

# OTAGO LAW

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## GREETINGS FROM THE DEAN

I hope that 2017 has been a good year for you so far. The Faculty has continued to celebrate the wonderful achievements of our staff, students and of course alumni. There have been additional changes to the Faculty with the retirement of some of the 'old guard'. As you would have read in our last newsletter, Professor Kevin Dawkins retired at the end of last year, and in June this year, we also marked the last official lecture for Professor Geoff Hall, with a standing ovation in his final Sentencing Class. Geoff has been teaching for a whopping 42 years and I am sure many of you will remember him fondly from Criminal Justice and Sentencing classes. You can read more about Geoff in the staff news section.

It has been lovely to see many of you this year, in particular at our alumni events in London and in Auckland. I am always impressed to see the continued collegiality amongst Otago Law graduates and the willingness to help each other out. At our Alumni event in

London, some of our recent graduates arrived at the function who did not yet have a job, and by the end of the night had three offers of employment!

A number of our students are again working on the Women's Refuge Appeals Week in July, hoping to surpass their fundraising efforts of the events last year. It is great to see that our students possess such a strong sense of community and are involved in a number of volunteer initiatives.

We have had a number of wonderful visitors to the Faculty this year including Dame Silvia Cartwright and Sir Bruce Robertson, as well as our dear former colleague Professor Bruce Harris. We look forward to hosting many more, including Justice James Edelman, Justice of the High Court of Australia, who will be presenting the 2017 FW Guest Memorial Lecture in November.

Once again, we love hearing from you and hope the remainder of 2017 brings you continued success.

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[tinyurl.com/otagolawalumni](https://www.linkedin.com/company/otagolaw)

You can keep your contact details up to date at:

[database.alumni@otago.ac.nz](mailto:database.alumni@otago.ac.nz)

[law@otago.ac.nz](mailto:law@otago.ac.nz)



# STAFF NEWS

## Professor Geoff Hall delivers final lecture

On Friday 2 June, Professor Geoff Hall delivered his final lecture as Professor of Law before his official retirement. Geoff has been teaching at Otago for 42 years, and will leave having taught a great number of our alumni during that time in Public Law, Criminal Law, Criminal Justice and Sentencing.



Geoff has been the author of *Hall's Sentencing*, which is a vital resource for our Judges, it is used every day in our courts. Geoff takes great professional pride making sure it is always up to date. He is the most dedicated scholar. Geoff is also an author of *Becroft and Hall's Transport Law*, another excellent book for the court system.

Geoff is a brilliant teacher whose courses have always been popular. Many of you will have fond memories of the practical aspects of Geoff's courses, in particular the police and the duty solicitor observation schemes and prison visits as part of his Criminal Justice and Sentencing papers.

Geoff will continue to supervise some honours and postgraduate students for the second semester this year and will also be delivering Criminal Justice as a Summer School paper in Wellington early next year.

Geoff has always done a great deal of service outside of the Faculty, including his role as Director of the Fiji Law Reform Commission and his work for the Ministry of Justice on the *New Zealand Sentencing Digest*. Geoff has also been a Member of the Judicial Panel of the *Judicial Control Authority for Racing* since its inception in 1996.

We wish Geoff all the best in his retirement although I'm sure we will see him around the Faculty (and pub across the road) for some time to come!



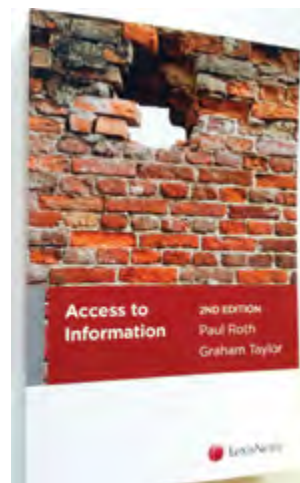
## Farewell to Theresa Forbes

Unfortunately, we missed adding this item in our Summer edition, but the Faculty was sad to farewell Theresa Forbes last year. Theresa worked as the Executive Assistant in the Faculty for a number of years, as well as also having worked on reception in earlier years. Theresa has moved into the role of Information and Special Projects Officer at the Business School here at Otago. Theresa provided outstanding support to our staff and students. Many of you will recall getting numerous emails from Theresa throughout your studies, which was regularly referenced in the Law Review, Staff v Student debate as well as other skills! We wish Theresa every continued success.



## Book launch for Professor Paul Roth

Congratulations to Professor Paul Roth who had a major book called *Access to Information* (co-authored with Graham Taylor) published. The book was launched in Wellington earlier this year, where a number of Otago graduates were in attendance.



## Dr Jesse Wall awarded Early Career Award

Congratulations to Dr Jesse Wall who has been awarded a University of Otago Early Career Award for Distinction in Research.



Research Grant for project *Retreating From Impending Disaster – Addressing Existing Land Uses in Hazard Areas for Managed Retreat*.



Dr Ben France-Hudson is part of a research team, led by GNS Science, which has been awarded a \$300,000 research grant from the Resilience National Science Challenge for the project *Retreating From Impending Disaster – Addressing Existing Land Uses in Hazard Areas for Managed Retreat*. Many communities around New Zealand are located in the path of natural hazards that are increasing in impact, such as sea level rise, coastal erosion and flooding. A planned and progressive retreat (termed managed retreat) from high risk areas is one option for managing these continued threats. This research will investigate a specific challenge to implementing managed retreat: the legal and social implications of changing existing land use in hazard areas. This applied research will combine legal and planning analysis to produce implementable strategies to improve local government capacity for managing retreat from high risk areas.

Associate Professor Jessica Palmer appointed Deputy Dean



Congratulations to Associate Professor Jessica Palmer, who has recently been appointed Deputy Dean in the Faculty of Law.

Success at Legal Research Foundation Awards

Congratulations to Professor Andrew Geddis and Oliver Hailes – a recent LLB(Hons) graduate – who won the Sir Ian Barker published article award for their article on *The Trans-Pacific Partnership in New Zealand’s Constitution*. Otago swept the pool for this award with Associate Professor Michael Robertson being runner up for his article on *Common Property Redux* and Tiho Mijatov, Warren Forster and Tom Barraclough runners-up for their article on *Problems with Access to Law in Personal Injury Disputes*. This is an outstanding result for the Faculty.



Associate Professor Barry Allan was a finalist in the JF Northey Book Award for his magnificent book *The Law of Secured Credit* and Sam Cathro – another recent LLB(Hons) graduate was a finalist in the Unpublished Undergraduate Student Paper Award for his Honours dissertation on *New Variations on the Rule Against Penalties: Options for New Zealand*.

FACULTY EVENTS

Hands-On at Otago

From 16 – 20 January, the Faculty of Law hosted a group of secondary school students from across New Zealand as part of the Hands-On at Otago programme, the second year it has been run following the successful Hands-On Science programme. During the week, the students took part in a number of activities, including client interviewing, witness examination, learning negotiation techniques and participating in a mock trial. They also visited the local court to watch legal proceedings first-hand. At the end of the project, students reported back to all the other Hands-On at Otago participants outlining what they had learned during the week.



Te Īhaka: Building Māori Leaders in Law Programme

The Faculty of Law is underway with the third year of Te Īhaka: Building Māori Leaders in Law Programme, following great success in 2015 and 2016. The programme ran the secondary schools workshop in May, with participants from a number of Dunedin secondary schools in attendance.



# Environmental Adjudication in the 21st Century

On 11 April, Environmental-Adjudication.org, the Environment Court of New Zealand and the University of Otago – with generous support from the Royal Society of New Zealand, hosted a Symposium on 'Environmental Adjudication in the 21st Century' at the Pullman Hotel in Auckland.

More than 200 people attended the Symposium, to hear Judges and academics from around the globe discuss and debate the challenges for environmental adjudication in the coming decades.

Proceedings were opened by Justice Kós, President of the Court of Appeal of New Zealand, with Lord Carnwath, Justice of the Supreme Court of the United Kingdom, delivering the keynote speech.

Chairing the proceedings were Principal Environment Court Judge, Laurie Newhook, and Associate Professor Ceri Warnock from the Otago Faculty of Law.

Six Otago law students; Charlotte Aspin, Kalyani Dixit, Sophie Ironside, Elloise Kidd, Oska Rego and Clare Poulgrain were recipients of scholarships awarded by Environmental-Adjudication.org, enabling them to attend and participate in running the Symposium.

Along with participating in the Symposium, the students were also instrumental in facilitating a workshop held the following day, 12 April, at the Environment Court in Auckland, at which the plenary presenters, the New Zealand Environment Court Judges, and a number of academics were able to discuss and debate issues raised during the plenary sessions in depth.

Organisers received outstanding feedback on the success of the Symposium, with presenters highly praising the Otago students for their knowledge, diligence and the professional attitude they showed.

Symposium Presenters included:

- Honourable Justice Brian Preston SC, New South Wales Land and Environment Court
- Honourable Justice Samson Okong'o, Environment Court of Kenya
- His Honour Judge Michael E Rackemann, Planning and Environment Court, Queensland
- Hon Michael D Wilson, Supreme Court of Hawai'i
- Professor Denise Antolini, University of Hawai'i
- Professor Tracy Hester, University of Houston
- Chief Justice Rafael Asenjo Zegers, Environment Court of Chile
- Dr Gitanjali Nain Gill, University of Northumbria
- Ben Boer, Distinguished Professor at the Research Institute of Environmental Law, University of Wuhan and Emeritus Professor at University of Sydney, Law School
- Principal Judge Laurie Newhook and Judge David Kirkpatrick, New Zealand Environment Court

For more information, you can visit the website [environmental-adjudication.org/](http://environmental-adjudication.org/)



## New website for Legal Issues Centre

The Legal Issues Centre has recently launched a new website, which can be accessed at

[otago.ac.nz/legal-issues](http://otago.ac.nz/legal-issues)

Be sure to check it out for all the latest news and research from the centre.



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

The University of Otago Legal Issues Centre – Te Pokapū Take Ture and Ngā Pae o te Māramatanga, New Zealand's Māori Centre for Research Excellence are excited to co-host the 2017 Law and Society Association of Australia and New Zealand (LSAANZ) Conference at Otago University on the 6th-9th December 2017. 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)



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

6-9 December 2017

Hosted by the University of Otago Legal Issues Centre and Ngā Pae o te Māramatanga  
New Zealand's Māori Centre for Research Excellence



# A Meeting Place for Interdisciplinary Explorations of Justice

We invite researchers and postgraduate students from any discipline (including law, humanities, social sciences, sciences) who are interested in exploring an inherent component of the law and society discipline: justice. Themes include cultural, transitional, criminal, gender, environmental justice and justice institutions, practices and practitioners.

#### Keynote speakers include:

Professor Hilary Charlesworth [Melbourne Law School and Australian National University](#)

Professor Angela R. Riley [University California Los Angeles](#)

Professor Brian Tamanaha [Washington University Law School](#)

Professor Tom Tyler [Yale University](#)

Judge Heemi Taumaunu and Judge Lisa Tremewan

For more information visit

[otago.ac.nz/lsaanz/](http://otago.ac.nz/lsaanz/)

# UNDERGRADUATE NEWS

## Otago Law Students' Competitions

The beginning of the year is always packed with a number of the locally run competitions for our law students. Congratulations to all the participants as well as SOULS (in particular, competitions representatives, Saskia Mautner and Emily Boyd) who have organised outstanding events in Client Interviewing, Senior Mooting, Witness Examination and Negotiation.

### Client Interviewing

Congratulations to winners of the Russell McVeagh Client Interviewing Competition, Harriet McCartin and Kate Randhawa. The final was held on Friday 17 March.



### Negotiation

Congratulations to Leandra Fiennes & Kirsten Eskildsen who were the winners of the Negotiation competition final, which was held on Friday 12 May.



### Allen and Overy Private Law Moot Competition

Mitch East and Matthias Schorer were runners-up in the Allen and Overy Private Law Moot Competition which was held on 19-21 May in Sydney.



### Senior Mooting

Congratulations to Zared Wall-Manning and Olivia Klinkum who were awarded the AC Holden Mooting Shield in a very close final of the Senior Mooting Competition, which was held on Friday 7 April.



### Oxford Intellectual Property Law Moot

Congratulations to Jamie Tocher and Chrystal Hadfield who went right through to the quarter finals of the Oxford International Intellectual Property Moot in March this year. This was the first time a New Zealand team has taken part in this moot and Jamie and Chrystal were selected on the basis of written submissions they prepared over summer.



### Witness Examination

Congratulations to Jamie Parkinson-Wisely, who was the winner of the Witness Examination competition final which took place on Thursday 18 May.



### Jolene Patuawa-Tuilave Scholarship Presentation

Congratulations to Amber Russell, who was the recipient of the 2016 Jolene Patuawa-Tuilave Scholarship. Tame Te Rangī presented Amber with her scholarship at a special ceremony in May this year.

To donate to the Jolene Patuawa-Tuilave scholarship, please visit the [donations page of the Otago website](#).



# Graduation

Congratulations to our latest group of graduates, who celebrated their capping on Saturday 20 May. The Faculty enjoyed hosting the graduates and their families at a function at Toitū Early Settlers Museum following the graduation ceremony.

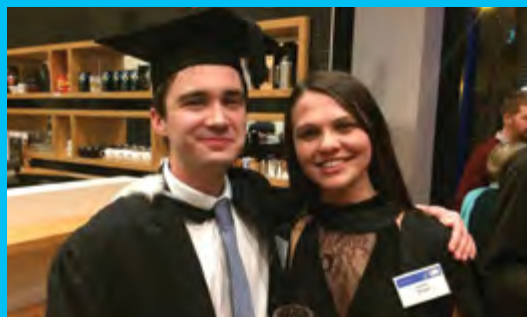
During the evening, Professor Mark Henaghan and Otago Law Society President, Frazer Barton presented the Otago Branch New Zealand Law Society's Prizes for students completing the LLB/LLB (Hons) degree who have shown general excellence throughout the degree course. The recipients were Jamie Tocher and George Niven, who both completed LLB (Hons) degrees.

Sam Cathro was presented with the Thomson Reuters prize for the best research dissertation. Sam's dissertation was on *Variations on the Rule Against Penalties: Options for New Zealand A Modern Makeover for an Ancient Doctrine?*

Congratulations also go to Chrystal Hadfield, who was the winner of the Joshua Williams Memorial Essay Prize for her essay on *Emotions in Negotiations: Unavoidable and Beneficial*.



From left: George Niven, Jamie Tocher, Chrystal Hadfield, Sam Cathro, Professor Mark Henaghan (Dean of Law), Frazer Barton (President, Otago Law Society)



# POSTGRADUATE NEWS

## Congratulations to our recent PhD graduates

Congratulations to [Jane Adams](#) and [Susan Robson](#) who graduated with their PhD's in the May graduation ceremony.

Jane's PhD centred around the history of infertility in NZ from the 1950s to 2004 with a particular focus upon medico-legal responses.

Susan's PhD was on 'The policy response to problems of process in the employment jurisdiction.'



## 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, P O 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)



## Postgraduate Study

# Maintain *total* flexibility with an LLM from Otago

Take the next step in your legal career with a postgraduate degree from the Faculty of Law at the University of Otago, New Zealand's leader in research performance in the subject of law. \*

- Commence study anytime, study part-time and by distance
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\* Based on the Government's PBRF assessment

## POSTGRADUATE



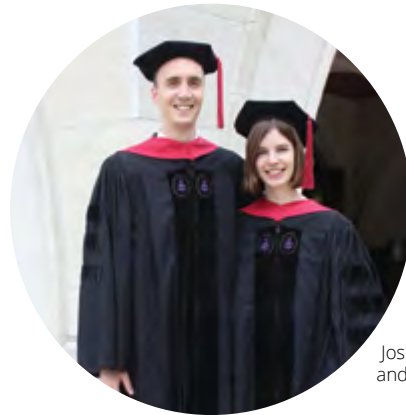


# ALUMNI UPDATES

- It was wonderful to see two of our graduates appointed as QCs recently – [James Every-Palmer](#) and [Jenny Cooper](#). [Andrew Barker](#), who was a member of the Law Faculty for a number of years, was also appointed a QC.
- Congratulations to [Matt Sherratt](#) who took Silk earlier this year.
- [Peter Churchman QC](#) was appointed a Judge of the High Court.
- [David Robinson](#), one of our graduates and a long-term tutor in our criminal procedure programme, was sworn in as the coroner for the Otago region in April.
- [Bryce Whiting](#), one of our graduates who practised in Queenstown and did a great deal of pro bono work, passed away recently. Bryce will be remembered for his kindness, caring nature, compassion and consideration for and of others and the environment, his tenacity in his advocacy - whether it was for trees or people, or challenging the church, Bryce showed no fear or favour. Bryce was a man of his own style who was not caught up with the need for material possessions for their sake. He would do pro bono work and often worked for those who could not well represent themselves.
- [Danielle Duffield](#), a recent graduate, has just been awarded a Frank Knox Memorial Fellowship to Harvard. Danielle set up the Animal Legal Defence Group in the Faculty.
- Congratulations to [Holly Hedley](#), who graduated with her LLM in global health from Georgetown University.
- Congratulations to [Maia Wikaira](#) who graduated with Masters in Environmental Law and Policy specialising in freshwater law and policy and indigenous rights at Stanford University in California.
- [Alec Dawson](#) has been awarded a Hauser Scholarship to study at NYU in the USA.
- Congratulations to [Andrew Row](#), [Joshua Pemberton](#) and [Alice Osman](#) who recently graduated with an LLM from Harvard University.
- Congratulations to [Professor Sir Malcolm Grant](#) who received an Honorary Doctor of Laws from Cambridge University in June.
- [Will Cheyne](#) is going to pursue postgraduate study at NYU in the USA.
- [Charlotte Skerten](#) is going pursue postgraduate study at Columbia University in the USA.
- [Avi Duckor-Jones](#), one of our graduates, was crowned winner of Survivor New Zealand.
- Congratulations to [Helen Davidson](#) for winning both the Private Sector In-House Lawyer of the Year, and the Innovation Award at the In-House Lawyers Association of New Zealand (ILANZ) Awards.



Matt Sherratt



Joshua Pemberton and Alice Osman



Maia Wikaira



Andrew Row

## Alumni Profiles

### Emma Scott



I look back on my time at Otago with a mix of nostalgia and disgust. On the one hand I have very fond memories and wouldn't change a thing. On the other, I am dismayed at how I spent five years doing little other than socialising and periodically panicking as assignment deadlines and exam dates approached.

Coming from Timaru, Otago was a natural choice for me, particularly as both my parents had studied there. However, as is common

when starting university, I had very little idea of what I wanted to do and when I graduated five years later, little had changed in this regard. In my penultimate year, I took part in a semester's exchange in Lyon, France, and still think that this is the best thing I did whilst at university. In addition to the obvious perks of living in a foreign country for the first time, a class taught by a lawyer from Interpol sparked my interest in international criminal law. However, on completing my final year I still couldn't see a clear career path and as a result, spent my first few months out of university working in a call centre by day and completing my Profs course by night. If nothing else, this was the push I needed to realise that I was ready (and actually wanted) to join the legal workforce. With my new found drive, I moved to Melbourne to search for a job. Reality quickly set in and for the next year I found myself making coffee whilst struggling to find any legal work (a warning to others: it pays to research a job market before moving countries). Feeling particularly despondent, I returned to New Zealand where within days I was very fortunate to gain an excellent role in criminal law policy at the Ministry of Justice.

Before this, I hadn't really considered public sector roles. It wasn't that I was striving for a career in private practice, rather that I was ignorant of the range of opportunities available to law graduates in the public sector. I think that this is often the case due (at least in part) to the emphasis placed on the scholarships and graduate programmes offered by large commercial law firms.

Regardless, I couldn't have been happier in my new role, surrounded by a group of incredibly smart, funny, and motivating people. A great thing about working for the Government in a country as small as New Zealand is that you are quickly exposed to a range of opportunities that could take years in larger administrations. Within my first year at Justice, I was working on a variety of legislation, drafting Cabinet papers, Ministerial speeches, and appearing before Select Committees to provide advice. Moreover, my interest in international criminal law translated into something more concrete when I started representing New Zealand as a delegate to the Working Group on Bribery at the Organisation for Economic Cooperation and Development (OECD) and the Financial Action Task Force. However, the thing I appreciated the most about this role was that opinions were encouraged and different viewpoints were valued regardless of seniority.

When, two and half years later, a role opened within the OECD's Anti-Corruption Division, I applied with little expectation that I would actually get it. However, six weeks

later I found myself on a plane back to France to start work as an anti-corruption analyst. I have been here for just over a year now and in that time have been exposed to a variety of projects I couldn't have envisaged a few years back – including conducting on-site visits to evaluate countries' compliance with OECD anti-bribery instruments, providing advice to Ministers of countries attempting to accede to the OECD, and developing anti-corruption training and outreach programmes for less developed regions.

While I feel like I fell into this career by chance, I'm sure that the experiences and education that I gained at Otago were instrumental in leading me here (along with belatedly realising that I should just pursue my interests!). Though I definitely see myself returning to New Zealand in the future, for now, I am happy living in a country where you can get duck confit and a glass of wine on almost every corner.

### John Forster

I am that most dangerous of law graduate, one who holds a law degree, does not practice and pretends to know something about it while being well past the half-life of their degree. My decision to pursue law was driven by friends who were enjoying law school and a dawning realisation that my interests lay elsewhere as I sat in a biochemistry lab reading an autobiography by a lawyer from Whittier (California) named Richard Milhouse Nixon while the "stars" across the bench such as Glen Martin (founder of Martin Jet Pack) and future Professor Parry Guilford were feverishly at work decoding some peptide! I would like to think I pioneered graduate entry from science into second year law in 1981 finishing in 1983. A belated thanks to Bruce Harris who was then Dean of the Law School and chair of the admissions committee of one.

Immediately after law school, Chris Milne (a law comrade and flatmate) and I turned our backs on glittering legal clerkships in air conditioned glass towers (nothing could compare with the view from the law library) and headed to the USA. Inspired by *On the Road* by Jack Kerouac we purchased a Chevy Impala – named Semi-Ugly in LA and then spent 6 months taming the highways and byways of America and Canada; visiting museums, hiking canyons, mountains, parking right in front of Capitol Hill while all the time violating innumerable laws. At one stage we visited Dr John Smillie on sabbatical at London University (Ontario) who graciously offered us dinner and beds. We sold "Semi-U" to Donald Trump's night watchman outside of Trump Tower, 5th Avenue on our last night in the USA before flying Laker Airways (of administrative law fame) to the UK. Further travel followed for the next 3 years around Europe and across Africa. Proving the theory that wherever you go in the world, you will run into another kiwi, my most memorable "Dr Livingstone" moment was encountering Duncan McKeig (another alumni and fellow member of the Orientals rugby team) on Lamu Island, Kenya.

In another change of direction, my first job was with Arthur Young, later Ernst and Young (EY) in Napier, auditing major export companies and getting exposure to receiverships, where Richard Sutton's creditor's remedies course and the



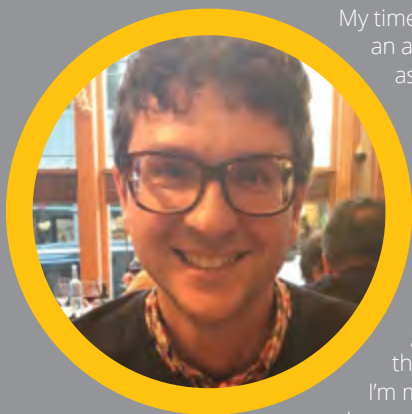
doctrine of relation back were most helpful in recovering funds. I completed a CA while working which contrasted with the time and fun of university. My decision to undertake accounting was due to my belief that globalisation would be a feature of my working life: it would enable me to work in other countries or for global companies. During this time I was seconded to EY's Palo Alto office in the heart of Silicon Valley at the peak of the Biotech boom which, of course, was followed by a bust! Fascinating only tells half of the experience but my abiding impression was just how hard these start-up companies pushed themselves to succeed. EY prepared me well for my next career in banking, firstly with the National Bank and for the last 17 years with HSBC.

My experience in the law has mainly been across the desk from lawyers drafting documents though I was once empanelled on a jury, despite writing to the Registrar of the court to excuse me from jury service on account of having a law degree and when that failed wearing a pinstripe suit, clutching the Economist at jury selection. The case was in the High Court where counsel raised the defence of automatism to the Judge's surprise but to my delight recalling the *Sweet & Parsley* and *Baxter* cases so ably presented in Crimes by Mark Henaghan and Kevin Dawkins decades before. Never-the-less, I thought it best not to raise this aspect of the defence in the jury room.

The core strength of Otago University and the Law faculty in particular is the fact of learning and living alongside your peers, supported by a dedicated staff with a passion for teaching the law (some of whom now teach our children). Thank you to all my law school friends and faculty, especially to Mark Henaghan whose unbridled enthusiasm keeps us all connected. The whole journey to date has proved that a little learning can be a dangerous thing!

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## Alec Dawson



My time studying at Otago was an amazing experience as well as a huge shake-up. While I was there I had terrific opportunities and a lot of fun, but also spent a lot of time feeling pulled in different directions, frequently wondering whether I was doing the right things and where I was going to go next. Despite that, the fundamental things I'm motivated by in my life haven't changed much.

I enjoyed studying law much more than I expected to. I anticipated that it would involve rote-learning a rulebook and was pleasantly surprised that it involved much more than that. One of the things that stands out from my time at Otago is the passion of the lecturers of the law school. Mark Henaghan's first year lectures are legendary, but I also have distinct memories of Colin Gavaghan taking a lecture out in second year criminal law to talk about whether free will really exists, and Ceri Warnock introducing her paper on energy law with a lecture on whether the current economic system is sustainable. The moments when lecturers stepped into more general questions facing the underlying philosophy and policy of the law had an illuminating effect on the rest of my legal studies.

While I was at Otago I also committed a lot of time to extra-curricular activities, and to two things in particular: the university debating society; and Generation Zero, an organisation of young people doing work for better climate change policy in New Zealand. Doing both of these things provided me some wonderful opportunities while I was studying: I was able to travel to places such as the Philippines, Berlin and New York for debating, while working with Generation Zero gave me the ability to meet a large number of incredible people, from a wide range of places and disciplines, who shared a motivation to try and improve the world we lived in. They also allowed me to apply legal skills to causes I cared about. Climate change remains an issue that will affect all of us, some of us in terrible ways, and we haven't found all of the answers to it yet. Lawyers have a lot to give in finding solutions to important problems, and not just in legal practice. The writing, speaking analytical skills we have learned can be put to use in a wide variety of ways and I've found committing time to policy analysis and campaign work to be hugely rewarding.

When I first graduated from Otago, I spent two years clerking for Justice O'Regan in the Supreme Court in Wellington. Judges' clerking in the Supreme Court is a bit like law school but with the intensity turned up: you need to learn and write about how law applies in a particular set of circumstances, but the problems are a lot more complex and you can't rely on the law just being in the course materials. It would sometimes involve thinking about single cases for weeks or months at a time. The problems also affect real people: cases before the Court in my time included a man seeking refugee status in New Zealand due to the impacts of climate change, and a group of homeowners with "red-zoned" properties in Christchurch. There were also cases involving mussel farms and crocodile logos, so there was a bit of variety to keep it interesting.

I'm currently still in Wellington, working at the Law Commission as a part of the team reviewing New Zealand's relationship property law. It has involved a few new things for me – I didn't do much family law at University, and I also have to go beyond asking what the law is and give opinions on how it could be working better. The Law Commission is a very welcoming place to work, and has been a great crossover of legal and policy work, as we still read cases and legal textbooks but also consult the public and try to present our work in a way a range of people can engage with.

In August, I am going to the United States for a year to study an LLM in environmental and energy law at New York University. The Law Faculty has been hugely supportive of me doing this: it wouldn't have been possible without the support of a number of the lecturers at Otago. I'm really looking forward to studying in depth issues that I care about in one of the most exciting cities in the world. I don't know whether it will lead into legal practice or into something a little different: whatever it is I'm hoping to keep doing work on environmental issues.

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## Florence Van Dyke

I wanted to be a lawyer from a young age. Although a competitive flair on the running track almost led me awry, with a gentle nudge from my parents I made my way from Nelson to Otago at the fresh age of 18. Henaghan had me hooked on law from the words *Donaghue v Stevenson*. By the time I had recovered from second year law camp I was well and truly making the most of what Otago University had to offer topped off with a flat on Castle Street and first-name-basis with the bouncers at Gardies.



Looking back, the key theme of my memories at Otago Law School is collegiality: I remember walking in mobs down

Castle Street to morning law lectures at Archway; sharing notes with friends, tutorial peers, and acquaintances in the year above or below in times of need; the inside jokes that sent the law student crowd into stitches at the annual Law Revue; and “study groups” that became so

intense pre-exams that we would

spend more time with each other than we would sleeping.

It was in fifth year that I was struck by how unique the spirit of comradery is at Otago. I was competing at the World Triathlon Championships that coincided with the full year jurisprudence examination. I was to sit the exam at Auckland University under the guidance of the law department there. As I waited outside the exam hall I acutely missed the clumps of excitable students exchanging last-minute tips. Instead, the air was thick with competition: students jostled to enter the exam room and I still remember my shock as to the speed with which the first pages of examination papers were flung open when the examiner announced our time had begun.

As well as being a fantastic justification for my poor results in that paper, this experience gave me a deep appreciation of the team culture at Otago Law School that I have not forgotten.

With my final year over and an exchange at Uppsala University under my belt, I left Otago University to the mosquito-ridden metropolises of Phnom Penh, Cambodia where I interned for the United Nations at the Khmer Rouge Trials. To say I was out of my depth would be an understatement. The one-semester Laws 479 International Human Rights Law paper I’d crammed for in third year did little to prepare me my work in the prosecution team where I reported to some of the world’s top international criminal lawyers. But as I worked hard to gain a good understanding of the legal issues at hand, my ability to work well in a team, learned during my time at Otago, put me in good stead.

It was much to the envy of my peers and solely a result of my background at Otago Law School that I was invited to lunch by Dame Silvia Cartwright, in my first month in Cambodia. Dame Silvia was one of two international judges in the Trial Chamber to which our Prosecution Team were presenting evidence. She took great joy in giving me an insight into her time as a solitary female student in the law lecture rooms of the University of Otago in the 1960s. She was highly respected among all branches of the Court and her background as a graduate at Otago Law School gave me the confidence alongside interns who had studied at top universities globally.

On my return to New Zealand, I was offered a position at Bell Gully. I was elated to have achieved my early dream of becoming a solicitor. I enjoyed working under the guidance of Otago graduates, Garry Downs and Dean Alderton. At one point I was part of a proud “all Otago” team with Anna Watson and Jeremy Stuart. But after two years of cutting my teeth in the legal world, a small voice in my head spoke up. While I enjoyed the challenge of corporate law, my inner creative had itchy feet.

As I considered jobs outside the corporate legal sphere, I realised my background at Otago was a free ticket to a destination of my choice. I was accepted for positions in legal

teams at MFAT, MFE, environmental law firms and in-house for a giant telecommunications company. It was with these options in mind that I began to truly analyse what I wanted in my career rather than what would look good on paper. And it turned out to be on my front doorstep.

I have spent the last eighteen months working alongside my sister Chloe at a start up health beverage company, Chia, that is now exporting to Australia, Singapore and Malaysia. My work gives me the opportunity to strategize business plans, craft social enterprise campaigns, travel to discover new markets and, yes, unleash my inner creative.

While my job is different from the legal world, I am constantly amazed at how much law permeates into my work. I find myself using the legal part of my brain – not just in drafting or reviewing contracts but also in weighing up risks associated with entering new markets and analysing the pros and cons of business decisions.

With Chloe taking a break from work for motherhood later this year, I will be taking over Chia’s reins. The biggest hurdles will be stepping up to the new leadership and management responsibilities. Although challenging, I know that fostering collegiality both in the work place and with those I meet along the way will put me in good stead, just as it did almost ten years ago when I first joined the ranks at Otago Law School.

## Kathryn McAuley

My career story may not be one of exciting overseas scholarships and high-profile law firms, (slight panic at reading past profiles before writing this!) but I hope it can provide a point of difference for those who, like me, chose to raise a family in Dunedin. Parents are constantly saturated in external pressures and a common dilemma for women especially is whether we “can have it all”; the wife, the mum, the career woman. This can make us feel judged – you either choose a career at the expense of your kids or you don’t have a career at all – but here’s my story of how I did make a choice to have kids while continuing to achieve my career goals.

I graduated with a Masters in Bioethics and Health Law with Distinction in 2005. After being awarded a Doctoral Scholarship I continued to be a student with the Faculty of Law and Bioethics Centre, and I graduated with a PhD last year. With my Masters I felt like I’d found the right fit – applied ethics suited my legal background well, as weighing up different perspectives with attention to detail is what you learn to do at law school, and it also appealed to my strong sense of social justice. My PhD thesis is titled “Deciding for Others: Incompetence, Best Interests, and End-of-Life Cases.” It examines difficult cases where judges are required to make decisions on behalf of individuals unable to decide for themselves. The focus is on situations where decisions have life and death significance, for example whether medical treatments should be continued, withheld or withdrawn. The best interests of the patient has been the guiding principle in these end-of-life cases, yet I found that it has not been applied as consistently as would be expected and the focus has been on a narrow interpretation of ‘interests’. I recommended



a detailed framework, setting out a hierarchy of interests including some previously disregarded, such as the interests a patient may have for their whānau.

"Ehara taku toa i te toa takitahi engari he toa takitini taku toa. My strength does not come from my individuality, my strength comes from many." This Māori saying not only encapsulates one of the main ideas in my thesis, but it is also the only way you can survive doing a PhD; and especially the only way you can survive doing a PhD with a family. It took me ten years to complete my PhD (fewer than four years actually enrolled however), as a year into starting it I had my first child, Elizabeth. And then two years later a second daughter, Laura. My husband Andrew and I decided that we wanted to have one of us at home. Although he was willing, he was the one who had his ideal full-time job, and it was me who had the flexibility. Undertaking a thesis is an incredibly difficult task on so many levels – you have to be self-motivated, disciplined, resilient and hard working. Add to the mix two young children... I'm not going to minimise the difficulty, it's the hardest thing I've ever done, and I'm sure will ever do.

It turns out that PhDs and child-minding have many similarities – neither gives you much encouragement (one year olds don't tend to say 'hey Mummy you're doing an awesome job!'), both can be very lonely, and both can result in tears and tantrums (and that was just me). PhDs and children are like different cars on the same roller-coaster – one minute you feel like you have it all figured out, waving your arms and cheering with exhilaration. The next minute you're feeling completely adrift, upside down and stuck in the worst part of the ride. But both are also immensely rewarding, with definable milestones to celebrate (first draft of a chapter, first smile, first presentation, first words). This dual role as researcher and mother was a deliberate decision on my part, and reflecting back, becoming a part-time PhD student was a good fit for parenthood. Although our decision was made with the naivety of not realising just how crazy parenting young children can be, there were a lot of benefits to being a full-time mum and part-time student. For instance, I had complete flexibility to decide the hours I worked (I could always be there for the kindy trips and other special occasions), and our girls got to spend those precious pre-school years at home. As I've already said, there were difficulties too, and here are three things in particular that helped me through these.

The first was a mind shift. For a long time I felt like a failure at my thesis because I worked at it part-time (with deferrals of up to 18 months for maternity leave) and progress was slower than I thought it should be. When I switched my thinking to appreciating that I was a full-time Mum who was also doing her PhD "on the side" it lessened these feelings of inadequacy.

Second, as the mother of two girls a very strong part of me wanted to show them that being a feminist is about choice. For me, (emphasis on the me part) choosing motherhood didn't stop my aspirations for my future, especially since I hadn't established a career before becoming a parent. Indeed, there was a particularly difficult point latterly in my journey when I was on the brink of quitting after having to defer for bereavement reasons. A very close (and wise!) friend said that this was a legitimate option for me (which is exactly what I needed to hear). My Mum told me to keep going. She knew that it would be important for me to complete the thesis so I could proudly tell my girls what I had achieved when they were young, despite all the hardship I was facing.

The third thing that helped me was a supportive whānau. I am extremely lucky to have a retired mother-in-law who was the "Granny Nanny" twice a week. My Mum, who works

full-time, would also help out a lot, as did my father-in-law. In fact, the week I submitted my thesis the girls had all three grandparents looking after them in one day! While I had this support, a good friend I admire, who didn't have the same family support, also finished her PhD while having two kids. In her case, daycare filled the void that my family had filled for me. Yet regardless of whether you have kids or don't, for any PhD student the support network you develop when times get tough is vital for survival. Part of my journey also took me to stay with that same close friend in Christchurch for a week at a time for a writing retreat. These were invaluable trips to get some really solid blocks of work done where the thesis was my only focus, unlike the multi-tasking of my usual daily life. These trips placed a lot of pressure on my very understanding husband who, while working full-time, had to do all the child-wrangling solo.

But I think it's exactly this kind of give-and-take which makes any PhD student successful. Although it is essentially a solitary exercise it involves those around you to an extraordinary degree. When I graduated last year Elizabeth and Laura were nine and seven. Throughout their whole lifetime Mummy had been working on her 'big book'. Graduation day was important to me as a way for our family to have an ending for that chapter in our lives.

I am now working (still part-time) at the Department of General Practice and Rural Health as an Assistant Research Fellow and loving it. All the hard work of the last years are paying off: I'm involved in some really exciting projects that I feel able to contribute to, and am playing a part in helping to deliver important research that will benefit others. As an Otago graduate (with three Otago degrees!) the University has given me the ability to do a doctorate and be a Mum, and now the capacity to work on rewarding projects (and still be the Mum who picks up her kids). Not every journey has to go too far from home.

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## Marissa Flowerday

From the moment I walked into my hall of residence at Carrington, I never regretted my decision to study at the University of Otago. However, I'd had to make the choice between Otago, or Canterbury, which was closer to my home town of Geraldine, and where several friends from High School were going. Ultimately, my desire to pave my own way won out.

Otago is renowned for forging long-lasting friendships, and for me, it lived up to that expectation. In addition to discovering the delights that Dunedin had to offer I also studied hard. The outcome was a double degree with a Bachelor of Law and Honours in Politics. Politics was my passion, while Law was my 'get a job' degree. A few legal papers still stand out in my mind, Advanced Public Law, Advanced IP and the Negotiation paper: where some of the practical skills I learnt through doing that paper, I still use today.

I tend to perform well under pressure, and remember times when I left assignments to the last minute, resulting in nearly all-nighters with a trip to campus in track pants with PJs underneath to make the 9am submission time. However,



not the infamous Family Law file – I made sure that beautifully bound beast work of art was handed in with ample time to spare!

At the end of my fifth year, Wellington was home for a summer internship. If asked at Uni if I'd do tax law, the response would have been a resounding 'no way'. However, to my surprise, I enjoyed this challenging area of the law working in the Tax Team at EY – it gave me great exposure to the financial side of businesses – something that has been super useful in subsequent roles. After I finished my Politics Honours papers, and before starting full-time at EY, I sold my trusty motorbike on Trade Me to fund a three month backpacking trip around Europe.

After three years as a tax lawyer, I was ready for a change. The opportunity arose to not just sell things on Trade Me, but to work for the company as its in-house Legal Counsel. I went from advising lots of different companies on one area of the law, to advising one company on many areas of the law. Trade Me legal work involved everything from contracts, consumer law, privacy, intellectual property to any other legal question that might get fired my way. I loved the steep learning curve. The variety of work and subsequent opportunity to head the Legal and Regulatory Team meant I stayed with the company for nearly eight years.

At Trade Me, I had the privilege of being involved in many business acquisitions and advised on the start-up of new web services. I also particularly enjoyed the government relations part of my role. It was through this work that I learnt that one person or one company's view can make a positive difference, particularly in legislative reform.

Working as an in-house legal adviser, my strategy is to be a problem solver and an enabler, to help the business achieve its goals while staying within the bounds of the law. However, where I found an area of the law didn't work well, I enjoyed initiating and leading discussion on how to make the law 'better'.

Along with solving problems, I like to be challenged with new opportunities. Several years ago, I went on Outward Bound, a course renowned for putting people out of their comfort zones and encouraging people to grab new opportunities. One of my lasting Outward Bound takeaways (unfortunately the 6am exercise routine wasn't to last!) is the desire to give back to the community. For me, this was in the form of volunteering my legal skills for causes in the community and governance roles in causes I was passionate about.

At the start of this year, my husband took up a diplomatic role at the New Zealand Embassy in Santiago, Chile. We thought it would be a chance to get involved in another community, and a wonderful opportunity for a new adventure. I've also been fortunate to start working for Juno Legal, a new Wellington based law firm with flexible working arrangements, which enables me to work remotely from Chile and provide in-house legal advice to companies in New Zealand.

In order to grow as a person, I've always liked challenging myself. Along with the challenge of living in a new city, with a new language, I'm also waiting for the arrival of our first baby... due next week. This new role will still involve leadership and solving interesting problems, however, I somehow suspect that the arrival of this 'in-house' client will be more demanding and slightly less professional than my previous clients!

## Matthew Gillett

As the years since my graduation mount up, I increasingly see the impact of my University of Otago Law School studies. Over the last decade, I've worked as a prosecutor in The Hague on numerous cases of war crimes, crimes against humanity, and genocide. During this time, I have undertaken missions in various countries, from Albania to Uganda, and recently, I deployed to Afghanistan as a Human Rights Officer for the United Nations. Taking on these assignments can be challenging and sometimes hostile. But my time at Otago University taught me to engage with projects transparently and enthusiastically, and to maintain perspective. Those traits have played a key role in my career, and allowed me to enjoy my experiences along the way.



It's hard to identify the moment that I decided to go down the international law line. Starting out at university, my legal knowledge was limited to a few episodes of Night Court, and I doubt I had ever heard of international law. In retrospect, I can see that Professor Kevin Dawkins' classes on criminal law and international law were a major factor. He managed to convey precise detail about a huge range of topics, from the Security Council, to the conflict in the former Yugoslavia, to the Rwandan genocide. Introduced to those areas, I realised that there was a whole domain of fascinating work to be done.

My interest in the law of armed conflict may have also begun during 2nd Year Law Camp, with the brutal paint ball session, as part of the Longshanks clan under the shrewd leadership of Justin Lester. And it would be remiss not to mention Dean Henaghan's re-enactment of the *Donoghue v Stevenson* ginger beer scenario, which was inspirational in its own way. But my focus on international criminal law really emerged with the Jessup International Mooting Competition in Washington DC, which involved hundreds of teams from around the world fiercely debating points of international law. Since then, I've judged the Dutch national Jessup rounds on many occasions and try to be merciful on the participants as I know how much pressure they put on themselves.

Working in The Hague, on the other side of the world from Dunedin, brings its own set of challenges. The cases are generally large and complex, and the outcomes are rarely completely satisfactory to any, let alone all, of the interested people and groups. But every now and then you make a connection or find a document or witness that shines new light on the case, and you feel you've helped to assist the course of justice. In recent years, I've taken on additional pro bono work as a Director of the Peace and Justice Initiative, which is an NGO seeking to improve domestic justice systems' ability to deal with atrocity crimes. The workshops and conferences that we organize around the world are a great chance to meet judges, lawyers, and law students and exchange notes about our practices and procedures. The open and engaged demeanour that I picked up at Otago seems to be shared by many of these participants, despite the often desperate circumstances in which they work. This attitude helps us maintain balance in seeking to address some of the worst acts that human beings manage to inflict on each other.

# FACULTY VISITORS

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

[Susan Lamb](#) an International Criminal Law practitioner, visited the Faculty in March and presented seminars and lectures, including a seminar for academics and local practitioners on *Transitional Justice*, a student seminar about working overseas and in international law and a public lecture on the topic *What Are The Prospects For, And Barriers To, Accountability For Serious International Crimes Committed During The Syrian Conflict?*

[Chris Moore](#) gave a talk to our students on Thursday 27 April on the topic *A Career in Law: What to Do and What Not to Do*.

[Jonathan Temm](#) presented a lecture to the criminal law class as well as talking to students on *A Career in Criminal Law* on Thursday 27 April.

[John Edwards](#), Privacy Commissioner visited the Faculty on Friday 5 May to present a seminar to staff and senior students on the topic *Navigating the Privacy Landscape – Reflections from the Privacy Commissioner*.

[The Hon. Dame Silvia Cartwright](#) visited the Faculty on Thursday 11 May to talk to staff and students on *The Process around a Civil Law Trial*. Dame Silvia shared her insight into the role of the victim in a civil trial, along with her experience as a Judge in the trials over Cambodian War Crimes and the Pol Pot regime.

[Justice Bruce Robertson](#) visited the Faculty on Thursday 18 May to speak to staff and students about *Life as a Judge*.

[Professor John Farrar](#) visited the Faculty on Thursday 25 May to present a staff seminar on the topic *William Larnach – Victorian Mastermind, Fraudster or Tragic Victim*.

[Danielle Duffield](#) presented a guest lecture on Thursday 27 April on the topic *Lawyer for the Voiceless: How to Effect Meaningful Change for Animals*.

[Professor Bruce Harris](#) visited the Faculty on Thursday 1 June to present a staff seminar on the topic *A Call to Maintain and Evolve the Third Source of Authority for Government Action*.

## ALUMNI EVENTS

It was great to see many of our alumni at our recent Otago Law Alumni events in Auckland and London!



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:

**[database.alumni@otago.ac.nz](mailto:database.alumni@otago.ac.nz)**

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