

# OTAGO LAW

Faculty of Law Newsletter  
Summer 2017/2018

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## GREETINGS FROM THE DEAN

Dear Otago law alumni,

The sun is shining on Dunedin with rare munificence as we reflect on another stellar year for the Faculty and our students. We hope that you too can enjoy the summer with some satisfaction and optimism for 2018.

At this time of year, it is immensely satisfying to see the variety of careers our graduates are going on to as well as where our alumni have found themselves, which varies from reporting on conflict in Iraq to resolving it in Australia—as you can read about in this newsletter. These stories give us great optimism for each new batch of students arriving from all over our wonderful cities and provinces.

These comings and goings show that a law degree can be a pathway for anyone to anywhere, regardless of background. Any young New Zealander who dreams of studying the law should be able to give it a go. Yet some students may see a law degree as only a distant or even irrelevant possibility because of

financial or social barriers. Those who overcome these adversities often go on to improve our law and society in profound ways. Diversity in our law schools benefits us all.

This is why we greatly appreciate those of you who contribute to our scholarships or mentor people into the law. We all want to give students opportunities that are otherwise beyond their reach.

Funding scholarships is not the only way to help. Showing students opportunities and getting them to believe they can get there is half the battle won. Some of you will encounter promising young people who view the law as not for people like them or who see too many obstacles in their way. Let them know about the many scholarships on offer and help them to apply.

Sometimes we hear of school students wanting to follow a lawyer around as they work. This might or might not be a good idea, depending on the day!



But engaging with the young while they still dare to dream could make all the difference. A UK programme, Oxford Pathways to Law, encourages students from non-privileged backgrounds into the law, with mentorship and work placements. The programme recently saw 86 percent of its 35 students go on to top universities, 64 per cent of whom enrolled in law.

We are very proud of our law students, who have had much to celebrate this year along with our staff. Our student mooting team broke a 14-year drought to win the national NZLSA mooting competition. They will fly to Washington D.C. for the Jessup Moot in April 2018. Our students also earned a number of prestigious external awards and scholarships.

Our staff continue to make impactful contributions to New Zealand's legal landscape and society, in addition to their fine teaching efforts. They have issued reports on significant issues in our legal system, are embarking on other important research, and have delivered very inspiring and well-received public lectures. You can watch these online at our website—they are worth making the time to watch.

We have been honoured to host some eminent speakers this year. Their talks tend to tie together challenges in society and practice with theoretical issues and our roles as academics and teachers. All of our speakers, especially our alumni, seemed very happy with their chance to be in Dunedin and brought with them some inspiring stories from their careers. These talks are usually public so if you are here and have the chance, don't miss the opportunity to come along. We would love to see you!

This summer we farewell from the Faculty two retiring professors, Professor Richard Mahoney and Professor Stuart Anderson, both of whom have made immeasurable contributions to the Faculty and our students. You can read more about Richard and Stuart in this newsletter, as well as the distinguished young staff who are joining the Faculty to follow in the footsteps of these giants.

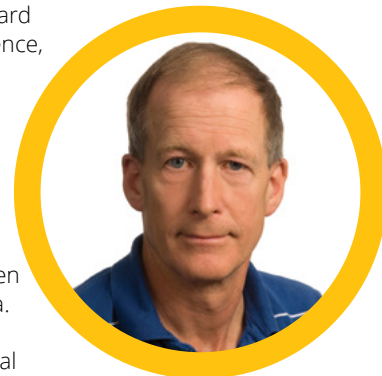
We were deeply saddened at the passing in August of another giant of the Law Faculty, our long-term colleague and friend Ian Williams. Ian had been a loyal and dedicated Faculty member for over 35 years. You can read about his contributions in this newsletter.

We would like to wish you and your families a safe and happy summer and all the very best for 2018. It is always a pleasure to hear from you so please keep in touch and share your news with us.

## STAFF NEWS

### Professor Richard Mahoney Retires

On Wednesday 11 October, Professor Richard Mahoney delivered his final lecture in Evidence, as Professor of Law before his official retirement. Richard Mahoney came to the University of Otago in 1984 with a brilliant academic background. Richard was the medal winner for the best law student at the University of British Columbia. He completed a BCL at Oxford University (Wadham College) in 1976. Richard had been practicing law at the bar in British Columbia. Upon his arrival at Otago, we realized that Richard had an incisive and penetrating legal mind. He developed expertise in the criminal law, evidence, civil liability and damages, and legal ethics.



Richard is widely recognised as New Zealand's premier evidence scholar. He is the co-author of a major book on evidence and is also the sole author of *Adams on Evidence*. His work is widely cited in all the courts of New Zealand.

Richard worked closely with the NZ Law Commission to draft the 2006 Evidence Act. Sir David Baragwanath, who was President of the Law Commission at the time, said that Richard's work was indispensable and a major contribution to this legislation. Richard spent 10 years carrying out this work. The Commission's final report on the evidence law said that the quality of the final report was "in large measure due to the invaluable and continuing assistance of Associate Professor Richard Mahoney...who brought to the project team the depth of knowledge and critical analysis of an academic as well as the pragmatism of a practitioner at the criminal bar."

As well as being a dedicated teacher in evidence and legal ethics, Richard Mahoney also practiced at the bar for 32 years. He regularly went down to the court on a Friday as part of the legal aid list. He argued successfully in the case of *Millar*, which created a new category for what were otherwise strict liability offences and is still part of our law today.

Richard has been a large part of the annual law students' dinner, where he always takes part in the skit much to the delight of law students. The Faculty will miss him greatly with his dry and wicked sense of humour as well as his kindness and generosity to others. We wish Richard all the very best for his retirement and hope the ski slopes and the grandchildren are kind to him.

### Professor Stuart Anderson Retires

Professor Stuart Anderson has contributed immensely to the Faculty and the University since he arrived in 1990 from Oxford, where he was a lecturer and a Fellow and Tutor at Hertford College. Before that he had been at the Law Department of the London School of Economics and Political Science. We were very fortunate that he decided to travel all the way to Dunedin, given his contributions over the past 27 years.



Stuart was Dean of the Faculty of Law for five years from 1993 and again from July 1999 until January 2000. He was a member of the University's Committee for the Advancement of Teaching and Learning and myriad other boards and committees.



Many of you will have benefited from Stuart's lectures in property and public law. Stuart was known as an outstanding teacher who encouraged students to think deeply and analytically about legal problems. All of Stuart's students are very grateful for what he has inculcated into them. Many of Stuart's students have gone on to win Rhodes or Fulbright scholarships and to outstanding careers. Stuart's ability and perception in analysing legal problems is second to none. He has left a wonderful legacy of outstanding students who will carry on his deep thinking and analysis of the law.

Stuart is the author of *Lawyers and the Making of English Land Law 1832-1940* (Oxford, 1992) and contributed major chapters to the Victorian volumes of the *Oxford History of the Laws of England*. This work on the history of the laws of England will endure for generations to come. The research is immaculate and extremely thorough. It provides an unmatched understanding of where our common law system has come from and is essential reading for anyone who wants to understand why the law is the way it is today. Stuart Anderson is a legal historian of the very highest class

We wish Professor Stuart Anderson all the best for a very happy and productive retirement.

## Welcome to Dr Anna High

In October we were delighted to welcome Dr Anna High to her position as lecturer in criminal and evidence law. Anna's primary research interests are Chinese Law and Criminal Law. She is particularly interested in how the law protects vulnerable populations, and the concepts of consent and coercion in the context of sexual violence.

Prior to joining the faculty in 2017, Anna was a Distinguished Scholar-in-Residence and Luce Postdoctoral Fellow at Loyola University Chicago School of Law. There she taught

criminal law and Chinese law. She has also taught comparative human rights, Asian law, EU law and criminal law at Marquette University Law School as Visiting Assistant Professor.

Anna completed her PhD at the University of Oxford where she was a Rhodes Scholar (Queensland & Magdalen 2008). Her doctoral research, which is currently being updated to reflect new fieldwork and recent developments in Chinese charity law, examines the negotiated existence of unregistered child welfare NGOs in China and their interactions with the local state. We are very fortunate to have Anna on board!

## Welcome to Danica McGovern

We are looking forward to welcoming Danica McGovern to the Faculty in January as a lecturer in Criminal Law and Criminal Justice. Danica's research interests are in criminal justice and criminal law.

Danica is currently finishing her PhD on the important area of judicially monitored community-based treatment as an alternative to imprisonment for adult sex offenders.

Danica will add an important social legal perspective to what is happening in our criminal justice system, much of which is ripe for

reform. This work will be very important for the future and we are delighted to have Danica as a great addition to the faculty team.

## Staff awards

### Fellow of the New Zealand Royal Society Te Apārangi

In November our Dean, **Professor Mark Henaghan**, was appointed as Fellow of the New Zealand Royal Society Te Apārangi. The citation noted that Mark is "New Zealand's leading family law scholar, who has had a major impact on the judicial system, legislative reform and legal practice in New Zealand." Needless to say, this news was welcomed by a tremendous number of Otago Law alumni as well as Mark's colleagues and associates throughout New Zealand.



### Richard Macrory Prize for the Best Article in Journal of Environmental Law

**Dr Ben France-Hudson** was awarded the Richard Macrory Prize for the Best Article in this year's *Journal of Environmental Law* for "Surprisingly Social: Private Property and Environmental Management" (2017) 29 JEL 101. JEL, the world's leading environmental law journal, awards the prize to the year's most thought-provoking and innovative article. The judges described Ben's piece as 'superb'. The article is based on Ben's doctoral thesis 'Private Property's Hidden Potential', which was supervised by Nicola Wheen, Ceri Warnock, Michael Robertson and Struan Scott. You can read the article here: [academic.oup.com/jel/article/29/1/101/2870499](http://academic.oup.com/jel/article/29/1/101/2870499)



### The Honourable Rex Mason Prize for Excellence in Legal Writing

The Honourable Rex Mason Prize for Excellence in Legal Writing was awarded to recent Otago law graduate **Oliver Hailes** and **Professor Andrew Geddis** in October for their article, *The Trans-Pacific Partnership in New Zealand's Constitution*, published in the *New Zealand Universities Law Review* in December 2016.

The award is New Zealand's oldest legal writing prize, established in 1973 and commemorating Henry Greathead Rex Mason (1885-1975). He was one of New Zealand's longest-serving MPs and a former Attorney-General and Minister of Justice.

Oliver Hailes is now a judge's clerk at the Court of Appeal. He was recently awarded a prestigious Woolf Fisher Scholarship to study at Cambridge University in England, which you can read more about in this issue.



## Law Faculty Shines in OUSA Teaching Awards

In September, the OUSA handed out their annual teaching awards to the top lecturer and tutor in each Division. Congratulations to **Mark Henaghan**, who received the Humanities Premier Lecturer Award.



Congratulations also to **John Dawson**, **Jessica Palmer**, and **Marcelo Rodriguez Ferrere**, who were nominated for OUSA Teaching Awards.

## Promotions

Deputy Dean **Associate Professor Jessica Palmer** has been promoted to professor, effective from 1 February 2018. Kei te whakamihi mātou a Jessica! We congratulate you, Jessica!

Congratulations also to our colleague **Stephen Smith**, who has been promoted to Senior Lecturer across the Bar. Congratulations to **Maria Hook**, who has been promoted to Senior Lecturer. Both promotions will come into effect in February 2018.



## RESEARCH NEWS



### Aotearoa's Future Courts

Are online courts the prized gem in the quest for affordable and accessible resolution of civil disputes? In November, the NZ Law Foundation awarded **Dr Bridgette Toy-Cronin**, Director of the University of Otago Legal Issues Centre, a grant to examine how litigants might explain their disputes clearly enough for use in an online resolution process.

A multi-disciplinary team will study lay-people's ability to translate disputes into legally coherent claims. The project will also seek innovations to help people explain their disputes to an online court. A very important initiative for the future of access to justice!

## The Impact of Eviction

Housing continues to dominate contemporary social and economic issues in New Zealand, with tenancy issues bubbling to the surface as the renting population increases. Joining a team studying eviction is **Dr Bridgette Toy-Cronin**. The multi-disciplinary team has secured a \$865,000 Marsden Fund grant and is led by University of Otago Professor Philippa Howden-Chapman, Programme Director of He Kainga Oranga/ Housing and Health Research Programme and Director of the New Zealand Centre for Sustainable Cities.



Dr Toy-Cronin's part of the project looks at how the Tenancy Tribunal balances the rights of landlords and tenants.

## Wheels of Justice Report

*"This is the Court... which so exhausts finances, patience, courage, hope, so overthrows the brain and breaks the heart, that there is not an honourable man among its practitioners who would not give – who does not often give – the warning, 'Suffer any wrong that can be done you rather than come here!'"*

— Bleak House by Charles Dickens, 1853, quoted in "The Wheels of Justice", a new report from the University of Otago Legal Issues Centre

How much can we say has changed in the 150 years since Charles Dickens penned his rich and scathing dramatisations of Victorian institutions? While we have striven to preserve the stone buildings that loomed over many a real Dickensian character, the administration of modern processes within these buildings would hopefully fail to inspire Dickens' pen. Yet do claimants still forgo a just resolution of their disputes so as to avoid the exhaustions of cost and delay?



The Legal Issues Centre have given us a vivid answer to this question in an in-depth, landmark report on the pace of High Court civil cases. *The Wheels of Justice* sets out the results of the first investigation into whether and where there are delays in New Zealand's High Court and explores ways to improve the system. It was funded by the New Zealand Law Foundation.

The comprehensive study found that despite perceptions of a slow system, the wheels of justice are turning smoothly in most court cases. But it also found that just looking at the average speed and length of cases will not reveal the full picture about how effectively the court functions.

Like a good novel, to understand what is really happening you need to look deeper, explained lead author and Director of



the Legal Issues Centre, Dr Bridgette Toy-Cronin. "It might be good that a case is short or it might be unjust, as it only ended because one party ran out of money. A long case might be bad for the litigants or there might be good reasons for the time passing, like waiting for remedial work to be done on a property."

The causes of delay include insufficient judicial time to promptly hear fixtures and deliver judgments, the struggle to schedule times when all participants—lawyers, experts, litigants—can be in the room, litigants engaging in strategic delay, and ill-prepared lawyers.

The study is a significant beginning for important work. Dr Toy-Cronin says there is an urgent need to improve data about who uses our courts, whether or not they are represented, and how their cases proceed. "Without this information, we are unable to design a civil justice system that responds to the needs of those using the court and that protects its important public function."

You can find out more and read the report here:  
[otago.ac.nz/law/news/otago669251.html](http://otago.ac.nz/law/news/otago669251.html)

## Your Lawyer Story

*"The lawyer was completely unsympathetic with her situation and even shouted at my daughter aggressively... I am pleased to say that a 'beginner' lawyer was far more patient and considerate in separate meeting she had with my daughter."*

—excerpt from [yourlawyerstory.org.nz](http://yourlawyerstory.org.nz)

Are we sending into the world graduates who understand clients' needs and offer services that clients want to use? This mission is very important to the Legal Issues Centre and the Faculty of Law. As part of these efforts the Legal Issues Centre has invited New Zealanders to share their stories about their experiences of hiring lawyers and using their services, via a website, [yourlawyerstory.org.nz](http://yourlawyerstory.org.nz).

The stories will form part of the teaching material for an upcoming Summer School course on the legal profession and the future of legal practice. They will give unfiltered insight into the impact of good or poor experience on clients of lawyers.

To find out more about the project, or read previously submitted stories, you can visit [yourlawyerstory.org.nz](http://yourlawyerstory.org.nz).

## Genetics and Society

### Gene Editing – implications for New Zealand

Otago law researchers are exploring how our legal system should respond to science's biggest story in recent years – the discovery of ways to quickly and cheaply edit our genes. Scientists in labs around the world are already altering genes in human and animal cells with gene-editing technologies, such as CRISPR-Cas9. As well as giving us new insights into how life works, gene editing technologies could cure or prevent genetic disease or wipe out invasive and harmful pests. But with this great promise comes huge ethical, cultural, scientific and, of course, legal, questions. New Zealand's genetics laws were last reviewed in the late 1990's when precision gene editing seemed decades away from leaving the realm of science fiction.

To chart potential legal paths through these questions, Professor Mark Henaghan has been appointed to a Royal Society of New Zealand multidisciplinary panel of New Zealand's leading experts. The panel is considering the broad implications of gene editing technologies for New Zealand, including the research, ethical, social, legal, regulatory,

environmental, economic, and cultural considerations. This work follows on from Mark's work as the Principal Investigator in the Human Genome Project, funded by the New Zealand Law Foundation. Helping Mark is Dr Julie Everett-Hincks, an Otago law graduate who came to the Faculty having contributed immensely to New Zealand's agricultural industry as a scientist, including in the field of animal genomics. Mark and Julie are identifying the legal issues and gaps that New Zealand would need to address in order to pursue its desired directions in gene editing research and application. Watch this space!

### Having children in the genomic era

Having a baby may never be the same again, with increasingly sophisticated genetic testing likely to raise thorny ethical issues, according to the lead author of a new Law Foundation-funded report, Dr Jeanne Snelling, of the University of Otago's Bioethics Centre and Faculty of Law.

Dr Snelling highlighted the bewildering world of genetic testing that pregnant women now face, upon the release of her report, *Judging Genes and Choosing Children: revisiting law, ethics and policy in the genomic era*, which is a significant contribution to this important question.

The report considers some rapidly evolving genetic technologies that may be offered to woman either during pregnancy or regarding embryos created by IVF (in-vitro fertilisation). The tests give pregnant women more health-related information than traditional prenatal tests, but pose technical, ethical and legal challenges. "Expanded screening and testing is likely to not only affect reproductive outcomes, but also women's experiences of conception and pregnancy in the future. The major issue is how all these technologies should be integrated into clinical practice," Dr Snelling said upon the report's release.

## PUBLIC ENGAGEMENT

### Professor Shelley Griffiths' Inaugural Professorial Lecture



Prof Mark Henaghan, Vice Chancellor Prof Harlene Haynes, Prof Shelley Griffiths, Pro Vice-Chancellor Prof Richard Blaikie and Pro Vice-Chancellor Prof Tony Ballantyne.

From the salt tax of 1000BC China, to the Doomsday census of 1086, and down into the shifting foundations of early 20th Century New Zealand law schools, Professor Shelley Griffiths' Inaugural Professorial Lecture (IPL) leads us through

the fascinating history of legal education and research in New Zealand. As she holds the lamp up to 1920s academic calendars, brushing away thick layers of dust, she asks why legal education and research has so neglected the “distinct, odd, difficult, opaque, weird” topic of tax. Whilst down this rabbit hole, we learn why an extremely coercive law that “touches human activities at so many points” remains underdeveloped and unchallenged. We learn the potential consequences of neglecting tax law in New Zealand, whose Tax Commissioner could quite possibly and legally let herself into our homes in the dark of night, and whose citizens have an unhealthy penchant for domestic trusts. It is a fascinating and curious fact-filled lecture that belies the driest of titles—*Tax as Law*—and is well worth a watch at the Faculty of Law’s podcasts page: [otago.ac.nz/law/research/podcasts/](http://otago.ac.nz/law/research/podcasts/). Or you can read the IPL (with footnotes) in the *Otago Law Review*, v 15, 1, 2017.

### Professor Margaret Briggs’ Inaugural Professorial Lecture



Prof Mark Henaghan, Prof Margaret Briggs, Vice Chancellor Prof Harlene Haynes, Pro Vice-Chancellor Prof Tony Ballantyne.

“I have always been drawn to legal relationships with the whiff of a power imbalance.” This is how Professor Margaret Briggs explains her longstanding interest in family property law and criminal law, in her Inaugural Professorial Lecture (IPL), which she delivered on the 5th October. From this broad field, she chose her IPL topic, the law of attempt, because it was the subject of her very first lecture at the Faculty of Law.

The law of attempt involves one of the thin lines that the law draws between criminal and non-criminal conduct. In her talk, Margaret traces how the courts have moved the line between non-criminal preparatory conduct and conduct that is sufficiently proximate to the full offence to be culpable. Margaret then explains whether the current line is appropriate, reminding us not to forget that “by buying into the ‘tough on crime’ brand name, just as we reap the advantages, we are also at risk of diluting our own rights.” Margaret also considers alternative ways of assessing liability for attempt.

You can watch Professor Margaret Briggs’ insightful IPL at the Faculty of Law’s podcasts page: [otago.ac.nz/law/research/podcasts/](http://otago.ac.nz/law/research/podcasts/). You will also be able to read it in the 2018 edition of the *Otago Law Review*.

### In New Zealand, this river and park are legal persons – Professor Jacinta Ruru’s TEDx Talk

“I dreamed for new ways for us to understand, as many Māori families across Aotearoa New Zealand have been fighting hard for since 1840, and so I fell into the discipline of law”. In this enlightening Tedx Talk delivered in Christchurch, Professor Jacinta Ruru shared how giving legal personality to natural resources, such as the Whanganui River, disrupts the law’s historical hostility towards indigenous people and is an opportunity for reconciliation and for gaining a Māori

understanding of the world. You can view the talk on Youtube at [youtube.com/watch?v=3zAPwaOYjQU&feature=share](https://youtube.com/watch?v=3zAPwaOYjQU&feature=share)

Many people have been inspired by the legal personhood of the Whanganui River and Te Urewera ranges. For more behind the scenes and personal insights from Jacinta into this new momentum for the Māori worldview in our legal system, you can read this article from The Spinoff: [thespinoff.co.nz/atea/atea-otago/27-11-2017/if-the-hills-could-sue-jacinta-ruru-on-legal-personality-and-a-maori-worldview/](http://thespinoff.co.nz/atea/atea-otago/27-11-2017/if-the-hills-could-sue-jacinta-ruru-on-legal-personality-and-a-maori-worldview/)



### Professor Nicola Peart presents the 21st Annual NZ Law Foundation Ethel Benjamin Commemorative Address

In 1873, when Ethel Benjamin’s parents married, “the wife’s legal existence was suspended for the duration of the marriage. ...John Stuart Mill characterised her position as akin to slavery.” So recounted Professor Nicola Peart at the beginning of her address about property rights, 120 years after Ethel Benjamin’s admission to the bar.

Professor Peart was delivering the very prestigious 21st Annual NZ Law Foundation Ethel Benjamin Commemorative Address at the Dunedin Public Art Gallery on Friday 8 September. The topic of the Address was very timely, given the review of the Property (Relationships) Act 1976 currently being undertaken by the Law Commission. Professor Peart outlined efforts over many years to improve the law, which continue under the current review.

A terrific audience attended, including the Chief Justice Dame Sian Elias and other judges from throughout New Zealand. This reflects the high esteem in which Professor Peart is held within the New Zealand legal profession

The address was proudly hosted by the Otago Women Lawyers’ Society (OWLS) with the help of their generous



Professor Nicola Peart, with The Law Foundation Chair, Dr Andrew Butler, and Executive Director Lynda Hagen.



sponsors the New Zealand Law Foundation, the University of Otago Law Faculty, and the Williams Trust.

The address is jointly organised by the Otago Women Lawyers' Society (OWLS) and the NZ Law Foundation. You can watch the address on YouTube [[youtube.com/watch?v=iZbH1Gi21ic](https://www.youtube.com/watch?v=iZbH1Gi21ic)].

### Shirley Smith Memorial Lecture

On 18 October 2017, Professor Jacinta Ruru was honoured to deliver the 10th Shirley Smith Memorial Lecture in Wellington. The annual lecture is held in memory of Shirley Smith, one of New Zealand's truly great women of the law, and was hosted by the Wellington Branch of the Women in Law Committee of the New Zealand Law Society. Jacinta's talk, "First Laws: Tikanga Māori in / and the Law", was warmly received by a packed lecture room of people, including from the judiciary, government and academia.

Jacinta's address considered the role of first laws – the laws of Indigenous Peoples – within contemporary settler legal systems. If settler legal systems wish to realise aspirations for legal reconciliation with Indigenous Peoples, then an important component of this is to recognise Indigenous Peoples' laws. Aotearoa New Zealand's Parliament has a long history of grappling with, and sometimes accommodating,

Māori law. Historically, Māori law was recognised as existing but not desirable. Today there is now a semblance of recognition of Māori law throughout our state legal system. Jacinta reflected on the journey towards reconciliation and restitution in Aotearoa New Zealand, considering specifically how and where Māori law is entwined within our state legal system and how Māori law itself is founding law in this country. The address will be available on the Shirley Smith Address Website in due course: [shirleysmithaddress.org](http://shirleysmithaddress.org).

### About Shirley Smith

*"Shirley Smith (1916-2007) was one of New Zealand's truly great women of the law. Great because she shattered glass ceilings, took on the establishment and won, excelled as both an academic and a practitioner, and simply because she just did it – she qualified in and practised law at a time when few other women did and the effect of this on younger women is something that should never be undervalued."*

District Court Judge Ema Aitken, speaking at Shirley Smith's funeral. For more information see the Shirley Smith Address website: [shirleysmithaddress.org/shirley-smith/](http://shirleysmithaddress.org/shirley-smith/)

## FACULTY EVENTS

### The Honourable Justice Joe Williams visits The Law Faculty

On Friday 21st July, the Faculty of Law hosted The Honourable Justice Joe Williams (High Court). Justice Williams presented an outstanding and foundational lecture to staff and students entitled "Tikanga as Law: managing the collision between two worlds." In his talk Justice Williams emphasised the depth and history of Māori laws in Aotearoa New Zealand and the importance of valuing tikanga Māori in the contemporary study and practice of law.



### Te Īhaka: Building Māori Leaders in Law Programme

The Te Īhaka: Building Māori Leaders in Law programme was established in 2015 and seeks to inspire greater Māori cultural and academic achievement at Otago and to inspire Māori law students to feel connected and valued as Māori students at Otago.

Saturday 14 October saw the celebration of the completion of the third successful year of Te Īhaka: Building Māori Leaders in Law Programme, with a finalist dinner. This was a chance to reflect on the 2017 programme's many fantastic events and the participation of the 32-strong cohort of Māori law students.

The special guest of honour was the first Māori Honours student at Otago, Warren Alcock. He shared his Journey



through Law School and his career. Warren is a very well-respected Sports Lawyer in New Zealand, famously known as the Lawyer for many All Blacks. Through this event and throughout the Te Ihaka programme, Māori law students are able to learn about and engage with Māori lawyers and leaders working throughout New Zealand.



### Maumahara tēnei rā! Watch out for this date!

Te Roopū Whai Pūtake will celebrate its 25th birthday on 7-8 September 2018 at the University of Otago in Dunedin

## FW Guest Memorial Lecture

The Honourable Justice James Edelman, High Court of Australia, delivered the Faculty of Law's most important annual talk, the FW Guest Memorial Lecture, on 1 November.

The annual lecture celebrates the contributions of Francis William Guest, MA LL.M. He was the Faculty's first Professor of Law and full-time dean, serving from 1959 until his death in November 1967. The topics are traditionally those which are of interest to practitioners and students of the law alike.



Justice Edelman spoke about the famous case of *Hadley v Baxendale*, which he noted is commonly taught in classrooms as a revolutionary case concerning remoteness of damages for breach of contract, before highlighting three errors in this approach. First, it was not revolutionary; it was not a new principle. Secondly, it may not have been a principle concerning remoteness. Thirdly, it was not a breach of contract case. So much for *Hadley v Baxendale*!

In keeping with the spirit of the FW Guest lectures, Justice Edelman used his critical assessment of the case to illustrate important lessons for the relationship between the judiciary and the academy and the importance of teaching case law and legislation in its historical context.

James Edelman was appointed to the High Court of Australia in January 2017. From 2015 until the time of his appointment, he was a judge of the Federal Court of Australia. From 2011 until 2015, he was a judge of the Supreme Court of Western Australia. He previously practised as a barrister at the

chambers of Mr Malcolm McCusker QC in Western Australia from 2001-2011 in the areas of criminal law and commercial law and at One Essex Court Chambers from 2008-2011 in commercial law. He was a Fellow of Keble College, Oxford from 2005 and Professor of the Law of Obligations at the University of Oxford from 2008 until 2011.

## Inaugural presentation of the Neville Marquet Prize in Resource Management and Environmental Law

On Monday 11 September, the Faculty of Law presented the inaugural Neville Marquet Prize in Resource Management and Environmental Law at a special ceremony at the Dunedin Club. The presentation coincided with the 90th birthday of Neville Marquet, which was celebrated with family, friends, members of the legal profession, the Faculty of Law, and of course the inaugural recipient, Hannah Mills.

This prize was established in 2017 by family and friends of Neville Stanley Marquet, a pioneering Resource Management and Environmental lawyer of Dunedin firm, Ross Dowling Marquet Griffin. Mr Marquet practised in almost every division of the Environment Court throughout New Zealand and is known for being a pioneer of planning and resource management in a career spanning more than 50 years. Mr Marquet was President of the Otago District Law Society in 1975 and Vice-President of the NZ Law Society from 1976-1979, and he also sat on the NZLS Disciplinary Committee for 13 years (7 as the Chair).

The prize required students to address why they wish to pursue a career in resource management. Hannah, who is currently in her fifth year of study towards a Bachelor of Laws degree and Bachelor of Arts degree, majoring in politics, was chosen as the inaugural recipient. The panel, which included environmental law and resource management experts from the Faculty, along with retired Court of Appeal Judge Sir Bruce Robertson, congratulated Hannah on her outstanding essay and clear passion for this area of law.





## NZ Law Foundation Distinguished Visiting Fellow

The 2017 NZ Law Foundation Distinguished Visiting Fellow Professor Stephen Smith visited the Faculty of Law on 21–25 August.

During his visit, Professor Smith delivered an entertaining and enlightening public lecture on the topic, *Rights, Wrongs, and Injustices: The Structure of Remedial Law*. Professor Smith is writing a book on this subject, which originates, as he explained, from his quest to find a common thread that draws together aspects of private remedial law for a course he was tasked with delivering.

At first puzzled and stumped as to how to draw a seemingly incoherent mix of elements together, Professor Smith finally found a feature that distinguishes remedial law from substantive law: it is concerned with telling courts how they should treat citizens in the resolving of disputes, rather than with how citizens should treat each other.

To illustrate this distinction, Professor Smith drew an excellent analogy featuring an argument he adjudicated between his sons involving broken promises, homework, and dish washing, which may be as enlightening to parents as it will be to students and practitioners of the law. The video can be accessed at the Faculty's website: [otago.ac.nz/law/research/podcasts/](http://otago.ac.nz/law/research/podcasts/)

Stephen Smith is James McGill Professor at the Faculty of Law, McGill University, where he teaches primarily in the fields of private law (common and civil law) and legal theory. A former clerk to the then Chief Justice of the Supreme Court of Canada, Professor Smith is a graduate of Queen's University (BA), the University of Toronto (LLM), and the University of Oxford (DCL). Professor Smith was a Fellow in Law at St Anne's College, Oxford from 1991–98. His research is mainly in the areas of private law and private law theory. He is the author of *Contract Theory* (2004, OUP) and co-author of *Atiyah's Introduction to the Law of Contract*, 6th ed. (2005, OUP). Professor Smith is currently writing a book on private law remedies.



## Pacific Islands Law Students Association (PILSA) Public Lecture

We were very pleased and honoured to welcome Salote Kaimacuata, a Child Protection Specialist at UNICEF Pacific (and Otago Law graduate) to the Faculty to present the annual PILSA public lecture on Wednesday 16 August. She spoke on the topic *Pacific Small Island Developing States (SIDS) Child Protection systems need sound legal frameworks and effective service delivery mechanisms to better protect our children from violence, abuse, and exploitation*.

The PILSA Public lecture is the student run organisation's signature annual event. PILSA's primary aim is to ensure that as many Pacific Island students as possible graduate and are admitted to the bar, as well as highlighting legal issues of significance to Pacific Island communities. PILSA have done a fantastic job in supporting our students and providing them with valuable opportunities, including a graduate breakfast, informal lunches and competitions.

Ms Salote Kaimacuata is certainly an inspiration to Pacific Island students and indeed should be to any law student or practitioner. She graduated from the University of Otago in 1986 and was admitted as a Barrister and Solicitor of the High Court of New Zealand in 1987. In 1989, Salote graduated from the Dunedin College of Education majoring in Outdoor Sports Education and taught at Rosedale Intermediate, Invercargill before returning to Fiji in 1992 as State Counsel for the Director of Public Prosecutions Office. From 1995 to 1997, Salote worked as a Legal Aid Advisor and in 1997 joined private practice at Vijay Naidu & Associates, before being appointed a Magistrate in 1999. Salote resigned from this role in 2008 following Fiji's 4th military coup and personal challenges with the Rule of Law issues. She was then appointed Child Protection Specialist, UNICEF Pacific the same year, where she remains to date. In 2011 Salote obtained an MBA from the University of the South Pacific.

In her talk, Ms Kaimacuata outlined UNICEF's Pacific Child Protection strategies and programmes, which focus on the Pacific's most vulnerable and in need areas. UNICEF is undertaking base research about issues and protections in each Pacific Island country. Ms Kaimacuata spoke of challenging issues, such as how to approach cultural attitudes relating to physical discipline of children and how 'perfect' laws are imperfect without suitable application and enforcement. On the other side of the coin, she mentioned her efforts to infuse aspects of New Zealand's youth justice system into Fiji, even though Fiji does not have the formal legal structures for this. She identified that an emerging and rising challenge for young people is online social networking abuse. A fascinating and important insight into one of the most important topics—the care and protection of children—the lecture is available on the Faculty website podcast page here: [otago.ac.nz/law/research/podcasts/](http://otago.ac.nz/law/research/podcasts/)



## The Law and Society Association of Australia and New Zealand Conference 2017

Over 160 people gathered in Dunedin in early December for the Law and Society Association of Australia and New Zealand (LSAANZ) Conference 2017, proudly hosted by the Legal Issues Centre – Te Pokapū Take Ture – and Ngā Pae o te Māramatanga, New Zealand's Māori Centre for Research Excellence.

Papers were presented on cultural justice, criminal justice, gender justice, justice institutions, practice and practitioners, and environmental justice. We will report fully on the conference in our next edition of the Otago Law Newsletter.

For more information on the 2017 LSAANZ Annual Conference, "A Meeting Place for Interdisciplinary Explorations of Justice", visit: [otago.ac.nz/lsaanz](http://otago.ac.nz/lsaanz).

## Subscribe to the Otago Law Review

Last year the Otago Law Review celebrated its 50th Anniversary Issue. The annual publication continues to be a widely recognised vehicle for articles relevant to students, academics, and legal professionals. The Otago Law Review contains content from domestic and international "town and gown" contributors on a broad range of topics, which means it consistently adds to the critical appraisal of legal practice in New Zealand and beyond.

If you are not a current subscriber and would like to subscribe to the Otago Law Review, please write to: The Secretary, Otago Law Review Trust Board, c/- Faculty of Law, University of Otago, PO Box 56, Dunedin, New Zealand or email [law.review@otago.ac.nz](mailto:law.review@otago.ac.nz).

For more information on the Otago Law Review and to access back issues, visit: [otago.ac.nz/law/research/journals/otago036503.html](http://otago.ac.nz/law/research/journals/otago036503.html).



## UNDERGRADUATE NEWS

Every year, Te Roopū Whai Pūtake hold a Māori Moot, based on the National Hunga Roia Moot Problem. The Winner of this Competition goes on to represent the University of Otago at Hunga Roia in November. This year seven taura entered the Moot. The moot problem incorporated the role of Tikanga Māori in Family Law. Sincere thanks are extended to Mark Henaghan, Selene Mize and Ruth Ballantyne for Judging the Moot.

**Te Kauri Wiremu** won the Otago Competition in September and went on to represent the University at the National Competition. Sincere thanks to Karyn Paringatai for translating Te Kauri's moot that he delivered in te reo Māori.

**Olivia Klinkum and Zared Wall-Manning** won the national NZLSA moot competition in the weekend 26 of 27 August. Their coach Marcelo Rodriguez Ferrere has done a magnificent job in developing our Mooting programme. Additionally, Barry Allan, Jessica Palmer, and Jesse Wall helped the mooters to prepare.

Photo credit:  
Russell McVeagh

**Jamie Parkinson-Wisley** was runner up in the NZLSA Witness Examination competition, which was a magnificent effort.

Also performing well were the Client Interviewing team, **Harriet McCartin** and **Kate Randhawa**, and Negotiation team, **Kirsten Eskildsen** and **Leandra Fiennes**. Thank you to Selene Mize for all the hard work coaching the teams.

**Jessica Hayes** and **Rachael Monkhouse** jointly won the EC Adams Memorial Prize in Land Law. The prize is competed for nationally. Jessica and Rachael's papers were written for Ben France-Hudson's course, Vendor and Purchaser.

In September two of our Pacific Island students, **Nera Tautau** and **Petrina Siania**, took part in a Sentencing competition against Canterbury's Pacific Island law students. Petrina was the overall winner of the competition.

Our Student Animal Legal Defense Fund chapter (SALDF), led by **Oska Rego**, was jointly awarded (along with Vermont SALDF) the 2017 Student Animal Legal Defense Fund Chapter of the Year Award. As a result, Oska will travel to Portland, Oregon for the Animal Legal Defense Fund Student Convention and Animal Law Conference to accept the award. This is fantastic for the group. The Otago Student Animal Legal Defense Fund held their annual animal law week from September 7 to 14, where they hosted a series of events focusing on current issues in animal law.





The winners of the Kensington Swan Legal Opinion Competition held on 29 September were Team Pro Bono: **Erin Gourley**, **Ricky Balfour**, and **Isabella Hawkins**.



A Prime Minister's Scholarship for Asia has been awarded to **Diana Tran** to study for one semester at the National University of Singapore, and a Prime Minister's Scholarship for Latin America has been awarded to **Emma Gough** to study for two semesters at Pontificia Universidad Católica de Chile and Instituto Tecnológico Autónomo de México.

## POSTGRADUATE NEWS

### Otago graduate gains Woolf Fisher scholarship



Otago alumnus **Oliver Hailes** is among three outstanding young New Zealanders to be awarded a Woolf Fisher Scholarship to study at Cambridge. Oliver is the first Otago law graduate to receive this prestigious scholarship. The primary emphasis for the scholarship is academic excellence.

Oliver, a Law and Arts graduate, is currently a judge's clerk in Wellington. Next year he will start work with corporate law firm Chapman Tripp before pursuing his studies.

The Woolf Fisher Scholarship covers study and living costs at Cambridge. The Chairman of the Woolf Fisher Trust, Sir Noel Robinson commented that the recipients exemplify the qualities admired by the late Sir Woolf Fisher. "These young people all demonstrate that same integrity, leadership, boldness of vision and exceptional zeal, keenness and capacity for work he so admired."

Southland-born Oliver attended St Kevin's College in Oamaru, before completing his Bachelor of Arts in Politics and then a Bachelor of Law with First Class Honours at Otago.

In his first year at Cambridge, he will study towards a Master of Law focusing on international investment law, international environmental law, the economics of law and regulation, and the Law of the World Trade Organization. For the next three years, Oliver will undertake a doctoral research programme to complete a PhD.

His interest lies in developing domestic and global legal structures that will allow governing institutions to tackle major economic, social, and environmental issues facing the world. He wants to break down institutional barriers that address social injustice and climate change.

While working summers at a freezing works, noting the impact of dry conditions, a recession and the proposal by a multi-national cement producer to build a coal-fired plant, he noted, "People would speak of the economy and the environment as if these concepts were autonomous and incompatible. Yet their active engagement in debate disclosed how the relationship between society and nature is hammered out through political discourse and ultimately regulated by the law."

"As a small country dependent on complex supply chains and ecological systems, New Zealand has a strong interest in ensuring that international economic and environmental treaties reflect the needs of people and the planet, while ensuring these instruments are palatable to the vested interests at stake."

"I hope to return to New Zealand as a legal leader for a truly globalised century that will require constant international collaboration to ensure sustainable prosperity at home and abroad."

Sir Woolf Fisher (1912-1975), co-founder of Fisher and Paykel, set up his Trust in 1960 to recognise and reward excellence in education.

### History and law commendation

**Dr Jane Adams**, who studied Law and History (with Honours) at the University of Otago, and is now a Postdoctoral Fellow with the Legal Issues Centre, had her article "The 'coital factor': medico-legal approaches towards sexual incapacity and infertile marriages in mid-twentieth century New Zealand" New Zealand Journal of History 50(1) highly commended at the New Zealand Historical Association Conference in November.



Visit the Faculty of Law website  
**[otago.ac.nz/law/](http://otago.ac.nz/law/)**

# IN MEMORIAM

## Ian Williams

We were deeply saddened when our long-term colleague and friend Ian Williams passed away on 13 August 2017.

Ian graduated with a BA in 1963 and a LL.M in 1965. He was appointed as a lecturer in the Faculty in 1974 and was promoted to senior lecturer in 1975. Ian taught a wide range of subjects in the Faculty – Contract, Land Law, Equity and the Law of Succession, Planning Law, Taxation, and Estate Planning and Real Estate Transactions. Before joining

the Faculty, Ian worked as a solicitor for Cook Allan & Co, carrying out general conveyancing, commercial work, estates and estate planning. He also did some matrimonial, civil, and

police court work. Ian was an outstanding long-term editor of the Otago Law Review and the New Zealand Universities Law Review. Ian was a most conscientious teacher who ensured that his students were right up to date with all aspects of the law he was teaching. Ian ran the Faculty's moot programme for many years in a most efficient and effective way.

Ian was a most loyal, dedicated and collegial colleague for over 35 years. He was deeply committed to the life of the Faculty and the well-being of his students and colleagues. He had a sense of humour which took people by surprise and which always made them laugh. Ian was passionate about the law working for all citizens and had a very strong sense of justice. He was very widely read and thought deeply about legal issues.

Ian is survived by his wife Dawn and his two children Pene and Bryce. His eldest son Glen passed away a number of years ago from cancer.

He is well remembered by all the students who took his courses, and missed greatly by all of his colleagues and his family.

## Michael Byrne

We were very sad to learn that Michael Byrne succumbed to cancer in September of this year. Michael Byrne was a brilliant University of Otago student, graduating in 1997 with an LL.B, a BA, and a B.Com. He went on to great success in the US as a trial defense lawyer with a strong sense of compassion and fairness for his clients. He left a family with two young children.

The Otago Daily Times published a fitting obituary for Michael, which is reproduced here with the permission of that paper.



### Triple degrees just starting point for brilliant legal career

Michael Byrne graduating from the University of Otago in 1997 (Photo: ODT Files)

In December 1997, the Otago Daily Times carried a photograph of a beaming young University of Otago graduate. Michael Byrne had more to celebrate than any of his peers that day, having been conferred on the one day with an unprecedented three bachelor's degrees.

It was but one of the milestones in the life of the brilliant New Zealand lawyer who died in September in Missouri, aged 43.

Michael Byrne was a true international student. His father, Anthony, worked for multinational companies and then the World Bank in a career that took him, wife Jean and their two children to far-flung posts. Michael was a fifth generation New Zealander but was born in Manila, educated in Switzerland and then New Zealand, and concluded his secondary education at the renowned Sidwell Friends School in Washington DC.

Anthony and Jean Byrne, the latter a teacher, were keen for their son to attend university in New Zealand and their ambitions and his hard work and intelligence were rewarded when he graduated on December 15, 1997 with a BA, B.Com and LL.B, the first student ever to achieve the academic trifecta at Otago University.

Michael then worked at the Treasury in Wellington on taxation issues for two years before returning to the United States. He enrolled at Harvard University Law School, studying taxation while working part time at the Juvenile Court in Boston. His skills in this court led him to representing Harvard with three others in a nationwide "Trial Competition".

Michael graduated from Harvard JD (juris doctor) (cum laude) in 2002. He returned to Washington DC and joined the law firm of Williams and Connolly, the top firm in DC for trial defence cases and one of the top law firms in the United States.

In 2002 he met his future wife, Rigel Oliveri, a top law graduate of Stanford University in California, who worked in the Civil Rights Division of the United States Department of Justice. They married in 2007 in Charlottesville, Virginia and moved to Columbia, Missouri, where Michael worked as a public defender and Rigel as a professor at the University of Missouri Law School.



In 2008 Michael opened his own criminal defence practice in Columbia with the professional goal of being a trial defence lawyer. In his own words, his aim was "to help people and minimise the damage from the brutal instrument that is the criminal justice system and to assist unfortunate people who may have made unfortunate choices, and to ensure that justice is done by them not getting crushed by the full power of the justice system".

As a criminal defence attorney, he said he enjoyed the privilege of being the only person who was obligated not to judge his clients.

A judge who presided over a trial in which Michael was defence attorney later met Michael's parents and congratulated them on having such a talented lawyer for a son. He commented on his ability, his court style, his intelligence and competence. He described the younger Byrne as the best criminal defence lawyer in Columbia.

In 2008, Michael became an American citizen, and he and Rigel had their first child, a boy named Griffin Patrick. In 2011 their daughter, Shenandoah Jean, was born.

In early 2016, two years after he had accepted a senior post in the Medical Fraud Unit at the Missouri Attorney-General's Office, Michael was diagnosed with stage 3 oesophageal cancer. He was realistic as to the eventual outcome of his disease, was resilient and bravely battled the cancer until his death early on September 20, 2017 at his home in Columbia.

Michael Byrne is survived by his wife, Rigel Oliveri, son Griffin and daughter Shenandoah; his parents, Anthony and Jean Byrne, of Washington DC and Wellington, New Zealand; and his sister, Patricia Byrne, and her husband, Eric Carr, of Great Falls, Virginia. — Supplied

## ALUMNI UPDATES

**Jade Cooper**, Solicitor, Civil Litigation, Legal Services, Auckland Council, has attained a four-month internship with the United Nations in New York, commencing in January 2018. The internship is with the New Zealand Permanent Mission to the United Nations, which provides support to the Permanent Representative of New Zealand to the United Nations.

**Charlotte Aspin**, the 2017 SOULS President, has been elected as the New Zealand Law Student Association (NZLSA) President for 2018.

**Jasper Fawcett**, who is on the SOULS executive, has been elected as NZLSA's Marketing Vice President.

**Nadine Ward** will be Clerking for Principal Youth Court Judge Walker in Wellington

**Andrew Row** passed the California Bar Exam in November.

## Alumni Profiles

### Campbell MacDiarmid

I'm in Baghdad this week, taking in the mood now that the Islamic State has been defeated militarily. There are still blast walls and checkpoints across the Iraqi capital, but there's also a cautious optimism that's especially apparent among the younger generation.

A curfew in place since the US invasion ended in 2015 and today there are burger trucks and espresso bars open in the evenings. I met with young guys in skinny jeans and big hair who have opened a performance art centre. I interviewed an Armenian tattoo artist who told me that life in the capital is great. Security's the best it's been since the fall of Saddam, and today there are over 30 other tattooists plying their trade across the city, he said. The worst I dealt with during my reporting were some school kids tossing pebbles to distract me as I tried to record a piece to camera in Freedom Square.

Most of us probably have a fairly shallow and skewed impression of places like Iraq. It's our job as journalists to try and offer a deeper understanding of the world.

Life has been interesting since I graduated from Otago in 2009. Today I live in Iraq, working as a freelance journalist. I write for the Telegraph and Foreign Policy, produce television for a Chinese station, and provide commentary for the BBC, France 24, and Deutsche Welle. I also occasionally appear on Radio New Zealand.

Journalism: a trade where you can put your legal mind to work for a fraction of the pay and zero job security. As a slogan, I'm not sure that would attract many Otago law grads to a career in media.

I'm not even sure I'd recommend it. Doing a journalism degree and then working for a local newspaper might have provided a faster track to foreign correspondence than what I did. I loved studying the law, though, and my twitter handle still attests to my interest in international law in particular.

Desk work horrifies me, though. I turned down a graduate position and a judge's clerkship after university, then travelled the world for a year. When the need to earn a living imposed a reality check, I worked at the New Zealand Law Society in Wellington for another year. Long enough to convince me of the futility of trying to hold down a regular nine to five.

In 2012, I moved to Egypt in the aftermath of the Arab Spring uprisings and took a job with a local English language newspaper. We covered protests and riots, the 2013 military coup, and the subsequent massacre of Islamists at Rabaa Square in Cairo. The next year, I moved to northern Iraq to cover the war against Islamic state.



Photo credit: Dario Bosio

It might have all seemed a bit random, but as I drove round the Iraqi capital this week, I realised that some of my earliest memories were of the first Gulf War. Summer holidays 1991, and the war plays on the television every evening: Fuzzy black and white footage of airstrikes, luminous green night vision footage of Baghdad lit up by explosions, New Zealand's own Peter Arnett calling in to CNN from his hotel in the capital. CNN's Christiane Amanpour was there too. As a teen, I read autobiographies chronicling the exploits of journalists like the Times' Anthony Loyd and photographer Don McCullin. I decided I'd quite like to do the same one day. Perhaps the law degree was a fallback option?

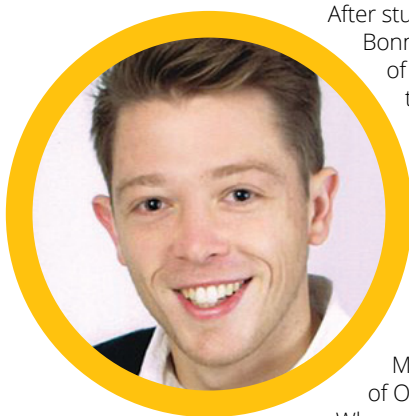
I've never met Peter, although we have exchanged emails, but two weeks ago in London, I sat on a panel chaired by Christiane about the crucial role local fixers play in news gathering. The week before that, I had a beer with Anthony as we listened to Don speak at the Frontline Club awards. Journalism's good like that; you get to meet your heroes. And then get drunk with them.

It's also a fantastic passport to witness history in the making and speak to people in the midst of it all. For nine months ending in July, I covered the battle to retake Mosul from Islamic state. It was the biggest urban battle since world war two – lasting longer than the siege of Stalingrad – and it displaced over 700,000 civilians. No one knows how many died. During that time, I interviewed Islamic State members, a family as they buried their two-month-old baby killed in fighting, and Kurdish President Masoud Barzani. It's a truism that war brings out the very best and worst in people, but seeing it for yourself is something else. Life was rich with intense experiences, both good and bad.

With work days like that it's hard to begrudge a lack of salary and job security.

See more of Campbell's writing at [macdiarmid.com](http://macdiarmid.com)

## David Krott



After studying law at the University of Bonn, Germany and the University of Aarhus, Denmark, my time at the University of Otago marked a whole new chapter. A new environment, new friends, and new challenges. The turnout of this "adventure" could not have been better, and I enjoyed every moment from both an academic and personal perspective.

My supervisors at the University of Otago, Associate Professor Nicola Wheen and Stephen Smith, allowed me the opportunity to embark on a topic which

I call a matter of the heart – the Problem of International Environmental Crime. This topic is consistently ignored and placed at the bottom of the priority chain. I began studying law through my passion for nature and the environment. I believe that law, particularly in an international context, is a key player in balancing a healthy global environment with an adequate way of life for humans. Criminal behavior undermines the aims of law – as does environmental crime. On an international level, these crimes make significant negative impacts. To eliminate or contain international environmental crime, the question of an adequate forum on an international level needs to be asked. Through the course of my research, I attempted to answer this question and understand the consequences and its flow-on effects. My supervisors allowed me freedom in the course of the project

but were there on the occasions I started turning in circles (which happened quite frequently) and most importantly, when I needed general assistance. It was a mixed balance of independent and guided research. The result allowed me to deepen my knowledge about international environmental crimes, international environmental law, and international relations in general, and discover new ideas and perspectives regarding the topic itself and the art of research.

Over the next two years, I will continue my education in Germany. In preparation for the Second German State Examination in Law (probably comparable to the notorious "bar exam"), I will undergo several different legal stages in Germany, as well as abroad. Currently I am working at the District Court in my hometown of Aachen, which is providing me with insight into the everyday workings of a District Judge. However, most of my stages of the two-year clerkship are directed to environmental legal questions, particularly on international environmental law. This provides me with opportunities extending to a three-month stay at the Department of Environment, Energy and Climate at the Commission of the European Union in Brussels or a three-month period working alongside a prosecutor specialising in environmental crimes on a national level.

Although I am currently about 19,000 kilometres away from Dunedin, I still feel a strong bond to New Zealand, to my friends there, and to the University of Otago itself. I am sure this was not my last time in the lovely country. So see you soon, New Zealand, see you soon, Otago!

## Deborah Lockhart

My thanks to Professor Henaghan and the communications team for their kind invitation to write a few words for this edition of the Otago University Magazine. It is a timely for me to reflect on my student days and professional career as I find myself helping to foster the next generation of young lawyers, through a rich and vibrant intern programme at work and a vibrant, but not so rich, 3rd Year law student at home.



Like many (or perhaps it was only my generation), my enjoyment of university life far outweighed my buckling down to any hard work. My main academic achievement at Otago was seemingly making it to the law library six weeks out from exams. But I did excel in one area at law school and that was in competition mootling. Applying my uncertain understanding of legal principles, I loved the challenge of taking a set of facts and constructing a winning submission. Looking back on my career, my pleasure in gathering the details, formulating a range of options, and presenting a persuasive argument has remained a cornerstone of what I enjoy most in my work and ultimately what my career has been about—just not in the courtroom advocacy I had first envisaged at Otago.

I was appointed as CEO of the Australian Disputes Centre in 2013. My role is to lead the organisation in advancing timely, cost-effective and private dispute resolution in Australia and internationally. The company appoints mediators, arbitrators, and experts; it provides facilities to host these processes; and it conducts specialist training to develop and apply mediation skills across a broad range of sectors – lawyers and judges, executives and bureaucrats, psychologists and consultants, metropolitan and remote communities, students and retirees, and many more.



My work also encompasses building people's conflict capability more generally to help them reduce the escalation of disputes. The many commercial and community benefits of this pre-emptive work have been a major motivating force in my career. It is fair to say that in seeking to limit disputes, I have essentially spent most of my career trying to 'do myself out of a job'.

Prior to joining the Australian Disputes Centre and the not-for-profit sector, I worked as an executive and specialist dispute resolution consultant for a range of ASX 100 and Fortune 500 corporations. Across the years, I also trained as an advanced mediator and conflict coach.

One highlight of my specialist training was a cross-cultural program in Arnhem Land. As participants, we were adopted into Aboriginal families and each day went into Yolngu ceremony to learn their traditional approach to resolving disputes. Today, through the Australian Disputes Centre, we

run a mediation training scholarship program and dedicated negotiation and conflict resolution training for the benefit of all Aboriginal and Torres Strait Islanders.

I have been privileged throughout my career to have enjoyed the many benefits of a University of Otago legal education and the opportunity to develop and apply my professional skills in an area that barely existed when I was a student. In a world where conflict is a normal part of life, empowering people to resolve their disputes privately is an ever expanding, exciting and rewarding role for lawyers and one for which I am proud to advocate. My warm thanks to the Law Faculty for helping me ground my career in an understanding and respect for the law and the inevitable hard work associated with a professional life. Your efforts in preparing all Otago law students for the challenges and new opportunities of tomorrow is work for which you can be particularly proud.

## FACULTY VISITORS

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

**Professors Sergio Grammito Ricci** (Cornell University) and **David Ciepley** (University of Denver) spoke at the Faculty of Law Corporate Law Seminar in July.

**Justice Joe Williams**, High Court Judge and former Chairperson of the Waitangi Tribunal, delivered an open lecture to law staff and students about the importance of valuing tikanga Māori in the study and practice of law.

**Associate Professor Jonathan Krebs** delivered the Annual Pora lecture to the Criminal Law Class in July.

**Professor Stephen Smith** visited us as the NZ Law Foundation Distinguished Fellow in August. See coverage of his lecture in this newsletter.

**Judge Laurie Newhook** of the NZ Environment Court spoke to the Resource Management Class in August.

**Dr Richard Cornes** (Essex Law School, United Kingdom) delivered a staff seminar titled "Unlawful emotions — Considering psychodynamics the judicial processes" in August.

**Salote Kaimacuata** presented the Pacific Islands Law Students Association Annual Lecture on 16th August. See coverage of her lecture in this newsletter.

**Justice Bruce Robertson** presented the Neville Marke Prize in September. See the story in this newsletter for more information.

**Professors Andrew Knight** and **Jasmijn de Boo** and **Dr Helena Hogberg** spoke at the Animal Law Week.

**Judge Andrew Becroft**, Children's Commissioner, presented a guest lecture to the Family Law class in September. The Family Law class also received talks from **Margaret Casey QC**, **Anita Chan QC**, and **Bruce Andrews**.

**Josie Johnston**, Director of Research at The Hastings Center in New York (and an Otago law graduate), visited the Faculty on Thursday 14 September to present a staff seminar on the topic "Beyond Safety — Ethics and Policy Debates in Human Gene Editing".

**Professor Jonathan Boston** from Victoria University of Wellington, delivered a guest lecture on "Climate Change: Ethical Issues and Implications" to the Law Faculty and students from the Interdisciplinary Aspects of Climate Change class.

**Justice Paul Heath**, High Court Judge, delivered the Annual Insolvency Law Lecture in October.

**Professor Bernadette McSherry**, University of Melbourne, gave a seminar for students and staff on the legal regulation of restraint and seclusion in mental health care.

The NZ Law Foundation Centre for Emerging Technologies (based in the Faculty) hosted **Professor Tom Buller** from the Department of Philosophy at Illinois State University. He delivered a public lecture on Wednesday 20 September on the topic "Brain-Machine Interfaces and Intentional Action".

**Justice James Edelman**, High Court of Australia Judge, delivered the FW Guest Lecture. See the story in this newsletter for more information.

**Professor Bernadette McSherry**, Professor of Law at the University of Melbourne, visited the Faculty on Friday 13 October and delivered a staff seminar on the topic "Legal regulation of restraint and seclusion in mental health care".

**Professor Brian Tamanaha** (NZ Law Foundation Sponsored Speaker) from Washington University Law School for the LSAANZ conference (co-hosted by the Legal Issues Centre & Nga Pae o te Maramatanga)

**Professor Tom Tyler** (William Evans Fellow) from Yale Law School (co-hosted by the Legal Issues Centre & Ngā Pae o te Māramatanga)

### Visiting Appointments

**Dr Neil Maddox**, Maynooth University, Ireland.

**Zuraiah Ariff Abd Ghadas**, University Sultan Zainal Abidin, Malaysia.



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 ensure your contact details are up to date at:

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