

Faculty of Law Newsletter
Summer 2015

OTAGO LAW



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Editor: Lauren Julian



Trailblazing Women

GREETINGS FROM THE DEAN



Dear Otago law alumni,

It's amazing how quickly summer rolls around and another wave of Otago law graduates make their way off into the world. Following our most recent December graduation, there are now over 6500 living Otago law alumni across the globe.

The Faculty has recently witnessed the end of an era, with Dr Nigel Jamieson having delivered his last ever lecture in the Faculty of Law. Many of you will remember Nigel fondly from your days in The Legal System, Legislation, Legal History and Jurisprudence lectures. We were fortunate to have Nigel deliver a memorable lecture on the Magna Carta in celebration of the 800th anniversary this year, which drew a full house. I am sure you will all join with me in wishing Nigel all the very best for his retirement. Nigel is a true gentleman and a scholar and will leave behind the most wonderful legacy.

This edition also features some of Otago Law's *Trailblazing Women*. As you all know the Otago Law Faculty began with a Trailblazing Woman Ethel Benjamin, New Zealand's first female law graduate and the first woman admitted to the Bar in the southern hemisphere, who is an inspiration to us all. In this edition of *OtagoLaw* we have featured some of our other *Trailblazing Women*, with more to come in future editions. We are very fortunate to have such outstanding graduates who have made massive contributions in their fields and who also keep closely connected to the Otago Law Faculty. We are grateful for the time and effort they have put into this section of *OtagoLaw* and I am sure you will very much enjoy reading this.

As you will know, we are well and truly in the digital age, so while we will continue to produce this newsletter, we will be reducing the printed copies. This will continue to be emailed out to you. *OtagoLaw* will also be available online, but this is a timely reminder to ensure we have your most up to date contact details, so please be sure to update your contact information by emailing alumni.database@otago.ac.nz

Remember, to keep up to date with news and events in the Faculty, make sure to follow us on Facebook (*OtagoLaw*) and LinkedIn. There are some amazing achievements and updates on our alumni, staff and current students. As always, we love to hear from you and find out what you are up to, so please do keep in touch. On behalf of all my colleagues in the Faculty, we wish you all the best for a safe, relaxing and happy holiday season.

STAFF NEWS

Nigel delivers final lecture

The Faculty of Law marked the end of an era as Dr Nigel Jamieson gave his last lecture after 40 years of teaching. Nigel's last lecture was delivered to his Advanced Legal History class on Thursday 8 October. Staff and students filled the corridors and the 8th floor common room in a guard of honour, applauding and acknowledging his outstanding commitment to the Faculty of Law.

"Legal systems won't be the same without Nigel's dulcet tones, end of an era. Go well Nigel. Nga mihi ki a koe."

Nigel was born in Sterling Scotland, we won't give you the exact date, because he is timeless! He holds British, European Union and New Zealand citizenship.

"One of my favourite lecturers! "I can't advise you what to study for the exam because I don't know what you know and what you don't" A true professor!"

Before coming to work at the Faculty of Law at the University of Otago in 1975, Nigel had been a parliamentary counsel in Wellington, drafting many of our important statutes, and before that he had been a solicitor in private practice and a law clerk in the Ministry of Agriculture and Fisheries.

"He was 'Legal History'.....all the best to Nigel."

In 2003, Nigel was awarded an LLD, one of only five such awards in the history of the University of Otago. It was awarded for Nigel's original contribution of special excellence in History, Philosophy, Exposition and Criticism of law, and particularly for special excellence in Jurisprudence, Legal Theory and Legislation.

"I loved this guy!"

In July this year, to mark the 800th anniversary of the Magna Carta, Nigel delivered a public lecture, *Magna Carta – but what does it mean for us today? What is the real Magna Carta – legal icon, myth, or misconception?* The Moot Court was packed with students, staff, and members of the public and legal profession, a number of them our alumni. It was a brilliant lecture – and the very first that Nigel had read from lecture notes! For those of you who wish to view this, it is available on the podcasting section of the Faculty of Law website.



"Nigel was an icon."

The Faculty has received wonderful feedback from a number of you who remember Nigel fondly, and we are sure you will all join with us in wishing him well for his retirement. Nigel is a true scholar and gentleman and would have contributed to shaping the lives of many of you.

Academic Promotions



Congratulations to Jacinta Ruru who has been promoted to full Professor, Ceri Warnock who has been promoted to Associate Professor and Jesse Wall, who has been promoted to Senior Lecturer in the latest round of academic promotions.

Carl Smith Medal Lecture Presented



Associate Professor Jessica Palmer, who was a joint winner of the 2015 Carl Smith Medal and Rowheath Trust Award, recently delivered a Public Lecture on 'Misunderstanding the Trust'. The Carl Smith Medal and Rowheath Trust Award recognises outstanding research performance of early-career staff at Otago and are accompanied by a \$5000 grant for personal scholarly development. Jessica's research primarily focuses on the areas of trusts and restitution. Trusts being very popular in New Zealand, her innovative work has been influential on the development of trust law in this country and is regularly cited by the courts.

New Research Theme – Poutama Ara Rau

Associate Professor Jacinta Ruru (Law), Dr Karyn Paringatai (Te Tumu – School of Māori, Pacific and Indigenous Studies) and Associate Professor Suzanne Pitama (Māori/Indigenous Health Institute) are leading a new University of Otago Research Theme named Poutama Ara Rau.

The background to the name is 'Poutama' (a set of steps), 'ara' (pathway), 'rau' (many) – meaning together many pathways and projects of learning and understanding that can be taken and shared with each other to achieve the desired aim of reaching the pinnacle of success.

The Poutama Ara Rau Research Theme is a multidisciplinary network of mostly Māori academics dedicated to promoting and facilitating new communication and new research collaborations across the University of Otago to increase the international reputation for Otago's research excellence in ako (Māori learning and teaching) grounded in mātauranga Māori (Māori knowledge) and Māori pedagogies. The five year research project (with \$25,000 funding per year) will be dedicated to considering "How can mātauranga Māori and Māori pedagogies transform tertiary teaching and learning?"

Faculty celebrates book launch of *Health Law in New Zealand*

On Tuesday 13 October, the Faculty of Law in association with Thomson Reuters celebrated the book launch of *Health Law in New Zealand*.

It was a wonderful chance to recognise the work done by the book's contributors, many of who were in attendance. Led by General Editors Professors Peter Skegg and Ron Paterson, the book is a collaborative effort by some of New Zealand's leading medico-legal experts: Joanna Manning, John Dawson, Nicola Peart, Louise Delany, and Morag McDowell.

Health Law in New Zealand is an invaluable source of scholarly and practical commentary, and is the leading account of the law relating to medical and health care law in New Zealand. It is the only high level analysis in the market.

It examines a complex area of specialisation, encompassing a broad range of personal health and public health issues that arise in the private and public sectors, and affect patients, health and legal practitioners, and the broader community.

Along with the significantly rewritten core chapters of the book, there are new chapters on public health, access to health care, mental health and intellectual disability, human tissue and coroners. Developed from *Medical Law in New Zealand* (recipient of the JF Northey Memorial Award for best law book published in 2006), this text gives legal practitioners, health practitioners and managers, students and the public an authoritative account of key aspects of the law relating to health care.



Ceri Warnock wins 2015 RMLA award

Ceri Warnock from the Faculty of Law and Maree Baker-Galloway from Anderson Lloyd, were winners of the 2015 RMLA award for excellence in publications for their book *Focus on Resource Management Law* (LexisNexis, 2015).

On 22 July this year, Oxford University Press Blog celebrated its 10th anniversary with a law blog on climate change, written by Ceri.



and the community to work collaboratively to address these problems. We already have commitments from several senior practitioners in this area and we are hopeful the Government will come on board."

The authors look forward to a constructive dialogue with stakeholders in the ACC system and advancing towards a human rights focus for the ACC system.

The researchers remain committed to meaningful dialogue with the Minister for ACC and her officials as they work collaboratively to solve the underlying problems in the personal injury system.

The Law Foundation

Law Foundation Director Lynda Hagen says: "The grant for the University of Otago continues the Foundation's support for projects that improve access to the law for disadvantaged groups of people. The researchers have a track record of producing research that has a significant impact and we are pleased to continue to support them through the University of Otago."

About Acclaim Otago

Acclaim Otago was formed in 2003 to provide support to people experiencing ACC's harsh work capacity testing regime. Many of their members have been through the ACC dispute resolution and appeals process.

Understanding the Problem – what was found

The previous research project showed people disputing ACC decisions lack the resources required to present an arguable case. The report found that claimants were not getting access to justice and that reform was needed to address these barriers:

Insufficient access to the law, including to publicly available legal information, to court decisions often not using the ACC statute or other similar cases, and to basic protections under the ACC legislation;

Getting access to evidence was often difficult, including issues with obtaining relevant medical evidence and the lack of fair principles of evidence law;

Access to legal representation in the form of an experienced lawyer to defend the claimant's interests and test ACC's arguments; and

Claimants sensing they were not "being heard" and feeling they were not given a fair hearing by an independent judicial officer based on the evidence and law.

How valid is the popular view that civil court cases in New Zealand take forever, cost an arm and a leg, and are only for very wealthy individuals and companies?

The New Zealand Law Foundation has also awarded \$130,000 in funding for the research project on *Undue delays in civil case progression in the NZ High Court: Fact or Anecdote*.

A team from the University of Otago's Legal Issues Centre has been researching concerns about the time it takes for civil cases to progress through the system.

A preliminary study has found that the majority of cases are resolved within a year, but about one in six cases take longer: up to three years. Then there are the associated financial costs, which can run into millions of dollars, and the emotional and psychological costs to litigants.

LEGAL ISSUES CENTRE UPDATE

Law Foundation research grant to help solve problems with challenging ACC

A team of researchers supported by the University of Otago's Legal Issues Centre has been awarded \$150,000 research funding from the New Zealand Law Foundation to continue their research into access to justice for injured New Zealanders dealing with the Accident Compensation Corporation (ACC).

"It is great news that research is being done which will provide the basis for assessing whether or not claimants for ACC are getting a fair deal in terms of their resources to provide evidence to support their claim. Given the ACC 'social contract' system is New Zealand's solution to the endless litigation found in other jurisdictions, it is really important that the ACC system is being implemented in a fair and just way for the whole New Zealand community," says Professor Mark Henaghan, University of Otago Dean of Law and Acting Director for the Legal Issues Centre.

"Only a few days ago there were reports about how ACC deals with paying attendant care to families caring for their family members. It is vital that ACC's practices are subject to regular scrutiny by the Courts," says Professor Henaghan.

The \$150,000 grant from the New Zealand Law Foundation will cover staff costs to allow researchers to undertake the next step following their previously successful research: *Understanding the Problem*. The research team will be supported by the University of Otago and support group Acclaim Otago Inc.

Warren Forster, lead researcher from Acclaim, explains: "Having identified problems with access to justice for the ACC system, now we need to try and do something about it to improve people's experiences. We were encouraged by the Minister's timely decision to pursue further consultation in July 2015," Mr Forster says.

"This next step is the hardest and the most important. We need support from the government, the legal profession

The team – comprising Professor Mark Henaghan, Dr Saskia Righarts, Lisa Davis and Richman Wee – is now investigating whether any particular types of cases take more time, and whether some people are put off by the costs of pursuing civil cases, particularly in the High Court.

“The courts are open to everyone,” Henaghan notes, “but it may be in practice that the costs and the time are just too overwhelming for your average citizen.”

The team intends to make its research results known to academics, practitioners, members of the public and politicians, and hopes that the work will lead to further civil justice reform.

The Faculty of Law is currently in the process of appointing a new Director for the Legal Issues Centre.

UNDERGRADUATE NEWS

Students take out Blues and Golds at OUSA Awards Ceremony

Four Otago law students received Blue and Gold awards at the 2015 OUSA Awards Ceremony.

Laura MacKay (University of Otago Gold) Contribution to Community Service

Earlier this year, Laura offered her services in a voluntary capacity to support and raise awareness of Domestic Violence during Women's Refuge annual appeal month. Her passion and energy to drive the appeal had no bounds and her devotion to duty has been unconditional. Her leadership qualities were clearly demonstrated by the marketing, presentation, promotion and networking skills that she provided to Dunedin Women's Refuge. Laura carefully assessed and obtained many sponsors who offered items by way of donation to support all events that she had organised. Her outstanding leadership, tireless efforts, energy and enthusiasm enabled her and her team to raise not only an awareness of domestic violence, but a fantastic amount of funding for the Non-Government Organisation. Her kindness was driven by the passion she has for the cause in upholding the aims and objectives of eliminating all forms of violence within our communities. Because of her efforts, Laura has earned the respect and gratitude of Te Whare Pounamu Dunedin Women's Refuge and the broader community.



Katarina Schwarz (University of Otago Blue) Debating



Photo credit: Sharon Bennett

Katarina's achievements as a debating adjudicator shouldn't be underestimated. Adjudicators are sent by Otago Debating to tournaments where they compete as adjudicators. The best adjudicators are selected to judge the final and are elected as Chief Adjudicators and Deputy Chief Adjudicators. Within the past year, Katarina has demonstrated that she is one of the most talented adjudicators in the country. At the World University Debating Championships in 2015 she qualified to judge the break rounds of the tournament and was given particular praise by the Chief Adjudicator. In April, Katarina was elected as a Deputy Chief Adjudicator of the NZ Easters tournament. This selection resulted in her qualifying to judge the final of the tournament. Again, Katarina was singled out by the Chief Adjudicator as one of the more talented judges at the tournament. In May, Katarina was offered an independent judge position by the Australs 2015 Chief Adjudicator for the second year in a row. These independent spots are awarded to talented judges who are invited to the tournament to increase the standard of judging, again, indicating that Katarina is an excellent judge. Also in May 2015, Katarina qualified to judge the final of the New Zealand Schools debating competition and was elected as a Deputy Chief Adjudicator of the New Zealand tournament, 'Joyn't Scroll'. On top of these achievements as an adjudicator Katarina is the 2015 president of the Debating Society, and also the Otago Dance Association, both of which have had a greatly successful year in their own respect.

Sarah Simpson (University of Otago Blue) – Powerlifting

Sarah started powerlifting in 2013 and has competed at the 2013 Commonwealth Championships, 2014 Asia Oceania Championships and 2014 World Championships. Her next goal is to compete in the open grade at the 2015 Commonwealth Championships in December, and Open World Championships in 2017. In addition to her impressive achievements in powerlifting, she will graduate from Otago University with an LLB and BSc. It's been an impressive 12 months for Sarah, who in this time has achieved a Bronze medal in bench press and deadlift at Classic World Powerlifting Championships 2014, junior 52kg class, was first overall at Asia/Oceania Powerlifting Championships 2014, in the same weight class, and second overall at NZ National Powerlifting Championships 2015, in the Open 57kg class.



Photo credit: Sharon Bennett

Sarah is the current holder of both the Oceania and NZ Deadlift Record in junior 52kg class and the NZ Bench Press record in Open 52kg and 57kg classes.

Fa'asiu Fuatai - Fa'asiu Fuatai (University of Otago Blue) - Rugby

It has been a big year for Fasi after being selected for the All Blacks 7's squad, and a member of the Premiere University of Otago team which won the Dunedin Club Championship, this year. He is again a member of the Otago ITM Cup team this year as he has been since 2013.



Photo credit: Sharon Bennett

Te Ihaka: Building Māori Leaders in Law Programme

The Faculty of Law has concluded its inaugural Te Ihaka: Building Māori Leaders in Law Programme, with a very successful first year. The programme included an overnight Noho Marae with sessions run by staff and alumni practitioners, an alumni speaker series, secondary schools workshops, Māori Moot competition, bootcamp and exam workshops as well as a final award dinner for those who successfully completed the programme.



Outstanding competition success by law students

July was a particularly busy month for a number of law students, who competed in competitions both locally and abroad. Our Otago students continued to shine and achieved some outstanding results.

The first of those achievers was Megan Paterson, a fifth year law with honours student, who won the Allen's Witness Examination Competition at the Australian Law Students Association Conference (ALSA), held in Sydney.



This is a large conference, attended by over 40 universities from Australia, New Zealand, Asia and the Pacific.

For the Witness Examination Competition, competitors act as counsel for either the prosecution or defence, and have only 90 minutes prep time before appearing in court. They are given the charges laid, the applicable sections of law constituting the offence, and two witness statements – one signed by the prosecution witness, and one by the defence witness. These two statements are never the same. They line up in part, but are also crucially inconsistent throughout. It's these inconsistencies that the trial will often turn on.

Throughout the rounds the judges expected competitors to be aware of all the governing rules of evidence. In terms of applying the relevant Australian laws, Megan said, *"It was a challenge coming to grips with Australian evidence law which, although generally similar to that of New Zealand, has differing statute law provisions and particular pivotal cases."*

Speaking about her experience in the competition, Megan said *"It was invaluable being able to compete against the various universities' representatives from across Australia, New Zealand, Singapore and the Pacific. Over the week I met a bunch of talented law students, and also gained insight into other advocacy approaches to the trial scenarios. I am immensely grateful for the support of the Otago contingent, the Faculty of Law, all those who assisted with the organisation of the competition."*

Another notable achievement from the world stage was from students Ben Bielski and George Meale, who placed second equal at the 2015 International Negotiation Competition, held in Ireland. This year's competition was the largest yet, with 24 teams from 22 countries. As well as their second placing, the Otago team also received the award for best mutual gain. Associate Professor Selene Mize, from the Faculty of Law, was the coach of the duo.



In local competitions, congratulations go to Alice Anderson, who was the winner of the Faculty of Law Māori Moot competition. Judge Stephanie Milroy, Professor John Dawson, Dr Paerau Warbrick and Dr Karyn Paringatai judged the competition. The Moot was loosely based on the Proprietors of *Wakatu v Attorney-General* [2014] NZCA 628 case that the Supreme Court has accepted leave to appeal. Congratulations also go to the runner up mooter Yasmin Olsen, and to the best mooter in Te Reo Māori, Adam Tapsell.



Congratulations also go second year law students Jake Henderson and Isaac Nicholson, who were the winning team in the Junior Mooting competitions. Justice Graham Lang, Tim Smith and Professor Mark Henaghan judged the competition.



Otago Negotiators New Zealand's finest

Congratulations to University of Otago law students Ellie Domigan and Jamie Rohan, who were the winners of the Buddle Findlay Negotiation Competition at the 2015 NZLSA Conference.

The national conference was hosted in Dunedin in the last week of August, where New Zealand's top law students competed in a series of competitions.

In total, there were 72 participants, with 9 representatives from six New Zealand universities including Otago, Auckland, Waikato, Victoria, Canterbury and AUT.

The conference also included the NZLSA's annual meeting and a number of social engagements allowing our local Otago students to show Dunedin off to their visitors.

"The conference was a great success and the reaction from visiting students had been fantastic", conference convener Lizzie Christmas said.

Well done to all Otago competitors, including Sam Cathro and George Niven (Senior Mooting), Brendan Austin and Mark Evans (Client Interviewing), Megan Paterson (Witness Examination) and Isaac Nicholson and Jake Henderson (Junior Mooting).

Thanks also go to Dunedin's legal community and Faculty of Law staff, who assisted with the judging of the competitions. Nearly 90 judging positions were filled by local lawyers, as well as members of the profession and judiciary who travelled from across New Zealand for the finals.



Faculty of Law hosts the second Dunedin Secondary School Mooting Competition



Last year, Otago Law for Change students launched the inaugural Dunedin Secondary Schools Mooting Competition, hosted in the Faculty of Law. Following the success of the event last year, the second competition was held again in August.

Seven out of Dunedin's twelve high schools were involved, with 18 young competitors from Bayfield High School, Logan Park High School, Otago Girls' High School, Columba College, Kaikorai Valley College, Queen's High School and King's High School.

Like last year, the students started the competition with a 'Moot Camp' in early August, where the students received a general overview of what mooting would entail. Under the

guidance of some current law students, themselves talented mooters, the secondary school students read through their cases and prepared their submissions.

On Saturday 15 August, the students returned to the Faculty of Law for the preliminary rounds, judged by various Faculty of Law academic staff and senior students.

The final took place in the Moot Court between Columba College students Emily Williams and Jodie Llewellyn and Queen's High School students Liesje de Bruin and Anya Gipp. The judges for the final were Associate Professor Donna Buckingham and Mr Stephen Smith, both lecturers in the first year LAWS101 paper.

After an outstanding effort by both teams, Emily Williams and Jodie Llewellyn of Columba College were named the winners.

Congratulations to all students who participated in the competition. Thanks also go to the members of the Law for Change organising committee, and the many staff and student helpers.

Students compete in Kensington Swan Legal Opinion Competition

Over 40 second year law students competed in the 2015 Kensington Swan Legal Opinion Competition in September this year.

The winning team, named 'Islington Duck' comprised of Luke Preston-Marshall, Bryn Jenkins and James France, demonstrated outstanding legal analysis, communication, and teamwork skills to address issues arising from a commercial lease. In their analysis of the situation, the students applied some of the key principles they have gained through their study of property and contract law this year.

After submitting their brief and analysis in written form, six teams were selected to present their legal opinion to their supervising partner in a semi final, after which two finalist teams presented their opinion to the client (which included a cameo by Professor Nicola Peart), in front of an audience of their peers.

The Faculty would like to thank Kensington Swan for their organisation and contribution to the event. The Kensington Swan Legal Opinion Competition is a great experience for second year students to apply the knowledge they have gained in their second year papers in a real world context.



Photo (L to R): Ish Fraser (KS Partner), David Ireland (KS Partner), Luke Preston-Marshall, Bryn Jenkins and James France.

Otago law students make grand final of ANIMAL Moot 2015

Congratulations to Otago law students Amber Hosking and Hugo Dobson, who placed second in the grand final of the Australia New Zealand Intervarsity Moot on Animal Law (ANIMAL 2015), which was held at the University of Melbourne from 19-20 September.



This is the second year that the competition has been running and it is Australasia's only animal law moot competition.

This year, the focus of the moot was regarding misleading and deceptive conduct in relation to food labelling and the admissibility of evidence pursuant to 'ag-gag' laws.

There were 18 teams from around Australia, with Otago the only New Zealand University competing. Otago came second after losing to Flinders University and beating the University of Melbourne and University of Tasmania in the quarter and semi finals respectively.

The competition is a joint initiative by the Animal Law Institute and Voiceless Australia, with the aim of encouraging analysis and consideration of legal issues relating to animals.

Alex Fanning 2015 recipient of Professor Richard Sutton Prize in Law

Final year LLB student, Alex Fanning was awarded the 2015 Richard Sutton Prize. Kensie Sutton and Professor Struan Scott presented Alex with the award at an afternoon tea ceremony in August.



POSTGRADUATE NEWS

In the recent December graduation, a record number of five students graduated with their PhD in Law. This is the largest number of PhD's in law conferred at any one graduation. You can read more about these latest graduates and their research below.



Amir Bastani

The claim of loss of self-control: some challenges of the genetic-based defence to criminal responsibility

Before immigrating to New Zealand, Amir completed both his Bachelor and Masters degrees in Iran. Amir's Masters dissertation was focused on the interdisciplinary area of criminal law and behavioural genetics. In addition, his experience in private practice has provided him with extensive knowledge in various areas of law, including criminal law, human rights, family law, contract law and civil litigation.

Amir immigrated to New Zealand, and moved to Dunedin because of the globally known attraction of the University of Otago, and the Centre for Law and Policy in Emerging Technologies. He conducted his PhD research in October 2011 under the supervision of Professor Mark Henaghan and Associate Professor Colin Gavaghan and he really enjoyed working under the supervision of these internationally recognised scholars. In addition, the collegial atmosphere of the Law Faculty was very interesting to him and he feels he has gained valuable knowledge from the Faculty.

Amir has recently successfully completed his PhD thesis, entitled 'the claim of loss of self-control: some challenges of the genetic-based defence to criminal responsibility'. In his PhD thesis, Amir explored advances in science, specifically genetics, which suggest that some individuals have difficulties in exercising self-control. His thesis looked at the response of the law of New Zealand to the claim of loss of self-control. The thesis considered the inclusion of two new defences of 'volitional insanity' (as a full defence) and 'diminished responsibility' (as a partial defence) in New Zealand criminal law.

Amir's family has also moved to New Zealand with the intention of remaining here permanently. He is married and has one child. His wife is undertaking a PhD in psychology at the University of Otago.



Hui Yun Chan

Advance Directives in Healthcare Law

Hui Yun's research looks at advance directives refusing treatment, which allow people to govern their future medical treatment when they are unable to do so. Hui Yun's research identified the challenges of implementing advance directives and recommended various ways in which they could achieve a higher likelihood of being accepted as binding.

Hui Yun worked as a Legal Assistant at Shook Lin & Bok in Malaysia in corporate law before completing her LLM at Universiti Malaya, where she also worked as a Research Assistant. Hui Yun embarked upon her PhD at Otago in 2011.



Simon Connell

Implications of the Modern Approach to the Interpretation of Contracts

Simon's thesis is on the implications that the modern approach to contract interpretation has for other areas of contract law: objectivity, implication, rectification, the interpretation of offers and the battle of the forms. His findings include that the adoption of the modern approach ultimately leads us to accept "radical constructivism", the position that several traditionally distinct areas of law (interpretation, implication, incorporation and rectification)

can now be unified into one overarching inquiry. Simon's thesis also makes the argument that the difficulties of ascertaining the "intentions" of legal persons (such as companies) is an important but overlooked cause of modern contract law disputes.

Simon joined the Faculty in 2014 as a member of the academic teaching staff. His primary research interests are Contract Law and Tort Law, both of which he teaches. He is also interested in law of obligations theory and compensation in the criminal law.

Simon worked for the Accident Compensation Corporation for 6 years, in Dunedin and then Wellington. He returned to the University of Otago in 2010 as a postgraduate student and completed a Master of Laws by thesis on the influence of New Zealand's accident compensation scheme on the civil and criminal law, before undertaking his PhD research.



Buvanish Karuppiah

Should Malaysia's unmarried cohabitants be entitled to the same legal protection as married couples when it comes to the division of property? A Comparative and Theoretical Analysis

Buvanish' PhD looks at the property rights of cohabitants in a comparative study between Malaysia, England and New Zealand. Presently there is no statutory framework to protect the property interests of unmarried cohabitants in Malaysia. Moreover, Muslim cohabitants are not recognised at all within the Malaysian law. By contrast, when a marriage ends, the parties to the marriage, whether Muslims or non-Muslims have clear statutory protection as regards their property rights within the Malaysian legislation. This is despite the fact that the two types of relationships may be identical in terms of their functions. This thesis offers a comparative analysis of the English and New Zealand legal jurisdictions, which do provide protection for cohabitants and their relationship property. In order to offer reform in Malaysia, the theoretical paradigm of functionality is assessed and presented, upon which a legislative model framework is presented. The framework is based on the theory of functionality, which means that when the functions in the relationship are same (between marriage and unmarried cohabitation), the property sharing outcome should be the same, irrespective of the status of the relationship. Malaysia operates a pluralist legal system, thus the legislative model framework presented within this

work recommends that it should be applied to the Civil legal system only and not to be incorporated within the Malaysian Sharia Law, which deems unmarried cohabitation as a criminal offence.

Buwanis completed her LLB(Hons) and LLM at the National University of Malaysia. She was a volunteer at the Legal Aid Centre of the Malaysian Bar Council as well as Lecturing in Law at Brickfields Asia College in Kuala Lumpur. Buwanis is currently working as a Legal Executive at Helmore Ayers in Christchurch.



Bridgette Toy-Cronin

Unrepresented Litigants in the New Zealand Civil Courts

Bridgette Toy-Cronin's doctoral research involved civil litigants who have represented themselves, plus court staff, lawyers and judges, and asked why people would choose to forgo a lawyer, what their experiences are like, and how other participants in the court system perceive and respond to them.

She found that people had varied reasons for litigating cases in person, ranging from not being able to afford a lawyer, to having had bad experiences with previous lawyers, or believing their case was strong enough that the "truth" would come out regardless.

Many of the reasons overlapped, she says. "Financial reasons are important and formed part of the reasons for litigating in person expressed by every litigant who participated in this research."

But, she noted, they "expressed a number of other motivations for proceeding in person, in addition to financial reasons".

As to their experience, Ms Toy-Cronin says the reality is that navigating the court process is "too difficult in many – even most – cases for litigants to navigate in person".

She found that a complex set of information and skills was needed, much of which was inaccessible to the lay person – such as information found only in law libraries which offered limited access, or the detailed understanding needed of court procedure, with its legal styles of speech and etiquette.

The perception of court staff, lawyers and judges was also a potential barrier.

"Judges and court staff are committed to maintaining the appearance that the courts are accessible to ordinary people. This is because the court's legitimacy rests partly on this proposition."

However, "the government does not provide enough funding for most people to obtain free legal advice, and few people can afford to pay for a lawyer, but the courts must still be somehow seen as accessible to ordinary people or they will be seen as only available to the rich".

Court staff are also balancing the need to protect the courts from becoming overloaded with work, with the additional time needed to help self-litigants to fairly access the system.

"In many cases, these countervailing pressures encourage judges, lawyers and court staff to steer self-litigants away from accessing the courts in person," she says.

Ms Toy-Cronin therefore concludes that a review of the civil justice system is needed, "to produce a system in which more principled choices can be made about which cases come before the courts and about how much time and procedure they should be allocated once they come there".

Bridgette is a court lawyer who has practised in New Zealand and Australia. She has a Master's in Law from Harvard University. Her research was funded by the New Zealand Law Foundation and the University of Otago.



Master of Emerging Technologies Law (METL)

The Master of Emerging Technologies Law (METL) focuses on ways in which law is responding to the challenges and opportunities afforded by emerging technologies.

This taught Masters programme covers the regulation, governance and implications of new technologies in society and provides the opportunity for legal practitioners and other professionals to investigate an area of law that has growing international relevance and importance.

For more information, visit otago.ac.nz/law
Or contact postgraduate.law@otago.ac.nz

ALUMNI NEWS

Alumni Updates

Aphra Green wins Harkness Fellowship

Evidence-based decision making in the US criminal justice system will be the focus of research by Aphra Green who has been named as the New Zealand Harkness Fellow for 2015.

Aphra will visit agencies in the US justice sector early in 2016 and report back to justice sector leadership on how New Zealand could deliver better evidence and decision making tools to criminal justice system decision-makers, particularly for bail.

Aphra, who is currently the Manager of Sector Strategy in the Ministry of Justice, was chosen from a strong field of candidates for the Harkness Fellowship, which is valued at \$30,000 and reinforces New Zealand-United States links by enabling aspiring leaders to benefit from a programme of personal study at a US research institution or other organisation.

Dame Judith Mayhew Jonas receives women of influence award

Dame Judith Mayhew Jonas was announced as the Global Award winner at the 2015 Women of Influence Awards. You can read more about Dame Judith in the *Trailblazing Women* section of the newsletter.

Matthew Gale was the recipient of the inaugural \$10,000 FairWay Resolution Anne Scragg Scholarship for 2015. You can read Matthew's entry for the award entitled "Mediation and the Civil Justice Gap" on the FairWay website.

Una Jagose has been appointed New Zealand's new Solicitor-General. Una was acting head of the Government Communications Security Bureau (GCSB). Prior to this role, Una was Deputy Solicitor, Crown Legal Risk at Crown Law for two years.

The Hon. Justice Christine French delivered the 19th Annual New Zealand Law Foundation Ethel Benjamin Commemorative Address in Dunedin recently on the topic *'The role of the Judge in sentencing: from port-soaked reactionary to latte liberal.'* You can read more about Justice French in the *Trailblazing Women* section of the newsletter.

Otago Alumni some of New Zealand's Most Powerful

A number of Otago alumni featured in a recent list published by LawFuel of *New Zealand's most Powerful Lawyers*, including our own Professor Mark Henaghan. The Otago alumni who were featured include Mark Berry (Chair of the Commerce Commission), Chris Moore (President NZ Law Society), Warren Alcock (Essentially Group), Una Jagose (Solicitor-General), Lynda Hagen (Director of the New Zealand Law Foundation) and Tim Clarke (Russell McVeagh).

ALUMNI PROFILES

Trailblazing Women

As you will know, Otago law graduates go on to work in a vast range of fields, doing excellent work all around the world. In this edition, we are delighted to highlight some of our real trailblazing alumnae, who are following in the footsteps of the early trailblazer, Ethel Benjamin (pictured on the front cover of this issue). Ethel graduated with her LLB from the University of Otago in 1897 and was admitted to the Bar that same year. Ethel began her law degree at a time when only men were allowed to practise law and was the first woman admitted to the Bar in the southern hemisphere.

The featured profiles below are of some of our other trailblazing women, who have gone out into the world and continue to make a real difference, shaping the paths for future generations.

The Hon. Dame Silvia Cartwright PCNZM DBE QSO DStJ

Dame Silvia Cartwright graduated with an LLB degree from the University of Otago in 1967. She was admitted as a solicitor in 1967 and a barrister in 1968. Dame Silvia became a partner in Harkness Henry (Hamilton) in 1971, then a District Court Judge in 1981. In 1989, she became the first female Chief District Court Judge, and in 1993 she was the first woman to be appointed to the High Court. She later went on to serve as the 18th Governor-General of New Zealand from April 2001 – August 2006.

Prior to her appointment as Governor-General, Dame Silvia presided over a 1988 inquiry into issues related to cervical cancer and its treatment at Auckland's National Women's Hospital, known as the Cartwright Inquiry.

Dame Silvia has previously served on the Committee on the Elimination of Discrimination against Women, and played a major role in the drafting of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

In 2002, Dame Silvia questioned whether longer sentences would reduce criminal reoffending rates. This was after the Sentencing Act 2002 and the Parole Act 2002 were passed – Acts for which she granted Royal Assent on 12 July 2002. The Acts introduced mandatory sentences for criminal convictions, and reduced the likelihood of parole.

In 2006, Dame Silvia was appointed to sit as one of two international judges in the Trial Chamber of the Cambodia Tribunal by Cambodia's Supreme Council of Magistracy. The Khmer Rouge was responsible for the deaths of 1.2 to 2 million people between 1975 and 1979; one in four Cambodians were killed and whole families were wiped out.

Dame Judith Mayhew Jonas DBE

In 1961 when I left Otago Girls' High School to study law at the University of Otago I had no idea that I was following the path taken by Ethel Benjamin who had entered the Faculty in 1893. Her story became known later through the film *First Lady of Law* on which I worked with the producer Katherine Findlay.



In our first legal system lecture Jane Lovell-Smith and I sat together and a lifelong close friendship was begun. It was not all equality in those days, we were excluded from the Law Dinner, and the sexual offences were glossed over in criminal law due to 'women' being present in the class. However we were given a superb practical legal education, taught resilience and many other life skills as well as having a strong pride in being Otago Law Graduates.

From an early age I had decided that I wanted to live in London, thinking unrealistically I would dance at Covent Garden, but never imagining that I would be the first woman to chair the Board of The Royal Opera House. Which is home to The Royal Ballet as well as The Royal Opera. I began my legal life in the United Kingdom as an academic because it was easier to get a visa that way. During this time the most interesting project I was involved in was setting up and administering the first joint degree in Europe, a double law degree between Kings College London and the Sorbonne.

In 1986 I began practising in the City of London as a corporate employment lawyer working with clients on mergers, acquisitions, employee ownership schemes and employment policies generally. In addition I was responsible for training and development and became part of the management of the firms in which I worked. My last position was in the office of the Chairman of Clifford Chance which was fascinating at the time of the development of the global law firm.

My Mother had always emphasised that giving back to society was important and in the City there was also a strong emphasis on pro bono activity. I began by becoming a school governor and a charitable trustee little realising that both would be the foundation for later non-executive skills in my working life. In 1986 I was elected to the City of London's governing body, the Corporation of London, and thus began my career in public life in the United Kingdom. Much of this included working with the European Institutions creating the single market in financial services. People often ask me why I have had such a varied career spanning the public, private and voluntary sectors. My answer is, shameless opportunism. I take opportunities as they pass because I would rather try and fail than not try at all. In this way I have been fortunate in being on many arts and museum boards as well as university governing bodies. Most recently I chaired the redevelopment of The Imperial War Museum.

In all my work here I have sought to be an ambassador for New Zealand including working with the community and High Commission. I owe so much to my outstanding Otago education and the lasting friendships I made at that time.

The Hon. Justice Christine French

For as long as I can remember, I have always wanted to be a lawyer. When told off as a child for arguing it was useful to be able to say I was in training. My father was a lawyer, as were my two brothers and brother-in-law – all Otago graduates. My father instilled in us a love for the law and a belief in justice.

I vividly recall my first day at Otago. Standing nervously outside the door of the Law Faculty – then housed in what is now the Staff Club – I was very pleased to encounter fellow Southlander Jane McMeeken (now Judge McMeeken). I solemnly advised Jane that this was the Law Faculty and she knocked on the door both for good luck and in order to remember the location! The good luck must have worked because, although I always had to work hard, the ensuing four years were most enjoyable and happy ones.



The first all female bench of the Court of Appeal. L t R: Justice Christine French, Justice Ellen France and Justice Helen Winkelmann.

My only regret about Otago is that I missed out on being capped because of failing to finish my dissertation in time for the ceremony. I believe it is no coincidence that the following year there was a change to the rules about word limits.

After "graduating" at Otago, I was lucky enough to win a scholarship to Oxford University where I read for a postgraduate degree called the BCL (Bachelor of Civil Law). Oxford lived up to its billing. It was a wonderful experience. This time I was determined to attend the graduation ceremony which turned out to be conducted almost entirely in Latin.

Much to the surprise of some people, I returned from Oxford to my home town Invercargill to join the family law firm. Initially I did family, civil and criminal court work, in later years specialising in employment law and general civil litigation. I realised criminal law was not for me the day a fisheries officer said in evidence that he was unable to identify my client as one of those found with undersize crayfish at which point my client exclaimed to me in very audible tones "that is an absolute lie I was there."

The highlight of my career in practice was the opportunity to appear in the Privy Council in the Hamlin case. I will always be grateful to Justice Tipping for encouraging me to take the case myself rather than engage a London silk. It turned out to be a special occasion because for the first time in the history of the Privy Council, all the counsel were women. During the hearing, I distinguished myself by addressing Lord Keith of Kinkell as "Lord Kinkle."

In 2008 I was appointed to the High Court in Christchurch. I was worried about my lack of criminal experience but ironically due in no small part to patient and helpful counsel, jury trials turned out to be the work I probably enjoyed the most.



A cake baked by one of the clerks in honour of the all female bench.

I found being a judge was a steep learning curve and challenging. There was however one major challenge I had not anticipated and that was the Christchurch earthquakes. On 22 February 2011 I happened to be in Court hearing a civil case. A witness had just starting reading his brief of evidence when suddenly all hell broke loose. Without thinking where I was, I immediately slid off my chair and under the bench. Afterwards when we were all safely outside, the plaintiff came up to me. He apologised for approaching me but wanted to know what was going to happen to his case. I told him I didn't know but was sure of one thing and that was it would not be on tomorrow. He then said I had disappeared so quickly, he and his wife were sure there must be a trapdoor!

After the earthquake, everyone had to improvise without all the trappings. No one had files, let alone gowns and finding hearing venues was difficult. I heard cases in such exotic locations as the Wigram air base and the bar at the Riccarton Racecourse. It was a red letter day, when we were finally allowed back into the court building 10 months later. It was exciting but also rather strange and surreal – like the Marie Celeste - there sitting on my desk was the 22 February edition of the Press and my lunchbox with a pottle of yoghurt still inside.

In 2012 I was appointed to the Court of Appeal. Again as in practice and in the High Court, I have had the very good fortune to work with extremely supportive colleagues. One of my concerns about going to the Court of Appeal was that there might not be the same human interest as in the High Court but that has not turned out to be so and of course the variety of work is astonishing. An extra plus is that I finally get to do some employment law again.

Obviously, like any job, being a lawyer and a judge is not all roses. But I can honestly say I have loved my time in the law and never once regretted my choice of career. There is great collegiality, the work is varied, intellectually challenging and above all worthwhile.

The Hon. Justice Sarah Katz

Lord Denning was my first hero in the law. I was introduced to him in 1982, in spirit if not in person, by Professor Mark Henaghan. Professor Henaghan is now, of course, Dean of the Faculty of Law. But back in those days he was a humble, albeit exceptionally talented, lecturer. "It was bluebell time in Kent", he read, from the opening words of Lord Denning's judgment in *Hinz v Berry* (1970). Not prepared to let Lord Denning rest, he later moved on to the opening words of Lord Denning's summary in *Miller v Jackson* (1977): "In summertime, village

cricket is a delight to everyone". I was hooked. This was not law as I had imagined it.

My enthusiasm continued to grow over the year, as Mr Henaghan introduced us to an array of fascinating characters whose cases helped shape the common law. These included Dr Grant (who contracted dermatitis as a result of wearing woolen underpants for a week, a source of endless mirth for us teenage law students), Mrs Carlill (who came down with influenza despite diligent use of a carbolic smoke ball guaranteed to prevent such a calamity) and Mary Donoghue (who had the misfortune to find a snail in her ginger beer bottle). I abandoned my plans of a career in the sciences for one in the law. I suspect mine is one of thousands of legal careers launched off the back of Professor Henaghan's inspired teaching of *Laws 101 – The Legal System*.

I was also taught by numerous other outstanding legal scholars during my time at Otago. Indeed, Google reliably informs me that a number of them are still there, including Professor Kevin Dawkins, Professor Geoff Hall, Dr Nigel Jamieson, Professor Richard Mahoney, and Associate Professor Selene Mize. Others, including Professor Richard Sutton and Professor Peter Skegg, are not. I spent successive summers working as a research assistant to Professors Sutton and Skegg, both of whom were exceptional (and very patient) teachers.

By 1987 I had run out of excuses to remain at Otago (having stayed on in 1986 as a Teaching Fellow), so I headed off to Wellington to commence my career as a litigator at Chapman Tripp. My good fortune continued, as Terence Arnold (now a Judge of the Supreme Court) was assigned as my supervising partner. A former academic, Terence was an early and fierce advocate of simplicity in legal writing. Any "legalese" was ruthlessly excised from all my written work, for which I am eternally grateful. Chapman Tripp also brought me into contact with one of New Zealand's leading litigators, Jim Farmer QC. I continued to work with Jim, on and off, for the next 25 years. Jim was a great mentor and working with him provided me with unparalleled learning opportunities.

The call of London eventually proved too great to resist and I headed off on my OE in 1990. Over the next couple of years I worked for Herbert Smith, while also completing a Masters of Law. After stints in Canada and Vanuatu, I returned to New Zealand in 1994, together with my newly acquired husband, Stephen. That's when the hard work really began. Over the next few years I worked full time at Buddle Findlay, had two sons, and adopted four girls (sisters) from Russia who ranged in age from 6 to 14. Going from zero to six children in the space of three and a half years was, needless to say, somewhat of a challenge. Despite the bemusement of some of his fellow partners at my ever expanding family, my supervising partner, John Moody, was unfailingly supportive. He brought me through to partnership in Buddle Findlay in 1997. Stephen, meanwhile, kept the home fires burning, without which my legal career would likely have come to a screaming halt.



I spent nine very happy years at Buddle Findlay. I was privileged to work with partners I respected, be involved in a wide range of interesting cases, and also have the opportunity to try my hand at management, including several years on the Board of Management and a stint as Chairperson of the Auckland office. In 2003, however, new opportunities came calling, in the form of Russell McVeagh.

With some trepidation (given the fearsome reputation of the firm as "The Factory" and other unflattering epithets) I joined the Russell McVeagh partnership. I soon discovered, however, that my fears were entirely misplaced. My new partners were a collegial and exceptionally talented group. Indeed three of them preceded me onto the bench (Justice Mary Peters, Justice Christian Whata and Justice Stephen Kós). The calibre of work the firm attracted was outstanding and, in addition to being involved in a number of leading cases, I worked alongside some of the top commercial lawyers in New Zealand, on transactions such as the Telecom demerger.

Opportunity came calling once again in 2012, in the form of a phone call from the Attorney General, Chris Finlayson. I was delighted, and deeply honoured, to accept appointment to the High Court Bench.

Somewhat to my surprise, over quarter of a century after leaving Otago University, I now find myself once again poring over scholarly articles on aspects of criminal law, written by my former law lecturers. Indeed, I have referred to their insightful articles in a number of my judgments. Professor Dawkins has helped to inform my thinking on the vexed issue of whether a drug supplier can be held liable in manslaughter. Professor Mahoney's excellent recent article on double jeopardy was the subject of great debate in my courtroom, on the difficult issue of whether someone who has been acquitted of rape can subsequently be charged with assault, arising out of the same incident.

Lord Denning was my first hero in the law, but certainly not my last. My life has been full of everyday legal heroes. They may not write about bluebells in Kent, but they have my eternal gratitude for their inspiration, mentoring and support at every stage of my career journey.

Caryl O'Connor

Other ways of working

I met a friend recently whom I hadn't seen for over 20 years. We reminisced about meeting at the District Court on Auckland's North Shore. I had always believed it was my friendly and approachable nature shining through the gloom and dry dust of the old Court that caught her attention. However I was under a misapprehension bordering on delusion as she recently related: "Nah", she said, "I scanned the Court room to find another oddball, someone like me who didn't quite fit – and I saw you".

Right.

I always had doubts as to how I would work within the actual legal profession. I looked terrible in a wig. (My awful photo in my admission wig graced the living room for years – my mother said it was handy to have about when tradesmen came to visit). I detested suits. I wasn't of well-bred and well connected family stock. I did not have any immediate family members who attended university. I did not attend the right school, and I over-compensated for my gaucheness in formal situations by laughing loudly – usually at jokes told by me against myself. (Not a wise career enhancing gambit).



I struggled with the plethora of unspoken assumptions upon which the teaching of law was based, that did not resonate with my life or experience at the age of 21. I could not relate to practitioner war stories told about clients, and I was easily bored by conversations about finance and money. I was also fond of colloquialisms and informal behaviour, including but not limited to using my fingers as quote marks when quoting the defendant to the Judge – who smiled but did not comment, although many others in the Court were beside themselves with silent laughter.

I note that women comprised 12% of the profession when I graduated. I greatly admired (then) Judge Silvia Cartwright, (then) Sian Elias, (then) Lowell Goddard, and (then) Helena Kennedy.

Two cases had a profound influence in shaping my opinion about the operations of legal practice. One was a High Court civil case involving a close family member, and the other was as counsel for a defendant in a debacle that became known as 'the North Shore posse case'.

I was in a first-hand position to observe emotional and financial impact to the immediate participants in both cases. The former civil case, after months of high stress and anxiety for all family members, resulted in a narrowly averted financial disaster – bailiffs, mortgagee sale and bankruptcy threats, and possible sale and eviction. I was never quite able to adopt the attitude of 'it's all just a game' manifest in some of my peers at Law school, as I knew the stakes could be too high.

The criminal case involved subsequent misinformed media comment, political point scoring, bureaucratic bullying, an independent judicial enquiry, and a subsequent law change. It became a topic in Professor Geoff Hall's lectures! The financial and emotional cost to my client was enormous, and over the course of the post-trial events I observed the rapid decline and eventual collapse of his mental health.

As a result of this, I retreated from private practice and wondered if I wanted to have anything further to do with the law. I was then approached by the Dunedin Community Law Centre, through another person I had previously met and who 'didn't quite fit' in another Courtroom in Auckland.

Despite all the challenges of practical law, I was still interested in the law itself – Professor Mark Henaghan and Dr Nigel Jamieson were instrumental in that – the issues, the legal and political interface, the process, the training of the brain, the mightiness of trying to wrestle vast historical nebulous concepts into some kind of current and workable process in an attempt to achieve the loftiest of aims in obtaining the most just outcomes for individuals, and simultaneously contributing to the wider public good.

Beginning work at the Law Centre I found rights based work, practical social justice, defending the vulnerable from predatory practice, holistic approaches, informality, translating the law and educating the public about relevance, rights and responsibilities, designing and producing legal information resources, working with those marginalised and struggling, helping people keep their income, their homes their families together, being part of a worldwide movement, cultivating a mordant sense of humour, hearing loud opinions forcefully expressed (and that was just the staff!), working with law students to help minimise their chances of making the mistakes I made – I was ‘home’.

Working at the Law Centre also allowed me to raise my two daughters without the traditional support structures – husband, parents, or nanny.

This work allows me a great deal of professional satisfaction (if not financial) in changing people's circumstances through the protective application of the law; for endless creative and practical endeavours in engaging with and making the law useful to those who may not have the motivation or knowledge to seek legal solutions; for advancing the interests of the community for which I felt the most affinity, and the opportunity to express strongly held opinions on social issues at many levels attempting to influence positive change for those who would not otherwise be heard.

There is a lot of translation in my work – not just legal language but also concepts are minced down to their core, which can result in simplistic reductionism on a scale that may induce wincing or at least a twitch in a legal pedant, but is a good place to start with someone who knows nothing.

Between the unpredictable nature of the issues and people presenting every day – on a scale ranging between the desperate and the absurd - observing the growth and confidence in the law students as they apply their legal skills, and noting where past participants end up – I am not bored yet. Any trailblazing that may or may not have occurred as part of all this is entirely incidental and I disclaim any responsibility for whether it may or may not have occurred!

The opportunity for gaining the knowledge skills and training at the Otago University Law Faculty is second to none, imprinted for life; transferable and applicable to hundreds of career and life situations. Life is not linear – neither is the practice of law – thank goodness!

You can also read about some other interesting careers our graduates have embarked upon in the following profiles.

Sarah Soligo (nee Simms)

I recently returned to Dunedin to visit three nieces all currently studying at Otago. It was my first trip there since I graduated in 1995 and I was pretty darn excited about it. I also took my son so he could see his cousins and we even had the pleasure of staying at Selwyn College (where I had resided in 1991

and 1992) for the two nights we were in Dunedin. It was at Selwyn one evening that I ran into Mark Henaghan who asked me to prepare this piece about where my legal career had taken me.

After graduation, I joined Bell Gully's Wellington office and spent a fantastic three years there. It was to be the most fun place I ever worked, with a lot of practical jokes and hijinks as well as fantastic learning opportunities with great mentors.

I wanted to head off to London for my OE but was keen to combine that experience with my legal career. I had worked primarily in litigation at Bell Gully, which wasn't the usual specialisation sought by the big UK firms. But I persevered and sent off my CV and a cover letter to the top 20 London firms. I was delighted to get an interview with Freshfields and after a video interview (that was very high tech at the time) I secured a position in their Commercial Litigation department in 1998.

My original plan was to spend a couple of years in London, but I was to remain working overseas for 13 years. I eventually returned to New Zealand to live in 2011 when my husband James (an economist) secured a job with the Productivity Commission in Wellington. We are really enjoying life in Wellington with our two children Fletcher and Sophia, two Labradors and a cat.

Back to the legal stuff, I spent four years working at Freshfields, based in London. It was very much a work hard, play hard stage of my life and I loved it. I was fortunate to work with some of the UK's leading solicitors and barristers. The most interesting case I worked on during my time at Freshfields involved the disappearance of a very large sum of money and the investigation of where those sums had gone. This case required that I spend large amounts of time travelling between London, Singapore and Brunei over a two year period. I worked closely with a group of forensic accountants and Sothebys art experts who assisted in tracing the missing money into assets all over the world which we subsequently injuncted and recovered for our client. For a “green” 26 year old, this was exciting stuff and really shaped my career.

Having met my future husband in London, we returned together to his home town of Melbourne in 2002. I spent



Sarah with two of her nieces currently studying at Otago, pictured outside Sarah's old flat 88 Dundas St.

another year in private practice then took a position with the Australian Securities and Investments Commission. James and I got married, bought a house and a dog. But the travel bug had never really gone away, so when my husband was offered a job in Doha, Qatar we grabbed the opportunity and relocated there (with the dog) in 2006.

I was pleasantly surprised at how easy it was for me to get a job in Doha. There were a number of international firms, mainly British, trying to establish a legal practice in the very wealthy and rapidly expanding city of Doha. My Freshfields experience meant that I was able to get a job quickly. I joined Simmons & Simmons but then the following year was approached to join the Clyde & Co office being set up in the Qatar Financial Centre, and I took up that opportunity. The Qatar Financial Centre was modelled on other jurisdictional “bubbles” that exist within some countries and are designed to attract international banking institutions and investment. The Qatar Financial Centre has its own set of laws, all in English, and its own courts and judiciary staffed by high profile western judges including some from New Zealand. It was an exciting time to be in Qatar and be part of a practice through its establishment phase.

We spent five very happy years living in Doha during which time we had two babies. I was a little nervous about having babies in Qatar but I can highly recommend the Qatar private health system. I was treated like royalty. Having a live in maid for 5 years was also pretty darn nice!

Since returning to New Zealand in 2011, I have been a full time stay home mum. And I have really treasured and enjoyed that stage of my life. Our youngest child has just started school, so I plan to investigate part time work opportunities during the course of next year. But in the meantime I am thoroughly enjoying pouring my energy into my family and our bach renovation project on the Kapiti Coast.

James Aitken

I had the pleasure of catching up with Mark Henaghan earlier this year when accompanying my son, who is in his final year at college, on his “look, see, decide” trip to Otago.

Thirty-two years on from my first year at Otago, Mark remains undeniably the most enthusiastic lecturer on the planet. I know this because I was fortunate enough to be able to attend the *Donoghue v Stevenson* lecture that Mark gave the day I was passing through (and I’m pretty sure I paid more attention this second time around).

Lauren Julian who had helped me arrange the catch up with Mark extracted a promise from me to contribute to the Alumni publication, so here is a potted history of my time in the big wide world post-Otago.

Nelson was home and I left there to attend Otago from 1983-87 and completed a BA in Political Studies in 1985 and my Honours in Law in 1987. I have no family who have been lawyers before me, indeed my father was a GP, my mother a nurse and my brother (Andrew) has continued down that line as a cardiologist in Wellington (although currently on a sabbatical in the UK). My sisters (Jo and Sally), also Otago alumni, are now involved in web-design/publishing and communications respectively. They are also based in Wellington with their families.

When I finished my law papers specialising in Advanced Family Law, I applied for jobs with (Wellington-based) commercial law firms in May of 1987. I had actually summer clerked at Harper



Pascoe in Christchurch in 1986 and was set to return there, but for the fact that my girlfriend (Louise, subsequently – and still – my wife) had finished six years at Canterbury completing her Marine Biology degree and had therefore decided she needed a change of scene. Anyway, all the firms I interviewed with were flying high at the time – it was the late 80’s and the boom times in business and finance, so naturally everyone was after Banking and Commercial lawyers. Despite my BA including a 3rd year paper on Marxism and my focus on Family Law, I somewhat surprisingly managed to persuade a few of them that I was worthy of a job offer. I knew nothing about the firms or indeed the commercial world and based on my gut feeling I ended up in my somewhat shiny suit (with crocheted fawn tie and lovely grey lace-ups – all the rage at the time) at Buddle Findlay’s Wellington office in November of 1987. For those of you who don’t recall, 19 October 1987 was “Black Monday” of that year’s major stock market crash. So instead of being a commercial and banking lawyer for my first three years I became instead an insolvency lawyer. This involved lots of reviews of material adverse effect clauses in loan agreements, advice to liquidators and receivers and arguments over Romalpa clauses (where I came to learn that possession is indeed nine-tenths of the law).

Buddle Findlay was a wonderful place to work. We had a great group of law clerks, including fellow Otago graduates from my year, Adrian van Schie and Richard Raymond, and I had the good fortune in my early days of working at one time or another with Wayne Chapman, John Nankervis, Wah McLean and Denis Clifford – all of whom were fantastic lawyers in their own ways and great teachers. After three and a half years there, Louise and I were keen to do the Big OE. We left in early 1991 and spent 6 months travelling through South-East Asia, Nepal and India before arriving in London. I quickly managed to get a job at Slaughter and May (the appeal for me being not only that firm’s exceptional reputation – but also their policy of having generalist commercial lawyers rather than the more specialised approach other large firms in the UK took). The insolvency experience I had (and my British Passport) undoubtedly helped as the UK was just sinking into the gloom of recession itself.

Not that we felt the downturn too badly as relatively unencumbered Kiwi expats at the time. London was (as I am sure it still is) a blast and we threw ourselves into the work hard/play hard world. We saw every show and concert we

could afford and travelled whenever we got the chance. The work was fantastic – being involved in major transactions with huge teams of lawyers often working through the night was exciting and intellectually stimulating, albeit a bit tiring at times. Again, I had been very fortunate to work at Slaughters – a truly great firm with many superb lawyers who were also patient teachers.

After three years of that, it was time – we both felt – to go home and start a normal life – i.e. buy a house, get married and start a family. After a 6 month (principally through the bottom half of South America) trip home we returned to Wellington in mid 1994 and started ticking off the list.

I went back to Buddle Findlay and by 2000 we were married, living in our own home in Karori and had had our third child. I had also by that time been a (banking and commercial) partner for 2 years. The firm remained a great place – but the pressures of work and the demands of a young family didn't combine particularly well from my perspective. By late 2002, having been a partner for 5 years, I decided that I couldn't quite see myself continuing in the role for too much longer. I think the final straw was when a client (and to give them their due, they did this as a prank and did think it was exceptionally funny) returned a bill I had sent out, but returned it with pictures of ducks and geese added. When I called them to congratulate them on their artistic prowess (and to ask the reasoning behind it) – I was told the answer was simple ... I should think what ducks and geese did with their bills! My inability to cleverly respond to this was enough for me to realise that I should seriously think about the advert in the Dominion newspaper that day stating "Lawyer wanted in the Cook Islands".

To Louise's eternal credit she thought this was a great idea too. So – having persuaded the people at Bank of Bermuda that I wasn't over qualified – I took a large pay-cut, quit the partnership and went with my family to live on a beach in early 2003. The office wear in the Cooks was Tivaevae-patterned (think Hawaiian) shirts with shorts and sandals. I was a legal counsel and compliance officer around the time that Customer Due Diligence and Know Your Customer rules were just being rolled out for banks internationally.

We felt privileged to be able to live and work in such a beautiful environment. Cook Islanders are fantastic people – very family and community oriented, and we felt welcome from the start. If you haven't been there – it is well worth a visit – and make sure you make the effort to go to Aitutaki (the most beautiful place I have ever been to). I describe our time in the Cooks as being like University for grown ups – as there was freedom, friendliness and a sense of wonder about living there.

Bank of Bermuda was acquired by HSBC in 2004. Living on a small Island you learn quite a bit about yourself and I missed the regular client contact and the hurly burly of the commercial world more than I thought I would. So, when I was given the opportunity by HSBC to move to Singapore and take on a management rather than a legal/compliance role, I jumped at it.

So from a place with 10,000 people (plus or minus a few thousand tourists), no traffic lights, no escalators or elevators and, at that time, so few cars on the road that our car had as its number plate "57" (as it was the 57th car registered on Rarotonga), we moved to Singapore (slightly bigger at 50 kms east to west and 26 kms north to south but with a population of over 5 million, a land of high-rise housing and offices, hundreds of shopping malls, electronic road pricing, high speed lifts and 800,000 - ie too many - vehicles on the

road in 2006). We worried about the children suffering from culture shock, but children of course adapt far more quickly than adults and they settled in to their new life seamlessly (except for the three days it took for them to get used to wearing shoes again without looking like they were walking on the moon).

We ended up spending eight years in Singapore, the last five of which I was the Managing Director of HSBC's Private Wealth Solutions business in Singapore (and a member of the Global Executive Committee for that business). The business deals with succession planning issues for wealthy families (including in relation to family-owned businesses), administers charities and deals with complex estate cases. A really interesting job where I have been able to meet some fascinating people and been involved in some intriguing cases. I learnt a lot about both asset management and about human nature. In many ways I had really finally come full circle back to my family law roots.

Although Singapore was a lovely place to live and work and the Singaporeans we came to know were a pleasure to be around, our eldest child was getting closer to the end of her college life and we wanted to get all the kids back to NZ so that they could have the opportunities that the NZ education system had given both of us. Having only expected to be away from NZ for two years, the 11 years we were away also meant we had missed a lot of extended family events we would have liked to have been here for.

HSBC has been very good to me and I have been able to continue to be involved in the Global and the Singapore businesses whilst based in Wellington. Although that does mean I have more than my fair share of late night conference calls, it is a small price to pay for being able to live back in NZ.

So I will leave it now to my next generation of Otago University attendees to – as the adverts say – "take their place in the world". Our eldest daughter Sophie is a first year Law and Arts student at Otago this year, our son Lachie, will be starting Law and Commerce next year, and our youngest Tessa has a couple more years with us in Wellington before she decides what to do. Although I really don't think I have pushed the older ones towards the law, I think they have been able to see the opportunities that have arisen for me and for the family as a consequence of my legal qualifications and have made their choices with that in mind. Certainly I also did not disabuse them of the notion that Dunedin was, and remains, one of the great university towns in the world.

Herman Visagie

Saying that I was a latecomer to the profession would be a bit of an understatement. For the longest time I vowed never to become a lawyer. While I loved my time at Otago, especially the people I met and the skills that law school taught me, I never really planned to ever practice.

My career path has always been a little unexpected. In my final year of University my sole focus was on my impending exchange to China. Having interned at a law firm the summer before, I had resolutely decided that legal practice was not for me. So I had no idea what I would do, but when a good friend messaged me to say I should apply for a graduate role at the then Ministry of Economic Development, and that the application closed that day. So after a frantic afternoon of application writing and a very last minute submission (11:57 I recall) I got my application in.



Much to my surprise I got an interview, and then was offered a role. As it was two days before I was heading off overseas I gladly accepted, liking the security of knowing I was coming back to something. With my acceptance I was asked if I had any preferences (or strong aversions) to where they put me. Being ever open to the hand of fate I said put me anywhere other than financial sector regulation (as finance was the death of me at university). And as luck would have it the manager of that team fought to have me (but then resigned before I started), and so I ended up in the one team I did not want. This was the first of many wonderfully unexpected events in my professional life.

I started a month after all the other graduates, and on my first day I was told my senior worked remotely from Dunedin, and I was handed a folder of submissions on a very technical Bill to analyse. My first months were a blur of meetings, phone calls, sometimes late nights, new experiences, and me having to quickly learn more about settlement systems than I ever cared to know. But I loved it, and the stretch grew me, although as a young junior experiences like having to give oral advice to a Select Committee were pretty daunting. A few months after that another series of random events meant that I was the only junior tasked with singlehandedly writing a section of the big discussion document we were releasing on the review of the securities legislation framework. One of my biggest thrills in later years was seeing that much of my work remained not only in the final discussion document, but also in what became the Financial Markets Conduct Act 2013.

Shortly afterwards I was due for rotation, and through a few random conversations found myself in the Communications and IT team working on telco regulation, pricing on international data, and later as part of the specialist team working on the Ultra-fast Broadband Initiative. Once again it

was a great stretch into an area that I knew little of, and had never previously considered.

I was then approached by an old colleague who was acting manager of another policy team to come in and help him to rebuild the culture of the team after a number of resignations, and to train and support the graduates who had recently joined the team. Ever up for a challenge I jumped.

Not long after that an old workmate mentioned that he was leaving his role as a policy adviser to the NZ Bankers Association (the industry body for the banks). He suggested I may be good at it and so I did a bit of research, spoke to their Policy Director, and deciding it was both a good challenge and a nicely remunerated job I accepted a role as Associate Director Policy at the NZBA. Over two years my role covered the whole cross section of banking sector regulation, and as an industry advocate my biggest lessons were actually about how to influence people and processes.

After two years there I was told I needed to get a bit of real banking experience, and so I organised a secondment to sunny Taranaki to help implement a really boring piece of legislation at TSB Bank. In the seven weeks I was there I managed to find so many interesting things to do (other than the core task I was there for), met many wonderful people, and really enjoyed the family environment of the Bank. So when I left I made a throw away comment that if a job for someone like me came up they should give me a call.

Lo and behold 4 months later I got a call, and ended up making the shift to the Naki and taking on the newly created Manager Compliance and Legal reporting to the CRO. As part of the role I agreed that I would do Profs and finally get admitted (which would make me the first lawyer ever employed in the 165 year history of the Bank). The 18 months I have been there has been a great adventure. I have seen the Risk department grow and develop (with the Bank's first CRO only starting 4 months before me), have taken on Company Secretary and Executive Leadership Team Secretary roles, employed and developed a young lawyer who will be admitted early next year, changed role three times, and learnt and developed myself in so many ways. To this day every day is an adventure. I certainly am not even close to stagnation that is for sure.

So today I find myself as Senior Manager Legal and Governance, reporting to the Deputy CEO, with a role that covers general counsel for the Bank, managing all external legal relationships, acting as Company Secretary, CEO and Executive Leadership Support, and overall responsibility for ensuring legal and regulatory compliance for the Bank (including being AML Compliance Officer and Privacy Officer).

I have finally come full circle. For the first years my legal education (particularly my statutory interpretation skills), my ability to think and reason, my writing and debating skills, and the confidence I got through my Otago years have served me well and continue to do so. Furthermore, in the last year I have formally reengaged with the legal profession. I have had the good fortune of having a community of wonderful lawyers, from our external advisers (including one who was at Otago with me), a Director of my Board (who was my Moving Counsel), the young graduate I employed, to all the great friends I made at law school who have supported and inspired me. I love what I do, and will keep doing it until the next challenge presents itself. I look forward to seeing what exciting adventure presents itself next, but until then I will just keep finding things to keep me interested.

Beau Murrah



After graduating in 2013 most recently I can report I was proud to represent New Zealand and Dunedin as part of a team with two others at the "International GovHack Red Carpet Awards" held in Sydney in September 2015. This followed our project team winning national and regional prizes at the New Zealand GovHack awards event in August and receiving funding to attend the Red Carpet Awards. I entered the competition with humble expectations and at last minute but it turned into a great experience where my Otago legal education and passion for emerging technology combined.

GovHack is a technology event originating in Australia in 2009 that expanded to New Zealand for the first time this year that is part of the open data movement. GovHack organises weekend events simultaneously across multiple locations to support the use of open government data by teams of creative "hackers" in the sometimes cringe but reclaimed sense of the word to develop useful applications to demonstrate the value of open data and encourage governments to make more data open. These projects are eligible for a range of awards and some go on for further development in free or proprietary applications. It was strange sign of times hearing the Minister for Communications, now Prime Minister of Australia, Malcolm Turnbull say the word "hackers" in the positive reclaimed sense in a video address to the Red Carpet Awards audience.

Legolas, my team's project, is a proof-of-concept of a free and open-source web platform for inline discussion on live legislative material. The access to the legislation datasets was made possible by the graces of the Parliamentary Counsel Office. The demo platform is nothing fancy to look at but you can view what was produced during the weekend at legolas.nz along with further documentation. It was really quite special to receive the feedback and awards we did from Dunedin and with a law and tech focused project.

As of writing this, the team have decided to keep Legolas in development and to see through potentially wider applications for the platform. We are in good initial contact with Parliamentary Counsel Office and developing relationships with people at the New Zealand Legal Institute of Information who currently do highly commendable and often unpaid work to help keep access to legal information affordable.

My personal story of coming to law at Otago University - at least how I have come to remember it - begins with my father being drafted into the Vietnam war in 1969 while he was at the University of Georgia in the south of the USA. After bootcamp my father was assigned as a military police officer

to Thailand for two years and the ensuing adjustment in attitude and worldview lead my father to visit Australia and New Zealand in the 1980's seeking a place to emigrate. My father chose New Zealand and my family emigrated in 1998 seeking an independent place to become second citizens, a place where the rule of law was strong and was as isolated as practicable from international affairs. Ultimately for him New Zealand was a place where none of his three sons could ever be drafted into a similar conflict as Vietnam.

As one could imagine this 'conscriptio heritage' imbued some pretty strong views of the world and forthrightness of opinion potentially stereotypical of a would-be studier of law, particularly with an American accent. Conscriptio may not be current policy of the US or NZ but the significance of being in New Zealand and under New Zealand law has always held a fundamental importance for me, frankly more importance than it seems to hold for many of my New Zealand born peers. On moodier days as a student at Otago I would make a point of telling this whole conscription heritage story to people who presumed I was just another exchange student.

It was possibly family friends we had in Nelson who first suggested to me as a child cheekily "oh you could be a great lawyer someday" when I was merely being irritating...this sort of disingenuous advice to children is commonplace...but my earliest written record of wanting to be a lawyer is from 1999 at while I was at Hamden Street Primary School in Nelson. I wanted to study at Otago because my brother had studied here and described it as a lot of fun... some normal things too I guess.

Finally, I just want to say I am deeply grateful for the compassionate but fair treatment and some extra pastoral care I received as a student from a number of staff in the Otago Law Faculty. Honestly, I think I could be in much worse place than right now as I 'take my place in the world'. Thank you.

Jolyon Swinburn

By November 2009 I had accomplished what I set out to achieve in Otago and was able to leave with very fond memories (and surprisingly, bachelor degrees in arts and law). They were such fond memories that I decided to continue studying, and travel to Amsterdam to complete a master's degree in public international law.

Amsterdam was fantastic, and whilst studying there (or perhaps it was in a coffee shop) I decided that the mitigation of, and adaptation to climate change was my calling. I also decided that international environmental law would be the tool I use.

However, before taking on this grand endeavour, I made a small detour to Ibiza, Spain to set up a coffee roasting company with my brother. In 2012, after writing up a business plan and getting some investors on board, Meke Coffee Roasters was born.



It took a lot of hard work (a lot more than we thought) to finally get our small business somewhat off the ground. Along the way we learned first-hand many of the hard, yet valuable lessons associated with starting a new business in a foreign country. Every day was challenging and different, but at the end of it we had a beautiful Mediterranean island and sea to enjoy. After three great years of this lifestyle, I decided it was time for me to leave my brother to it and try to apply my many years of university study to an area more suited.

During my years in Spain I had observed that many of my friends and classmates went through some sort of a 'post university hangover'. Many struggled to find the job they were looking for, and many of those who got the job they wanted, found that it wasn't quite what they had expected. Upon leaving Ibiza it occurred to me that perhaps I hadn't avoided this hangover, but merely postponed it.

I was therefore quite apprehensive about the impending job hunt and the difficulties it would entail. I applied for many job vacancies in environmental non-governmental organisations based in Europe, but I found the job market there to be a very tough nut to crack. After a series of 'thank you but no thank you' letters, for even the most entry-level positions, I started to think that my Otago degrees had passed their 'best before' date. I considered a return to university to enrol in a doctorate program.

The general area I was considering studying was how to hold trans-national corporations accountable under international environmental law. In September 2014 the United Nations Human Rights Council (UNHRC) passed a resolution to create a binding international treaty between business and human rights. As the UNHCR recognizes the right to a clean and healthy environment, I thought that following the formation of this treaty would be an interesting topic for a PhD. Funnily enough doctorate applications and scholarship funding are also a difficult and competitive pursuit, particularly in Europe.

Throughout this job, university (and soul) search, a number of policy positions popped up in Wellington and I started to entertain the thought of living in the capital (and working for the man). While writing PhD applications I found myself looking into various government departments and roles and realising how little I know about what actually goes on in and around government. I thought that perhaps it could be worthwhile to learn the machinery of government first-hand, and that my PhD ideas could really benefit from this.

In June of this year I accepted a policy analyst position at the Ministry for the Environment. I am in the 'Marine' team and we do the policy work for New Zealand's Marine environment. Our team did the work behind the recent Kermadecs Ocean Sanctuary announcement, and we are currently doing policy work for new Marine Protected Areas legislation.

Although working a 9-5 in Wellington for central government is a bit different from running your own business in Ibiza, it is an interesting and valuable experience. I still have a lot to learn here, and in the future, if I decide to continue 'living the dream' and return to university, I'm sure I will be much the wiser from doing the time here.

I would again like to thank Professor Henaghan for being my referee throughout this process, and I wish Otago graduates the best of luck with their future job searches.

Save the courthouse!

John Verry



I was born in Christchurch and went to school in Blenheim. Like most of my group of friends, I was destined to an apprenticeship; until in Form 5, on completing my woodwork assignment the teacher loudly asked "and which hole does the postman put the letter in?" My fate was further sealed when the headmaster stated, in my leaving reference, 'John has reached his academic ceiling'. So travel appeared to be the only option. This led me to Nelson, Maupa then to Sydney where I obtained a Public Relations position at the Nuclear Reactor plant at Lucas Heights and lived in the beachside town of Cronulla.

Next was attendance at Monash University on the Bachelor of Jurisprudence programme – my first brush with the law and lawyers. At that stage of my life I found the law study interesting but did not see me ever being a lawyer. I opted to graduate with a Bachelor of Arts, which led to my undertaking the Graduate Diploma in Education (Secondary) and an income from teaching. As Legal Studies was part of the senior secondary curriculum, I continued with law papers at Monash that fitted round my teaching commitments.

On returning to New Zealand I moved to the Vocational Guidance section of the (then) Department of Labour and was lucky enough to get a Public Service scholarship to complete the Master of Education – Guidance & Counselling degree at Canterbury. The Residential Tenancy Bill was introduced, where the (then) Housing Corporation provided a residential tenancy mediation service for resolution of disputes between landlords and tenants. I was able to obtain a position as a Tenancy Mediator, which then led to my lecturing at the Open Polytechnic of NZ and then the role of Academic Manager at Wairapapa Polytechnic which was a springboard to the Bankers' Institute in Wellington as Academic Manager.

My legal career came to be born when I was Assistant Principal at University College at Otago University. Whilst the evenings and nights were busy, I needed something to keep me occupied during the day. I applied to Otago Law School to complete the Bachelor of Laws. On being interviewed by the then Dean, he looked at me as though I was from Mars and asked 'How do you expect to get in Otago law school with all these Ds? And what is a HD?' The difference the Tasman makes! I then replied that HD was a High Distinction of A+. Needless to say I was accepted. This time enjoying the study of law, as I was able to relate the theory to real life experiences. I graduated LLB 1999.

Otago Law School provided the springboard that enabled me to obtain the role of Manager Disputes Resolution, at the

then Rodney District Council, which led to my appointment as Manager Legal. I was well placed to use the knowledge and skills the Otago Law School provided. In the space of a few years I represented the RDC in the Court of Appeal on four cases; High Court seven cases – 9 of which were reported. I am grateful that Otago Law School equipped me so well to hold my own in the appellate jurisdiction. I am also thankful for the collegial support and guidance given to me, so willingly, by other lawyers as without this assistance and support, I would not have been able to succeed.

Working In-House, as a lawyer, has enabled me to work with managers and provide them with the legal options so they are better able to make efficient business decisions. The In-House role enables input at the embryonic stage of disputes, which I found empowering, as in my experience settlement chances decrease as the dispute progresses. The flip side is taking care to maintain objectivity as there is a real risk of the quality of legal advice being coloured by 'personal involvement' then as the adage goes one has a fool as a legal adviser!

After taking 28 years to graduate LLB, I think I redeemed myself by graduating LLM (2008) from the University of New England (Armidale, NSW) after two years study.

After gaining the Gold Card in August 2014, I spent 9 months in Melakka, Malaysia undertaking research on *Sharia in the West* through Leiden University and am now on assignment through Volunteer Service Abroad (VSA) as Legal Adviser at the Honiara City Council, Solomon Islands. On 13 October 2015 the new Honiara City Plan was introduced, so I look forward to an interesting time.

My thanks to Otago University Law School for the fantastic opportunities provided. I have admission as a Barrister & Solicitor of the High Court of New Zealand; Legal Practitioner of the Supreme Court of New South Wales; Legal Practitioner of High Court of Australia and pending – Barrister & Solicitor of High Court of Solomon Islands.

Harriet Hughes



My relationship with law began in my last year of high school, when, like most eighteen year olds, I had no idea what I wanted to do. I knew that I wanted to pursue English and Theatre in a BA. I had seen Mark Henaghan speak in

Wellington and was greatly inspired by him, so I thought I'd give Law a go. I enjoyed first year, and was thrilled to get into second year, but if I'm honest, by April of second year I had seriously considered dropping out. Second year was hard work. But I persevered until exams were over and vowed never to go near property law ever again. I am unbelievably glad I didn't drop out, and finishing that year is still one of my proudest achievements!

Despite this rocky start, I truly loved the last two years of studying law and being able to choose classes that interested me. These included Family, Human Rights and Criminal papers. Otago University's Law faculty is a wonderful place to study, with many truly inspiring lecturers. I started volunteering at the Community Law Centre, which gave me excellent practical experience with real clients. It is a wonderful opportunity for students, which I encourage others to take. In my final semester I was lucky enough to go on exchange to Oregon to complete my BA, and also travelled California, New York, Nevada and a number of other places during this time. Going on exchange gave me opportunities to take papers I would have otherwise not taken, such as screenwriting, as well as being given a chance to travel and live in a new country.

My time in Dunedin will always be incredibly precious to me. As I moved from England at fifteen, I've spent most of my New Zealand life in Dunedin. As a teenager, I was reluctant to move away from home for university and leave school friends, but it turned out to be one of the best decisions I've ever made. I grew to love Dunedin more each year, particularly as I began to venture past the few blocks that cover the University and the Octagon, as every third year eventually does, and begun to appreciate the theatre and music scene. I met so many special people there, many of whom I remain in close contact with.

After returning to Wellington and completing Profs, I was lucky to find a role as a Court Registry Officer in the Porirua District Court, Family jurisdiction. It's a fantastic role, and has enabled me to become highly familiar with the Court process. I work closely with Judges, lawyers and members of the public on a daily basis to ensure that files are progressed fairly and that the Court runs efficiently. I manage a caseload of files, and often work as a court clerk. I have gained extensive practical knowledge of court etiquette and the legal system in practice. I enjoy working for the government, and hope to continue working for government departments in the future. Working in the area of Family law is emotionally challenging, but it is fulfilling helping those less fortunate and those in times of need. In particular, most of my files involve CYPFs and domestic violence.

I continue to remain active in theatre and stand up comedy, and am currently writing shows for the upcoming Fringe Festival. My time at Otago University was of incredible value to this venture. I was in Capping Show for four years, and out of this grew the comedy collective Discharge, which I co-founded in 2012 alongside some of my closest friends.

This year has been my first year as a graduate, and it has also been a very difficult year as my family and I have experienced unforeseen events. In September I decided I was going to apply for a Masters in creative writing at Victoria University. I am still waiting to hear about whether or not I was successful. To throw a spanner in the works, I have been offered a role as a junior solicitor at a small firm that specialises in family, criminal and property (maybe I'll break my vow after all). So at the moment, who knows what next year will bring! I really hope I get the Masters, but we'll see what happens. At the end of the day, I'm lucky to have these options, and I love living in Wellington.

FACULTY VISITORS

The Faculty of Law had the pleasure of hosting a number of distinguished visitors this year, some of whom you can read about below.

The Right Hon. Dame Sian Elias GNZM PC QC, Chief Justice of New Zealand visited the Faculty to present a public lecture on *'Judgery and the rule of law'* in October this year. The lecture will be published in the next edition of the *Otago Law Review*.

The Hon. Christopher Finlayson, Attorney-General visited the Faculty in September. The Attorney-General spent the afternoon in the Faculty meeting with staff to discuss their research, as well as meeting with honours students, who discussed their dissertation topics.

Suzanne Snively ONZM Transparency International New Zealand Chair visited the Faculty in October to present a public lecture on the topic, *'Stopping the Violence through Transparency'*.

Professor Wayne Morrison from Queen Mary University of London visited the Faculty in September to present a public lecture on *'Law in the social constitution of the Holocaust.'*

Mojo Mathers, Green MP visited the Faculty in conjunction with The Otago Student Animal Legal Defense Fund to present a public lecture, discussing the significant changes to the Animal Welfare Act.

Professor James Allan from the University of Queensland, TC Berne School of Law visited in July and presented a public lecture on *'Against Written Constitutionalism'*

Professor Ron Paterson former Ombudsman, visited the Faculty in July to give guest lectures in both the Public Law and Environmental Law classes.

Dr Eric Descheemaeker from the University of Edinburgh visited the Faculty in July, presenting a staff seminar on the topic *'The Harms of Privacy'*.

Professor Jeremy Waldron from New York University, School of Law presented a staff seminar in August on the topic: *'Who is responsible for social and economic rights?'*

Professor Waldron also presented the 2015 Dan and Gwen Taylor lecture as a visitor to the Department of Philosophy.

John Earles Registrar and Specialist Technical Advisor in the High Court Wellington, visited the Faculty in September to run a session with senior law students on Probate.

Professor Mushera Khan from the Civil Law Department at International Islamic University of Malaysia visited the Faculty of Law in October to conduct independent legal research on takeovers and mergers in New Zealand Law.

Dr Melissa Crouch from the University of New South Wales – Sydney, visited the Faculty in September to present a staff seminar on *'Constitutional Reform in Authoritarian Regimes: Writs as Weapons in Myanmar?'*

Louise Delany, from the University of Otago, Wellington presented a staff seminar in October on *'Reflections on 'hot topics' in public health law'*.

His Honour Judge Andrew Becroft Principle Youth Court Judge visited the Faculty in August to present guest lectures in the Family Law and Sentencing classes.

Her Honour Chief Judge Jan-Marie Doogue Chief District Court Judge of New Zealand visited the Faculty of Law to present a guest lecture in the Family Law class.

Anita Chan QC visited the Faculty to present a guest lecture in the Family Law class.

Jonathan Krebs visited the Faculty to speak to staff and students about the Teina Pora case.



The Chief Justice delivering her lecture



The Attorney-General meeting with students



Prof Mark Henaghan and Suzanne Snively ONZM



Professor Wayne Morrison



Professor James Allan



Michael Robertson – Misty University
To purchase photos you can contact:
The Faculty of Law Administrator
Email: marie-louise.neilsen@otago.ac.nz

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:

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