, and also in other Commonwealth courts and the courts of Hong Kong.

edition of the text, particularly in the way that it introduced him to relevant New Zealand and Australian authorities.

Leslie has appeared as counsel in many leading company law cases in the House of Lords and Privy Council, and also in other Commonwealth courts and the courts of Hong Kong. While continuing to practise, he was appointed as a deputy High Court Judge of the Chancery Division of the English High Court in 2001. Since retiring in 2010 Leslie has returned to law teaching, having first started his law-teaching career at Gonville and Caius College, Cambridge in 1975.

While visiting the Faculty Leslie also presented a staff seminar in which he considered, from his point of view as counsel, some of the lessons to be learned from more than five years of litigation in the winding up of Akai Holdings. This was, until the recent financial crisis, the largest corporate insolvency in Hong Kong's commercial history.

Bruce Harris

Sir Kenneth Keith



Sir Kenneth Keith, a judge of the International Court of Justice and an Auckland Law School alumnus, gave a lecture at Old Government House in August entitled "Conflict, Counsel, Courts, Commissions: Reflections on how law gets made." The audience included Lord Kerr of Tonaghmore (a member of the British Supreme Court), Justice

of the freedom of the high seas from its earliest association with the interests of the great naval trading powers such as the Dutch East India Company (which Grotius represented) through to its relationship to the law of piracy and its relevance to contemporary concerns about oil exploration and the environment.

He discussed the principle of the freedom of the high seas from its earliest association with the interests of the great naval trading powers such as the Dutch East India Company (which Grotius represented) through to its relationship to the law of piracy and its relevance to contemporary concerns about oil exploration and the environment.

Chambers of the New Zealand Supreme Court, Sir Peter Blanchard (who has recently retired from that court), and Justice Winkelmann (the Chief High Court Judge), together with large numbers of other judges, members of the legal profession, the Faculty of Law, and students.

In his lecture, Sir Kenneth traced developments in the international law of the sea from the time of the great international lawyer Hugo Grotius (1583-1645) to the present day. He discussed the principle

During his visit Sir Kenneth also gave two student lectures. He discussed international criminal law for the international law class. His lecture to the advanced public law classes ranged widely from the Treaty of Waitangi, to educating people about the constitution and constitutional reform and why he changed his mind about the desirability of a Bill of Rights for New Zealand.

WTO Legal Affairs Director gives breakfast roundtable talk

Valerie Hughes, Director of the Legal Affairs Division at the World Trade Organisation (WTO), visited Auckland in July en route to Wellington for a keynote presentation at the annual conference of the Australian and New Zealand Society of International Law. Valerie is formerly a senior partner at Gowlings Lafleur Henderson LLP, having served prior to this as the Director of the WTO Appellate Body Secretariat. Previously she worked for 22 years with the Canadian Government in roles including the Assistant Deputy Minister at the Department of Finance, and General Counsel of the Trade Law Division at Foreign Affairs.

Valerie addressed a breakfast roundtable at the Faculty. She spoke on the subject of the success of the WTO dispute settlement system, providing also a briefing on current issues of interest such as the European Union aviation emissions carbon levies, China's export restraints on rare earths, and technical barriers to trade faced by the New Zealand dairy industry.



(From left) Piers Davies, Caroline Foster and Valerie Hughes

Visitors in brief

In February, the Law Faculty joined Bankside Chambers in hosting a function for visiting Judge of the International Court of Justice, **Judge Joan Donoghue**, who was appointed in September 2010. Immediately before her appointment to the International Court, she had been principal deputy legal adviser in the State Department, which is the senior career position in the department. This role involved the provision of legal advice to, and legal advocacy on behalf of, the US Government across the entire spectrum of international law, including its contribution to the UN Security Council and the General Assembly. She has held adjunct professor positions at George Washington, and Georgetown Universities. Judge Donoghue was in New Zealand as a member of the panel for an International Centre for Settlement of Investment Disputes hearing.

In late August the New Zealand Centre for Human Rights Law hosted United States Assistant Secretary of State for International Organisations, **Esther Brimmer**. Assistant Secretary Brimmer, a Professor of International Relations at Johns Hopkins University, gave a lecture entitled "The value of international organisations: The US perspective." Chris Mahony remarked that, "the Assistant Secretary spoke with an eloquence, empirical substance and

charisma that delighted an attentive audience and prompted dialogue on many issues of US policy".

Widney Brown, the Senior Director for International Law and Policy at the International Secretariat of Amnesty International, gave a lecture in June 2012 on the need for an effective arms trade treaty. She noted the problems caused by the fact that leading members of the UN Security Council comprise the main exporters of conventional arms, and set out the reasons why it was time to put human rights above profits.

Judge Jonathan Moses, District Court Judge and formerly prosecutor at the International Criminal Tribunal for Rwanda, spoke eloquently to a packed lecture in June 2012 on the importance of being a lawyer active in human rights. This event marked the launch of the Aotearoa New Zealand Human Rights Lawyers Association, which will work with the New Zealand Centre for Human Rights Law, Policy and Practice to promote the awareness and use of human rights arguments amongst the legal profession.

Chris Jenkins: Woolf Fisher Scholarship to Cambridge University.



Chris Jenkins (BCom/LLB(Hons)) is one of three New Zealanders awarded a Woolf Fisher scholarship to study at Cambridge University in 2012. At Cambridge he intends to analyse international commercial law and tax policy through a lens of history and economics, with a view to improving New Zealand's current law, ultimately making foreign trade easier, and boosting investment in New Zealand enterprise. Economics was his BCom major at Auckland.

"My research will examine cross-border trade and investment, for example if a contract involving an Italian and a New Zealander breaks down and ends up in court, which country's law governs, and where should the case be heard? If the case is won in New Zealand, but the defendant's assets are in Italy, can those assets be recovered? ... An updated and streamlined regime would see parties contract more efficiently and more often," says the Russell McVeagh solicitor, who was awarded a scholarship from the firm for his undergraduate studies. He says New Zealand relies on international trade and investment for growth, and believes there is always room to improve the country's international commercial and tax laws. "There is no reason why New Zealand cannot lead the way."

A part-time tutor of contract law at The University of Auckland, Chris goes target shooting with his father when he is not researching or working, and also enjoys tennis and debating. He has had a long-standing involvement in the business case competition programme at the University's Business School, where he learnt that ideas become powerful only when they are presented in a way that can be understood and translated into action.

Last year he travelled to India to explore Rajasthan's palaces and the country's mountains and deserts. He says a highlight of the trip was a visit to the historic library at India's old government house, Viceregal Lodge, where he couldn't resist delving into a little legal research, just for fun. While he enjoys travel and is looking forward to learning from different minds and being exposed to new ideas, Chris says ultimately he intends to return home to work and share his knowledge with fellow Kiwis.

Generous bequest supports new opportunities for students

A generous bequest to the Faculty of Law by former Coroner, Mate Frankovich, has assisted two students to travel and study at two top overseas institutions; one at the University of Oslo in Sweden and the other at the Centre for Transnational Legal Studies in London (see story below).

Mr Frankovich, who passed away last year, was a lawyer and Auckland District Coroner. The father of three was well known and respected as a coroner in the 1980s and 1990s. In that time, he presided over hundreds of inquests, many of them high-profile, for

example the case of Ngaire O'Neill, the first person in New Zealand to die after taking Ecstasy. He persuaded the Auckland City Council to put up anti-suicide canopies on Grafton Bridge and he criticised Tranz Rail over safety after Katie Connolly, 16, was killed at Glen Innes station in 1997. After paranoid schizophrenic Lachlan Jones killed his flatmate Malcolm Beggs, Mr Frankovich called for a relaxation of privacy laws so anyone in danger could be told about the condition of someone close to them.

Max Harris: Rhodes to Oxford University

A Rhodes Scholarship to Oxford University was awarded to Max Harris (BA/LLB(Hons) 2011). The fourth Rhodes Scholar from Auckland in four years, he will start at Oxford in October 2012, embarking on a Bachelor of Civil Law. This degree “provides the world’s best immersion in the big ideas about the purpose and role of the state”, he says. He will follow his BCL with an MPhil addressing the role of judges in modern democracies.

Max’s career ambition is to become a leader in New Zealand law, contributing to constitutional debate and developing a public interest law network, and “perhaps later in politics”. He wants to work to make this country a fairer place. “I have become particularly interested in the persistent marginalisation of certain vulnerable groups such as indigenous peoples, and the mechanisms available – such as human rights – to redress that marginalisation.”

Originally from Wellington, Max spent his early years in London, New York and Beijing, and began his secondary schooling in Indonesia where his parents were working. This was followed by 18 months at Wellington College where he was Dux in 2005 and Senior Cultural Person of the Year.

At The University of Auckland he became president of its Debating Society and captained the NZ Universities Debating team. In 2009 he was placed 22nd best speaker in the World Universities Debating Championships. He also won mooting competitions at a local and national level, and this year was ranked 21st best speaker in the world at the Philip C. Jessup International Law Mooting Competition in Washington DC. Max was Editor-in-Chief of the *Auckland University Law Review*, National Affairs Officer for the Auckland University Students’ Association, and involved in the Princes Street branch of the Labour Party. His other activities have included voluntary legal work, mentoring university and school students, service for a Wellington phone counselling service, and weekly care for a child with autism.

In 2011 Max worked in Wellington as a Judge’s Clerk for the Chief Justice, the Rt Hon Dame Sian Elias.



Center for Transnational Legal Studies in London

From January through May this year I had the privilege of studying at the Center for Transnational Legal Studies (CTLS) in London. CTLS is the result of a project undertaken by Georgetown Law and King’s College London, with the support of founding and partner schools. The Faculty of Law at The University of Auckland is one of 25 schools involved from 22 countries. The founding premise of CTLS is to equip students with the tools to deal with transnational, international and comparative legal issues. It is the only school to invest the whole curriculum in international law and eschew a “home” jurisdiction. The small class sizes, diverse student and faculty base and location in London’s legal heart, uniquely position CTLS in the world of legal education.

I first heard about CTLS through the international exchange programme promoted by the Faculty of Law and quickly applied. The Faculty very kindly provided financial support (assisted by a generous bequest from Mate Frankovich) to enable me travel to London and undertake a semester of study.

The semester began in the depths of winter. However, the weather only added to the surreal experience. I distinctly remember getting off the tube at Embankment and walking past the Inns of Court on my way to class, surrounded by flurries of snow and lawyers. Classes began with the global practice exercise; a series of simulated dispute resolution exercises, including a mock commercial arbitration run by the deputy-registrar of the LCIA. Those first few days were designed to challenge us and throw us into the depths of transnational law. Classes at CTLS were scheduled only four days a week, enabling students to travel over a three day weekend. Many embraced this opportunity and every Monday was spent trading travel anecdotes.

Of the courses offered I took the compulsory class in Globalisation and Law and three electives entitled Brands and Commercial Reputation, Intellectual Property, and Secured Transactions in a Transnational Perspective. The content and volume of work were demanding but my time at Auckland had provided me with the intellectual rigour and study skills to comfortably handle the



Hannah Griffin (left) with other students in Paris

workload, despite much travel. In addition to classes, CTLS hosted an international lecture series that frequently inspired vigorous debate. Marttie Koskeniemi and Susan Marks' talk "Human Rights as Critique of Power", so resonated with us the discussion lasted twice as long as the talk itself. I also had the unique opportunity to attend a class visit to the European Parliament and European Commission in Brussels.

In addition the semester was punctuated with many and varied social events, which helped to foster an atmosphere of collegiality among such a diverse group. There were movie and pub nights hosted by faculty members, international celebrations such as Australia Day and Chinese New Year, a masquerade ball, a formal ball and a cruise along the Thames. During my time in London I was able to attend

an Auckland Law School alumni event and was inspired by the many Auckland graduates working in magic circle firms and as in-house counsel for a various global companies.

My time at CTLS was an incredible experience. Not only did I make lifelong friends and convince them all to visit New Zealand, but, came away with an understanding of global legal issues and the role law can play in our transnational future. This knowledge will prove indispensable in my legal career. I encourage students, alumni and The University of Auckland to support international study opportunities in order to enrich both the individual student and New Zealand legal study and practice.

Hannah Griffin

Student news in brief



The winning Jessup team with Caroline Foster



The Greg Everard Moot: Justice Helen Winkelmann second from front right

Additional winners of overseas scholarships are: **Andrew Britton** (Spencer Mason Travelling Scholarship in Law to complete an MSc at Oxford); **Ohdedar Birsha** (Spencer Mason Travelling Scholarship in Law to complete an LLM at the University of London); **Jeannie Oliver** (Spencer Mason Travelling Scholarship in Law to complete an LLM at Vermont Law School); **Rebecca Savage** (Spencer Mason Travelling Scholarship in Law to complete an LLM at the University of Cambridge); **Matthew Windsor** (WM Tapp Studentship in Law and an Honorary Cambridge Commonwealth Trusts Scholarship to complete a PhD at the University of Cambridge).

The Auckland Law School has been placed in the top four in the world's largest and most prestigious moot court contest. In the Philip C. Jessup International Law Moot Competition held in Washington DC in 2012 the Auckland team was narrowly beaten in the semi-finals by Columbia University on a split decision. The team of **Benedict Tompkins, Mark Tushingham, Matt Beattie and Namita Singh** won the prize for the best applicant memorial (written submissions) in the competition and won the runner-up award for combined memorials (applicant and respondent).

Five of the six University of Auckland debaters who performed creditably in the World Universities' Debating Championships held in Manila, Philippines in 2012 are studying Law: **Joshua Baxter, Max Lin, Ben Milsom, Stephanie Thompson and Nupur Upadhyay**. After competing in nine rounds of debating, the Auckland B team (Nupur Upadhyay and Joshua Baxter) beat teams from Oxford and Yale in the octo-final debate to progress through to the quarter-final (consisting of the top 16 teams). The Auckland A team (Stephanie Thompson and Ben Milsom) reached the octo-finals (reserved for the top 32 teams). Both debaters were

ranked in the Top 50 best speakers at a tournament involving 800 speakers. "These rankings reflect the depth of talent and skill possessed by these two highly persuasive individuals," says Nupur Upadhyay, President of the University's Debating Society.

Timothy Conder of the University of Auckland was the winner of the final of the Minter Ellison Rudd Watts Witex Competition 2012, held at the Auckland High Court before a near capacity public gallery. The final was judged by Justice Rhys Harrison of the Court of Appeal and Deborah Hollings QC.

The 10th Greg Everard Memorial Mooting Competition was won by **Jack Oliver-Hood**. The moot was presided over this year by Chief High Court Judge, Justice Helen Winkelmann, who worked for the late Greg Everard early in her legal career. The competition is sponsored by Kensington Swann and was established in memoriam of Greg Everard, an alumnus of the Auckland Law School and a leading barrister. Jack Oliver-Hood commented that "The Greg Everard Moot has a very different feel to it than the other moots that I've done - you know that it's more than just another competition; it's an occasion to remember someone. And it was even more special given that it was the 10th anniversary of the moot being established, and it was presided over by Justice Winkelmann who knew Mr Everard personally."

Auckland Law students have secured a number of judges clerks positions: **Elizabeth Chan, Olga Ostrovsky and Bree Huntley** are clerking to the Supreme Court; **Hamish McQueen, Rachel McMaster, David Green and David Schultz** are clerking to the Court of Appeal; and **Olivia du Pont, Himmy Liu and Tracey Hu** are clerking to the High Court.

John Haigh QC: 1946 - 2012



He was fiercely courageous and, like his father before him, took the hardest cases and on occasions fought the most unpopular causes to ensure that the accused was properly represented.

In April the legal profession was greatly saddened to learn of the death of John Haigh, a highly respected barrister and a member of The University of Auckland Law School Fundraising Committee.

Born into a legal family, John, together with his father Frank, gave over one hundred years of service to the legal profession in Auckland. His father was indeed a legendary figure in the law and it cannot have been easy to follow in his footsteps. Frank was the most prominent personal injury lawyer of his generation and for many years represented most of the trade unions in New Zealand. He was also a keen advocate for social change playing an active role in many organisations including the anti-apartheid movement. It was in such a household that John was raised and where his values, particularly his humanity and compassion, were formed in those early years.

John graduated from the Auckland Law School in 1970 and in his final year topped the Law School in one of the most difficult subjects – evidence. He was one of the last of the generation who studied part-time, working as a Law Clerk at McKegg Adam Smith. After a working holiday in Europe, he joined his father's legal practice Haigh Carthey & Charters in 1972. His friends still recall the Friday night drinks at that office where many of us were fortunate to enjoy listening to stories from some of the great trade union figures like Bill Andersen and Tom Skinner.

Within a few years John was appearing regularly in the High Court and Court of Appeal and after some ten years of practice he went to the Bar. Within a few years he had built a very busy and successful practice in both criminal and industrial law. He had great ability to get on with everyone, and was equally at home acting for trade unions and major corporations.

He was fiercely courageous and, like his father before him, took the hardest cases and on occasions fought the most unpopular causes to ensure that the accused was properly represented. He gave everything to his cases and that often took a great deal more energy, courage and determination than clients should have expected.

His compassion meant that he gave himself selflessly to his clients and because of his humanity and generosity he helped an enormous number of people. He won what looked to be impossible cases but he did it by putting his heart and soul into them. This took its toll. Those who knew him well know that he carried a great deal of stress from his

professional life, which he internalised and very seldom showed.

He had great wisdom and judgement and there are many younger members of the profession who also owe him a debt of gratitude for the interest he took in their careers.

John enjoyed a full life outside the law. He was both a keen sportsman and took a great interest in the arts. He was a valued board member of Silo Theatre and a patron of the Auckland City Art Gallery. He was also a generous contributor to many charities and had a special fondness for the SPCA, which he was always willing to act for on a pro bono basis.

However, his greatest commitment was to his wife and family. He set an example to us all as a husband and father and he will be greatly missed by his family. At his funeral on the 27th April, St Mary's Cathedral was overflowing, testimony to the fact that he will be greatly missed by many friends and colleagues.

Former Governor-General and patron of the Auckland Law School Fundraising Campaign, Rt Hon Sir Anand Satyanand QSO, said at the recent function to launch the campaign:

"Mention of John Haigh is particularly appropriate because he can be seen to represent many qualities of the finest of lawyers – independence, soundness and tenacity – qualities which had some of their origins in the teaching of this faculty. This was the place where in addition to learning the principles of the great cases and the statutes, we learned the importance of assessment of people and what they said. John Haigh was unfailingly direct and if I can recall with warmth, on the irreverent side, but you could bet the house on what he said. He would in ordinary circumstances have been here this evening as a member of the Law School's fundraising committee. John Haigh's absence, to which I draw attention in a representative capacity, underlines the legacy of those many graduates of this establishment, who have advanced the law in its practice and its teaching and in public life in this country and elsewhere."

It is the intention of the Law School to establish a special fund in John's memory as a lasting legacy to the contribution he has made to our profession.

Rt Hon Paul East, QC, CNZM

Brian Desmond Lynch: 1929 - 2012



Always courteous, always humble. He once told me the sagest piece of advice he received as a young lawyer from a senior practitioner was: “Don’t worry about the fees, just remember to always look after your clients.” This was the philosophy that Brian Lynch applied to his practice of law every day.

The Legal Profession lost one of its most respected and dedicated members, and our family a most loved and cherished father and grandfather when Brian Lynch died suddenly and unexpectedly on the 9th of September 2012.

The loss of my father Brian will not only be felt by the partners and Staff at Inder Lynch, and the clients he served so diligently, but by the legal profession as a whole. Throughout his whole working life – right up to the day that he died – Brian worked tirelessly for his clients, maintaining the highest professional standards and ethics. Although he retired from Partnership in 1997, he continued working as a consultant for Inder Lynch with the same dedication to his clients and to the firm he had given as a partner.

Brian worked for Buddle & Richmond as a Law Clerk while he studied at The University of Auckland. After graduating in 1951, he found employment with RH Mackay. In March 1953, he came to Papakura and joined Norm Inder in practice. He became a partner on the 1st of April 1955, and thus the firm of Inder Lynch came to be. Brian and Norm forged a unique partnership together, built on mutual respect, and putting your clients needs ahead of your own.

Always courteous, always humble. He once told me the sagest piece of advice he received as a young lawyer from a senior practitioner was: “Don’t worry about the fees, just remember to always look after your clients.” This was the philosophy that Brian Lynch applied to his practice of law every day. The two words I have heard most about my father since his passing are ‘integrity’ and ‘gentleman’. Never were two words more accurate.

Brian also served the law profession in a number of roles throughout

his life. From President of the Franklin Law Practitioners Association in 1957, he went on to serve as a member of the Auckland District Law Society from 1966 to 1987, and was President in 1978. He also served on the Council of the New Zealand Law Society from 1975 to 1979, becoming Vice-President in 1979. Brian served on the NZLS Ethics Committee from 1981 to 1984, and was a highly respected member of the NZLS Disciplinary Tribunal from 1985 to 1992. Brian was honoured as Distinguished Member of the Auckland District Law Society in 2001.

Although he was never one to boast of his achievements, I do know the achievement that gave him the most satisfaction was his role as Convenor of the Grey Lynn Neighbourhood Law Office Committee from 1979 to 1981 which established the Grey Lynn Neighbourhood Law Office – the first of its kind in the country.

Away from the law, Brian had a great love of sport, his church, music, singing and the great outdoors. As a member of the Auckland Tramping Club he walked many of the great walking tracks (and some of the lesser known ones, too) that our country has to offer. In fact, that is what he was doing on the 9th of September when he passed away.

Brian is survived by his six children and 13 grandchildren. His death has left a huge gap in all of their lives. For myself and others at Inder Lynch, not having him in the next door office to get advice or cast a discerning eye over a letter or a document, will leave a gap which cannot be filled. To our family, he was a loving Dad, and Grandpa, our Pater Familias, and we all miss him.

Chris Lynch (of Inder Lynch)

Eulogy for Bill Williams (1947 – 2012) at Maclaurin Chapel



Photo by Godfrey Boehnke

rise as a colleague of Bill's from the Law Faculty to honour his life and to express deep condolences to Jill and all members of Bill's family.

I first met Bill at "varsity" – as we called it then – at Victoria University of Wellington about 1966. We were both Law students, we were both Williams's brought up on Hawkes Bay sheep farms, we had both been to Anglican boarding schools. But Bill, of course was from one of *the* Hawkes Bay Williams families, and he was very proud of that. I was just a Williams from Hawkes Bay. [And if you do not understand that comment, then you are not from Hawkes Bay!]

VUW in the 1960s was an exciting time to be a student. In those days most law students worked in law offices through most of the degree and attended lectures in the early morning and late afternoon. But Bill did not have a narrowly focused university life. He took an interest in many aspects of student life, student issues and student newspapers. Most unusually for law graduates in those days, he then went on from law to further study. He undertook study for a postgraduate Diploma in Journalism at Canterbury. That led him into a career that matched up with his own commitments to law, to journalism and to universities in general.

In this Auckland Law Faculty, many of us connected regularly with Bill in his publications role at the Auckland District Law Society for the many years he worked there prior to 1987. Then when he joined the University in 1987 we continued to enjoy his quiet, unassuming presence at, and reporting of, major events at the Law Faculty. He made us feel that he was very much a part of our Faculty – though his wider responsibilities were to the whole University.

Bill took a strong personal interest in Law events, in our Eden

Bill took a strong personal interest in Law events, in our Eden Crescent, in our website stories, in our graduation stories. He was frequently an intermediary between news media people and law staff with an expertise in law-related issues of the day.

Crescent, in our website stories, in our graduation stories. He was frequently an intermediary between news media people and law staff with an expertise in law-related issues of the day. He conducted lively e-mail conversations with successive Deans, most recently with Andrew Stockley (even during his terminal illness) about the Queen's Jubilee events, the Lord Mayor of London, and Brasenose College students wearing pyjamas to breakfast!

For the last 10 years I served with Bill on the Robb Lectures sub-committee. I was hugely impressed with Bill's skills and his conscientious work to promote these major lectures in each year of our University's life. Bill put a great deal of effort into ensuring the success of these lectures and in fostering our University's links with the wider Auckland community. He was adept at organising media contacts for the many highly distinguished visitors who were the Robb Lecturers.

I deeply regret that this is not one of many light-hearted speeches to wish Bill well on his retirement; rather it is a heavy-hearted eulogy to farewell him at the end of his life.

On behalf of successive Deans of Law, Law Faculty colleagues past and present, and myself personally I honour Bill Williams's huge contribution to our University. He will be greatly missed by us all, and most of all, of course, by Jill and all his family.

Go in peace, Bill. Go in peace. Rest in peace.

Professor David V Williams

The editor of Eden Crescent would like to personally thank Bill Williams for his endless supply of excellent copy, meticulous editorial skills and unfailing cheer and generosity over the many years that he has supported this magazine.

Forging future generations of world leaders



Photo by Phil Sills

If you had the opportunity to create a degree from a clean sheet of paper, forge future generations of world leaders – and money wasn't an issue – what would your vision be? As founding Dean of Oxford University's Blavatnik School of Government, Auckland Law School alumna Ngaire Woods found herself in just such a position.

On 20th September 2012 the new school, the first of its type in a major European university, opened its doors to the first class of future leaders, thanks to a £75m donation from US industrialist Len Blavatnik. Hundreds of applications had been received from 85 countries and a final cohort of 39 was selected, with students from 20 countries including Yemen, Mexico, Nigeria, Russia, Phillipines, China, Canada, and Australia.

Five years ago the then Vice-Chancellor John Hood, asked Ngaire Woods to consider what a school of public policy at Oxford might look like. In Ngaire's view the world needed a global school; one that catered to Oxford's strengths, but delivered to world needs. Leonard Blavatnik and his advisers were quickly on the same page with their aspirations for a practically-focused global school.

Ngaire engaged in extensive research to find out what various stakeholder groups wanted from a school of public policy. She consulted with her colleagues at Oxford and conducted a global

web-based survey targeting potential applicants, including Oxford alumna and global leaders. This helped forge the plan and strategy for the school.

"I found there was demand in all parts of Oxford for a government school," she says. "Engaging in over 200 consults across the university opened my eyes to the way all disciplines, whether law, engineering, science, medicine, or arts, had rich lines of research bearing on public policy and government, and that each had the desire to have more impact in these areas".

A number of key strands emerged from Ngaire's research that served to shape the pilot curriculum. The first was the need for a focus on the challenges of government across all countries, and for solutions to shared problems. Feedback showed public policy was something every government needs to collaborate on.

A second was the need for leaders to be informed users of scientific advice. "So many decisions our future leaders make will involve scientific advice as input. In this way government is just as much about managing infectious diseases as it is about politics and international relations. As a result, a quarter of the masters' course focuses on science and medicine, and is taught by scientists and medical experts," says Ngaire.

A hunger for practical skills, as offered in an MBA, drove inclusion of disciplines such as strategy, communications, negotiation, project management and public/private finance in the pilot curriculum.

In the first term students are taught by political philosophers and historians with the goal of enhancing their moral reasoning. They study deep ethical dilemmas faced in public service, ranging from interventions in other countries through to identifying universal human rights. Students are supported to develop clear ways of thinking through these complex issues.

The science and medicine aspects of the curriculum cover eight issues of advice that have been offered by scientists to government. Students will be taught by the scientists who wrote this advice, and guided through the process they took to reach their conclusions.

An app has been developed, and students all received an iPad on their first day enabling collaborative weekly work.

As Dean of the Blavatnik School of Government, one over-arching challenge for Ngaire was to think how an institution as old as Oxford could innovate for the 21st century. She was intensely conscious not to create a castle on the hill beside Oxford, but rather to create something that was founded, and exists as an integral part of Oxford's offering, enabling Oxford to help benefit governments around the world.

"Oxford is an accumulation of treasures. It's not like a supermarket with aisles and shelves of products, highlighted with flashing lights. The colleges and departments are like an Aladdin's Cave. In searching through these age old caves, you come across the magic of hidden gems. In this way it is a real challenge to find a way to build on the best that Oxford has to offer, and weave the new into the old," she says.

Embarking on the set-up of the Blavatnik School of Government has been enriched by strong mentoring from both the current and former deans of The Harvard Kennedy School of Government.

"David Ellwood, the current dean has spent time in phone conversation with me sharing on what to do and what not to do. Both Joseph Nye, the previous dean, and Graham Allison, the founding dean have spent time at Oxford helping us to work out the plans. All have been incredibly generous supporting us to do something unique alongside their offering," she says.

Because the Blavatnik School is not in the United States, this enables

their focus on the rest of the world. For Ngaire this is very important as it ensures the school provides a complement to the Kennedy School.

“So much of the great scholarship about public policy is written about the United States. The Blavatnik School doesn’t do a lot with respect to US public policy. I’ve been conscious to take a change of direction and to do public policy in a different way,” she says

Ngaire’s focus is clearly set for future years. The first year is a pilot of the curriculum and she is committed to creating the Master of Public Policy as the world’s best, before embarking on diversifying and building further degrees, with the aim to grow student levels to 120 within the next four years. Recruiting faculty members, building research of the school and building practitioner education by way of short courses for senior officials are further areas of focus.

And of course there is the development of the new building. World renowned architects Herzog and de Meuron, designers of the Beijing Bird’s Nest (National Stadium), have been commissioned for the design, and are taking inspiration from two of Oxford’s signature buildings: The Sheldonian theatre, and the Bodleian library. The school is currently based within buildings at University College, and the new £30m

building will be built over the next three years in the new Radcliffe Observatory Quarter located at the centre of the university.

“The new School will be a modern twist on the Sheldonian shape with a Bodleian façade,” says Ngaire. “I wanted the building to be centrifugal so that it pulls people to its heart or centre.”

For Ngaire it is not the building that is exciting, it is what the School does, and how it has to stretch every limb and endeavour to the best effect for governments around the world, that matters most.

“The Masters in Public Policy is my dream degree,” she says. “It’s the degree I would have done as a Rhodes scholar had it existed. The role of Dean has stretched me in every dimension, both in creating the degree and spearheading development of the school. For me it is such a privilege to do this in the world’s best university, with a great benefaction behind it. We have to lift our aspirations to the maximum and keep relentlessly focused on the goal which is not to build the school, but to do our best to make governments more effective.”

Tanya Trower

Caroline Quay: General Counsel for a global company



After seven years in private practice (with Chapman Tripp and then Russell McVeagh), and a brief venture into commerce, Caroline Quay (LLB(Hons)/BCom 1996) moved in a new direction. She has been General Counsel for Fisher & Paykel Healthcare Corporation Limited for the last nine years. It is a role that she clearly relishes, going so far as to describe it as “like a new job every six months.”

Caroline enjoys the fact that her work involves a client that she intimately understands (her legal advice is always contextualised by her detailed knowledge of its business values, risk profile and commercial drivers) and which aligns with her own personal values (the company makes technology that improves patient outcomes and helps people – something Caroline feels passionate about).

The Fisher & Paykel Healthcare “campus” in East Tamaki is a little like a secret verdant world. My impression was of long corridors and offices of light and space surrounded by lush foliage and rolling grounds. The company designs, manufactures and distributes medical devices for respiratory care, acute care and the treatment of Obstructive Sleep Apnea, selling into 120 countries, with staff in 32 countries.

Caroline is in the enviable position of working for a global company headquartered in New Zealand. Every legal issue has a global application and the legal team, which is based in Auckland, works with more than 22 different law firms around the world for jurisdiction-specific advice. Caroline has had to find the right advisers, build ongoing relationships with them, and understand different cultures so that she asks the right questions to get the advice that will assist in achieving the outcomes that are needed in a broad array of jurisdictions around the world. This presents some interesting challenges. She recently had a conversation with her legal adviser in China who, because he has a degree from the University of Monash and therefore an understanding of Western common law traditions, said to her, “I understand why you are asking that question but there is no equivalent concept in Chinese law!”

The diversity of the legal frameworks that must be accommodated are matched by the novel and interesting nature of the global issues the legal team must respond to. For example, when the US government introduced new sanctions against certain countries, Caroline needed to

quickly determine whether these sanctions would impact on the company. Currently she is grappling with writing a code of ethics that applies around the world and is asking herself difficult questions about whether there is a kernel of understanding that is common to all cultures or whether ethics are culturally specific.

Fisher & Paykel Healthcare is innovative and growing rapidly – doubling in size every three to five years. Because of the culture of innovation, Caroline is encouraged to think of innovative ways of globally delivering legal services. For example, the legal team has created a global compliance system that it had to build when it realised that the package needed did not exist. The system has inbuilt reminders to the different teams around the world when local legal requirements are due. It is also a shared document system that ensures local documentation is readily accessible, regardless of the differences between time zones.

Caroline says her role has changed over time from a technical legal adviser to a trusted business adviser and that is really one of the most satisfying aspects of her work. Her law degree helps her to analyse problems in a different way – and she finds herself being called in to lend her thinking to resolve a range of problems – including non-legal problems. Her legal training means that she asks particular questions and unpicks problems in a certain logical sequence. Sometimes the solution to a problem might be something obvious that is not obvious to another person who is making particular disciplinary assumptions. She finds that it can work both ways: sometimes someone from another discipline can question her disciplinary assumptions in a manner that changes her perspective on the approach she should take to a particular legal issue. She enjoys working with intelligent people from a range of different clinical, engineering and marketing disciplines – all brilliant at what they do – developing solutions to the challenges faced by the business.

Caroline was enthusiastic about the quality of the legal training she had at Auckland. When I asked her about her teachers, she named Rosemary Tobin who stood out because “she believed in me”. Scott Optican was another – an “entertainer” and a brilliant teacher. She remembered Scott applying the New Zealand rules of evidence to the OJ Simpson trial as it unfolded in the media at that time. Even though she always knew she was going to be a corporate lawyer she ended up with an A grade for Evidence because she was so engaged by it.

Just before I left Caroline and I got onto the subject of combining mothering with having a legal career and I had an insight into her fearsome management and organisational skills. As soon as she finds herself repeating tasks she develops systems in order to cut down the amount of effort wasted in repetition – not just in business but in her role at home. For example, she buys all her birthday and Christmas presents once a year when there is a sale: two trolleys of toys for all age ranges (“my kids think toys are chosen from a cupboard not a shop”) and she regularly buys assortments of cards and rolls of wrapping paper at the supermarket – “red paper, white ribbon”. She outsources routine domestic work and has a regular rotational menu that she buys ingredients for and cooks. Caroline comments that it is “impossible to have it all” and that it is only possible for her to do what she does because she has an “army” of support, including her very supportive spouse, nannies who job share, friends, family and her employer and staff who are able to reschedule, fill in or work around crises such as the nanny unexpectedly being away sick. She says that a lot of “lip service” is paid to work/life balance within the legal profession and feels blessed to work for a company that was, at its inception (and continues to be), a family company.

Julia Tolmie

John Katz QC authors a book on search orders

John Katz QC (LLB(Hons)) has written a book entitled, *Search Orders*, published by LexisNexis. At the launch the book was described by Attorney General Chris Finlayson as “a significant work about what, along with the Mareva Injunction, has been described as one of the greatest pieces of judicial legislation.” He went on to say that the Mareva Injunction or Anton Piller order “has also been described by a judge as one of the law’s ‘nuclear weapons’”:

“As John Katz outlines in his text, the Anton Piller order was invented by an ingenious member of the Chancery bar, Mr Hugh Laddie. I knew the late Sir Hugh Laddie QC. In 1989 I juniored to him in a case called *Green v Broadcasting Corporation*.¹¹ The case concerned whether one could have copyright in the format of a talent quest programme called *Opportunity Knocks*, subsequently called *Opportunity Flops* by the Daily

Mail. In that case their lordships dismissed Mr Green’s appeal saying the dramatic work in question lacked sufficient certainty to be capable of performance. Sir Hugh Laddie had an interesting career both at the bar and on the bench. He is most famously remembered, however, as the inventor of the Anton Piller order, although I note that some years later he said the order had become ‘a Frankenstein’s monster’ that went far beyond his original design brief.”

The Attorney General congratulated the author on a “splendid text” which “may not sell as many copies as *The Girl with the Dragon Tattoo*, but .. is a substantive contribution to an important area. I know it will adorn the libraries of intellectual property lawyers in Australia and the United Kingdom as well as New Zealand.”

Literary honours for *Briefcase*

District Court Judge John Adams, who recently completed a Masters of Creative Writing in the Faculty of Arts and is also a graduate of the Faculty of Law, has won a major award for his first book of poetry. His collection, titled *Briefcase*, is the 2012 winner of the NZSA Jessie Mackay Award for the Best First Book of Poetry.

Briefcase, published by Auckland University Press, is a melange of poems – in traditional and experimental forms – and other texts: affidavits, police reports, a Sudoku puzzle, court transcripts, a menu, wills and commentaries, presented as a briefcase of lost documents.

¹¹ [1988] 2 NZLR 490 (CA); [1989] 2 All ER 1046; [1989] 3 NZLR 18 (PC).

The convenor of the judging panel said the judges considered *Briefcase* to be a daring debut that marries law and poetry; a challenging, creative and moving collection. “Using clever language play, Adams has created a poetry smorgasbord of plain poems, lyrical lines, traditional forms, fake documents, a Sudoku puzzle and so on. But what takes this collection beyond the post-modern gymnasium is its ability to affect you. His experimentation with form depends upon the heart as much as it does the intellect.”

Simon Martin: Practising in intellectual property



After graduation Simon Martin (LLB/BCom 1990) joined the intellectual property team at Simpson Grierson. In 1994 he left for London, working for nearly two years for Allen and Overy. In 1997 he returned to NZ and joined Bell Gully as a senior associate. In 2001 he became a partner, before leaving in 2007 to set up the intellectual property and technology law firm Hudson Gavin Martin with Wayne Hudson from Bell Gully and Mark Gavin from Russell McVeagh. The firm started with ten people and in the last five years has grown to 18 people and shows no sign of slowing. It has an enviable array of clients ranging from significant New Zealand corporates and international brands to fleet footed start-ups, artists and creative individuals.

I caught up with him to ask him some quick questions about his career path. When reflecting on some of the early highlights Simon mentions the achievement he felt in becoming partner at Bell Gully, plus his time working at Allen Overy, one of the “magic circle” firms in London. The latter entailed working alongside and opposite lawyers with degrees from the best universities in the world.

“It was exciting to realize you are just as good as your UK, in fact, global peers. It was the realisation that New Zealand produces really good lawyers who are rightly sought after by the London firms,” says Simon. There are a number of reasons he attributes to this – one being that the New Zealand market is smaller and that lawyers tend to do a wider variety of work. This produces a broader experience and nurtures an ability to respond effectively to novel situations.

He also commented that his law degree from Auckland stood him in good stead. “We were all taught how to think rather than what the law was. I still remember studying employment law and the law changing entirely at the end of the year. It didn’t matter because we could pick up the new statute and find our way through it.” Enthusiasm and a love of the law were also common themes amongst the teaching staff. Teachers he remembers with fondness are Bill Hodge, Gordon Williams, Peter Watts and Julie Maxton.

Where Simon really got animated, however, was in describing setting up Hudson Gavin Martin. According to Simon there has always been a space in the market for this type of boutique offering in the intellectual property and technology space. But what makes Hudson Gavin Martin different is how they go about the work. “We wanted to become part of our client’s team not just an advisor to it. Our aim is to add our expertise to the client’s team so that the best possible outcome is achieved and to help translate their ideas into a commercial reality.”

For Simon, there are a number of exciting things about the type of work he does. The first is dealing with creative people who have come up with great new ideas or new technology and how he can assist them in ensuring their ideas or technology achieve their full potential.

The second is the interesting tension between technology that is forward thinking and constantly allows people to do things that the law hasn’t contemplated and the law that is precedent bound.

The third is that intellectual property work is all about relationships. It’s about the need to ensure that over the long-term, everyone wins from the deal. For example generally in a sale and purchase agreement, there’s a one-off transaction and the relationship between the two parties doesn’t continue once the deal is complete (or at least once the warranty period is at an end). But with technology and intellectual property deals, parties are generally dependent on each other for success so you have to take a long-term view of the relationship. For the transaction to be a success the parties involved have to be properly supported for the duration.

Finally, in starting up a new firm Simon was able to get back into the community. The firm does pro bono work for various organisations including the Royal New Zealand Foundation of the Blind and The University of Auckland Business School’s initiative SPARK. He has also been a trustee of the charitable trust, the Computer Clubhouse and its High Tech Youth Network for the last year, which provides access to technology in low decile areas. He is inspired by the work of those in the Trust who teach the children to see relevance in things they wouldn’t normally and have access to technology that they wouldn’t otherwise:

“For example, kids go to a High Tech Studio to ‘play’ with the technology and then discover that they can do all sorts of cool stuff like make films, create animation or enter a robotics competition. Through this the kids unwittingly explore and apply subject matter they might not otherwise. Because they can see the tangible results they become tremendously self-motivated and forget that it (for example, maths) is ‘boring’. And once children have access to technology there is a flow on effect because children tend to ‘unlock technology’ for their families.”

Clearly it was brave to leave a partnership in a well-established and successful firm to start something new. Simon acknowledges that it was a hard decision and, in fact, a more difficult task than even they realised at the time; they set up Hudson Gavin Martin one month before the global financial crisis. “Now I’d describe the timing as

impeccable,” he says. “Had we known what was coming we might not have done what we did. However, in retrospect, the timing provided us with opportunities we may not otherwise have had. This is because in challenging times people want to do things differently.”

When I asked him about the biggest challenges he faced in his career, ironically they were about letting go of things he had also experienced as highlights; leaving Allen and Overy to return to New

Zealand and leaving the partnership at Bell Gully. When asked what advice he would give to his younger self he was similarly upbeat: he wouldn't do anything differently. But he would advise his younger self to enjoy the journey a little more, understanding that everything you do adds to the experience you are able to offer.

Julia Tolmie

The threat posed to civilians by abandoned weapons in Libya



When I left New Zealand in August 2011 to start my LLM at Harvard, I never anticipated that seven months later I would be standing in front of a bombed-out bunker in the middle of Libyan desert, examining a pile of 40-foot long surface-to-air missiles. What took me to Libya was a project in the Harvard International Human Rights Clinic on the threats posed to the civilian population by abandoned weapons. Our partner organisations were two Washington DC-based NGOs, the Campaign for Innocent Civilians in Conflict and the Center for American Progress. Along with my clinical supervisor and two other students, I travelled to Libya for a week-long field mission in late March 2012. (Originally we had intended a longer visit, but we hadn't anticipated the difficulties in obtaining visas from the transitional government.) Over that period, we interviewed more than twenty people, including UN officials, deminers and community members, in Tripoli, Zintan, Misrata and Sirte.

Before going to Libya, we undertook desk research on the problem, but most reports had focused on weapons proliferation and the potential for the perhaps ill-advisedly named “MANPADS” (Man Portable Air Defence Systems – basically shoulder-launched missiles) to fall into the hands of terrorists. The problems abandoned weapons posed to the civilian population hadn't received much attention, so we arrived in Libya not really knowing what to expect.

The scale and variety of abandoned weapons was simply astounding.

Qaddafi had hoarded an unknown quantity of weapons over a forty year period and had been notoriously secretive about where they were all kept. We visited an “ammunition storage area” near Zintan which contained 70 bunkers, most of which had been bombed by NATO. It is thought that there are dozens of such areas, each with between 25 and 140 bunkers. NATO launched about 440 strikes on such facilities. Contrary to popular belief, the weapons don't just all blow up when a bunker is hit by a bomb. Rather, they are “kicked out” over a range of up to 2.5 kilometres, throwing explosive remnants, and, often, intact but damaged weapons across a huge area. Security at ammunition storage areas, as of July 2012, was virtually non-existent. Local people access these areas for a number of reasons, including to gather scrap metal for trade, to harvest explosives (for fishing), or just because they are curious. Misperceptions about the dangers of such activities are rife: I met a man gathering scrap metal at a bombed-out tank yard in Misrata who told me that it had to be safe because it was so close to the centre of town.

Apart from the ammunition storage areas, which, while accessible, tend to be far from populated areas (although this is not always the case – the Misrata ammunition storage area, mentioned above, is on the outskirts of the city), there is the problem of local militias (katibas) storing weapons within towns. During and after the revolution, katibas acquired and modified weapons taken from national stockpiles and



many have continued to hold their own stockpiles, stored in shipping containers within populated areas. When we visited in March, a representative from the Military Council of Misrata, where the problem is arguably at its greatest, told us that there were more than 200 katibas in the city, each with between six and 40 shipping containers filled with weapons. Inside the containers, storage can be haphazard, with incompatible weapons stored together, greatly increasing the risk of catastrophic explosion. We visited a site in Dafniya, a town close to Misrata, where an explosion a few weeks earlier had ripped through about 11 of the local katiba's containers, spreading explosive remnants and a quantity of a particularly nasty type of anti-tank mine throughout the town.

Apart from the project, just being in Libya during this transitional period was an experience in itself. We were lucky to have two amazing "fixers", who made travelling and interviewing people a remarkably straightforward and safe task. Nevertheless, I have to say that my heart raced every time we came to a checkpoint (of which there were many) and were stopped by armed men, or whenever we passed trucks with anti-aircraft guns on the back, filled with young fighters, or heard gunfire in the night. But overall, it was a great privilege to be in Libya at that time and to meet people who had sacrificed so much during the revolution. It was also a great privilege to meet deminers (a term used for those who clear land of all explosive remnants, not just mines) who put their lives in danger to return land and buildings to communities in often very challenging environments.

Our report, *Explosive Situation: Qaddafi's abandoned weapons and the threat to Libya's civilians*, was published in August 2012 and is available on the Harvard International Human Rights Clinic website (<http://harvardhumanrights.files.wordpress.com/2012/08/libyareport.pdf>). It identifies humanitarian threats and key recommendations in the area of stockpile management, clearance, risk education and victim assistance, and international cooperation and assistance.

Anna Crowe

Anna (BA/LLB(Hons) 2009) has received a fellowship from the human rights programme at Harvard to work in Colombia for a year with the International Crisis Group, based in Bogota. She will probably be working on a project looking at the implementation of a law providing for reparations and land restitution to victims of the armed conflict.



A year in (the other) London



Nina Khouri (second from left) with students in front of the US Supreme court

In June 2011 I took a break from litigation practice in New Zealand to travel to Canada and work for a year as a visiting Associate Professor at the University of Western Ontario's Faculty of Law in London, Ontario. London (population 366,000) is located in Southwestern Ontario. Surrounded by the Great Lakes of Huron and Erie, this part of Canada juts out significantly into the northern United States (London is equidistant between Toronto and Detroit). Combined with the British colonial rule of the time, this geographical feature made the region a key destination on the underground railroad for fugitive African American slaves in the 19th century. You can see this British heritage in London's street names - the main arterial route through town is Oxford Street, bisected by Piccadilly Street and Cheapside Street. And its river is called the Thames. Yes, really.

London is a university town, with some 27,500 students of the University of Western Ontario (known locally as "Western") flooding into the city each August. The Faculty of Law operates on the standard North American model, with students enrolling in the three-year JD programme after completing a general undergraduate degree.

My teaching responsibilities included an upper year course in dispute resolution (particularly negotiation and mediation law and practice) and two first-year compulsory courses in contract law and legal methodology. This required me to adopt a faux-Canadian accent in order to be understood by my students (much to the amusement of visiting friends and family from New Zealand). Indeed, the blank stares I received in class when I used phrases such as "*now, this case will put the cat amongst the pigeons*" or "*that's tough bikkies for the plaintiff*" made me realise that Commonwealth ties run only so deep.

It was a valuable experience to teach these subjects in a different jurisdiction and to learn about the Canadian approach to familiar legal issues. For example, Canada has none of the contract statutes enacted in New Zealand - no Contractual Remedies Act 1979, no Contractual Mistakes Act 1977, no Frustrated Contracts Act 1944 and so on - so it was necessary to come to grips with issues such as the different consequences at common law of innocent, negligent and fraudulent

misrepresentations and the remedy of rescission. On the dispute resolution front, Ontario has a mandatory mediation programme in its Superior Court (the equivalent of our High Court). This requires parties to attempt to resolve their dispute by mediation (publicly-funded, with private mediators) before a trial fixture will be allocated. We have been flirting with this concept in New Zealand, so it was useful to see it in practice.

Another of my duties at Western was to coach the 2012 Niagara Moot team. The Niagara International Moot Court Competition is an annual moot between 17 Canadian and US law schools involving a hypothetical dispute before the International Court of Justice. This year's moot problem posited an international humanitarian crisis on a fictional Pacific island involving a US mining corporation and a Canadian peacekeeping force. The Western Law team placed second overall, competing in an all-Canadian final at the Canadian Embassy in Washington DC (much to the chagrin of the US law school competitors!) A highlight was taking the team on a tour of the US Supreme Court to get them into the right frame of mind for the competition.

Outside of work, the year was an opportunity to travel throughout North America. My husband Tim and I spent a lot of time across the border in Detroit. Detroit has a colourful history. During Prohibition in the 1920s, the vast majority of contraband liquor in the US was smuggled from Canada across the Detroit River. This was a particularly daring enterprise during winter when bootleggers would cross the frozen river by automobile, having to gamble the desire to carry more liquor against the strength of the ice. (Cars from that era are still found occasionally in the river.) Detroit was the richest city in America after World War II, with its factories manufacturing the cars that epitomised the American Dream. It was also the home of Motown music. Nowadays, however, it's a lesson in the realities of the US economy following the mortgage crisis and the fall of the big car makers into bankruptcy. Car journeys in winter through Detroit felt almost post-apocalyptic, with abandoned factories lining the highway and whole neighbourhoods of derelict houses (often fire-damaged from arson attempts by desperate owners trying to get out of their mortgages). The property market here made world headlines in 2010 when houses began selling for \$1. Efforts are now underway to rejuvenate Detroit, from house giveaways to teachers and policemen willing to live and work in the city, to whole blocks being demolished and replaced with community gardens growing free vegetables.

Back home in London, our entertainment was ice hockey in winter, trips to the lake and street festivals in summer ("Ribfest" was a particular culinary highlight) and the local wildlife. Our backyard had creatures I've only ever read about in storybooks: skunks, chipmunks, groundhogs, squirrels, fireflies, beavers, woodpeckers and raccoons. The raccoons were particularly devilish - they're highly intelligent and have very dextrous paws - and would make short work of even the most securely capped rubbish bin to get at the food scraps inside. Oh, and the weather. Suffice to say that the jacket I had to purchase in order to cope with the winter temperatures was so thick it could stand up by itself.

Overall, I had a fantastic year in Canada that has left me with new friends and colleagues and a different perspective on North American legal education. An even closer connection I will retain with London, Ontario, is that our daughter Nadia was born there in May 2012. Our New Zealand family now includes a very small Canadian citizen, otherwise known as a "Caniwi".

Nina Khouri

Alumni news in brief

Judicial appointments



The Honourable Justice Chambers

Justice Robert Chambers (pictured above with Chief Justice Sian Elias) was appointed to the Supreme Court in December 2011. He graduated LLB(Hons) from the University of Auckland in 1975, gained a doctorate from the University of Oxford in 1978, and commenced practice as a barrister in 1981. He was appointed a Queen's Counsel in 1992. He was appointed to the High Court in 1999, and to the Court of Appeal in January 2004.

The Honourable Justice Glazebrook

Justice Susan Glazebrook was appointed to the Supreme Court in August 2012. She has an MA (1st Class Hons), an LLB(Hons) and a DipBus (Finance) from The University of Auckland, alongside a DPhil in French legal history from the University of Oxford. Before being

appointed to the High Court in June 2000, she was a partner in law firm Simpson Grierson, and a member of various commercial boards and government advisory committees, serving as President of the Inter-Pacific Bar Association in 1998. She had been a Judge of the Court of Appeal since May 2002.

The Honourable Justice Woolford

Justice Woolford was appointed a High Court Judge in September 2010. He graduated LLB(Hons) from Auckland University and BA in Japanese in 1977, as well as attaining a BCL from Oxford University in 1981. He was admitted to the Bar in 1977. He held positions in the Ministry of Foreign Affairs in Wellington, Singapore and New York 1981-85. Justice Woolford returned to Auckland to work for Meredith Connell in 1986 and became a partner with that firm from 1987 until his current appointment.

The Honourable Justice Gilbert

Justice Gilbert was appointed a High Court Judge, sitting in Auckland, in February 2012. He graduated LLB from Auckland University in 1977. He was a partner at Kensington Swan from 1985 to 1996, Chapman Tripp from 1996 to 2004, and Gilbert/Walker from 2004 to 2012. Justice Gilbert was appointed Senior Counsel in 2008.

His Honour Judge David Smith

Judge David Smith was appointed to the District Court, sitting in Palmerston North, in January 2012. He will be presiding in the general and family jurisdictions.

Other news in brief



Jamie Halse (BA/LLB (Hons) 2006) (pictured left) spent a year working in tax at Deloitte and was admitted to the Bar, before returning to Auckland Law School in 2007 to complete his LLM in Commercial Law; from which he graduated with first class honours in 2008. His LLM research paper, "The Conflict Between CFC Legislation and Double Tax Treaties: A New Zealand Perspective," was published in the *New Zealand Journal of*

Taxation Law and Policy in April 2008. In March 2008, Jamie emigrated to Sydney to take up an investment analyst position with funds manager CP2 (at the time the largest external manager for the New Zealand Super Fund) where he first analysed investment opportunities in the infrastructure sector (both public and private) on a global basis, before altering focus to specialise in Australian equities. Jamie left CP2 at the beginning of 2011 for a role with the ASX-listed global equities manager Platinum Asset Management, where he has broad global

coverage of consumer-facing companies and manages a sector-specific portfolio. He was awarded the Chartered Financial Analyst designation in 2012, and is involved with the CFA Society of Sydney in a teaching capacity. Jamie is engaged to fellow Kiwi expat Angela Marra, and lives in Bondi Beach, Sydney.

Associate Professor Michael Littlewood provides two other "snippets" about Jamie:

1. He appeared on a television show called "Are You as Smart as a 10-Year Old?" and won \$30,000, but had to acknowledge "I have an honours degree in law from The University of Auckland and am currently doing an LLM there but I'm not as smart as a 10-year old."
2. Whilst a student he maxed out his student loan, used it to open a margin account with a stockbroker and doubled his money.

Lisa Hsin (BA/LLB (Hons) 2008) (pictured right) arrived back in Auckland after completing her LLM at the University of California, Berkeley, and is already preparing for the next chapter of her life: this time bound for Rome, then London. Lisa will head to Rome to work as an intern for a couple of months for UNIDROIT and UNESCO, drafting model laws associated with the secretariat work in relation to the field of cultural property. In London she will take up a permanent position as an associate with the Commercial Disputes Department at

international law firm Freshfields Bruckhaus Deringer LLP. She says the work will be commercial, with an international focus, and with clients like Sotheby's and other major museums around the world she will also have the opportunity to work on international art law issues which she is very excited about.

Reflecting on her time at The University of Auckland's Faculty of Law she thinks it gave her an ideal foundation for her studies at Berkeley. "There is a real emphasis on team work at the Law School and this collaborative spirit is something new to students from other parts of the world... Academically, in my opinion, Auckland's standards are on par with Berkeley and other top American law schools."

Law alumna **Kristy Hill** (BA/LLB 2001) and current law student **Stacey Michelsen** competed at the London Olympics 2012. Kristy is now a senior policy advisor with the Independent Māori Statutory Board.

A member of the Football Ferns, Kristy, had played 19 internationals prior to the London Olympics, including games at the 2008 Beijing Olympics and the FIFA Women's World Cup in Germany last year.

New Zealand Women's Hockey midfielder, Stacey, was named World Young Player of the Year in 2011 and is a promising talent on the global women's hockey scene.



"We're very proud of Kristy and Stacey's achievements and followed their progress throughout their 2012 Olympics campaign. To have got to the Olympics is an achievement in itself but to almost get a medal in the hockey was exciting," says the Dean Andrew Stockley. The Football Ferns qualified for the quarterfinals but were knocked out by the eventual gold medal winners, USA, 2 - 0. Stacey and the Black Sticks qualified for the bronze medal match but lost to the hosts, Great Britain 1 - 3.

Charlotte Leslie (B Health Sciences/LLB(Hons) 2007) has been awarded a Harvard Law School Public Service Fellowship. She writes: "The fellowship will allow me to work at an organisation called Interights in London for a year, which is a very highly regarded specialist international human rights litigation organisation. I'm so excited about the health rights litigation work I will get to do, and about the talented people I will get to work with and learn from!" Charlotte has just graduated with an LLM from Harvard, "and yesterday I started a summer internship at Human Rights Watch."

Ann-Christin Maak (LLM (First Class Hons) 2010), now Commissioning Editor at Intersentia Publishing) and Jens Scherpe (Senior Lecturer at the University of Cambridge) are both German citizens living in Cambridge, England. But when they decided to get married, it was clear to them that they wanted the ceremony to take place in New Zealand, as it holds a special place in their hearts. Ann-Christin took her LLM (Hons) in Auckland, and Jens was a visiting lecturer (Comparative Family Law) at the Faculty of Law in 2009. Both have very fond memories of their time in Auckland and try to come back as often as they can. Their marriage (pictured above right) took place on Adele Island in the Abel Tasman National park on 6 January, the only people present being the couple, the marriage celebrant, the legally required witnesses and a few random kayakers.



Krish Maharaj (LLB/BCom 2007) began working with consulting firm PricewaterhouseCoopers after graduation, where he specialised in corporate tax. After two years with Pricewaterhouse, Krish departed the firm to pursue a Master of Laws at the University of British Columbia (UBC) in Vancouver, Canada, beginning in 2010. During his time at UBC, in addition to his graduate work, Krish undertook a number of additional challenges including teaching and research work on topics such as contract, estoppel, and legal research and writing. During this time Krish also presented a paper at the 16th Annual Interdisciplinary Legal Studies Conference at UBC in May 2011 and has had an article on the enforceability of contractual exclusion clauses accepted for publication by the *Alberta Law Review*. Professionally, Krish has set his sights on practicing in commercial litigation in Vancouver and, having completed the accreditation requirements for a foreign trained common lawyer, is set to begin articling in May 2012 for admission to the British Columbia bar with the firm Hunter Litigation Chambers.

Guy Sinclair (BA/LLB(Hons) 1999, LLM (First Class Hons) 2008) has been appointed as Associate Editor of the *European Journal of International Law*, located in New York, for 2013, and is then taking up a lectureship at Victoria Wellington Law School starting in 2014.

Guy is a J.S.D. candidate at the New York University School of Law. His thesis, supervised by Professor Jose E. Alvarez, examines the expansion of the powers of international organisations through processes of informal reform. His publications include articles in Volume 8 (May 2007) of the *Melbourne International Law Journal* and Volume 14 (March 2008) of the *ILSA Journal of International and Comparative Law*, as well as articles in New Zealand and English law journals. In addition, he has over ten years experience as a corporate commercial lawyer in leading US, English and Australasian firms; most recently he was Corporate Counsel New Zealand for the largest publicly listed Australasian food company.

Lyll Taylor (BCom/LLB(Hons) 2006) joined the equity research team of Macquarie Group's Auckland office after graduation, where he was responsible for maintaining research coverage of NZ equities spanning the agricultural, industrials, healthcare, and media sectors. After four years in that role, Lyll transferred to Macquarie's Indonesian office in early-to-mid 2010 to work as part of Macquarie's Asian emerging markets research team, covering the FMCG, retail, auto, and industrials sectors. Lyll currently resides in Jakarta.



Vivienne and Ken Palmer (on study leave) catch up with Ann Christinmaak (LLM(Hons) Auckland) and Claire Nielson (LLB(Hons) Auckland) at Cambridge

Benedict Tompkins (BA/LLB(Hons) 2012) (pictured right) this year became the fourth generation of his family to graduate with an LLB. His great grandfather was Supreme Court Judge Arthur Lance Tompkins (known as Lance Tompkins), his grandfather is retired QC and High Court Judge Sir David Tompkins, and his father is District Court Judge Arthur Tompkins.

James Wilson (BA/LLB(Hons) 1996) works for Lexis Nexis in London. He has written a new book *Cases, Causes and Controversies: Fifty Tales from the Law*, published by Wildy, Simmonds & Hill, to be released in November 2012. The book looks at fifty interesting cases, legislative measures or general legal problems from the mid-nineteenth century to the present. It is intended as an interesting general read. Many of the articles that comprise the book were first published in the *New Law Journal*, *Criminal Law & Justice Weekly* or *Halsbury's Law Exchange*, though there are also previously unpublished pieces. James also has a personal blog at <http://www.timesandotherthings.blogspot.co.nz/> He comments that the subject matter of the blog "is varied but tends to reflect my interest in the court system, the rule of law and general constitutional issues including human rights, particularly freedom of speech and freedom of religion".



Dean Meets Alumni Overseas



While visiting law schools in Britain, North America and Australia, the Dean also took time to meet with alumni and speak about developments at the Law School and some of the new initiatives being pursued.

In London he was joined by Dr Julie Maxton, Dean of the Law Faculty from 2000 to 2005 and then Registrar of Oxford University before taking up her current role as Chief Executive of the Royal Society, at a drinks reception on 8 February (pictured above). Forty Law School graduates from across the years attended. Dean Stockley attended a lunch at Lincoln's Inn the following week hosted by Graham Eklund QC for a dozen Law School alumni.



The Dean attended a drinks reception in New York on 21 February, meeting with alumni based there and on the East Coast. The New York drinks reception was hosted by James Hosking at the offices of Chaffetz Lindsey LLP where he is a partner.



The Dean and Development Manager, Gretchen Goldwater, met Auckland Law School alumni at a drinks reception in Melbourne on 8 October.





In Sydney, Rhys Guild hosted the Dean and fellow alumni on 9 October at the offices of Minter Ellison where he is a partner.



In Brisbane, Ian Bloemendal hosted the Dean and a small group of alumni on 11 October at the offices of Clayton Utz where he is a partner.

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The Auckland Law School thanks the following alumni and friends for the support they have given to the Faculty of Law in recent years.

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This is the first attempt to compile a list of all donors in recent years. It is possible that some names may have been omitted by mistake. If this is the case, please contact Gretchen Goldwater at g.goldwater@uckland.ac.nz or 09 923 9434 so that this can be rectified for the future.

