

Faculty of Law
Newsletter
Summer 2013
University of Otago

OTAGO LAW



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POSTGRADUATE



YOUR PLACE IN THE WORLD

“The University of Otago Faculty of Law has enabled me to pursue a PhD while remaining in Wellington with my family and continuing to practice as a family lawyer. The law on children consenting to medical and dental treatment has always struck me as being a grey area; the degree has allowed me to research this, while balancing my professional and family life.”

FIONA MILLER

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GREETINGS FROM THE DEAN



Dear Otago Law alumni

The 140th year of New Zealand's first Law Faculty has been a good one for our students and for my colleagues. The great strength of the Faculty is that it draws students from all over New Zealand to study Law. This builds a wonderful spirit of collegiality and life long friendship. My colleagues and I delight every time we meet and hear from our alumni. There is something magic about the friendship and bonds we form having gone through the Otago Law Faculty experience.

The Otago Law degree is held in high esteem throughout the world. Otago Law alumni work in every part of the globe and through their excellent work spread the word of the quality of the Otago Law degree. The Law Faculty is committed to providing the best possible legal education for the demands of the modern world. We are always revising our curriculum and teaching methods to ensure that we are at the forefront of legal education. We survey our graduates annually and the good news is that they are gaining excellent employment throughout New Zealand and overseas.

You will all enjoy this latest newsletter which tells you what has been happening in the Faculty and what you have been doing out in the real world. We love the fact that many of you are making contact with us in a variety of ways. We also appreciate the helpful advice that you give to our graduates that we refer on to you – we particularly thank you for your generosity in setting up law scholarships to give new students the opportunities that you had.

As we approach the end of the year on behalf of all my colleagues at the Faculty I wish you and your families a happy and peaceful Christmas and a New Year full of the joy of living.

OTAGO LAW ALUMNI SCHOLARSHIP

We offer our heartfelt thanks to those of you who have already contributed so generously to the Otago Law Alumni Scholarship.

The Faculty is delighted to announce that the first scholarships have been awarded for students to study law in 2014.

The recipients are:

Caitlin Casey
Jessica Todd
Emma Toseland

FROM JESSICA TODD



“I cannot wait for the first semester to begin and this new chapter of my life to unfold”

Thank you so much for this scholarship. To be awarded this is an honour and it means so much for me as it is financially enabling me to be able to study in 2014 without any hassle. It also feels good to see the hard work I have put in throughout my schooling years result in something such as this. Whilst I am at Otago I will be taking papers in Psychology, Politics, Gender studies and of course in Law. I hope to join the infamous Otago University Debating Society and of course take part in all of the usual fresher antics as I am not one to sit on the side-line. Along with my studies I hope to continue to participate in sports such as netball, football and I am considering getting back into cross country running. I cannot wait for the first semester to begin and this new chapter of my life to unfold.

If you would like to contribute to this ongoing appeal you can do so at:

<https://secure-www.otago.ac.nz/alumni/donations/#gifts5>

Or you can contact:

Otago Law Alumni Scholarship Appeal
Development & Alumni Relations Office
University of Otago
PO Box 56
Dunedin 9054
Tel: +64 3 479 5246
Email: development@otago.ac.nz

STAFF NEWS

ASSOCIATE PROFESSOR JACINTA RURU WINS OUSA 2013 NEW SUPERVISORS AWARD



Congratulations to Associate Professor Jacinta Ruru who won the OUSA 2013 New Supervisors award. The awards go to postgraduate supervisors selected by students who stand out for their high level of commitment to their students in study and in future life direction. Matthew Tucker from the Student Support Centre says that one thing that the recipients of the awards have in common is that they are admired by their students.

Keir Russell, OUSA's Postgraduate Officer, explained that this year there were 130 nominations and Jacinta was shortlisted into the top 15 supervisors at the University of Otago. Keir said she "was honoured to be part of the group that got to read all the amazing comments written about their supervisors, and Jacinta's really did stand out from the beginning".

Jacinta is amazed and honoured to win the award. She loves joining students in their post-graduate research journeys and always learns an immense amount. She mentioned three theses that she is currently involved in supervising to highlight the wonderful diverse and comparative nature of her students' work: Ben Ralston's LLM thesis "Finding Common Ground in Our Seas: an analysis of the viability of marine spatial planning as a tool for reconciliation of Indigenous and Crown interests in the fisheries of Aotearoa/New Zealand and the Pacific region of Canada"; Naomi Johnstone's LLM thesis "Exploring PEACE in the Bougainville Conflict: Access to justice and reconciliation through 'win-win' mediation and Indigenous dispute resolution" (with Dr Karen Brouneus); and Yuan Lu's PhD "A case study of Traditional and Local Ecological Knowledge in the nature reserve management project in China" (with Dr Janet Stephenson and Dr Christine Jacobson).

JESSICA PALMER IN TOP 10 OF OUSA TEACHER AWARDS 2013



Jessica's research interests lie in the law of obligations, restitution, equity and commercial law. Her current teaching includes Contract Law, Commercial Equity and Sales and Insurance Law. She is also the Postgraduate Programme Director for Law.

Jessica has previously worked in a large commercial law firm in New Zealand and as a Judges' Clerk at the Auckland High Court. She also tutored in Equity at the University of Auckland. She is immensely popular with staff and students alike.

DEAN OF LAW ELECTED FELLOW OF THE INTERNATIONAL ACADEMY OF MATRIMONIAL LAWYERS

From Ruth Ballantyne

Mark was recently accepted as an Associate Fellow of the International Academy of Matrimonial Lawyers (IAML). IAML is a worldwide association of practising lawyers who are recognised by their peers as being the most experienced and skilled family law specialists in their respective countries. Admission to IAML is by invitation only. There are currently only seven New Zealand Fellows and Mark is the first New Zealand academic to be admitted as a Fellow.

THERESA FORBES

Congratulations to The Faculty of Law's Executive Assistant, Theresa Forbes for completing a BCom in Information Science.

Theresa started her degree in 2004 when she had one child and was the Faculty Receptionist. She now has three children and is the Executive Assistant. Theresa is planning to graduate in May alongside the 2013 Law graduates. She also has a BSc in Psychology.



JUDITH FERGUSON RETIRING

Law lecturer Judith Ferguson is retiring after 22 years teaching and research in the Faculty of Law. Judith started in the Faculty as a tutor and researcher while studying Law. After graduating in 1991 her position morphed into the role of assistant lecturer and teaching fellow.



Judith enjoyed teaching a wide range of subjects including tutoring Legal Systems and three of the second year compulsory papers. Judith was a relief teacher for Contract Law and Employment Law and at various times taught up to half of Tort Law. In latter years Judith has specialised in the Research and Writing programme and in ACC Law.

Prior to coming to Law Judith did an English degree and then took her two children north. She completed teacher training in Hamilton and taught primary school children for ten years in Hamilton, Lawrence and Portobello. She also owned Palms restaurant in Dunedin.

Judith will still have some involvement with the Faculty but is looking forward to more time with her daughter in Japan, son in Canterbury and her grandchildren. She will also have more time for Hayward's Auctions that she owns with Kevin Hayward.



ACADEMIC LIAISON LIBRARIAN RETIRES

From Kate Thompson, Law Librarian



In July 2013 Carolyn Upton retired from the Sir Robert Stout Law Library after 23 years' service.

Carolyn was hired in May in 1990 as the Assistant Librarian in the Law Library. Back then, the role was broad: she managed all circulation desk activities, plus reference enquiries, the interloan service, and acquisitions. Since then, her role changed in name and nature several times, but Reference and Information Literacy remained at the fore.

Carolyn is a true Librarian: dedicated, passionate, knowledgeable, inquisitive, student-driven and forthright. I'm sure many of you will remember her "search like a lawyer" refrain.

We will miss her.

FAREWELL TO ALEX KRUIZE

The Faculty farewellled Alex Kruize in July this year. Alex was working as a much-valued Research Assistant since graduating in 2009. He has had a particular interest in environmental issues and climate change and will be sorely missed for his annual contribution as a facilitator for Hands-On Science. Alex says that he has also really enjoyed helping visiting postgraduate candidates for whom English is a second language. Alex has also been working at the Ngāi Tahu Māori Law Centre.



Alex and his partner Rebecca have departed for Calgary and are undertaking a 5000km road trip from Halifax to Calgary to get the adventure underway.

We wish them both well.

JIM THORPE CUP 2013

Rex Ahdar



The Jim Thorpe Cup concluded this year and, sadly, the Cup is heading across the Tasman. New Zealand may have the Bledisloe Cup but Australia now has the coveted Otago Faculty of Law trophy.

Professor Nicholas Aroney of the University of Queensland Faculty of Law won the competition. Going into the 15th and last round, Nick and Prof Andrew Geddis were tied. Nick prevailed by one point. In the final standings Associate Professor Margaret Briggs finished third. The Rookie award goes to Marcelo Rodriguez Ferrere. In the intra-family battle, Professor Charles Rickett (University of South Australia) just pipped his daughter, Jessica Palmer. Andrew had the most stage wins, having (or sharing) the leading score in seven rounds.

STAFF PUBLICATIONS

MICHAEL ROBERTSON

Cambridge University Press will publish Michael Robertson's book *Stanley Fish on Philosophy, Politics and Law. How Fish Works*.

A central claim of the book is that Fish's work in the areas of philosophy, politics and law do not form three separate projects, but are all part of the one interrelated project. His contribution to jurisprudence cannot be understood without an appreciation of his philosophical commitments and way those commitments play out in the area of political theory.

Fish's writings on philosophy, politics, and law are found scattered through many articles on many topics that have been produced



over many decades. In this book I gather together Fish's scattered arguments and arrange them in such a way that the architecture of his position is made clearly visible. I show how the parts of this structure interconnect and support each other, and I also investigate gaps and weak spots.

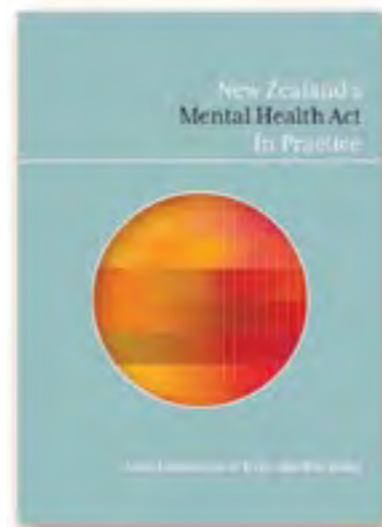
Although Fish has attracted a lot of attention for his work, the critical response has largely been negative. I argue that Fish's critics have generally misunderstood him, and so his genuine contributions to philosophy, politics and law have been underappreciated. One explanation for the difficulties experienced by readers in understanding Fish is that the substance of his position is often strange and surprising. Any very unorthodox position is going to face difficulties as readers react with aversion to claims that strike them initially as ludicrous. My goal is to get readers of Fish over this initial hump of incredulity, and explain his reasoning in a clear fashion that makes his positions comprehensible and even convincing.

NEW BOOK PUBLISHED MARKING 21ST YEAR OF THE MENTAL HEALTH ACT

John Dawson

A new book, by 30 authors, *New Zealand's Mental Health Act in Practice*, was published in November to mark the 21st anniversary of New Zealand's mental health legislation – enacted in November 1992.

The book is edited by John Dawson and Kris Gledhill, of the Otago and Auckland law faculties, and published by Victoria University Press. Its authors include all the main lawyers, psychiatrists and other researchers working in the field of mental health law in New Zealand. See the list of Contents and Authors below.



The Mental Health Act is the main legislation governing compulsory psychiatric treatment in New Zealand. It establishes the civil commitment process and regulates the treatment without consent of compulsory psychiatric patients. Some 3000-4000 people are being treated under it at any time. Most are living outside hospital and are managed under the Community Treatment Order scheme.

When enacted, in 1992, the Act introduced greater fairness into the compulsory treatment process and provided a comprehensive legal structure for compulsory community care. Its reforms showed greater respect for patients' human rights and shaped the law to the new structure being developed for the delivery of psychiatric services following the closure of large psychiatric hospitals.

The book provides a well-researched portrait of the operation of the Act, drawn by clinicians and consumers, lawyers and officials, nurses and social scientists, Māori and non-Māori. It constitutes in total a thorough, non-governmental review of the operation of the legislation.



The book covers:

- application of the legal standards that govern compulsory treatment;
- procedures for independent review of compulsory status, including the operation of the little-known Mental Health Review Tribunal;
- regulation of treatment without consent;
- cultural and human rights of compulsory patients; and
- surrounding legislation in the mental health field, including laws governing people with intellectual disabilities, and alcoholism and drug addiction.

The book will be launched through five conferences in New Zealand's main centres in November at which all those attending will receive a copy. The book's authors will speak at

these conferences, which will be run by the main professional association in the field, the Australian and New Zealand Association of Psychiatry, Psychology and Law (ANZAPPL) (see www.anzappl.org/branches/NZ/).

The authors' views about the mental health legislation

Overall, the book's authors express some concerns about implementation of the Act and – simultaneously – they show strong support for certain structural features of the law.

There is concern about over-use of the Act; about conservative interpretation of the criteria governing release of patients from compulsion; about over-representation of Māori among compulsory patients; and about links between rising rates of compulsion and levels of social deprivation in some parts of the country.

At the same time, the book's authors generally support the way in which in the Act states the basic criteria for compulsory treatment – in terms of discrete disorders of mental function plus certain risks of harm to the patient or others. There is support for the staggered structure of the process that should ensure a person undergoes proper psychiatric assessment before longer-term decisions are made. There is support for regular access on the part of patients to independent review of their compulsory status before a court or tribunal before which they can contest the evidence of the clinicians. There is support for the role of Duty Authorised Officers under the Act, who advise family members and the public on the operation of the civil commitment process; for the role of District Inspectors – government-funded lawyers who visit compulsory patients to advise them of their rights; and for the firm statement of compulsory patients' rights in the Act; and for clinical staff to consult fully with family and whānau when that is in the interests of the patient. Many broad features of the mental health law therefore receive general support.

Orders for the book can be placed with Victoria University Press.

The book's editors would be pleased to discuss the book's contents and concerns with representatives of the media:

Please contact:

- John Dawson, Professor, Faculty of Law, University of Otago, Dunedin; ph: 03 479 8909; john.dawson@otago.ac.nz
- Kris Gledhill, Senior Lecturer, Faculty of Law, The University of Auckland, Auckland; ph: 09 3737599 ext. 89562; k.gledhill@auckland.ac.nz

SOALAUPOLE - SAMOAN CUSTOMARY MEDIATION Associate Professor Selene Mize in Samoa

Left: Olita Senara (wife of Rev. Elder Senara, one of the course instructors and Deputy Chairman CCCS). Centre: Associate Professor Selene Mize. Right: Vaasilifiti Moelagi Jackson (SUNGO Representative on the Sector Steering Committee).

The Faculty of Law and the Ministry of Justice and Courts Administration in Samoa launched a course to train court staff in Samoan customary mediation in July this year. At the launch Associate Professor Selene Mize from the Otago Faculty of Law presented three law books to his Honour Patu Falefatu Sapolu, Chief Justice of the Supreme Court of Samoa, in recognition of the beginning of the relationship between the Ministry of Justice and Courts Administration and the University of Otago. Selene was instrumental in helping design and teaches aspects of the course in collaboration with the Ministry.



The course aimed to equip Mediators who deal specifically with Mediations for the Land and Titles Court of Samoa as provided for in the *Land and Titles Court Act 1981* (Samoa), and to develop through its different components the fundamentals of Soalaupule – Samoan Customary Mediation - in order to inform the determination of its principles, processes and procedures.

The course considered the customary, philosophical and linguistic underpinnings and context of *Soalaupule* examining how the arrival of Christianity in Samoa affected the practice of *Soalaupule*. The course also considered relevant legislation, constitutional provisions and current procedures used by the Mediation Division of the Ministry of Justice and Courts Administration.

The training structure recognised that Samoa is an international citizen and that Soalaupule cannot operate in isolation from international best practice regarding mediation and negotiation. International best practice can add to the practice and processes of Soalaupule.

Fanaafi Aiono-Le Tagaloa says that the disputes that are being mediated are in relation to customary land and matai (chiefly) titles (names).

For land: ownership, boundaries, leasing (as customary land can't be sold), trespassing/encroaching, whether by working the land entitles ownership. Under customary land tenure the land belongs to a matai title (name) not the person who holds the title at a certain period of time. For this reason there is a strong link between land disputes and matai title disputes. For example does the land belong to this matai title or another? Are those living on the land heirs of the matai title that owns the land or were they allowed to live there by a previous titleholder etc.

For Matai title disputes: rightful holder of the title; proper bestowal of title/ceremonial requirements followed/legal requirements followed; a founding heir of the title; true heir/blood heir compared to adopted heir or a once off gift in acknowledgment of service in which case does not pass on automatically to descendants...to name a few.

In a way customary disputes because it involves aiga (family) and extended families and villages (nuu) or districts in some cases (itumalo) or paramaount titles (Ao/Papa) – it is mainly about relationships because Samoa is based on the Faamatai (social organisation) what the Faamatai turns on is crucial – for example – the value of consultation, deliberation and consensus decision making – disputes usually occur.

RESEARCH NEWS

OTAGO LAW RESEARCHERS SUGGEST CHANGES TO IMPROVE CORONERS' RECOMMENDATIONS

Jo Galer

Many Coroners' recommendations are not fulfilling their potential to identify and promote opportunities to prevent avoidable deaths, the first such study ever of New Zealand Coroners' recommendations has found.

Preliminary findings of the ground breaking University of Otago study indicate that some Coroners' recommendations are contributing to positive health and safety outcomes, but many are not.

Lead researcher Dr Jennifer Moore from Otago's Faculty of Law says this may result in lost opportunities to save New Zealanders' lives.

Dr Moore and fellow Otago researcher Professor Mark Henaghan found that all Coroners and all but two of the 79 organisations interviewed support the introduction of a new mandatory statutory regime for follow-up of Coroners' recommendations, provided that additional changes are made to coronial services. The researchers argue that more resources, training and support for Coroners is needed, and that a new system of compiling Coroners' law reports be introduced, enabling better tracking of similar cases.

Such measures would improve the quality of Coroners' recommendations and result in the more consistent application of prevention principles and scientific evidence.

The study, funded by the New Zealand Law Foundation, reviewed all Coroners' recommendations in the five years to June 2012, representing the first and most in-depth analysis of coronial findings.

Dr Moore also conducted 102 interviews with Coroners, public and private organisations that are sent coronial recommendations, and interested parties.

"Given the high public profile of Coroners and the importance of their work, it is surprising that there has been limited investigation of Coroners' decision-making. The study findings suggest that although some Coroners' recommendations contribute to positive health and safety outcomes, many recommendations are not fulfilling their potential to identify and promote opportunities to prevent deaths," she says.

Sudden unexpected death in infancy is an example of Coroners collaborating with agencies and experts that works to produce preventive recommendations with important health and safety messages. Dr Moore says while it is often claimed that Coroners' recommendations are not acted on, the study suggests most organisations do consider and respond to their recommendations, and there may be reasonable explanations for not taking action.

However, the researchers were surprised to find there were only two researchers to assist 17 Coroners, and that no official Coroner's Court Law Reports are compiled. These reports would enable Coroners to consider similar cases in the past.

"Without official law reports, it is difficult for lawyers and Coroners to do their jobs, and the consistency of Coroners' decision-making and recommendations is impacted," she says.

"For example, if a Coroner is investigating a jet skiing death, she or he may wish to consider all previous cases involving such deaths for the last 20 years. What have other Coroners said about such deaths? What recommendations, if any, were made? What were the issues? It is difficult to undertake this work without access to official law reports which record the cases and recommendations."

The project is being undertaken in collaboration with the Coronial Services of New Zealand to inform Coroners' practice in light of the research findings. The research could inform the current Ministerial review of coronial services and the debate about what law reform and operational changes are required.

The researchers have taken account of overseas experience and say that the approaches of the Coroner's Court of Victoria, Australia, could be used as a model.

Dr Moore says the New Zealand public deserves a highly performing coronial service to highlight avoidable deaths and recommend prevention measures.

"There have been improvements since the last review of coronial jurisdiction in the early 2000s, but more is needed," she says.

THE NEW ZEALAND LAW FOUNDATION CENTRE FOR LAW AND POLICY IN EMERGING TECHNOLOGIES

Director Associate Professor Colin Gavaghan

With two bills currently before Parliament that will introduce further measures to curtail 'dangerous' people, this is an important time for some careful thought about the direction New Zealand law is taking in this respect. The New Zealand Law Foundation Centre for Law and Policy in Emerging Technologies (the Centre) has been taking a keen interest in this issue, and in the extent to which genetic and neuro-technologies could come to inform these sorts of decisions.

Most significantly, the Centre – together with Otago University's Bioethics Centre – received \$17,000 from the New Zealand Law Foundation to conduct research into the Public Safety (Public Protection Orders) Bill, and more generally, what some see as the major shift from a punitive to a risk-prevention model of criminal justice. The project got underway in October, with a multi-disciplinary workshop examining the proposed Public Protection Orders, the legal issues they pose, and the sort of evidence that might inform them. Professor Bernadette McSherry, a leading authority on Australia's preventive detention programme, and author of several books on the subject, the most recent of which, 'Managing Fear', has just been published by Routledge, addressed the workshop. It also heard from Kris Gledhill, an expert on the New Zealand legal situation, and Armon Tamatea, a clinical psychologist and academic with extensive experience of working with dangerous offenders. The project will also involve a submission to the parliamentary Select Committee, and will culminate in the production of a report in March of 2014.

In September, the Centre co-hosted – with Genetics Otago and the Bioethics Centre – Professor Julian Savulescu, Uehiro Professor of Practical Ethics at the University of Oxford, and one of the most well-known and influential voices in contemporary bioethics. Julian's visit comprised a number of talks and presentations, culminating in a public lecture (with Colin Gavaghan) on the future role of genetic and neuroscientific information in criminal law. This event attracted considerable media attention, including a front page story on the Otago Daily Times and an interview with Colin Gavaghan on TV One's 7 Sharp news programme. October also saw substantial media attention focused on law and genetics, with Colin Gavaghan interviewed about the 23andMe gene patent on Radio National's Nine to Noon, Radio Live and Newstalk ZB.

In January, Centre Director Colin Gavaghan published a chapter on 'Neuroscience, Deviant Appetites, and the Criminal Law' in Nicole Vincent, ed. *Neuroscience and Legal Responsibility* (Oxford University Press, 2013.)

"Several of the Minister for Courts' recently-announced proposals for law reform are positive, but our research suggests that the Government's proposed changes are unlikely to maximise the full preventive potential of Coroners' recommendations."

There are approximately 29,000 deaths in New Zealand each year, of which about 20 percent are reported to Coroners. Most years there are approximately 1,334 inquests resulting in 212 Coroners' recommendations.

A final report outlining all the study's results will be released next year.

For more information you can contact:

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“With two bills currently before Parliament that will introduce further measures to curtail ‘dangerous’ people, this is an important time for some careful thought about the direction New Zealand law is taking in this respect.”

The Faculty of Law sends out the alumni OtagoLaw newsletter twice a year.

If you would like to receive this and other information for alumni you can ensure your contact details are up to date at:
database.alumni@otago.ac.nz

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www.facebook.com/OtagoLawAlumni

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www.otago.ac.nz/law/research/podcasts

NEWS FROM THE CENTRE FOR SOCIETY AND GOVERNANCE AND SCIENCE (SOGOS) 4TH ANZ TRANS TASMAN ROUNDTABLE ON GENOMICS A RESOUNDING SUCCESS

Dr Jon Cornwall

Over 90 people attended the 4th Australia-New Zealand Roundtable on Genomics in Queenstown. The roundtable attracted a wide cross-section of disciplines, professions and backgrounds who came together to discuss the emerging challenges and questions that are currently facing genomics. In addition to the many experts in attendance, members of the public attended and were able to listen, ask questions, and interact with experts during the breaks.

Participants discussed issues relating to information about genetic diseases and disorders, interpretation and availability of such information, as well as handling of such information in terms of confidentiality, privacy and security. Choice, decision-making and consent, including support for the individual and family or whanau was especially topical, and included debate that centred on the education about such issues for health professionals, patients, research participants and the general public. A range of ethical dilemmas and legal issues for both health professionals and patients was highlighted, with Associate Professor Colin Gavaghan and Professor Mark Henaghan providing views on various medico-legal questions raised during the discussions.

The Roundtable meetings are incredibly valuable as a way of both sharing knowledge and bringing together a group of leading thinkers to work through the issues. Unsurprisingly, as would be expected with new and emerging technologies and issues, there were more questions than answers. Newer technology enables faster and cheaper gene sequencing, meaning much more data can be generated and analysed, revealing greater complexity than previously recognised and raising questions about interpretation and communication of that data. Genetic research will be using new, faster and cheaper ways for DNA sequencing, such as whole exome sequencing or whole genome sequencing.

The research uses of these technologies mean all or many more genes in a DNA sequence can be examined and studied at one time. Such research uses open up all sorts of possibilities and will continue to raise questions such as:

- Should clinicians or researchers be giving patients or research participants the information generated by the new technologies? Who would be best placed to provide such information?
- How much information and what kinds of information should be provided?

Presenters at the Roundtable highlighted the fact that the duties and responsibilities of professionals and researchers need to be considered, or reconsidered, with consequences including possible ramifications for legal standards of care. In general, there was recognition that well-researched guidance and policy need to be discussed and developed so that situations can be dealt with in a consistent manner as and when they arise.

The Roundtable was organised by Richman Wee, of the Faculty of Law and Centre for Society, Governance and Society (SoGoS). It had its origins in the New Zealand Law Foundation-sponsored Human Genome Research Project: Law, Ethics and Policy for the Future (Te Kaupapa Rangahau Ira Tangata). This was the multidisciplinary and international project led by Professor Mark Henaghan, Faculty of Law, University of Otago.



Experts from the Roundtable at the conclusion of the second session. Back row (l to r): Dr Phil Wilcox, Associate Professor Cris Print, Associate Professor Colin Gavaghan. Front row (l to r): Richman Wee, Professor Ingrid Winship, Professor Mark Henaghan, Jo Fitzpatrick.

About five years ago, the Project saw a need to encourage Trans-Tasman discussion, grow multidisciplinary research expertise to an international standard, and prepare New Zealand for the challenges ahead. The Law Foundation-sponsored project sought the involvement of Professor Ingrid Winship, University of Melbourne, and Royal Melbourne Hospital, as the Australian partner to co-initiate the Roundtable series. Professor Winship attended and chaired one of the Roundtable sessions in Queenstown.

SOGOS ALUMNI SERIES

Richman Wee

'Connecting with Alumni - Reflecting on Our Past and Imagining Futures' is a newly created series of fireside chats with alumni from the University of Otago. The series is an initiative led by as part of an outreach activity to engage with former students, together with the involvement of the university community of staff, students and friends, and the wider public. As the first invited speaker, Hon David Cunliffe shared stories from his student days in Dunedin and spoke in his personal capacity, and under the Chatham House Rule, on a range of current issues in New Zealand and internationally. David studied law, economics and politics, gaining a Bachelor of Arts with first-class honours in 1986. At university, he met his wife, Karen Price, herself an alumni of the Faculty of Law. The SoGoS event, held on 8 October 2013 at the historic Staff Club, was very well supported (with standing room only). Other alumni and distinguished friends of the university were in attendance, including Dame Dorothy Fraser who received an honorary LLD from the University in 1994. The chair for the event was one of David's lecturers and now the Dean of Law, as well as Co-Director of SoGoS, Professor Mark Henaghan. Please contact Richman Wee (richman.wee@otago.ac.nz or 03 479 5324) for further information or suggestions for future events of this series

ALUMNI NEWS

TWO OTAGO LAW ALUMNI APPOINTED SILKS

Trevor Shiels QC

Congratulations to Dunedin Barrister, Trevor Shiels who was appointed Queen's Counsel at a ceremony in the High Court in Dunedin on 9 August.

Trevor is the first Otago Barrister to take silk for the last 15 years and the 4th ever in Otago. He was admitted to the Bar in 1976 after graduating with a Bachelor of Laws degree from the University of Otago.

After graduation Trevor began his career at the firm Paterson Lang where he spent 17 years, 13 as partner. He became a barrister sole in 1992 and has a general, mainly civil and tribunal, practice with some criminal law.

Peter Churchman QC



After completing his LLB (Hons) studies at the University of Otago and being admitted to the bar in 1979, Peter commenced his career as a litigator in Invercargill at the firm then known as French Sons Burt and Co. Peter returned to Dunedin in 1982, initially to run the litigation practice at John Farry and Gowing and then, from 1983 at Jackson Lucas and Deuchrass where he became a partner in 1984. The firm changed its name to Caudwells in 1985 and Peter continued as the senior litigation partner until 2000.

Peter taught civil procedure at the University of Otago on a part time basis in the 1980s and, after completing an LLM at the University of Pennsylvania in 1990/1991 as the recipient of a Fulbright travel grant, he taught Labour Law at Otago in the 1990s, also part time.

Peter has published extensively on a range of legal topics and was the Author of the Chapter in the Laws of New Zealand on the law of Rating. He is the co-author of Brookers "Personal Grievances" and was for a number of years an updating author of Brookers "Personal Injury in New Zealand".

In July 2000 Peter moved to Wellington to become a partner in the firm now known as Kensington Swan, leaving that firm in August 2005 to become a barrister. He has a broad practice receiving instructions from throughout the country in the areas of employment law and civil litigation."

WILSON DANIEL (LLB 1954; LLM 1956)

As an octogenarian and polyglottal polymath (a friend's

description) I occasionally review my life, which has encompassed six major career transitions. For me this has been a natural progression, although perhaps incomprehensible to some others.

Successively I have been a musician (ATCL Diploma in violin at age 16), linguist, barrister and solicitor, theologian and Presbyterian Minister and, after postgraduate and doctoral study in the USA, Zurich and Australia, a clinical/humanistic psychologist, psychotherapist and Jungian psychoanalyst. Between 1950 and 1965 I graduated five times from Otago University (1951 BA in classics, modern languages and political science; 1952 MA (hons) in Latin; 1954 LLB; 1956 LLM; 1965 BD)

Between 1969 and 1977, after emigrating to the USA and becoming a dual citizen, I obtained ThD and PhD degrees from Claremont Graduate University, Southern California following multidisciplinary research in irreversible physical disability focusing on spinal cord injury and in the correctional field (working inter alia with the Charles Manson "Girls" at the California Institute for Women) and also being exposed to the US Judicial system.

Returning to New Zealand in 1977 I entered the mental health field, becoming Director of the Cameron Centre, Dunedin for 6 years and in 1983 moving into private practice in Napier, Hawkes Bay, all the while interfacing with the emergent Family Court and the High Court, Wellington in an adjunct advisory role. In 2001 I returned to Dunedin to retire. Throughout this period I maintained Associate Membership with the New Zealand Law Society.



Pivotal and central to my life journey has been the study, teaching and practice of law. My interest and appetite was stimulated and whetted as a fifth-former by reading Ronald Rubenstein's "English Law" (Penguin) – an introduction to jurisprudence with its emphasis on precision, definition and structure. Proceeding to Otago University in 1947 I enrolled in humanities and law classes. The Law Faculty (Dean, lecturers and 25 students) were all part-time. Lectures were held at 7.30 am and 5.00 pm in the Supreme Court Library complex opposite the Railway Station under Spartan conditions.

Following graduation I was admitted to the Supreme Court in 1954 and spent the rest of that year lecturing in Public International Law at VUW, researching UNO Trusteeship Council reports in the General Assembly Archives and in the Department of External Affairs. My mentors (mainly from the Judiciary) urged me not to pursue an academic path but to "get my feet wet" in general practice. So I returned in 1955 to my turangawaewae Southland, joining a law firm in Invercargill and Riverton, becoming a partner until 1962 and immersing myself in civil and criminal jurisdiction, conveyancing, trusts and wills, Māori Land Court claims and holding a temporary warrant for a year as Coroner of the Western Southland Judicial District.

During these years I became increasingly aware of the unique position, which Law occupies as one of the important helping professions in society. Practising in a predominantly rural area with close-knit communities, one became involved with clients and their families and being concerned for them at several crucial points in their lives. For me this was the beginning of pastoral care - always an important aspect of law practice in upholding the principles of compassion, equity and justice. I had learned personally and professionally how to balance theory with practical application and hopefully to act as a responsible human being.

Years before, while reading Roman law in the Institutes of Justinian and Gaius, I had come across a saying of the orator Quintilian who was giving advice in the training of young barristers – "Non Scholar sed Vitae Discimus" ("Not for School but for Life we are learning"). This has been my personal motto ever since.

CRAIG BROWN LLB (HONS) (OTAGO) 1973, LLM (ILLINOIS) 1977, LLD (OTAGO) 1994

Craig Brown graduated LLB (Hons) from the University of Otago, New Zealand in 1973. He obtained an LLM from the University of Illinois in 1977 and an LLD from the University of Otago in 1994. He served on the legal staff of the Ministry of Foreign Affairs in New Zealand from 1973 to 1975.



Subsequently he taught law at Victoria University of Wellington and the University of Illinois. He has been on the Faculty of Law at the University of Western Ontario since 1977. Professor Brown's academic and professional interests centre on insurance law and torts. He is the author of Insurance Law in Canada (now in its 7th student edition), which is also published as part of a loose-leaf series co-authored with Tom Donnelly. Appellate courts in Canada, including the Supreme Court of Canada, have cited this work frequently. He has also written three other books on insurance law as well as numerous articles on that topic and other subjects

ranging from lawyers and politics to golf and the law. Professor Brown has served as a consultant to government, industry associations and lawyers on matters relating to insurance law and acts as an arbitrator in insurance matters.

Professor Brown is currently Associate Dean (Administration) at Western Law.

From Craig Brown

When Stuart Anderson was Dean of Otago I spent one of my sabbaticals there. Together we established the exchange programme between the two schools.

Cheryl Waldrum held a unique place in the story of contact between the Law Faculties at Otago and Western. As far as I know she was the only person ever to attend both as a student and teach in both as a faculty member. After graduating from Western she completed an LLM at Otago. While at Otago she held a position as Assistant Lecturer. Subsequently she returned to Canada and for a few years was an Assistant Professor at Western.

When Cheryl died of cancer about 10 years ago Nicola Peart and I came up with the idea of naming a scholarship in Cheryl's name to support exchange students going in both directions between the two law schools. Otago provided funding for a student from there and we provided funding for a student from here. In recent years, at least at our end, money has been tight and the scholarship has been awarded mostly in name only without money attached to it.

Recently Western University has instituted a matching programme whereby the university has matched money donated to support Western students going abroad. To take advantage of this I donated \$1000 (and pledged \$2000 more over the following two years) towards funding Western law students going to Otago. The university will match it so there will be \$6000 available. We don't have a student going next year I understand so that money will be available at the rate of \$2000 a student for at least the next 4 years. I had hoped the money would be available for students going both ways but the Western matching program applies only to money donated to assist Western students.

My connection is that I was born and raised in Dunedin and graduated LLB Hons from Otago in 1973. I later obtained an LLD from there as well. I have been teaching at Western since 1977 but several times I have been a visiting Professor at Otago, most recently 2 years ago.

CHARMIAN OH HEAD OF BUSINESS MANAGEMENT FOR WORLD VISION NEW ZEALAND.

I am the Head of Business Management and In-house Counsel for World Vision New Zealand, and Rebekah is my World Vision sponsor child. Jumping from a successful and well-paid corporate law career to working in the not-for-profit sector may seem strange, but I've never looked back.

Born in Singapore, I was raised in New Zealand and attended the University of Otago from 1997 to 2005. I graduated with a Master of Bioethics and Health Law, Bachelor of Law, and Bachelor of Science. I have wonderful memories of my time at Otago, in particular the Law Faculty. It was a place that taught me both technical knowledge and important life skills.

Upon graduation, I worked as a litigation lawyer for a top New Zealand law firm specialising in intellectual property cases, with a particular focus on counterfeit goods. My working day involved representing major clients from the sports and luxury goods industries. Surprisingly, this was where I first encountered the complexities of poverty and social injustice. I learned that anti-counterfeiting was not just about stopping profit losses of big luxury brands. It was also about shutting down child labour,

human trafficking operations and poor working conditions for those forced to make counterfeit goods. And for the first time, I began to understand that what we do here has an effect on people in the developing world.

After a number of years in law, I decided to follow my heart and explore how I might use my skills and experience in the not-for-profit sector and joined World Vision.

My role oversees the business management and legal side of things at World Vision. It's an exciting role due to its breadth and complexity. In any given day, I could be working on developing the organisational strategy, negotiating a service provider contract, reviewing a business process to see where it could be optimised, managing staff, scoping a new business initiative, helping bed in a high performance culture, project managing sales and marketing campaigns, and stuffing envelopes for the Christmas mail out. I love the people I work with. We're a varied bunch of people coming from different backgrounds, faiths, professional skills, and interests, but all united in our passion to transform the lives of children and their communities living in poverty.

Rebekah (pictured) represents one of the millions of children that World Vision works with right around the world. I have sponsored Rebekah since I started at World Vision in 2011, a commitment of just \$1.50 each day.

Rebekah lives with her family in a dusty village in the Masai Steppes of Tanzania. In July 2011, I had the privilege of travelling there for work with World Vision. I had the opportunity to visit Rebekah and was welcomed by her family with open arms. They treated me like a long-lost relative and teased me about travelling so far from home when I should have been focused on finding a husband! I spent an unforgettable afternoon with Rebekah and her family. They shared their life with me and showed me how World Vision was helping to transform their lives through health, nutrition, education, water, sanitation and economic development activities. I saw hope in their eyes.



I see Rebekah as my little sister. We write letters regularly and I love getting updates on her progress. Her photo sits by my computer as my touchstone to reality, keeping me focused on tasks that are the highest priority and that will achieve the best outcomes. I've never worked harder in my life than I have at World Vision, but I know that I really am making a difference and there is no better feeling.

Am I glad to have made the jump from corporate law to working for a charity? Definitely. I'm never going to earn millions but I don't feel poor. I feel my life is more enriched.

REASON TO BE CALLED Michael Reason

Setting up a law firm in London in 1994 was too easy. An Auckland based in New York gave me his London office after it lost its main UK Government client in exchange for some time spent on a case of his. In those days the only restriction on legal aid was the client's means. Having only one private case and no overdraft forced me to budget. Collaborating with "consultant" solicitors on a commission basis, I remained solvent even after the quarterly VAT cheque.



I initially paid around 15% of the firm's turnover in PI insurance premium.

After years it occurred to me to get more than one quote. By conducting a sort of Dutch auction I was able to reduce the premium by around a third.

Around then I learnt of Run-Off. Closing a firm of solicitors triggers an obligation on its last insurer to provide it – for a fee. Six years of run off cover is compulsory. The premium is two to three times the last year's premium. As I was paying initially around £20,000 and later £10-15,000 but finally £6,000, the cost of closing the firm was prohibitive. Run-off made closing the firm impossible. I was trapped and needed to find ways to keep costs down.

A forensic accounting investigation of the firm in 2005 found breaches of the Solicitors Accounts Rules I was not aware of. My bookkeeper had been running "dummy" client accounts. Small credit balances of a few pounds or pennies, rather than being refunded, were transferred to matters where there was a debit balance. When the Law Society inspector turned up that bookkeeper disappeared. There were numerous tiny accounting tangles to unravel, explain and prove to the Solicitors Disciplinary Tribunal. To my amazement, disclosing the SDT findings to insurers the following year caused the premium to reduce by about another third. Ironically the horror, the huge administrative task and the humiliation of the disciplinary proceedings, written findings, fine and costs were to my financial advantage.

I resolved that my conveyancing consultant partner should henceforth take responsibility for closing his client and office ledgers. He resisted. That was my job. I tried various systems, from expensive software packages, to bookkeepers based in India.

Struggling to deal with personnel led me to do a Dale Carnegie effective communication course. Knowing how to get people to understand what was needed without actually telling or ordering them what to do made a difference at least to my emotional well being but 'partners' soon wised up to these charms.

There is a dirty little secret that many solicitors firms in England are not profitable. Partners' expectation of regular drawings reflecting their personal outgoings leads firms to incur debt to fund them. When I first worked as an English solicitors clerk in 1988 the profession of Licenced Conveyancer had just been established. Thatcher broke the solicitors monopoly.

Prior to that conveyancing had been a profitable "bread and butter" business. It was standard to charge a fixed fee of 1% on a transaction. In 1993 Legal Aid Franchising was introduced. The pressure of falling rates has continued since.

There was little to do but reinvent myself as a "specialist". Having completed an LLM and several High Court trust related cases, I formed an arrangement with a firm of Auckland Chartered Accountants and set up New Zealand Foreign Trusts, subsequently Look Through Companies, Limited Partnerships and a superannuation fund which intends to become a Portfolio Investment Entity. My English firm stopped doing transactions and concentrated on advisory work, drafting and litigation. I specialized in personal and corporate migration to and from New Zealand and the UK and tax and trust related dispute resolution.

Closing the firm's client account was a lengthy process I did not regret.

Alternative Business structures began to operate in 2011. The ABS experiment has been taken up by insurers, claims managers, estate agents, the AA, Banks, transport firms, law costs draftsmen, trust companies, and claimant and defendant solicitors firms.

One might imagine a supermarket such as New World or Countdown. Hidden behind the washing powder and the fresh fruit there is a bakery, a delicatessen and a legal services counter.

"I'll have a half an hour of legal advice thanks...no make that three quarters".

"Will that be all sir?"

Alongside, the virtual firm has developed permitting solicitors with a practice a higher share of their client billing but no equity. Solicitors receive over 50% of gross billings, the "firm" supplying the regulated structure but no physical office.

In this volatile environment the future for my small private client and litigation practice was bleak. It has been reported that as many as a third of firms are insolvent. If one excludes the "big firms" and the new ABS sector, possibly the majority of small to medium sized traditional lawyer owned firms are no longer able to attract sufficient business to prosper or even survive. While this might be in the consumers' interests, 175 English and Welsh firms were not able to arrange compulsory professional indemnity insurance on the last renewal date.

Having decided to go to the bar, the most important step was to get a provisional place in chambers. The Bar Standards Board approved my application subject to passing Ethics and waived pupillage.

Lay clients' may instruct English barristers' directly. They still may not issue proceedings or take a step in proceedings but it appears that from 2014 that restriction will ease also. It remains to be seen how much "conduct" of proceedings will be permitted. It seems unlikely that barristers will be able to use their own address for service.

Barristers will probably lose some of their treasured independence. At least they must all be lawyers unlike Alternative Business Structure shareholders. Compared to the remaining "alternatives", sole practice in the serene Inns of Court, protected by the Bar Mutually Indemnity Fund and Code of Conduct with direct access to clients seems too good to be true.

ZOE JOHNSTON - 5 GENERATIONS OF LAWYERS



I moved to Dunedin in 2007 to study Law and science (quickly to be changed to Law and Finance). I attended Knox College for 2007 and 2008 and had a great 5 and half years in Dunedin. After finishing university I spent 5 months living in Milan working for a boutique intellectual property law firm there as a law clerk, and taking every opportunity to travel around Europe.

I am the 5th generation of my family to practice law in New Zealand. My great, great, great, grandfather was Sir Francis Bell. My great, great, grandfather was Sir Francis Dillon Bell, who was Attorney General and Prime Minister of New Zealand. Sir Francis Dillon Bell was also a founding partner of Bell Gully. My great grandfather was Sir Harold Johnston who was a High Court judge. My father Quentin is a lawyer practising in Hastings. My older brother John was also admitted as a lawyer in 2003.

I have always wanted to practice law because a just and fair society depends on a just and fair legal system, which I want to be part of. I have enjoyed my time as a law student but am very excited to finally be part of the working world. I began working for a small commercial and property firm in Auckland in May this year

CHRIS AUSTIN

Like most of my life experiences, my entrance and passage through law school was unique and required hard work and a lot of luck. Prior to attending law school my interest in technology had led me to a career path in the IT sector. In my last major IT project I was fortunate enough to have the one off experience of being part of the Vancouver Organising Committee for the 2010 Olympic and Paralympic Games. The scale of the project was immense and no two days were ever the same. With an international team, I worked at various venues and test events in Western Canada in preparation for the Winter Olympics. As that project came to a close, I began thinking about taking my career in a new direction. I still had a passion for complex problem solving and assisting and advising clients, but after a number of years in the workforce I wanted a new challenge. I began to realize that law and policy was a strong area of interest for me, which had been further fuelled by an introductory course to business law in previous studies. It became clear that my next step ought to be law.

With the additional responsibilities that come with adulthood, entertaining the thought of retraining as a mature student was extremely daunting. Knowing that these responsibilities would have to be fulfilled while I studied, I knew that time was of the essence. It wasn't until an email exchange with Dean Henaghan, outlining my circumstances that I started to believe that this could really happen! He was the only one who was willing to think outside the box and give me an opportunity of a lifetime. It

would be a challenging degree structure for me but also an offer I could not refuse!

Having travelled to various places around the world in recent years, it was great to be home in New Zealand and to find myself, for the first time, in Dunedin. Studying at the University of Otago Faculty of Law was a great experience and I was immediately impressed. They provided electronic copies of all the required materials, along with the various electronic resources available via the law library, which satisfied my appetite for technology and efficiency. I became enthralled in my legal studies. Best of all, despite being leaders in their respective areas of law, the professors were approachable, passionate and in good kiwi fashion, one hundred percent genuine. Although weighing law school with other responsibilities was difficult, I was fortunate enough to take in some of the 'great walks' of New Zealand while managing to stick to my academic schedule.

Since graduating with my LLB last December I have been busy working, volunteering and studying. Having decided to return to Canada, I was fortunate enough to quickly obtain work within the Legal Affairs Department for an automotive research project backed by Ford, Daimler and Nissan. This provides me with invaluable experience by allowing me to apply my legal education to real world scenarios. I manage a large number of agreements and on a daily basis I interpret, negotiate and draft agreements between my employer and their various national and international suppliers, and educate employees on their legal obligations in accordance with the terms of our confidentiality agreements.

To further my legal career in Canada, outside of work I have been busy volunteering for a local legal aid clinic and studying Canadian law to obtain my Certificate of Qualification from the Federation of Law Societies of Canada. In Canada everyone with a foreign law degree must complete at least the four core exams consisting of Canadian Constitutional Law, Canadian Criminal Law, Canadian Administrative Law and Foundations of Canadian Law (for more information see www.flsc.ca). It was great to discover that the author of my 'Constitutional Law of Canada' textbook, Peter Hogg, was a former University of New Zealand graduate. (Go the kiwis!)

Currently, while I wait to receive my Certificate of Qualification, I am on the lookout for an articling position with a local law firm to sit the provincial law society exams, the final step in becoming a registered lawyer in Canada. It would be great to hear from any Alumni who may know of an opportunity in the Vancouver region. I am also very willing to answer any questions that anyone may have regarding bringing your New Zealand law degree to Canada. My advice in a nutshell would be to plan ahead as much as possible! Feel free to email me at chrisjwaustin@outlook.com.



It was a pleasure and a privilege to study at the University of Otago Faculty of Law. I am truly thankful for Mark, without whom this opportunity would not have materialized. I am also grateful to the Faculty team, in particular Professor Dawson, Professor Roth, Professor Peart, Associate Professor Robertson, Associate Professor Buckingham and Mrs Palmer for their support.

PETER MARTIN

Awarded the Thomas Bradbury Chetwood, S.J. Prize - International Legal Studies.

Peter Martin graduated from the University of Otago in 2006 with the uncommon combination of a Bachelor of Laws with honours and a Bachelor of Science majoring in Genetics. Outside of the classroom he was also heavily involved in the wide range of cultural activities, which Otago life had to offer. Upon graduation this diverse range of academic and social experiences led him to a position at the Ministry of Foreign Affairs and Trade (MFAT), where adaptability and strong analytical thinking are essential requirements.



During his time at MFAT he worked on international trade negotiations and international law before being posted as a diplomat to the New Zealand Embassy in Argentina in 2009. In 2012, with strong support of the Faculty of Law, he was awarded a Fulbright scholarship to study for his LLM in International Legal Studies at Georgetown University in Washington D.C. His Otago Law training provided him with an excellent foundation for this challenging academic environment, with the result that he was awarded the prize for being the top student in his International Law class and recently received the Thomas Bradbury Chetwood, S.J. Prize for graduating top of his class.

The Chetwood Prize is awarded to the LLM student in each field who graduates with the highest grade point average. Peter had the highest GPA in the International Legal Studies program.

As Nan D. Hunter, Associate Dean for Graduate Programs and Professor of Law, Georgetown Law said to Otago Law Dean Professor Henaghan, "The happy result is that as Deans, you and I can now both be proud of his achievements".

HONOR LANHAM

During my undergraduate studies at Otago (2005-2009), criminal law and international law always held the most interest for me. These areas seemed to combine my interests in advocacy, people and in the case of international law – international relations. It was always my dream to explore these areas in more depth through postgraduate study.

In May this year I graduated with my Master of Laws (LLM) from Columbia University in New York and was named a James Kent Scholar. At Columbia, I was the W. Bayard Cutting Jr. Fellow of International Law and my studies focused on international criminal law and international human rights law. During my studies I was fortunate enough to work as a legal intern for the International Committee of the Red Cross' Delegation to the United Nations (UN) in my first semester and the Vice-Chair of the UN Committee Against Torture in the second semester.

After finishing my law degree at Otago, I interned with the International Tribunal for the Law of the Sea in Hamburg, Germany, concentrating on sea piracy, before taking up work as a Crown Prosecutor in Wellington in 2010. In January 2012 I moved to Hong Kong and conducted research for the International Institute for Conflict Engagement and Resolution at Shue Yan University for around eight months before starting at Columbia.

I worked for a while at the New York County District Attorney's Office (aka the Manhattan DA) in the Rackets Bureau, focusing on large-scale fraud and organized crime. The work is incredibly interesting and it all seemed a bit like you're in an American cop drama with wires, undercover officers and the like!

I'm now working at the International Criminal Court. I joined one of the legally aided Kenyan defence teams last week. We represent Sang who is currently on trial. The job offer and move happened very quickly. I was sad to leave the Manhattan DA's office as I really enjoyed the work and people, but this position is very much a dream come true so of course I couldn't say no!

Completing my LLM was made possible by a generous scholarship from the William Georgetti trust and a fee-waiver from Columbia Law School. I have also been very lucky to receive strong support from the Otago university community, particularly Professors Peter Skegg, Mark Henaghan and Kevin Dawkins, ex-Chancellor Lindsay Brown and ex-Director of Graduate Research Services, Dr Charles Tustin. I will always consider it our joint achievement that I gained my LLM and didn't have to live in a cardboard box while studying. Thank you!



LONDON NETWORK EVENT



On 3 July Professor Mark Henaghan was joined by a lively bunch of University of Otago Alumni from the Faculty of Law in London. Drinks were held at St John Bar and Restaurant near Smithfield Market in London. Over 25 guests joined Mark from industries as diverse as banking, recruitment, finance, intellectual property and the arts. There were lively discussions about old times and it was a well attended catches up. Leighton Cassidy, who helped organise the event said "It is always a pleasure to see Mark in London, to catch up with the latest news from Otago and see some old and new faces. We would like to hold further events from time to time in London in the future and would encourage everyone who is interested to register or update their contact details through the alumni pages. There are many graduates holding down very successful positions in the UK and these events are the perfect opportunity to network and meet up with old friends and make new ones".

From Gordon Youngson – "We all had a great time, and it was great to see Mark, and his recent lovely colleagues/ students from Otago. Who would have thought that it would have turned into a celebrity event, with famous actress from the Game of Thrones? Attendees were wowed, by Mark, and his flourish of good tidings, warmth, and compassion for his graduates recent, and not so recent!"

There will be a London Law alumni event in July 2014 with Mark. Details will be forthcoming.

There have been a number of other Otago Law alumni events this year.

The Faculty of Law in collaboration with the Career Development Centre and the Development and Alumni Relations Office has held career development seminars for Otago alumni. The programme has included hearing from keynotes about their own career pathways and challenges along the way. These have been followed by practical workshops to assist people reentering the work force or looking for career changes. Following the success of these well-attended events we held an evening event in November; the Otago Alumni Careers Seminar – Learn to Network Like An Expert!

Our two guest speakers Alison Finigan, Head of Alumni Relations Hilary Halba, Head of Department, Theatre Studies, are expert networkers and had valuable expertise to share.

The event aimed to have guests entertained and informed while getting a chance to practise newly polished networking skills on friendly fellow alumni attendees over drinks and nibbles.

CONGRATULATIONS TO SARAH WATSON JOINT WINNER OF THE 2013 BFSLA SCHOLARSHIP

Since early September, I have been undertaking a Masters of Law at the Faculty of Law, University of Toronto. The Faculty is the top law school in Canada, and is consistently rated as one of the world's top twenty law schools. The course is partly taught (my papers include "the legal history of money" "shareholder activism" and "economic and shareholder regulation") and partly a 15,000-word thesis – I intend to write in the area of insolvency law (specifically, on voidable preference transactions) under the supervision of Professor Anthony Duggan.



I am fortunate enough to have been jointly awarded the Banking and Financial Services Law Association (BFSLA) scholarship to assist with this study. The BFSLA scholarship is open to graduates in any discipline from Australia and New Zealand, who wish to pursue advanced postgraduate study in the law relating to banking, financial services or a related field.

The BFSLA award has been a real affirmation of my choice to pursue a career in banking and finance law. I have always had a special interest in commercial, insolvency, and banking law since graduating from the Otago Faculty of Law in 2009 with LLB (Hons)(First Class). After completing my BA in Budapest in 2010, I worked for around three years as a solicitor in the Banking and Finance Team at Chapman Tripp, Wellington, mainly under John Sproat, Mark Reese, and Alan Lester. My experience included acting on a wide range of corporate transactions and securities issues, as well as advising on financial regulatory compliance and on proposed regulations.

I am grateful to the Otago Faculty of Law for their support over the years, and to the BFSLA for supporting this next stage of my career. Thanks also to my referees Shelley Griffiths and Struan Scott, as well as to Barry Allan and Jessica Palmer, for making this area of law come alive for me through their excellent, energetic and enthusiastic teaching. An especial thanks to Shelley, who has remained a close friend and mentor since she supervised my dissertation in 2009.

IN MEMORY OF GREG KING



A memorial service was held to honour the life and contributions of Otago graduate Greg King who passed away late last year. Organised by The Society of University of Otago Law Students (SOULS), approximately 40 people attended the service, which

was held on the banks of the Water of Leith near the Richardson Building.

Mark Brunton from the Office of Māori Development opened the ceremony with a karakia and Professor Mark Henaghan, spoke about Mr King's life as did prominent Dunedin lawyer Judith Ablett-Kerr who was a colleague, friend and mentor to Greg. University chaplain Greg Hughson blessed the newly planted kowhai tree and invited the gathered crowd of friends, family, students, staff and members of the local legal community to place some soil around the tree and others to water it.

SOULS president Emma Haggas said the event had been organised to honour one of the most esteemed graduates of both the Faculty and the University.

"It was a sombre and special reflection of one of the University's most esteemed alumni. It was a reflection of a life lived to the full and in service to others," said Ms Haggas.

Greg King
1969 – 2012
Of Ngāti Tūwharetoa descent, and raised in Turangi

While a student at Otago, Greg was appointed to the Welfare Staff of University College (Unicol), Dunedin's largest Hall of Residence. He remained on the Welfare Staff at Unicol for the duration of his university studies and was the College Law Tutor for three years, annually tutoring more than 80 first-year law students, both individually and collectively.

Greg's law degree covered a broad range of papers, including company and commercial law, intellectual property law, international law and of course criminal law. His non-law papers included history, English literature and philosophy. He graduated from Otago with his LLB 1992.

That year, Greg was awarded a University of Otago Award in Law and won a scholarship to pursue post-graduate studies, but elected instead to go into practise. He was admitted to the bar as a Barrister and Solicitor of the High Court of New Zealand in the High Court at Dunedin in May 1993.

After being admitted to the bar, Greg took a position with leading criminal defence barrister Judith Ablett-Kerr in Dunedin. Over the next three years they worked together on some of the country's most complex criminal cases, a highlight being the two trials of Dr Vicky Calder, a microbiologist accused of poisoning her former partner with the compound acrylamide, internationally respected plant scientist Professor David Lloyd. The case is still regarded as the most forensically complex criminal case in NZ history.

After three years of working together on literally hundreds of cases, during which time Mrs Ablett Kerr was appointed a Queen's Counsel, Greg left to commence practice on his own account in Wellington as a barrister sole in 1996.

After leaving Dunedin, Greg continued to work with Judith on some cases, including that of Peter Ellis and the trial of Dr Clayton Weatherston, convicted of murdering Sophie Elliott. His most recent and arguably most high profile was the Scott Guy murder case.

In addition to criminal law, Greg also represented clients in employment law, family law and civil law cases, including intellectual property disputes. He was experienced in judicial review proceedings and all manner of Tribunals. He won the prestigious Eisenhower Award 2012 – the 17th New Zealander (and first lawyer) selected since the founding of the Fellowship. This saw him undertaking a wide range of legal experiences throughout the United States of America in April and May 2012.

If you would like to share your story with other alumni please contact the editor at: ruth.molloy@otago.ac.nz

UNDERGRADUATE NEWS

FAREWELL TO THE FINALISTS OF 2013. WE WISH THEM WELL IN FUTURE ENDEAVOURS



**Faculty of Law, University of Otago
Final year LLB and LLB (Honours) Students 2013**

- Eleventh Row:** (left to right) Zak Hawkins, Greg Low, Ryan Everton, Brenton Thompson, David Hall, Wade Pearson, Alec Dawson, William Cheyne, Andrew Row, Tiho Mijatov, Hamish Anderson, Jeremy Thomson, Edward van Hecking Colenbrander, Tom Jemson, Anthony Cooke
- Tenth Row:** Stacey Fletcher, Michelle Glading, Kate Lee, Margot Chisholm, Kate Armstrong, Francesca Priest, Emma Haggas, Edward Bowie, Sam Sygrove, Renata Davis, Tom Barraclough, Jennifer Young, Henry Benson-Pope, Michael Blaschke
- Ninth Row:** Harriet Goodhew, Shaun Peacock, Daniel Stride, Lillie Greenslade, Aidan Cameron, Callum Bailey, Tom Latimour, Thomas Elliotte, Rebecca Hay, Anna Stevens, Rebecca Barton, Jonathan Rowe
- Eighth Row:** Freya Morrison, Meghan Nicholson, Hannah Clancy, Lucy Harris, Lucy Carruthers, Ruby Yeats, Jason Zwi, Chris McKegg, Evan Jones, Talissa Koteka, Tenille Simpkin, Sarah Redding, Stephen Laing
- Seventh Row:** Harriet Leadbetter, Emma Gattey, Joanna Lambert, Victoria Watt, Ash Mulholland, Emma Burke, Jayne O'Connell, Emma Sim, Nicky Millar, Nikki Sim, Mel Jagusch, Tom Morgan, Alex Gower, Lorenzo Lombardi, Campbell Harding
- Sixth Row:** Bradley Watson, Louise Trevena-Downing, Emma Bennison, Zoe Burton, Maddie Ashby, Briar Malpas, Angela Yiavasis, Sam Cossey, Sam Holmes, Nathaniel Parker, Phoebe Harrop, Emily Campbell, Kate Rattray, Oliver Town, Blake Stewart, Scott Archer, Troy Macdonald, Blake Hoare, Jonny Mahon-Heap
- Fifth Row:** Anna Venz, Kate Waller, Sophie Slater, Rachel Horsburgh, Marica Frost, Sarah O'Brien, Georgia Angus, Briar Ensor, Lorena Langman, Ines Shennan, Steph Curley, Jamie Wiles, Tom Stevens, Simon Stanley-Harris
- Fourth Row:** (starts midway) Harriet Enright, Susannah Bull, Isabelle McKay, Melissa Hay
- Third Row:** Sarah Jones, Anita van der Loo, Scott Teviotdale, James Kane, Simon Blogg, Samantha Bills, Kimberley Foo, Dipti Manchanda, Claire Adams, Will Rutherford
- Second Row:** Stephanie George, Josephine Byrnes, Sam Kember, Rosamund More, Lauren Nottle, Lauren Aspin, Alexander Archer, Natasha Smith, Sophie Craig, Emma Backhouse
- First Row:** Olivia Payne, Kate Wilkinson, Hilary Palmer, Harriet Hughs, Sam Teppett, Campbell Arnott, Sam Davison, Nicole McCallum, Courtenay Whitford, Nigel Jamieson, Mark Henaghan, Grace Mitchell
- Absent:** Natalie Bowmar, Judith Bullin, Alex Flaus, Penelope Peirce, Jesse Roth

OTAGO WINS THE MAHONY CUP



Congratulations to Matthew Mortimer and Jane O'Connell who were the winners of the Mahony Cup for the National Family Law Moot.

The University of Otago took top honours at the recently held New Zealand National Family Law Moot, sponsored by the New Zealand Law Foundation. After a brief hiatus in 2012, the moot was reconvened in 2013 and involved the University of Auckland (Jayden Houghton and Yvonne Wang), Victoria University of Wellington (Alexandra Kissling and Alexandra Cooper), the University of Canterbury (Matthew Davidson and Ashleigh Ooi) and the University of Otago (Jayne O'Connell and Matthew Mortimer). Otago hosted the competition.

The moot concerned the application of The Hague Convention on the Civil Aspects of International Child Abduction to a seven-year-old girl who was visiting Timaru with her father. At issue was whether she could remain in New Zealand or instead return to her native France and her mother, complicated by the fact that she was not able to wear a hijab to school in France, but could do so in New Zealand. Competitors had to argue whether or not exceptions to the Hague Convention - which favours return of a child to her habitual residence - applied to this case.

The judges of the moot, Anita Chan and Rachel Cardoza - both experienced family law practitioners - were impressed by the high level of advocacy, remarking that each of the student competitors were at least as good as actual practitioners, and the University of Otago only narrowly edged out their rivals to take the Mahony Cup. The National Family Law Moot is a valuable and rare opportunity to display and test advocacy in the family law context, and the organisers of the moot wish to thank the New Zealand Law Foundation for their generous and unwavering support of the competition. Thanks to Faculty staff, Marcelo, Clarissa and Claire for organizing this successful event.

From Matthew Mortimer

The opportunity to moot in a specialised area of law is great in attracting to moot students with a particular passion for the subject, though no one can sit in Professor Henaghan's Family Law lectures without developing enthusiasm for the area.



As a competitor it was great to be able to make submissions to people who not only knew the law very well but who also had a thorough knowledge of the problem. Mooting is at its best when the judges are able to throw questions at you based on the minutest details in the problem.

The opportunity to talk with the other competitors was also valuable.

Particularly interesting was hearing about how the family law and moot programmes operated at the other universities. Evidently several papers at New Zealand universities use moots as a form of internal assessment, which is something, I'm quite envious of. Mooting requires the same groundwork as a written assignment but on top of that you have to defend your analysis to a questioner, which I think allows a better assessment of depth of understanding.

Jayne and I really appreciated Professor Henaghan spending some time listening to our practise submissions and offering his reflections on them. Mark spent time at the group dinner and talked to all of the students. One of the competitors told Jayne and me afterwards that she had never spoken to the Dean of her law school in the five years she'd been there. It made me realise how much lucky we are at Otago to have someone as dedicated as Mark as our Dean making himself available to students and attending law events.

OTAGO UNIVERSITY DEBATING SOCIETY WOMEN'S TEAM DOES WELL IN AUSTRALIAN WOMEN'S TOURNAMENT

The Otago University Debating Society (OUDS), proudly sponsored by Gallaway Cook Allan Lawyers, had great success at the recent Australian Women's tournament. The tournament was held at New South Wales University in late September. Both Otago teams reached the quarterfinals, with Otago One finishing fifth, and Otago Two sixth, out of a fifty-two strong team field.

Grace Jansen (1st year LLB) and Alice Sowry (2nd year LLB) formed Otago One, while Rebecca Gates (6th year LLB), and Sophia Cameron Christie (Genetics PHD) made up Otago Two. Katarina Schwarz (4th year LLB) was selected to judge the finals series. This is second consecutive time Katarina has judged finals at an international tournament after accomplishing the same feat at Australs this year.

Grace and Alice placed highly on the individual speaker rankings. Out of the 104 speakers Grace ranked 11th and Alice 15th.

Having the whole squad make the finals was an incredible result given this was the first time OUDS has sent a squad to Australian Women's in recent memory.

The women's squad would like to thank Gallaway Cook Allan Lawyers, the Vice Chancellor and the Law Faculty for supporting them. Their financial contribution makes it possible to send teams to international tournaments like Australia.

UNIVERSITY OF OTAGO TO HOST AUSTRALASIAN



INTRAVARSITY DEBATING CHAMPIONSHIPS IN 2014

From left to right; Kurt Purdon (Treasurer), Alice Sowry (First year rep), Hannah Drury (Women's rep), Patrick Dawson (Development), Alec Dawson (Publications), Paul Hunt (President), John Brinsley-Pirie (Vice President)

The Otago University Debating Society, proudly sponsored by Gallaway Cook Allan Lawyers, has won hosting rights to the Australasian Intersvarsity Debating Championships in 2014.

The championship will involve teams from Australia, Asia and New Zealand. It is the second largest debating tournament in the world, only the World Championships being larger. The tournament will take place at the start of July, during the semester break, and feature approximately one hundred teams.

The organisation skills of law students John Brinsley-Pirie and Thomas Mitchell, the co-conveners of the bid, were critical to the bids success. Bali was an attractive option to many as a popular tourist destination. However, compiling many world-class adjudicators ultimately resulted in a two-vote victory.

Hosting the tournament provides a great opportunity for Otago University to showcase itself to overseas students as well as raise the profile of debating domestically. We would like to thank the law faculty and community for their continued support of debating.

OTAGO JUNIOR MOOTING COMPETITION

Congratulations to Sam Cathro and George Niven for winning the Chapman Tripp Otago Junior Mooting Competition. They are the proud holders of the Advocates Cup for 2013. Emma Cameron and Latafale Auva'a were very worthy runners up.

BIDDLE FINDLAY NEGOTIATION COMPETITION 2013 WON BY OTAGO LAW STUDENTS, TOM JEMSON AND HENRY BENSON-POPE

Tom and Henry are both 5th years studying LLB (Hons) with Henry completing a BA in politics and Tom a BSc in economics. The team won the right to represent Otago by taking out the regional competition at Otago. The competition was held along with all the other law competitions at the NZLSA conference held in Christchurch. Competing consisted of 5 preliminary rounds over the first two days. This was against teams who had won their respective law school competition (AUT, Auckland, Canterbury, Waikato, Victoria). It was a very toughly fought competition given 4 of these teams had made the quarter finals (with 3 in the semis and 2 in the final) at the Australian competition a month earlier.



Some of the preliminary topics included:

- Negotiating the rights to an 8th Harry Potter movie.
- Negotiating the split of assets under Michael Jackson's will.

Otago broke first into the final with 4 preliminary wins. Auckland broke second with 3 wins (AUT and Waikato also had 3 wins, but Auckland beat both of them in their head to head)

After a day off, the final was held on Saturday. The topic of this round was negotiating a marriage settlement between 'Tim Cruiz' and 'Kitty Holmes'.

Otago was announced as winning the competition that night at the end of conference dinner:

Tom Jemson said, "We are very grateful for the help of Mark Henaghan, Nicola Peart, and Selene Mize for their advice in the lead up to the competition. Winning nationals gives us the right to represent New Zealand at the International Negotiation Competition in South Korea next year where Selene Mize will coach us.



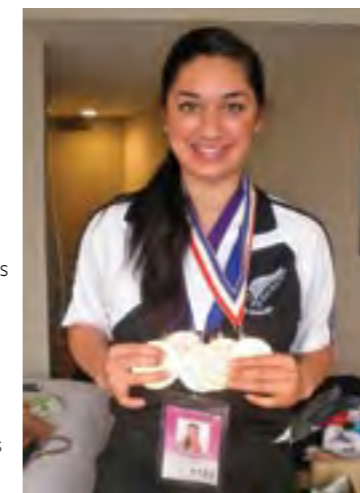
BELL GULLY SCHOLARSHIP AWARDS

Congratulations to Helen Kent, Lucy Henderson, Clare Poulgrain and Brendan Austin, second year law students who were awarded Bell Gully Scholarships. The award is for second year law students from all law schools on New Zealand of the seven awarded, four went to Otago students.

LATAFALE AUVAA WINS AT WORLD PERFORMING ARTS CHAMPIONSHIPS IN HOLLYWOOD CALIFORNIA

Latafale has finished competing for New Zealand in the 17th Annual World Championships of Performing Arts held in Hollywood, California singing and dancing.

The World Championships is the only international talent contest of its kind and is cited as the Performance Olympics for the world. It was a great success, and she was able to place in 5 of the 7 categories she competed in - 2 gold, 1 silver and 3 bronze for a combination of singing and ethnic dancing and for being selected to perform as 1 of the 5



vocalists in the final showcase which was broadcast live across America and online. Her gold was for placing first in the Song and Dance element of the competition, Silver for Jazz and Bronze for musical theatre, ethnic dancing and contemporary singing.

There were over 40 countries competing and over 1500 contestants.

Latafale was also selected for the National Youth Choir at the beginning of this year; who have enjoyed putting a variety of concerts on namely for Parliament, combining with voices NZ for the Auckland Art's Festival and who are now gearing up for Sing Aotearoa in late October, and the Choir's International tour to America and Canada in November.



KAYLA STEWART RECEIVES THE RICHARD SUTTON MEMORIAL AWARD FOR 2013



Among the many prizes, awards and scholarships available to Law students studying at the University of Otago is the 'Professor Richard Sutton Memorial Award'. This award was established in 2011 in memory of Richard with financial support from family, friends and former students.

Richard, a former Dean of the Faculty of Law (1981-1984 and 1998-1999) and Law Commissioner (1992-1997) was a man of great brilliance and of equal kindness. Not only did Richard touch many lives, his contribution to the development of the law, legal education, and individual students (now lawyers, judges and academics) was immense.

Recently the Award was presented to Kayla Stewart, a 4th year BA (Hons)/LLB student. In making this award the selection committee was impressed by Kayla's dedication to the law, her sense of professionalism, and her wish to serve the community - all values that Richard advanced.

One of Richard's main areas of research involved the principle of unjust enrichment. In addition to the Professor Richard Sutton Memorial Award, the University awards the 'Richard Sutton Memorial Prize in Restitution' to the top student undertaking the Faculty's Law of Restitution Paper.

William Cheyne was awarded the Prize in 2012.

KIRSTY THOMPSON



My rowing life started when I was a young third form student at the rare age of thirteen. Now, as a twenty-two year old and a Law student of the University of Otago my rowing career has continued to blossom in leaps and bounds, creating opportunities that a thirteen year old could have never imagined.

Through college in Nelson, I was a competitive athlete where sport ruled my life. I played every sport I could lay my hands on, basketball, netball, volleyball, touch rugby and of course rowing. The thing that rowing has that no other sport can begin to imagine is the ready made family you inherit when that fatal decision arises that for some mad decision you choose to row. You literally spend every waking moment with these people, from 5am in the morning until 5pm at night they are in your pocket. They see you at your best but also most definitely at your worst. The one other thing that rowing has is that intense pain you put your body through at some ungodly hour of the morning (where no other person your age has even considered to get out of bed, some even just going to bed) to win. A combination of these two points were the main reasons which in my second year of University I decided to not continue being a "jack of all trades and a master of none" and see where I can take myself with this amazing, utterly ridiculous sport, which has been one of the best decisions of my life.

Reigning from the Nelson Rowing Club, the Otago University Rowing Club was an easy switch for those cold winter months. Rowing at Otago is renowned around New Zealand as the hub of university rowing and I have definitely seen why. As you will see, the experiences I have gained from rowing at this competitive rowing club have been astounding. In my first year I went to South Africa with the Otago Women's Eight and raced in the University Boat Race where we came third, when I was just 17. Also in that year I was selected into the New Zealand U21 Team to race in Sydney Australia, and was named the most improved female rower of the Otago University Rowing Club. In my second and third year I was selected into the New Zealand University Rowing Team and we raced in Adelaide, Australia and Queenstown and took out both titles two years in a row. Also in my second year I was again selected into the New Zealand U21 Team for the second year in a row. Last year, I went to Seattle, America with the Otago University Rowing Women's Eight where we raced in the prestigious Windermere Cup and came second. Also last year I was chosen to represent the New Zealand University Team in the Women's Coxless Four where we raced at the World University Rowing Championships in Kazan, Russia which we gained a 5th place being the first Women's Four from New Zealand to gain a place in the A final in the history of New Zealand attending the regatta. To start this year I was once again selected in the New Zealand University Team and travelled to Adelaide to defend our title and we smashed the Australians, which is always a good feeling. Also this year our Otago Women's eight once again took out the New Zealand University Rowing

Championships and were consequently invited to travel to China for two regattas against top Universities from around the world.

I have recently returned from China, and that was a trip of a lifetime. We had excellent preparation for this trip away as we not only completed our normal training schedule but also were a part of research completed through the PE school at Otago in which we had sessions in the heat chamber there. We went to the heat chamber everyday for eight days in a row and spent time in the climate that we were to expect in China. This was 45 degrees Celsius and approximately 80% humidity. Safe to say it was fairly hot. That heat chamber experience was crucial for us and ultimately was one of the reasons if not the main reason why we achieved so well in China. We were treated like celebrities in China, with photographers waiting as soon as we got off the bus, or following us around wherever we went. News reporters and media interviewing us, getting our comments on the cities and China in general, it was absolutely unreal. We were the talk of the town, everyone knew who Otago was. Each regatta we raced at was on national television in China and we even had people supporting us with "Go Otago" flags. It was soon made clear to us that these regattas were a very big deal and the pressure was definitely applied.

We raced at the International Universities Regatta in Chengdu and the World Famous Universities Rowing Challenge in Wuhan. Our competition consisted of Pavia University from Italy, Yale University, the University of London, The University of Paris and Xi-an University of China. The other crews dominated the start but our crew managed to pull through and come away with the win in emphatic style, in both regattas coming from behind to take charge of the lead and stamp our name down on international waters. As temperatures were in the late 30s to early 40s most days, we were extremely thankful for our preparation. As the other crews were coming from their summer with the European girls suggesting, "It is just like at home" they definitely had the advantage (anyone else would as no one was coming from freezing to forty like we were!). But with the use of our training previously, cool heads and the use of ice vests developed at the University to combat the heat we showed everyone what we could achieve and maintained our undefeated record for the year in every race we have attended both national and international. That alone is an amazing record to have.



After reading this you will most certainly know the opportunities which rowing has given me and realise that not only is rowing my life, but that is the reason I love it. I still have many goals to achieve in this sport and am not finished yet. I will complete my Bachelor of Arts in Politics and History this year and then my Law degree is set for completion next year. I am excited to see what my last year of University will throw at me and would not have been to the places I have or achieved what I have achieved without the Otago University Rowing Club, the University of Otago and the Faculty of Law. All have helped me tremendously throughout this stage in my life and for that I will be forever grateful.

THE YEAR FOR THE SOCIETY OF OTAGO UNIVERSITY LAW STUDENTS President Emma Haggas

2013 has been a hugely active and energetic year for SOULS. Amongst the existing calendar events, SOULS has initiated a range of new events.

Otago fielded a great team for the national competitions. The team travelled to Perth to compete in the Australian Law Students Association annual competition and then to Christchurch to compete in the New Zealand equivalent. A special congratulations to Henry Benson Pope and Tom Jemson for their victory in the Negotiation competition at NZLSA, best of luck to these two who will travel to South Korea next year to compete at the World Negotiation Final.

The Education portfolio saw the addition of Mental Health Day, which will become a regular and welcome feature of the SOULS calendar. The Mental Health Day is an important reminder of need to address the fact that studying law can be a very anxious and stressful pursuit, realised in a recent survey of law students throughout the country which highlighting the serious issues students do face when studying. The day began with an 8am Zumba class, followed by a delicious morning tea for the Mental Health Guide Book Launch. The highlight surely must have been the number of bra's hanging throughout the common room for donation to Women's Refuge; it is fair to say it definitely lifted the atmosphere (pun intended) for the afternoon. The day was concluded with an entertaining Staff v Student comedy debate, arguing whether USB's get degrees.

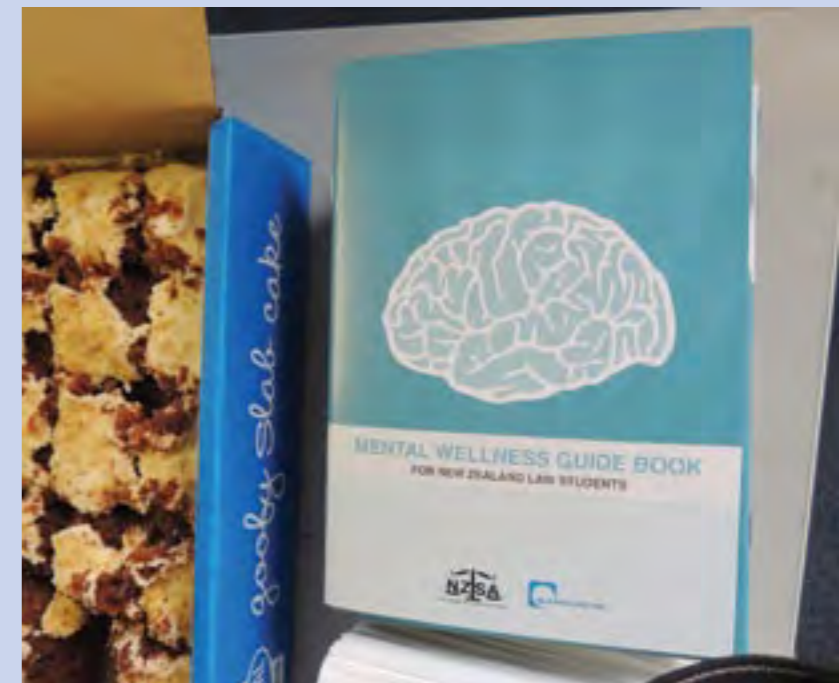
The SOULS Speaker Series also became a great new fixture on the SOULS calendar. Theresa Gattung, John Allen and Wayne Eagleson have visited to speak about where their law degrees have taken them. They were all incredibly engaging, insightful and helped to open our eyes to the wider opportunities available to legal graduates.

It has been a fabulously social year for SOULS. It was great to see the biggest turnout ever at Wine and Cheese, that there were no serious injuries at Law Camp (a gift we are still thankful for) and that the Andy Warhol themed Law Ball sold out in a record two days.

The SOULS Sports were thankfully, more fruitful than the America's Cup. The notables including the Rugby Vultures who had a great season and looked particularly chic in their new jerseys, thanks to Meredith Connell and the SOULS Swans Indoor Netball team who have been a great addition to the sports portfolio. The SOULS-LAWSOC Sports Exchange was a fantastic finale to the year; it was great to host the Canterbury students for a weekend and even better to beat them.

SOULS was very pleased to launch a new website and logo at the beginning of the year and hopes for this to become an easy way for the community to engage with the latest news from SOULS. Check it out at www.souls.co.nz.

Finally, SOULS in conjunction with the Law Faculty commemorated the life and contribution of the late Greg King to the legal community. The service reflected upon the positive influence that we can have as legal graduates in our community. A final huge thank you to the Faculty and Mark in particular, for ensuring that 2013 was another hugely positive year for law students.



GRADUATION STORY JASON USHAW

Jason Ushaw graduated with an LLB in August despite significant hardship. Jason has had to overcome some extraordinary personal challenges along the way and has demonstrated unusual courage and fortitude in not only completing his studies but helping other people as well. Jason sustained a massive head injury in 2001 and after spending 2 weeks in a coma, faced a long and arduous convalescence, including 3 months in the Isis Unit in Wakari Hospital.



"It's been the longest, longest road and I never thought I'd ever get there," Mr Ushaw said.

About 13 years ago, his parents, Daniel and Julie Nolan, moved to Southland, and parts of rural Otago, including Waipori Falls, in search of cheaper housing and better times but life had since remained fairly tough for them, he said.

"She was a hard worker. I may have got my work ethic from my mum."

Jason had been still living in Auckland when he was attacked and received a head injury causing considerable neurological damage.

It took quite some time to recover and Jason helped himself in the early period by reading children's books.

Heading south to be closer to his parents, he spent three months recovering in Wakari Hospital's Isis Community Rehabilitation Unit, and then spent six months in supported living, also in Dunedin, receiving help from nurses.

He vividly remembers waking up one morning and deciding he wanted to study philosophy and, with the start of extensive "fantastic" help from the Otago University Disability and Information Support service, including lecture note-takers, he passed his first philosophy paper that year, with a B-plus grade. After more years of hard part-time study, he eventually completed a BA in philosophy.

Jason was later invited to study law, and realised he faced a tough challenge, including having little money, and the challenge of highly competitive entry into the later second year of law. He made it into second year and did well with his legal studies, while working at the university, changing lighting tubes throughout the campus from early morning in order to survive financially.

In the midst of his growing success, the second big blow struck. His parents had just moved to Matura in late 2010, when his mother, aged 48, died suddenly, of a heart attack. Jason took a year off his legal studies and headed south to Matura to support his father. In his grief, he initially considered abandoning his legal studies.

Unfailing strong support from staff at the Otago Faculty of Law brought him back to law, and he completed his studies last year.

Despite huge odds, he has completed two university degrees and says "I'm the poorest lawyer that ever was – I still am. I am proud for my mum and I am proud for my dad."

POSTGRADUATE NEWS

JESSICA PALMER Senior Lecturer and Postgraduate Coordinator

Postgraduate study at Otago continues to thrive. We have several PhD and LLM students resident in the Faculty. They regularly attend staff seminars and some are also involved in tutoring and in judging student competitions. In addition, we have several postgraduate students studying by distance around New Zealand, many of whom also work in legal practice. They keep in touch with supervisors by email and Skype and visit the Faculty once or twice a year. We enjoy having postgraduate students as part of the Law Faculty community and would be very interested to hear from you if you would like to discuss the possibility of undertaking further study.



This year we welcomed two new members to our postgraduate community.

Fiona Miller is a part-time PhD candidate based in Wellington and has been a practising lawyer for a few years. Her topic is "Statutory provision for competent children under the age of 16 years consenting to, or refusing, their own medical, surgical or dental treatment". Mark Henaghan and Nicki Taylor are supervising her.

Ben Ralston arrived from Canada in July to undertake an LLM on marine resource co-management with indigenous peoples, taking a comparative approach to Canadian and New Zealand practice. Jacinta Ruru is supervising him.

We congratulate the following postgraduate candidates are graduating in December. We wish them all well in their future endeavours.

Katharine Wallis (PhD) "Developing a culture of safety", supervised by Susan Dovey (Medicine), John Dawson, John Campbell (Medicine) and Grant Gillett (Bioethics)

Daniel Becker (LLM) "The controversy over mediator neutrality: Input from New Zealand mediators", supervised by Selene Mize

Robert Styles (LLM) "The Role of Civil Society in International Law", supervised by Kevin Dawkins

Four more of our PhD candidates have submitted their theses this year and are currently undergoing examination. We look forward to their graduations early next year.

CONFERENCES

THE NEW ZEALAND LAW SOCIETY OTAGO SOUTHLAND CONFERENCE 2013 HELD AT THE FACULTY OF LAW - 2 NOVEMBER



The combined annual conference of the Otago and Southland branches of NZLS was held in the Faculty on November 2nd.

Many of the 112 lawyers circulating between sessions on the 9th and 10th floors said it was like going back in time, as they passed students in the throes of examination stress and heading for the library.

Sir Andrew Tipping was the keynote speaker and his lively presentation on tort reform in the 21st century was greatly enjoyed, even by those lawyers whose interests in that area ended when undergraduates.

A wide variety of other topics were the subject of sessions on criminal, family law, commercial and employment law. There were also presentations on tax, arbitration, forensic processes for e-discovery, a workshop on the art of effective communication and a forum on current issues in civil litigation.

The dinner was held at the Custom House with David Clark MP as speaker

This is the fifth combined conference between the branches and the law school has been the home for three of them. It is a link with the profession that the Faculty always welcomes, as many of the attendees are former graduates.

MENTAL HEALTH LAW CONFERENCE 2013

In association with the Australian and New Zealand Association of Psychiatry, Psychology and Law and coinciding with the 21st anniversary of the passing of the Mental Health Act into law.

The conference also saw the launch of the book, *New Zealand's Mental Health Act In Practice*, edited by Professor John Dawson of the Otago University Faculty of Law and Kris Gledhill from the Auckland University Faculty of Law.

THE ANZLHS CONFERENCE WAS HELD IN THE FACULTY OF LAW 25 - 27 NOVEMBER.

The Theme of the conference was 'People, Power, Place'

With the generous support of the New Zealand Law Foundation, this conference provided an opportunity for academics to come together, share and be inspired about global, international comparative, national and local ideas of the role of law in configuring historical understandings of people, power and place. It was an exciting interdisciplinary conference for all persons interested in the connections between law and history.

ART AND LAW

CUBAN ART EXHIBITION OPENS

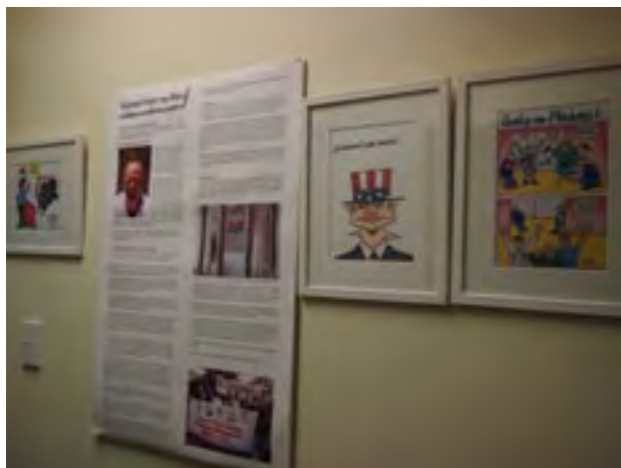
An exhibition of political cartoons by Cuban artist Gerardo Hernández Nordelo, *Humor from my Pen*, opened on 3rd October in the Faculty of Law with Her Excellency the Cuban Ambassador to New Zealand, María del Carmen Herrera Caseiro among the audience of invited guests, including the Mayor, members of the Hispanic community in Dunedin, University staff and students.

Her Excellency commented on the rich history of Cuba, the struggle for independence and the current reality for Cuba in terms of the on going effects of the embargo. Despite the fall of the Eastern Bloc countries, Cuba has managed to lift itself from poverty and improve the economy. She emphasised the willingness of Cuba resolving difference with the US subject to the conditions of mutual respect and lifting the embargo.

Her Excellency also spoke about place Cuba has taken in the international arena and strong relationships that have been built in the Pacific.

The exhibition featured 30 works by Mr Hernández on topics mostly political satire around US/Cuban relations. The artist, Mr Hernández a personal friend of the Ambassador, is a caricaturist whose drawings have been published in the Cuban media and displayed in galleries around the globe. He is also one The Cuban Five. [www.thecuban5.org/wordpress/index.php] – a group of men arrested in Miami in 1998 accused of conspiracy to commit espionage. He is currently serving a double life sentence in a U.S. prison.





Dean, Professor Mark Henaghan says the Faculty of Law was delighted to be co-hosting the exhibition alongside the Spanish Programme and the Cuban Embassy in New Zealand.

"The Faculty has a long history of holding art exhibitions and collaborating with emerging and established artists to promote a diversity of art works to the Faculty and public at large. We see these works as contributing to an ongoing celebration of different art forms and expression."

At last night's opening, the audience was treated to a traditional Māori welcome by Mark Brunton from the Office of Māori Development who highlighted some similarities between Māori and Cuban nationals.

The Cuban Ambassador spoke of international relations between Cuba and New Zealand and hopes for collaboration in mutual areas of interest. The Cuban Embassy has opened a Cuba and New Zealand Friendship organisation in Dunedin today.

The occasion was also used to celebrate the award of the Spanish Prize, which was won by Phoebe Harrop LLB/BA.

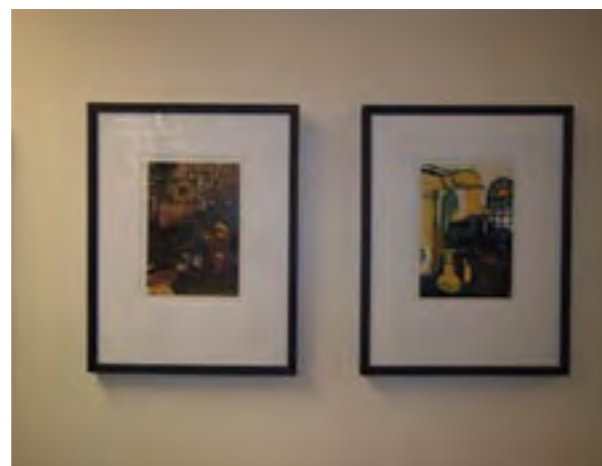


Visit the Faculty of Law website



www.otago.ac.nz/law/

ART IN LAW X 18 JULY - 22 NOVEMBER



Marion Wassenaar *Gas Works Series*



Marion Wassenaar *The Wanderer Retreats*

The Faculty enjoyed hosting the 10th Art in Law Exhibition this semester.

FROM THE CURATOR PETER STUPPLES

An Appreciation of the Work of Kristin Peren and Marion Wassenaar exhibited in the Faculty of Law.

Our world is a ball of rubbish, the detritus of a small bang from the Big Bang. We've evolved out of rubbish and are busy creating more. Art rubs our noses in it – the material, the social mess, the confused thought, the desire to act whatever the consequences. The consequences are upon us. Industrialisation has upped the anti.

We have so much rubbish we can never recycle it all, but artists cause a pause, urge us to think again...and again. Artists use materials, like charcoal. Marion Wassenaar fired The Evolution of Industry, turning it into charcoal; grilled newspapers into fragile sculptural memorials of transitory events that could fly away in a puff of wind. Dust to dust... Creative Flower Arranging became the medium for drawing images of apple blossom. Industry creates goods, energy, and work. Work creates wealth. Wealth finances research and development. Ingenuity supported by capital creates new ideas to further development. Heroes of labour carry out the hard work. They are the ones to face danger. They work at the coalface. They are celebrated in Marion's industrial cleaners screen-printed onto survival blankets.

But today's developments are tomorrow's rubbish. One process is superseded by another – reticulated gas by bottled, coal by hydroelectricity, postal mail by email. Old heroes are for museums. New heroes are less brawny than brainy.

Kristin Peren has long been interested in the energies that drive us; the energies of existence, but their exercise bring responsibilities.

What we displace we need to replace. I do not consider art as pure creation since it starts with the stimuli of our world, filtered through perception, which, in itself, is inflected with experience. Like any artist, knowledge of the past and present and lived experience informs my work; and the recognition that all knowledge is partial, incomplete. This is the more reason for us to strive toward the light, and to make the necessary connections between the light and the dark, the shadows. ... Faced with the magnitude of our world's ecological crisis, individual effort may appear insignificant, almost powerless. But communities can create a will to change. In this regard, the [photo] print is an ideal tool.'

Kristin's prints depict moulded rubbish turned into fantastical landscapes, landscapes of the future, without people, without industry, without the romance of nature, with only the mountains and valleys of surreal colour, lit by the lamps of space.

'It is clear that our environmental policies worldwide are failing, largely because there appears to be a vacuum of thought. [Are we brainy enough?] Many of our actions appear to be dominated with no greater incentive than individual or national profit. It is now more urgent than ever that we consider our eco-system, what it offers and our place within it.' Quoted by Cassandra Fusco, 'The Power of the Whole', Asian Art News, July/August 2012, p. 66

Both Marion and Kristin offer us images for thought – about our existence, our history, and our present, about ashes to ashes.

NEW ZEALAND LAW FOUNDATION

The New Zealand Law Foundation has a number of funding opportunities available.

Applications are open for the prestigious Ethel Benjamin Scholarship.

Outstanding young women lawyers intending to undertake post graduate study are encouraged to apply by 1 March 2014 for the New Zealand Law Foundation's prestigious Ethel Benjamin Scholarship for women. The award provides up to \$50,000 towards postgraduate studies overseas or in NZ.

Go to www.lawfoundation.org.nz/?page_id=12 for the terms of reference and information on how to apply.

Other NZ Law Foundation Awards and deadlines:

- NZLF Shadow Report Award (Human Rights Issues) - applications close 1 August
- NZLF International Research Fellowship - applications close 1 September
- NZLF Cleary Memorial Prize (Prize for future promise in the legal profession) – applications close 30 September
- NZLF Doctoral Scholarship Award (for Doctoral Study in law in NZ) – applications close 1 October

Go to www.lawfoundation.org.nz/?page_id=12 for more information.

GRANTS AVAILABLE FOR LEGAL RESEARCH FROM NEW ZEALAND LAW FOUNDATION

The Law Foundation provides grants for legal research and for projects assisting with public education on legal issues. You can apply any time via the Foundation website www.lawfoundation.org.nz

The first deadline for grant applications for 2014 is on 28 Feb 2014.

The Foundation welcomes enquiries about the suitability of projects and you are encouraged to contact the Director, Lynda Hagen, on 04 499 1038, to informally discuss preliminary ideas before applying.



VISITORS

The Faculty was very pleased to host the following visitors in 2013.

- ~ Lord Phillips of Worth Matravers – New Zealand Law Foundation Distinguished Visiting Fellow for 2013
- ~ Retired Judge Kirk Samelson – Otago Fullbright Visitor
- ~ Hon Michael Kirby AC CMG Australia
- ~ Hon Madam Justice Robyn Moglove Diamond – Court of Queen's Bench, Family Division Canada
- ~ Associate Professor Constance MacIntosh – Schulich School of Law, Dalhousie University, Director of the Dalhousie Health Law Institute
- ~ Professor Judith Masson – Professor of Socio-Legal Studies University of Bristol Law School
- ~ Professor Michael Dworkin – Professor of Law and Director of the Institute for Energy and the Environment at Vermont Law School
- ~ Professor Brenda Gunn – Robson Hall Faculty of Law, University of Manitoba
- ~ Professor Jonathan Clough – Faculty of Law, Monash University
- ~ Dr Jonathan Chaplin – Director of the Kirby Laing Institute for Christian Ethics, Cambridge, UK, and a member of the Cambridge Divinity Faculty
- ~ Emeritus Professor Frank Bates – Faculty of Law, Newcastle University.



MICHAEL ROBERTSON - MISTY UNIVERSITY

For those who would like a copy of the photo for your own memories or as a gift for family or friends you can order through the Faculty of Law Administrator:
marie-louise.neilsen@otago.ac.nz

A4 \$15 and A3 \$25 includes postage in New Zealand

A4 \$20 and A3 \$30 includes postage overseas

Michael has very kindly donated the proceeds to help the Otago Student Animal Legal Defence Fund.

Cheques can be made payable to the University of Otago and posted to:

The Administrator
Faculty of Law
PO Box 56
Dunedin 9054