

Faculty of Law Newsletter  
Winter 2016

# OTAGO<sup>LAW</sup>



## IN THIS ISSUE

Greetings from the Dean	1
Staff News	1
Legal Issues Centre Update	5
Undergraduate News	6
Alumni Updates & Profiles	11
Faculty Visitors	20

# Music

# Law



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## GREETINGS FROM THE DEAN



Dear Otago law alumni,

We are now heading into the winter months (here in the Southern Hemisphere) so I hope you are all keeping warm and well!

The Faculty is continuing to go from strength to strength and we have been delighted to host a number of wonderful guests this year, including

some of our very own Otago Law alumni who visited to present a variety of distinguished lectures and seminars. They included Professor Don McRae C.C., a University of Otago James and Jean Davis Prestige Visiting Fellow, Colin Smith MNMZ, who has been heavily involved with the Pike River families and Greymouth community, as well as Rhodes Scholar Jenny Cooper, who presented the FW Guest Memorial Lecture.

We were sad to farewell two of our colleagues recently. Associate Professor Donna Buckingham, who would have taught many of you in The Legal System and Evidence over the last 30 years, has been appointed a Law Commissioner. We are delighted for Donna and know she will do a superb job. This is a wonderful tribute to Donna's research skills and her standing in our profession. Claire Ramsay, who has been with the Faculty for almost five years, has left our main office to take up the role of Executive Assistant to the University's Chief Operating Officer. We wish both Donna and Claire all the best in their new roles.

We are delighted to welcome Dr Bridgette Toy-Cronin, who has been appointed as the Director of the Legal Issues Centre. Bridgette completed her BA and LLB(Hons) at Auckland and her LLM at Harvard and her PhD at Otago. Her PhD, which was on self-represented litigants, was put on the Humanities Divisional List of Exceptional Doctoral Theses. Bridgette has been a Judge's Clerk in the High Court, worked for large law firms in New Zealand and overseas, as well as working as an intern to the International Criminal Tribunal. Bridgette is already making significant contributions to the centre and we are thrilled to have her on board.

We are also delighted to welcome Dr Ben France-Hudson as a lecturer in the Faculty from July. Ben completed his LLB(Hons) and MMus at Canterbury and his PhD at Otago. He was also a Judge's Clerk in the High Court. Ben has been lecturing law at the University of Canterbury for the last three years. Ben will be a welcome addition to the Property Law Team.

As always, we are thrilled to include some profiles of our outstanding Otago Law alumni who continue to make their way in the world. This edition also features some of our alumni who have forged interesting careers in the music industry.

This is our first edition to be sent out entirely by email, so if any of your fellow alumni are not receiving this, please get them to update their details by emailing [database.alumni@otago.ac.nz](mailto:database.alumni@otago.ac.nz).

## STAFF NEWS

### Associate Professor has aims as Law Commissioner

Associate Professor Donna Buckingham wants to help more people get involved in debates about possible law changes, when she starts her new role as a Law Commissioner.

She believes whenever a law change is signalled, the Commission's subsequent recommendations can "only be as good as that high level of engagement – not only with the obvious 'stakeholders' but also with the public."

She is looking forward to producing the type of issues papers that clearly show the public the problems the Commission is trying to tackle, so people can share their views with its members.

The Commission is New Zealand's permanent law reform body and has "a remarkably wide reach" because it can undertake the review, reform or development of any aspect of New Zealand law.

Sometimes the Commission's projects are sparked by questions. Should the legal defence of self-defence be changed so more victims of family violence can use it? Should there be a separate crime of non-fatal strangulation? How should information involving the security of New Zealand be dealt with in court so citizens are still seen to get their basic right to open justice and a fair trial?

The Commission can also examine how the legal system itself is working, for example the law governing contempt of court, which can punish people for activities that undermine the administration of justice.

Two new reviews are starting soon; one involves the Property Relationships Act which determines how the property of two partners is divided when they separate or one of them dies; the other review focuses on how enforcement authorities are using the Search and Surveillance Act 2012.

Law Commissioners are appointed by the Governor General on the recommendation of the Minister of Justice. There are currently three other Commissioners; a former Court of Appeal judge, a former partner in a large law firm, and a former government Minister. Associate Professor Buckingham took up her warrant as the fourth Commissioner on 16 May.

Associate Professor Buckingham has not only been teaching law and publishing academic papers, but has also been active in the profession as part of her service to the community.

Associate Professor Donna Buckingham set up the New Zealand Legal Information Institute in 2004 to provide free online public access to legal information, including legislation, decisions made by courts and tribunals, reports and historical legal documents.

She has been involved in the New Zealand Law Society for some years as well. She chaired the Women's Consultative Group which made submissions about women in the legal



profession and how the law deals with women generally. She was also on the Society's Law Reform Committee that makes formal submissions on bills at the Select Committee stage, and has been President of the Otago Branch of the New Zealand Law Society.

She is excited about her new role in law reform, which lasts for five years and means she has to give up her full-time work at the University.

"Teaching statutory interpretation and evidence has required me to become familiar with the law as it develops, sometimes radically. Now I will be approaching that process from the other end. So this is a big professional change in terms of the lens through which I start my working days."

"There are regrets as well that come with any change. I will miss the daily engagement with students and the sense of curiosity about law and fresh sense of justice that they bring to their work."

"I will also miss the collegiality of the Faculty of Law and the opportunities I have had to engage with other members of the University community in various committees, projects and reviews."

"All the opportunities I have had at Otago have (I hope) given me the chance to strengthen the legal and other skills I will need for this new adventure".

The University's mission statement asks academics to do service both inside and beyond the campus, to enhance the understanding, development and well-being of individuals, society and the environment.

Associate Professor Buckingham believes the freedom to contribute in a whole lot of different ways to that mission statement has been a rare work privilege.

## NZLII Update

As many of you will know, the New Zealand Legal Information Institute (NZLII) is a valuable online resource for accessing free legal information in New Zealand. NZLII is a joint project of the University of Otago Faculty of Law, University of Canterbury and the Australasian Legal Information Institute (AustLII).

Two of their major new databases are now up: the Regulations as Made 1936-2007 (which complements their very popular Acts as Enacted 1841-2007 database) and the beginning of New Zealand's Historic Bills. Currently, NZLII have 1949-2008, however the update will take it back to 1854.

The Bills database has proved very popular with users in the 47 days from 14 March to 30 April where there were 471,616 successful accesses of the Historic Bills database – a significantly large number, which proves the high consumption of the service.

In the first 4 months of 2016 there have been 53,534 new documents added to the NZLII system, an increase of 27.7% in material freely available to the public. The Gazette Law Reports (over 10,000 decisions) will soon also be available on NZLII.

NZLII provides free access to New Zealand legal information and is funded solely through grants and donations.

Please show your support and help NZLII continue their work by making a contribution via their website today, or contact:

NZLII  
c/o Faculty of Law  
PO Box 56  
Dunedin 9054

## Faculty of Law farewells Claire Ramsay

After almost five years service with the Faculty of Law, we farewelled our brilliant and talented colleague, Claire Ramsay who has moved into the role of Executive Assistant to the University of Otago's Chief Operating Officer.

Claire has been an outstanding colleague and friend to staff and students during her time in the Faculty of Law. She will be sorely missed, but we wish her all the best for her new role.

The Faculty of Law still has a number of Claire's artworks on display in the Faculty – which is just another talent she brought to the Faculty during her time here.



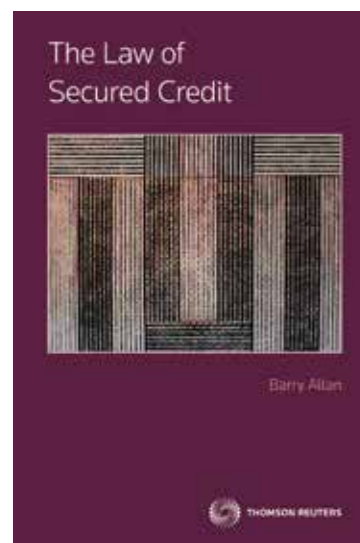
## The Law of Secured Credit Launches

The Law of Secured Credit, by University of Otago academic Barry Allan was launched recently at a function hosted by the University and attended by friends, members of the profession, colleagues and students.

The book is one of the largest bodies of academic writing completed for a first edition by a single author in New Zealand.

It goes beyond personal property securities and encompasses law on either side of the Tasman – Australia and New Zealand.

According to Thomson Reuters NZ Commercial Manager- Product Development Ian McIntosh who spoke at the event, and commissioned the work, the book is a monumental piece of scholarship. It is, he says, one of the largest bodies of academic writing completed for a first edition by a single author in New Zealand. It is gargantuan in size – 1800 pages and was completed over five years. The effort involved prompted Ian to compare Barry's accomplishment with that of Sir Edmund Hillary, our heroic mountaineering icon. Ian says when he commissioned the work it was supposed that it would be complete in 18 months. It was, he thought, in the scale of things; a smallish hill to climb. However the scope of the project grew to "Everest" size. The completed text, he says, goes beyond personal property securities and encompasses law on either side of the Tasman – Australia and New Zealand.



In his speech author Barry Allan discussed the book's history, its importance to the legal world and gave thanks for the support and encouragement he received on the long journey to bring it to fruition.

### The history leading to the current text

Barry says the work actually started in 1994 when, newly appointed to Massey University as an assistant lecturer, he had to come up with a research topic. The Personal Property Securities Act was then on the horizon and looked as if it could be fruitful to explore. It was, and that became the subject of his first book.

That research grabbed his interest and inevitably led to more.

This current book came about as the result of approaching Thomson Reuters Australia with a proposition to write on their Personal Property Securities Act. They, however, preferred taking on writers resident in Australia and referred him to Ian McIntosh who was at that time seeking writers for Gault on Commercial Law in secured transactions and consumer credit. Over time, and in discussion with Ian, the idea formed that the two subjects (credit and security) could be fused, while simultaneously extending their reach to cover both Australia and New Zealand.

### The importance of the book

"My book is a pretty big deal, being on a topic more important than the wheel."

### On the importance of credit

In his speech Barry quoted the American President of the National Consumer Finance Association who in 1951 described consumer credit in particular as the "miracle of the Twentieth Century" and of greater importance than the invention of the wheel because it allowed Americans to live longer, possess more, produce more and enjoy more variety than ever before.

Despite the self-deprecating irony in his remark that his book "is a pretty big deal, being on a topic more important than the wheel", nowadays living without that "miracle of the 20th century" is almost inconceivable. As Barry said, when big business got behind consumer credit, first with hire purchase and shop accounts and then credit cards, it gave the use of consumer credit a kind of moral legitimacy. It made "living beyond one's means" alright, and expected to the extent that taking on consumer credit has become a rite of passage – an indicator of adulthood.

He covers the full implications of credit, either consumer or business, in his book including its flipside. What happens when living is no longer easy?

He says he's particularly interested in the plight of consumer borrowers and through this book wants to help ensure that lenders know and respect the rights given to borrowers.

Just as credit has transformed our lives on a personal level it is, as the Honourable Justice Mark O'Regan says in his foreword, "the lifeblood of the economy".

As Barry says, credit "facilitates the smooth running and expansion of business" and can give "a company leverage to increase its profits by undertaking more business than would be possible if it were restricted to using its own funds."

### On the significance of security

Security is the other face of credit. Neither safe lending nor borrowing is possible without it and the more assurance that can be given to a lender, the more confidence there will be about lending. The two go hand in hand, both influencing and informing the other. Secured credit allows for greater business which in turn fuels greater consumption, which in turn ... It is cyclical.

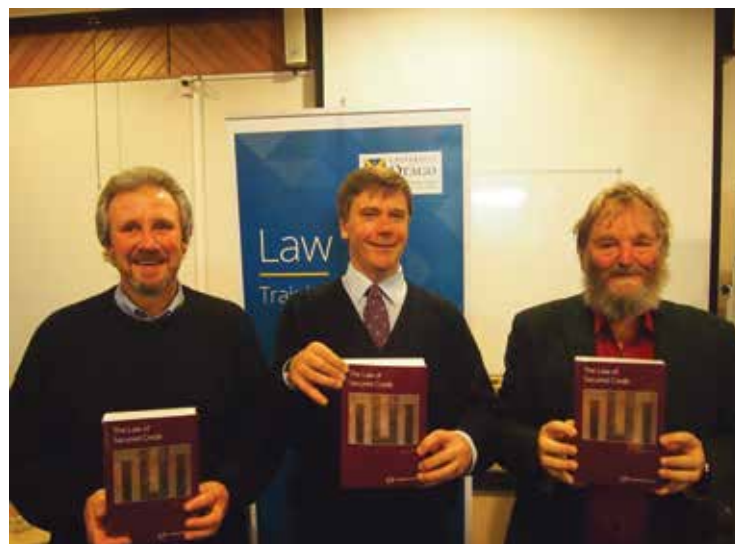
As a result, says Barry, much of the book covers the way varying forms of property are dealt with by the law, and then the specific rules created to facilitate their use as collateral.

By logical extension the book also deals with guarantees, which can give a type of assurance of payment, and insolvency – because a security interest needs to survive the bankruptcy or liquidation of the debtor.

### Cross country coverage

Barry says his book is unique. He says he is aware of individual works in both Australia and New Zealand on specific aspects of his topic. However, he says, there is nothing that covers the range and depth of information he does across both countries.

He says there was a wonderful Australian book by the late Edward Sykes: *The Law of Securities: an Account of the Law Pertaining to Securities over Real and Personal Property under the Laws of the Australian States* which was part of the inspiration behind *The Law of Secure Credit*. Although he admired it hugely, the last edition was published in 1993 and it never embraced New Zealand law. In contrast his book is up to date as well as pertinent to Australia and New Zealand.



L-R: Thomson Reuters NZ's Editor Kevin Leary, Thomson Reuters NZ's Commercial Manager – Product Development Ian McIntosh, and author Barry Allan.

### Thanks

Barry acknowledged that he needed to thank Ian McIntosh for allowing him to do what he needed to in terms of broadening the scope and then taking the time to fulfill the increased expectations.

Those thanks were due despite, he said, how Ian "scared the hell out of me at one point, by sending an email demanding that I give him the book that day – when I was way less than finished!"

Barry also thanked his "wonderful editors" at Thomson Reuters: Kevin Leary and Jason Bull whom he said made lots of really valuable suggestions to improve the clarity of what he had written thus turning the book into a much better thing than it would have been.

He lastly thanked his friends, colleagues, the Faculty and the University, for not forsaking him when the going got tough and for keeping him motivated. He was particularly grateful for the sabbatical year that allowed him to finish the writing while traveling the world. That meant he could work, he said, wherever he chose. That included while rolling through the Canadian Rockies on a train in a marvellous purpose built glass observation carriage and in many different libraries all over the world.



## Faculty of Law Celebrates 50th Anniversary of the Otago Law Review

The Otago Law Review (OLR) is as relevant today as it was when first published half-a-century ago, University of Otago Faculty of Law staff and guests said at a recent event celebrating the publication's 50th anniversary.



Current Otago Law Review Editor Associate Professor Margaret Briggs with contributors to the first issue Fred McElrea and inaugural general editor Professor Don McRae.

In his welcome address to guests – many of whom were notable Otago alumni – Faculty of Law Dean Professor Mark Henaghan noted that the annual publication's informative and well-written content had guaranteed enduring appeal.

Topics covered in the first issue of the OLR would be recognised by legal professionals today, he said.

Inaugural OLR General Editor Professor Don McRae said that, at the outset, detractors expressed doubts about a New Zealand law school's ability to produce a quality publication, but a "we'll show them" attitude prevailed.

Professor McRae reflected on his time at Otago to give some context for the publication's genesis. In the mid-1960s lectures were held in the Supreme Court building and were often delivered by colourful characters; including faculty member Austin Mitchell who once lay on a bench at the front of a class and berated students for their perceived short-comings.

Students enjoyed lively discussion on topical issues and once debated "whether jeans should be worn to class."

Later, classes moved to the Dunedin Court House and Professor McRae began teaching as an assistant lecturer while studying and working for Dunedin lawyer Bert Quelch, from whom he learned much about "practising the law with dignity and with respect for clients, for other members of the profession, and for the public."

Professor McRae paid tribute to Law School Dean Frank W. Guest and other 1960s faculty members, who created "a positive intellectual environment" from which the student-initiated OLR emerged. The publication succeeded because it was a collaborative effort between faculty members, professionals and undergraduate and graduate students – many of the latter were already working in the profession – which enlivened debate about contemporary issues including strata titles, regulation, prohibition and sub-delegation, indecency and censorship.

"We wanted to assert our place in legal education within New Zealand and abroad ... it was a true showcase of what Otago

had done and could do ... the Law Review reflected the state of legal discussion at the time."

Retired District Court Judge Fred McElrea, who is well-known in New Zealand and internationally for his work on restorative justice, contributed an article on Law and Philosophy for the Review's first issue. While he joked that his prose could have been more concise, many of his subsequent experiences in practice confirmed the article's basic premise; that studying Philosophy complements law because it explores concepts of logic and ethics.

Mr McElrea also acknowledged the contribution of former staff members, and said a significant reason for the Faculty's continuing strengths was its "practical bent", which had its origins in the Law School's early days.

Current OLR editor Associate Professor Margaret Briggs said the efforts of previous contributors, OLR administrators and more than 20 editors had laid the foundation for the publication's quality and longevity. The Faculty took great care to protect the publication's reputation because it was a widely recognised vehicle for articles relevant to students, academics and legal professionals.

Content from domestic and international "town and gown" contributors on a broad range of topics meant the OLR consistently added to the critical appraisal of legal practice in New Zealand, and beyond, she said.



Dean Mark Henaghan, Judith Ablett-Kerr QC and Dunedin practitioner Len Andersen.

A number of distinguished guests, including retired Court of Appeal Judge Sir Bruce Robertson and many former Faculty members and contributors to early OLR issues, such as Emeritus Professor John Smillie and Ian Williams, also attended the event. Dunedin QCs, Judith Ablett-Kerr, Royden Somerville and Trevor Shiels also attended; they had contributed OLR articles based on their FW Guest Memorial Lectures in 1997, 2001 and 2014 respectively.

University of Otago Registrar and previous Faculty administrator Jan Flood also attended the event.

Original OLR editorial committee member Professor Peter Burns QC did not attend the event, but wrote;

*"I congratulate the Otago Law Review, through its Board, in reaching its Golden Anniversary. A remarkable achievement, given that the Faculty itself arose from the post-war ashes only a few years before. The Dean, Frank Guest expressed his delight and surprise that such an enterprise could be undertaken so soon. The Law Review Board itself, opined that it was in all likelihood a "one off".*

*The Law Faculty at the time had moved from the Law Courts to a few offices and a teaching area in the old Evening Star building in Stuart Street. Although the physical plant was meagre, the esprit of the staff and students was high. The real initiative was student inspired, with John Tizard, Walter Rutherford and Don McRae leading the charge. On the Faculty side Alan Holden and Pat Kilbride were tireless in pressing the Review. As well, the legal profession provided the seed money to get things going. Of course, the Review is more polished and substantial today, and will continue to provide a vehicle for the dissemination of legal scholarship for at least the next 50 years.*

*Again, my congratulations and best wishes."*

Professor Donald McRae, C.C. was hosted by the Faculty of Law as a University of Otago James and Jean Davis Prestige Visiting Fellow. He is Hyman Professor of Business and Trade Law and Distinguished University Professor at the University of Ottawa, Canada. In 2014, he received the Companion of the Order of Canada.

Professor Peter Burns, Q.C., graduated from Otago in 1963. He is a Dean Emeritus from the University of British Columbia and was called to the Bar of B.C. in 1975 before being appointed Queen's Counsel in 1984. From 1982-91, he served as Dean of the Allard School of Law and was also on the B.C. Law Reform Commission (1985-92), the B.C. Forest Resources Commission (1990-91) and was a board member of the B.C. International Commercial Arbitration Centre from 1986 to 1996.

Professor Burns was appointed Chair of the International Centre for Criminal Law Reform and Criminal Justice Policy in 1993, is a former President of the Society for the Reform of Criminal Law, and has been a member of the UN Organization Committee Against Torture since 1987 and its chair since 1998. He has written or edited several books and numerous articles in the fields of Torts, Criminal Law and Criminal Procedure and International Criminal Law.



## Law and Medicine Symposium

In April the Faculty of Law hosted a Law and Medicine Symposium, with the overall goal of facilitating discussion between participants in, and commentators on, health law in New Zealand.

The event was attended by a range of legal academics, practitioners and civil servants, including Professor Loane Skene, Professor Jonathan Herring, Professor Ron Paterson, Dr Jesse Wall, Associate Professor Colin Gavaghan, Professor Nicola Peart, Dr Rhonda Powell and Alison Douglass.

Topics discussed during the symposium included: Aided death and *Seales v Attorney-General*, Property and Posthumous Reproduction, Vulnerability, Mental Capacity and the Law, and Accountability of Healthcare Professionals.

It was particularly valuable to have Professor Skene involved in the symposium, where she outlined her research on recent developments on the posthumous use of gametes in the United Kingdom and Australia, identifying the regulatory challenges and emerging common law status of separated bodily material. This was particularly important in highlighting the problems that the New Zealand legal system will need to respond to in the near future.

Thanks go to the New Zealand Law Foundation for their support of the event, and in particular the financial assistance to bring Professor Skene to Otago.

## LEGAL ISSUES CENTRE UPDATE

Dr Bridgette Toy-Cronin has been appointed as the new Director of the Legal Issues Centre.

Bridgette's primary research interests are access to justice, the legal profession and civil procedure. Bridgette holds a Bachelor of Arts and Bachelor of Laws with

Honours from the University of Auckland. She graduated with a Master of Laws from Harvard Law School in 2005 where she was a Frank Knox Fellow. In 2011 she began a PhD at the University of Otago examining litigation in person (self-represented litigants) in the New Zealand civil courts. Her PhD was awarded in 2015.

Bridgette has worked as an intern to the International Criminal Tribunal for Rwanda, as a High Court Judges' Clerk, and as a civil litigator in New Zealand and Australia. She also spent a year in Cambodia working for the Cambodian Defenders Project on Women's Rights.



Photo credit: Sharron Bennett

## Interdisciplinary work will improve the civil justice system

The new director of New Zealand's only civil Legal Issues Centre believes the key to improving the civil justice system for thousands of New Zealanders will involve looking outside the legal system.

Dr Bridgette Toy-Cronin - who has a background in both legal academia and the legal profession - wants to draw on expertise in the social sciences, including psychology, sociology, public health, and economics.

She would like to see the Centre become truly interdisciplinary because improving a legal system requires looking at justice and systemic change.

The Centre, based in the University's Faculty of Law, performs independent research on how to make the legal system more accessible, affordable and efficient; while also researching how courts can get to the truth and arrive at fair and just outcomes.

Dr Toy-Cronin says legal analysis alone cannot provide all the answers while collaboration should produce a "richness in theory and method that will push understanding forward and help us find creative solutions."

Access to justice has become an important issue for the judiciary and legal community in recent years as the squeeze has really come on many New Zealanders' ability to use the system effectively.

Dr Toy-Cronin says that has sparked an openness to change, and the Centre will have a vital role in making sure any changes are based on sound evidence. New Zealand has no other centre focusing on civil justice research, and there are not many worldwide either.

Dr Toy-Cronin is responsible for ensuring the Centre fulfils its potential as an internationally significant centre of excellence in systemic justice reform.

She is drawing up a work plan for the Centre based on justice issues that affect thousands of lives and could affect Government policy as well.

The Centre – which focuses on civil rather than criminal cases – already has a major project underway, examining delays in the High Court and the explanations for those delays.

“That research goes to what many see as a major problem for civil justice internationally, that ‘justice delayed is justice denied’.”

Dr Toy-Cronin is not only managing a team of researchers, but conducting research herself as well.

“Civil justice reform is absolutely my passion, it is hard to imagine a position that could be better suited to my interests and experience.”

She graduated with a Master of Laws from Harvard Law School in 2005, where she was a Frank Knox Fellow.

She began a PhD at Otago in 2011, examining litigants who represent themselves in civil court. Her PhD was awarded last year.

Dr Toy-Cronin has also worked as an intern to the International Criminal Tribunal for Rwanda, as a High Court Judges’ Clerk, and as a civil litigator in New Zealand and Australia.

She spent a year in Cambodia working for the Cambodian Defenders Project on Women’s Rights as well.

University Dean of Law Professor Mark Henaghan says he has no doubt Dr Toy-Cronin will make a considerable difference to how the legal system works.

As the Centre’s Director, she will employ “her considerable intellectual skills, her passion for wanting to ensure that the legal system is fair for everyone, her exceptional organisational skills and her determination to complete tasks to the highest degree of quality.”

“Her research will be impeccable. Bridgette is articulate in presenting her findings and will be able to deal very effectively with the media, government departments, the judiciary and legal profession, and the public ... we are very fortunate to have her as part of our University and Faculty.”

Dr Toy-Cronin was selected as Director because her outstanding legal qualifications and experience mean she has a wide understanding of how the law can and should work.

Professor Henaghan says when she completed her PhD on an area of law never researched before, she developed the skills of a social scientist to find out how the civil legal system was actually working for litigants who acted on their own behalf in court.

“The thesis was graded as exceptional and received high praise from both internal and external international examiners.”

The Legal Issues Centre was established in 2007 with a donation from Marilyn and Grant Nelson (The Gama Foundation) and the University of Otago Foundation Trust.

Mr and Mrs Nelson were involved in a lengthy and expensive civil court case they ultimately won in the Court of Appeal, but also saw first-hand the negative effects of protracted litigation.

## UNDERGRADUATE NEWS

### LANZ Conference

During March, Law Alliance New Zealand (LANZ), in conjunction with the Faculty of Law hosted a conference in Dunedin, which involved a number of networking opportunities for staff and a large number of second year law students.

LANZ is an association of independent legal practices, with member firms located throughout New Zealand providing specialist legal services in almost every aspect of law.

It was the first time the event had been run and was a wonderful opportunity for our second year students to meet with current practitioners from across New Zealand.

The first event started with a night at the pub, where students had the chance to network with the LANZ delegates and hear from guest speaker Kathy Gruschow, from Westpac’s Private Banking and Investments Division. Well-known Dunedin band Oxo Cubans were also there to provide entertainment.

The following day, students took part in a Q&A session, where a panel of LANZ delegates answered a number of questions that students had put forward, which ranged from specific areas of working in the profession, to what potential employers looked for in graduates.

Five students; Caspar Harvey, Hazel Heal, Will Pratt, Maia Winiana and Laura Elliot were awarded a \$2000 scholarship by LANZ, for their outstanding contributions during the sessions and networking ability. All student participants received a signed copy of “Balancing Work and Life - A Practical Guide for Lawyers” authored by Julia Batchelor-Smith.

The conference was a great chance for students to network with members of the legal profession from across New Zealand (including some of our own Otago law graduates), whilst identifying possible mentoring, graduate recruitment, internship and clerkship opportunities.





## Students 'on target' in Forensic Law

In early February, the Wellington Pistol Club hosted students from the University of Otago, as part of their Summer School course on Forensic Law.

After a safety briefing, the students were given the opportunity to fire a .22 automatic pistol and either a Glock 9mm automatic pistol or a .38 revolver at a static target. The Glock is the pistol used by New Zealand Police.

A number of students did exceptionally well with the task and were right on target.

The Pistol Club members then demonstrated the different effects of shooting objects with bullets of different calibre.

Two notable examples were the shower of baked beans that resulted from the disintegration of a baked bean can that was shot with a metal tipped bullet, and the exit hole when a pumpkin was shot using a soft nosed bullet.

The students were then given the opportunity to see distinctive marks, which can identify the weapon fired. These were the rifling marks on the bullet, the firing pin marks on the shell cases and the distinctive marks on the shell cases made by the ejector systems of the automatic pistols.

The Forensic Law course was taught by leading New Zealand forensic anthropologist Dr Robin J Watt and by renowned Dunedin Barrister Len Andersen.



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## Students brief Dunedin officials on Climate Change

Law students concluded their summer school course on Climate Change and Law with a presentation to Dunedin officials.

The presentations were made to Dunedin Mayor Dave Cull and Dunedin city councillors Aaron Hawkins and David Benson-Pope, following the research conducted during the course.

Visiting from Ben-Gurion University of the Negev, Israel, the course was taught by world-renowned specialist in climate change, Professor Alon Tal.

Professor Tal also invited guest lecturer, Dr Suzi Kerr to speak to the class. Dr Kerr, a senior fellow at Motu Economic and Public Policy Research in Wellington, was heavily involved in the design of New Zealand's initial carbon emissions trading scheme (ETS).

There was a very practical approach to the course, with students visiting sites around Dunedin, and engaging with experts to gather information for their report on what Dunedin should be doing for climate change.

The final recommendations included changes to transport and, in particular, cycleways, as well as renewable energy, public education, changes to New Zealand's emissions trading scheme, landfill and flooding.



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## Hands-On at Otago

From 18 – 22 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. 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.





## The Roslyn Scholarship presented to inaugural recipient



First-year University of Otago law student Bridget Newman was named the inaugural recipient of The Roslyn Scholarship, a new Faculty of Law scholarship.

The scholarship was established in 2015, due to the generosity of the TMR Family Trust, with the goal of assisting future students to reach their full potential through the study of law.

The scholarship is offered to new undergraduate students enrolled to study law. The application criteria requires applicants to demonstrate a clear passion towards studying law at The University of Otago, while also recognising the career potential of a law degree outside the practice of law.

Bridget is studying towards an LLB and BSc in genetics.

## Scholarship Success for Law Students



Some of the recipients of the Otago Alumni and Otago Law Alumni Scholarships.

With the University distributing a lot more scholarships this year our Legal System students have done very well in the award of scholarships. 23 of the class were awarded Academic Excellence scholarships, which is the highest scholarship students can be awarded across the University. Six of these were also Dux of their school. 63 of the class have been awarded Leaders of Tomorrow scholarships, which requires a demonstration of academic ability and leadership potential. 21 have been awarded Maori and Pacific scholarships. Eight have been awarded Performance scholarships. These are awarded to students who are academically able and exhibit excellence in areas of

performance such as sport, music and the arts. Three have been awarded Law Alumni Appeal scholarships. These are for students with academic ability and who can show financial need. Another three have been awarded Otago Alumni Appeal scholarships for showing academic ability and who can show financial need. 117 have been awarded New Frontier scholarships. This requires students to achieve excellence in NCEA at levels 12 and 13 in high school. There were 1,200 scholarships awarded across the University and our first year students have done well in the numbers they have attained.

## Te Ihaka: Building Māori Leaders in Law Programme

The Faculty of Law is underway with the second year of Te Ihaka: Building Māori Leaders in Law Programme, following a very successful first year in 2015. The programme recently ran the Māori secondary schools workshop, with participants from a number of Dunedin secondary schools in attendance.



## 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, Harriet McCartin and Brittany Reddington) 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, Jamie Rohan and Zared Wall-Manning. The final was held on Tuesday 15 March.



## Senior Mooting

Congratulations to Jamie Tocher and Chrystal Hadfield who were the winners of the Senior Mooting Competition. The final took place on Friday 8 April.



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## Witness Examination

The Minter Ellison Rudd Watts Witness Examination Competition final took place on Friday 13 May. The finalists for this competition were Patrick O'Boyle and Mario Thorne. Congratulations to Patrick who won the competition.



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## Negotiation

The Buddle Findlay Negotiation Competition final was held on Thursday 19 May. The finalists were John Lee and Lauren Archer, and Caitlin Mclean and Tim Austen. Congratulations to Caitlin and Tim who won the competition.





## Otago teams compete in International Business Case Competitions

A team of Otago students, including Maxine Glogau (Finance & Accounting), Sarah Hudson (Finance & Accounting), Samantha Rieger (Finance & Accounting) and Kate Randhawa (Law & Management), completed at the BI Norwegian Business School International Case Competition in February this year. The team put in an outstanding effort and were awarded the spirit cup for most friendly team.

The team of Sophie Morris (Marketing & Music), Sarah Lister (Law & Accounting), Ryan Donne (Accounting & Finance), Giovanni Stephens (Finance & Computer Science) competed in the University of Navarra International Case Competition in Pamplona.

The Otago team to the Scotiabank International Case Competition hosted by the Ivey Business School at Western University in Canada has returned home after a successful mission and while they didn't make the finals, they received high praise from the judges. The team was: Henry Fitz-Gerald (Economics, Finance & Law Hons), Connor Anderson (Accounting, Finance & Law), Sam Beattie (Management Hons), Andrew Benington (Finance & Law).



## Graduation

Congratulations to our latest group of graduates, who celebrated their capping on Saturday 21 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 Hugo Dobson & Oliver Hailes, who both completed LLB (Hons) degrees.

Hugo Dobson's dissertation was on: *Facebook Hosts and Third Party Posts: Defamation in the Internet Age*. Oliver Hailes' dissertation was on: *Globalised Constitutional Realism: The Trans-Pacific Partnership Agreement within New Zealand's Constitution*. Oliver was also awarded the Thomson Reuters Prize for the best research dissertation.



Congratulations also go to Christian Hardy, who graduated in December 2015 and was the winner of the Joshua Williams Memorial Essay Prize for his essay on: *An Analysis of the Utilisation of Resource Consent Conditions to Prohibit Dangerous Domesticated Animals and Protect Native Biodiversity* which was written for his LAWS415 Resource Management course.

## SOULS raise money for Relay for Life

Relay for Life 2016 was a hugely successful event, with more than \$60,000 being raised. This is an amazing achievement for the University. Congratulations to the SOULS team who put in a superb effort, taking away the prize for the most amount of money raised, totalling \$5,530.



**Congratulations** to our most recent Otago Law graduates and  
**welcome** to the alumni community



## ALUMNI UPDATES

Congratulations to **Rebecca Thomson** and **Nat Walker** who recently graduated LLM from Columbia University.

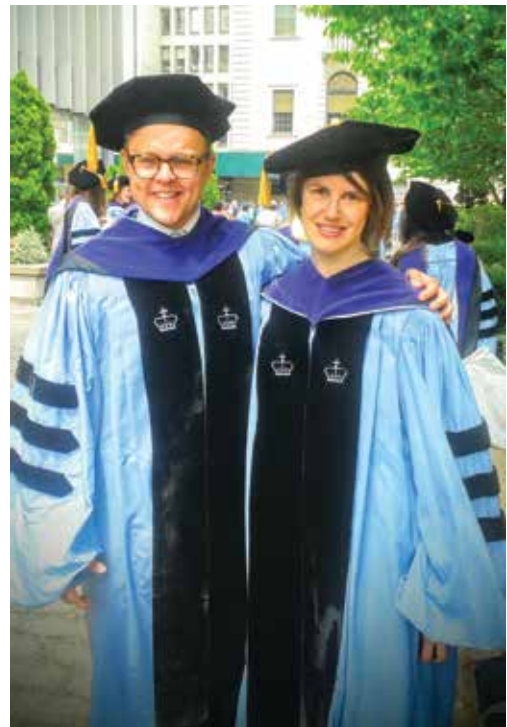
Congratulations to **Alice Irving**, who recently competed in the inaugural LSE-Featherstone Sexual Identity and Gender Orientation Moot, named after the LGBT rights campaigner Baroness Lynne Featherstone. The Oxford team, which included Alice, won the competition in the grand final, with Alice also being named Best Advocate.

Congratulations to **Holly Hedley** who was a joint winner of The New Zealand Law Foundation Ethel Benjamin scholarship for outstanding women lawyers.

Rotorua-based regional coroner **Dr Wallace Bain** – who is deeply committed to his job but still finds time to do regular community work – was named the Rotorua Daily Post Person of the Year. Dr Bain, coroner for the Bay of Plenty, has been at the centre of multiple legislation changes during his 23 years as a coroner.

**Kathy Ertel** passed away in Wellington on 24 February aged 51. Kathy was known as a strong and passionate advocate for the rights of Māori and Pacific and people with disabilities, she had an important input into many of the significant Treaty claims and cases over the last three decades.

**Emeritus Professor Anne Smith**, the founding Director of the Children's Issues Centre, passed away in Dunedin on Saturday 21 May.



POSTGRADUATE



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### Music & Law

*As you will know, Otago Law graduates go on to work in a vast range of fields, doing excellent work all around the world. In this edition, we are delighted to highlight some of our alumni who have been involved in the music industry. Along with these profiles below, some of our other successful musical alumni include international opera singer, Jonathan Lemalu and lead singer of Six60, Matiu Walters, who we are looking to include profiles of in the future.*

#### Malcolm Black



Dunedin had a great local music scene in the 70's and the 80's, and my teenage years were spent playing in bands at pubs and clubs around the city. My university years (LLB/B.COM) coincided with our band the Netherworld Dancing Toys, and the year I graduated our band had a hit single, a platinum album and won 6 NZ music awards. That was a tricky balance and I remain eternally grateful to my lecturers and tutors for their forbearance and patience.

By then I had worked out I didn't have the temperament or the talent for a career as a musician. I had also discovered that there was such a thing as an "entertainment lawyer" and so I joined the fledgling entertainment law team at Russell McVeagh where I spent a couple of very productive years learning to be a lawyer, and having some involvement in the film, music and bloodstock industries.

I then headed back to Dunedin and the Otago Law Faculty to do my masters and to work as an assistant lecturer. Much to my regret the masters remains incomplete, however I did manage to marry one of my students, have a child and start a business representing musicians in their commercial negotiations. Coincidentally another assistant lecturer at that time, Warren Alcock, was starting to do the same for rugby players and has gone on to be preeminent in that field.

This endeavour lead me to move back to Auckland to establish Sinclair Black a boutique entertainment law firm. Sony Music was a cornerstone client and I ultimately ended up working for them, initially as in house counsel and then as director of Artist and Repertoire. The New Zealand music industry was coming of age and I worked with some wonderful local artists including Dave Dobbyn, Bic Runga, Che Fu, Stellar, Dimmer and Brooke Fraser, both domestically and internationally.

I left Sony to take up the management of Neil Finn and Crowded House which was a fantastic job and then I was contacted by Phillip Mills who I had previously worked with when he was managing Hello Sailor. Phillip had started Les Mills International which creates exercise to music programs and was having trouble navigating the music industry. From a relatively small company Les Mills International is now a significant multinational company operating in the fitness industry and I have been lucky to have been part of that growth trajectory as director of music and media and a member of the senior leadership team.

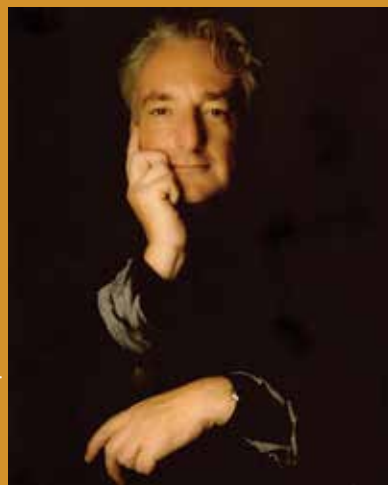
So, a somewhat random career path but underpinned by a great education at the University of Otago and a passion for music. To have been able to incorporate both in my career and in my life has been a privilege.

#### Martin Snell – Canto ergo sum

2016 marks the 25th anniversary of my departure for the UK to commence postgraduate vocal studies at the Royal Northern College of Music in Manchester. The decision to abandon, even temporarily, a career in the law was not taken lightly but greatly eased by the unanimous encouragement and counsel of many local legal practitioners and some judges in addition to friends and family, some one-in-the-same.

New Zealand in 1991 was still reeling from the after shock of the 1987 global stock market crash. It was the first full year of a National Party Government, under the leadership of Jim Bolger, and one of the last NZ Parliaments under the now superseded First-Past-The Post voting system elected the previous November. National came to power with a landslide majority and in double quick time set about changing the social landscape of the country, aspects of which are still keenly felt even today. Major pieces of legislation, ranging from the original Resource Management Act to Employment Contracts Act, were often hurriedly pushed through the parliamentary apparatus, often without public scrutiny, and required amendment within weeks to eliminate administrative omissions and errors in their application. I was working very much in the thick of it as a parliamentary officer in the Office of the Clerk, then David McGee, and specifically situated in the Table Office. My daily workload included parliamentary questions for written answer, petitions, the Parliamentary Gazette, and private members' bills in addition to assisting in the proof-reading of legislation at all stages of its passage through the House. My work even went as far as obtaining the Royal Assent from the then Governor-General, Dame Cath Tizard, which occasioned a journey to Government House in a flag-bearing Crown car. Parliament House was on the threshold of a controversial and costly renovation and Bowen House had been constructed, complete with an underground replica of the debating chamber and skyscraping duplex apartments for both Speaker and his Deputy, as temporary accommodation; all rather difficult to justify in an era of constrained public and private finances as well as imposed austerity.

The catalyst for a move from Dunedin to Wellington the previous year had been the opportunity to participate, as one of two non-Capital City residents, in a production of Richard Wagner's Die Meistersinger von Nürnberg in the 1990 International Arts Festival. I was chosen via a national singing competition by the featured star soloist, now friend





and mentor, Sir Donald McIntyre. Until then my vocal exploits had been confined to membership of the Dunedin Cathedral Choir of St Paul, the New Zealand Youth Choir, the University of Otago Capping Sextet and occasional solo appearances in local concerts as well as university music department lunchtime recitals and its annual opera productions. The latter were very much extracurricular activities as I was never enrolled as music student but was afforded the opportunity to have private voice lessons with music department's then vocal tutor, David Griffiths. Singing *aller Arten* was only a hobby but, much to the chagrin of some lecturers and employers, an all-consuming passion. I completed my legal studies at Otago whilst working part time for a local law firm, a general practice, with considerable emphasis on conveyancing but also exposure to trust, family, criminal and commercial law. The opportunity to obtain first-hand experience was born more out of necessity, due to familial circumstances, than anything else but came via a friend, mentor, university stalwart and then legal practitioner, Bruce Aitken, previously well-known to me through church music circles. It was rewarding and invaluable practical experience and put much of the legal theory into daily practice.

The aforementioned crash wrought havoc on the Southern New Zealand economy. As many law firms nationwide experienced, there was an evaporation of both clients, individuals and corporate, and a dearth of ongoing work with a commensurate fall-out in income generation. A conveyancing price war ensued in the face of a credit crunch. This led to a dissolution of the then firm and the creation of two smaller firms, and the departure of the common law partner to become a barrister sole. I was invited to join both new firms but opted to remain with the partners with whom I had worked most closely and who were supportive of completing my legal studies and subsequent professional qualification.

The Wellington economy felt the after effects of the '87 crash considerably later than Dunedin. After the '80s boom and then bust law jobs were hard to come by. I did not see a great deal of scope for future promotion within the parliamentary apparatus to further develop my legal training. Making the acquaintance of international musical luminaries, such as Sir Donald McIntyre, and receiving their ongoing encouragement to consider a career in music sowed seeds which were later to bear fruit. Researching possible courses of study was conducted in pre-internet and e-mail era. 'Snail mail' based on information gleaned from public libraries was the order of the day. Patience was required and, to a certain degree, unintentional subterfuge. I had not long started work at Parliament and applications for overseas study had been set in train long before my appointment but not mentioned in the selection process. It was a waiting game. Applications had been supported with cassette recordings and very much 'a wing and a prayer' as, due to expense, I was unable to audition in person. Initial replies received were in the negative. Last but not least the Royal Northern College Music offered me place on its postgraduate vocal studies course. My acceptance of the offer was by no means a foregone conclusion. Considerable tuition fees had (then) recently been introduced in the UK for overseas students and an exchange rate of more the 3:1 put the enormity of the challenge ahead into perspective. Through the combination of limited saving, fundraising events, competition prize monies, and the donations of several generous individuals, garnered over a period of months, I took the plunge, resigned my

parliamentary position and departed for Manchester with realistically only two-thirds of the money I needed for one year of tuition.

I was fortunate to be assigned to a highly-regarded vocal tutor, Patrick (Paddy) McGuigan, a larger-than-life Irishman, who has remained a trusted friend, father-figure and omniscient mentor. On Paddy's assessment one year became the prospect of two, possibly and in reality three. The daunting funding prospect was tempered further by a worsening NZ economy and an exchange rate in excess of 4:1. I was, however, fortunate to source ongoing funding through external singing engagements, greatly assisted through Summertime employment in the Chorus of Richard Wagner's Bayreuth Festival, Germany. A generous scholarship from the Peter Moores Foundation, London, and additional success with competitions, particularly the then Mobil Song Quest in 1993, enabled me to complete my RNCM course and graduate with distinction.

The vagaries of UK immigration policy towards Non-EU citizens, which have progressively worsened over the intervening years, however, determined that I needed to pursue options elsewhere. My work experience in Germany led me to seek out further study opportunities in an opera studio on the Continent. Following audition I was accepted into the renowned International Opera Studio at Opernhaus Zürich. The IOS brought my first contact with an agent which was followed by my first solo contract engagement for two years in St Gallen, a city to the East of Zürich. I progressed to the theatre in Basel and remained for a further four years. A return to St Gallen for three years offered ever-larger operatic roles. A growing and wide-ranging operatic and concert repertoire exposed me to more international audiences. A further year on contract in Luzern led to the decision to begin a freelance career as external engagements were increasingly difficult to combine with the demands of an ensemble position. Through all this I have remained resident in Switzerland gained permanent residency and, after a lengthy and thorough application process, obtained Swiss citizenship - which ironically now enables me to work in the UK without hindrance - and to both travel and work anywhere in Europe. I am privileged to now hold dual nationality by retaining my NZ citizenship, which I will never renounce. I endeavour to visit New Zealand as often as possible not only to visit remaining family and friends but also to perform, and seek to foster, courage and counsel the next generation of Kiwi musicians in increasingly challenging times.

Even after all these years, I greatly value my Otago legal education and subsequent professional experience. It has all stood me in good stead and, on several occasions, even scared several theatre directors in representing my own interests and those of colleagues. Any engagement is regulated by a contract, no two of which are similar or necessarily in the same language, and as a freelance performer there is much administrative paperwork bound-up with it. Thus I always make a point to read the fine print. Although Roman Law is no longer a prerequisite of a law degree, I would conclude simply with the words *Canto ergo sum*. I sing, therefore I am.

## David Pine



Photo: Jeremy W Freeman

Sneaky Feelings, around 1986. From left, Martin Durrant, John Kelcher, David Pine, Matthew Bannister.

If there is a link between the times that I spent playing music and studying law it's not obvious to me. Maybe I could say something about Dunedin's weather encouraging indoor pursuits, though that wouldn't be too convincing with the Autumn we've been having. And more to the point it wouldn't be true. I started University and got serious about music at the end of High School. But after a year it was clear that one of them had to go. As much fun as I'd had at the Legal Systems lectures why would anyone waste their time studying law when poets were the unacknowledged legislators of mankind? Maybe if I had been a better student I might have paused to think through all of the implications of Pope's choice of the word "unacknowledged".

For most of the next eight years I divided my time between playing guitar in a band called Sneaky Feelings and scooping out Banana Splits at the Governors Cafe. It was a good time to be making music. Up the road in Christchurch an adventurous guy called Roger Shepherd had started a record label called Flying Nun. Closer to home another entrepreneurial spirit, Graham Cockcroft, corralled a group of five of us together and conned the Students' Association into spending a few grand to start up Dunedin's first FM station, Radio One.

Both of those developments helped bands like ours to build an audience; first at home in Dunedin, then gradually around the country and, eventually, even in odd spots around the globe. This meant that many years later when we were touring Europe we never knew what sort of audience we would get. One night we played in a Dutch town called Groningen where, unknown to us, one of our albums had been on high rotate on a local radio station and people were singing along with our obscure songs. A few nights later we were down in darkest Zeeland, a town called Goes, where the audience was definitely there to hear the opening act and had fled the venue before the end of our first song.

But for real rock and roll misery no place could match Timaru. We arrived there one Friday afternoon at the end of one of our less successful tours with a total of 20 cents between us. The hotel, aptly named "The Terminal", served complimentary jugs of lime and water so we used the coin for a game of pool. Somehow our bassist managed to sink the black off the break. "It can only get better", said the cheerful bar manager. "At least you won't break Ray's record". Ray Columbus had played a few weeks earlier to an audience of six. The four people who turned up to see us that night were very sympathetic. Two of them apologised during the break between sets, but their baby sitter had called. Saturday night went a little better and we were able to buy enough petrol to get us home, just.

After eight years of that I finally realised my rock and roll dreams would never come true and returned to Otago. Professor Ann Trotter was a daunting figure at the enrolment desk. She cast her eye down my sorry academic record, fixed me over her horn rims and announced that she expected I would be taking my studies more seriously this time around. Nobody messed with Professor Trotter.

Many of the subjects I studied seemed remote from the life I had been leading. But Contracts and Labour Law were exceptions. I had been employed and, at the Governors, had also employed people. The band had had a lot of experiences, good bad and ugly, with contracts. So I felt I had some basis for understanding of the types of issues that sat underneath the rules we were studying. In fact I wondered how I would have been able to make any sense of these subjects if I had been studying them straight from school. So maybe there has been some connection between playing music and studying law after all.

*David graduated with his LLB and BA(Hons) from Otago in 1993. He is the Former New Zealand High Commissioner to Malaysia and Brunei Darussalam, the former Director, Economic Division, MFAT Wellington and Former Ambassador to the Philippines.*

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

## Chris Moore

***"Could do better"***



My secondary reports were littered with comments such as "sometimes he is with us, more often he is not" and "fair" or "very fair", (the meaning of which I still don't understand), and of course the familiar "could do better". At least my teachers were good enough not to add "but probably won't". These comments were however justified. In spite of the ability of my school to motivate others, including three successful brothers who preceded me, I was averse to anything resembling academic study and my marks confirmed this.

With this background, I didn't really seem suited to tertiary studies at Otago, or frankly, anywhere. However, my father and two brothers had qualified as doctors and my mother as a physiotherapist, all at Otago and I had a brother who was enjoying Dunedin immensely, so I thought it would be fun for a year, after which I could return to Auckland, obviously having failed academically, and then work out what I wanted to do.

But I hadn't anticipated the Otago factor. I was lucky to be a fresher at Selwyn College where I was absorbed into a great group sourced from all around New Zealand so many of whom became friends for life. We had enormous fun even though most of my friends were motivated to attain strong grades for entry into other courses in second year and worked correspondingly hard. This influenced me, at least to do a modicum of work, which resulted, to my surprise, in some reasonable marks. Boyed by this, I put in more effort and the marks improved further. It had taken a long time but I had finally discovered a correlation between effort and academic success. Clearly a slow learner.

In parallel to the fun, friendships and support at Selwyn College, was the support of an encouraging attitude of the Otago Law School. I remember the class being told by a senior lecturer, at the beginning of second year, that if any of us needed matters explained, the lecturers' doors were always open, we could bowl along at any time to have our questions answered. I had reason to do this after a [criminal law] class taken by Ian Muir. I nervously ventured up the stairs to the second floor of the law school and knocked on Ian's door. He welcomed me in, clarified the issue in 5 minutes and then for the following 30 minutes we discussed, what was then, the constitutional crisis in South Africa. As far as I was concerned, I was an insignificant second year student; why would a smart, interesting and capable lecturer bother to spend so much of his valuable and precious time on me? The answer was simple. He, just like the other lecturers, professors and tutors, treated us like equals and were genuinely interested in helping each of his/her students to succeed. That to me, epitomised the Otago Law School approach. It was a fantastic experience and environment. I really didn't want to let anyone down and for the first time in my life I worked hard, but this became natural and not forced because I felt a part of an inspiring team.

The transformation from failing exams at school to being invited into the honours course at Otago was due largely to being inspired by those at the Otago Law School. I will forever be grateful.

There was of course another aspect to the Otago experience. That is the physical environment and the way in which we lived. I believe that Otago is quite unique in the life experiences and moulding it offers. As much as I might have enjoyed the comforts of home in Auckland, the flats provided quite a different, special, environment. They were invariably damp, cold and overcrowded. Add to that that we were students and of course had no money. That combination is a recipe for discontent and acrimony. I think we all learned very quickly that if we were to get along in those conditions we had to work as a team, even if we didn't realise we were doing so. Selfish behaviour would not be tolerated. The result was that we all had to do our fair share of work around the flat and while it clearly would not have been up to the standard of our parents, life would be pretty unbearable unless we all pulled our weight. In essence, we all learned to live with each other's idiosyncrasies and simply, to get along. We also ensured that whenever the opportunity arose, we had great fun.

One of the probably overlooked advantages of flatting in Dunedin comes from the lessons learned from fellow students. In some form or another as a student, we all overstepped the line to a greater or lesser extent. At that age, if our parents remonstrated with us over our obnoxious or anti-social behaviour we would tend to dismiss it as being the irrelevant views of another generation. However, in the flatting environment, as much as we may not have liked it, when our friends and flatmates made adverse comment there was a tendency to listen and in doing so our peers moulded our attitudes and behaviour. I am not for a moment suggesting that parental influence is unimportant. Of course it is relevant and highly influential. However, the influence of your peer group is also significantly beneficial.

After I graduated from Otago, I joined a medium sized law firm in Auckland where I worked for a few years undertaking a wide variety of relatively small commercial and litigation files. I was by that time married and my wife's family lived in Whakatane which I regarded as a wonderful town so when an opportunity arose I joined a practice, now known as Hamertons, in Whakatane. The work and the clients were very different to what I was accustomed and those seven years in the Bay of Plenty gave me unique sight into the pressures and diversity of provincial legal practice.

But it wasn't just the challenges of rural practice which I had to conquer. There were perceptual issues of credibility. I was in my mid-20s. I had been married for four years, had a house and a small child, but I still looked like a schoolboy. Occasionally, it really was quite a challenge to be taken seriously.

After my stint in Whakatane, which I thoroughly enjoyed, and which ended after a number of years as a partner, I returned to Auckland and joined Russell McVeagh as a staff solicitor. It was a huge learning curve and a vast culture shock. The firm was 20 to 30 times bigger than where I had been. The inclusive family environment of a small provincial firm was incomparable to the drive for commercialism at Russell McVeagh. This is not a criticism but just a reflection of the market in which that firm was practising. I was enormously fortunate that the partners invested a huge amount of time and effort in converting me from a generalist to a specialist



in commercial property. I have extremely fond memories of Russell McVeagh in my almost 13 years there. However, after 10 years as a partner, I was looking for new challenges and was also keen to work with my brother, Simon, now Justice Moore, who was then the Crown Solicitor at Meredith Connell. This was a great opportunity for me to establish within what was then largely a litigation only firm, a commercial/ commercial property practice.

Shortly after I joined that firm, I was elected as chair of the board of management where I oversaw a period of extensive and rapid growth from approximately 75 staff to something approaching 200. This was a very interesting experience, managing partner relationships, managing aspirations of staff and partners, managing financial aspects of the firm and also of course trying to run one's own practice. It is a great example of how versatile a law degree can be as that role largely involved management just like any other company including financial management and staff.

After 13 years at Meredith Connell, I was looking for a new challenge. It was time for me to find another venture so, along with one of my other commercial partners, I left to establish the Auckland office of the national specialist projects firm, Greenwood Roche. Within three weeks of opening the Auckland office, I took over as president of the New Zealand law society having held a number of law society roles in the previous decade including chair of the property law section and the president of the Auckland Branch of the New Zealand law society.

The role of president was a genuine privilege and one which I enjoyed enormously. The role is extremely varied and includes chairing regular board and council meetings, overseeing in the vicinity of 80 submissions on government legislative proposals, meeting with senior members of the judiciary, government ministers and various interest groups. The role also involved being the public face of the profession on many issues of high media interest. It was an experience that I would not have missed for anything. It was a truly extraordinary, challenging and rewarding position. I was most fortunate to have had superb support over that period from the Law Society's staff and my board and council.

So now, I have returned to full time practice in a firm which I am really passionate about. It is enormously rewarding being surrounded by extremely competent partners and staff who are genuinely dedicated to their roles. During my term as president, my partners have been most generous and I simply could not have undertaken the job without their support. I am thoroughly enjoying my full time return to practice in what, for me, is an inspiring culture. Although I am obviously looking to the future in my return to full time practice, I cannot help but be extremely appreciative for everything that Otago did for me in setting me up for what, to date, has been a wonderfully rewarding career. I genuinely believe that without the inspiration of Selwyn College, the Otago law school and the wider Otago experience, I simply would not have been equipped to deal with the challenges I have faced in my career to date. I will always remember with fondness and appreciation, my time at Otago.

## Aphra Green (LLB (Hons), LLM)



I never intended to study law. It was only after watching people in my hostel make it (or not!) through that first year that I thought maybe I should give it a try. As it turned out, law was, for me, the ultimate combination of intellectual challenge, language, logic and history.

I never intended to be a lawyer. It's the question everyone asks once you get in. "Will you practise?" Or "what area will you specialise in?". I was never sure. A visitor to Professor Peter Skegg's Law & Medicine class opened my eyes to the possibility of working in government. He was a young lawyer working for the Health and Disability Commissioner, and his passion and enthusiasm for his job was infectious.

After completing my honours dissertation on the legality and ethics of assisted human reproduction (supervised by Professor Nicola Peart), I ended up, almost entirely by chance, in the Strategic Policy on Ethics and Innovation team at the Ministry of Health, which was responsible, among other things, for the implementation of the Human Assisted Reproductive Technology Act. It was the perfect job. Soon I was responsible for the implementation of the Act, including the development of regulations to support the Act, and establishing the Advisory and Ethics committees under the Act.

After three years working in policy at the Ministry of Health, I felt that I should give private practice a try. I went into the Local Government and Environment Team at Simpson Grierson, where the public law and policy skills I had acquired in government came in handy, and where I learned the basics of legal practice in a corporate environment. I was just starting to find my feet in the corporate legal world when the opportunity to work with Mark Henaghan on the Law Foundation-sponsored Human Genome Research Project came up. The possibility of completing an LLM, working with Mark and the Project Manager Richman Wee, and doing research on cutting edge issues related to the mapping of the human genome (and in my case, the patenting of genes) was too good an opportunity to turn down.

Having had the experience of the public sector, the private sector, and academia, I made a deliberate choice to return to the public sector, and to pursue a career in public sector leadership. I returned to a Senior Policy Advisor role at the Ministry of Health, where I was part of a small team establishing, and then supporting, the Family Violence Death Review Committee. I was briefly seconded to support the Director General-commissioned Review of Maternity Services in the Wellington Region, and also assisted with the Perinatal and Maternal Mortality Review Committee, both sobering experiences.

I then got a job at the Ministry of Justice, in the Criminal Law Team, which at the time was primarily responsible for a major overhaul of criminal procedure (which ended up as the new Criminal Procedure Act 2011). I worked on parts of this Bill (in particular, advice on the new jury trial threshold) as well as other reforms, including the development and passage of the Courts (Remote Participation) Act 2010 and amendments to the Crimes Act to remove the partial defence of provocation and to Part 8 (offences against the person). One look at the history of the Crimes Act is enough to support the claim that there is never a dull moment in criminal law policy and reform, since the law must continually change to keep pace with technological advances, changes in societal expectations and new ways of committing crime. After a stint on maternity leave, I had the opportunity to manage this team (in an acting capacity), and was later permanently appointed to the management role.

I love working in government. I love the energy, the pace, the teamwork and the excitement of being part of significant changes to the law, policy, and ultimately, society. I love being able to identify a problem, and then maybe, just maybe, being able to do something about it. As I write this, I am coming to the end of a Harkness Fellowship in the United States, where I was looking at evidence-based criminal justice reform and decision-making, with a particular focus on bail decision-making. I will be coming home to a new role in the Ministry of Justice as General Manager, Sector Strategy. This role still has a criminal justice focus, but enables me to work across the system, to support justice sector leaders to drive justice system performance, and to connect people and ideas to make things happen.

I've never been one of those people who always knew what they wanted to do. Rather, my career has been propelled by pursuit of the same things that drew me to the law in the first place – intellectual challenge, language and logic. I feel lucky to have fallen into law at Otago, and to have found jobs that were ideally suited to my legal background and interests. Otago Law School holds a special place in my heart, and I am already saving for my firstborn, who lately described himself as a “Snakes and Ladders Lawyer”, to go there.

## Rosamund More



Coming from a family full of lawyers (father, Grandfather, Uncles, Aunts & Cousins), the subject of law was often spoken about in my household growing up. However it was never a field I had considered for myself until after my first year of University study. I had the opportunity to work the summer at my fathers firm Scholefield Cockcroft Lloyd and what I had thought was an easy summer job turned out to alter my career path entirely.

I then ventured into my second year of University continuing my BCom in Marketing and joining the first year students for LAWS 101. What I was surprised to discover was there were many students just like me who hadn't decided to pick up law until their second year of University. I was so excited to return to Scholefield Cockcroft Lloyd a year later to share the news I had been accepted into second year law.

The University of Otago law degree is a challenging and rewarding degree where you are given the opportunity to experience so many different areas of the law. I developed a passion for the more practical side of the law and subjects such as Family & Criminal law was where I felt most at ease. The piece of work I am most proud of would have to be the Family Law File, which was taught by the very inspirational Mark Henaghan.

One of the great things about the Law Faculty is the countless events, functions, sporting and cultural activities that make the school feel like a real community. In my final two years of University I was part of the Chapman Tripp law revue which I performed in and then second time round, I helped choreograph and play a senior role in. It was activities such as this that build life long friendships and made University even more enjoyable.

After finishing the Law and Marketing papers I returned to Invercargill not quite sure of my next move. I decided to complete my professionals through IPLS while continuing to work for Scholefield Cockcroft Lloyd. I set my sights on Auckland where the majority of my peers had settled and began looking for roles that would utilise both my Marketing and Law degree.

After completing my professionals, I was offered a Recruitment Coordinator position at Graham Consulting, a NZ owned recruitment firm that specialises in Sales & Marketing and Accounting, Office and Legal positions. Two and a half years later I am now a Recruitment Consultant specialising in the areas of Sales & Marketing and Legal recruitment. While I am not working as a practicing solicitor I am using the skills I learnt throughout my time at University on a daily basis. A large part of my role involves networking within the legal community where I work closely with my peers right through to senior partners and practice managers. One of the most rewarding parts of my job has been helping my friends find their first job out of University.

Not only am I involved in the legal community through my job I am still very connected with Otago Alumni socially. Just last year I organised a dinner where 30 Otago Law graduates attended to reminisce and have a few drinks!

The University of Otago not only provides you with a great education and skill set, it helps mould you into the person you will eventually become. The University can often be portrayed in the media in a negative light, which is frustrating for many of us that are strong advocates for the University. What the critics should be focusing on is the thousands of people that have been so successful and benefited from the

social activities and events. Working in recruitment I see the importance a good education has for your career path but I also see how vital it is to have a well-balanced life and good social skills. This is what you obtain when you attend the University of Otago and to most employers these additional skills are equally as important.

The great thing about an Otago Law degree is it is a door opener for so many different career paths not just practicing law. I am lucky enough to work in a role I enjoy, utilising the educational and social skills I learnt through my time at the University of Otago.

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## Natasha Garvan



I have spent my career working in the resource management/environment team at Bell Gully, since finishing my studies at Otago University. I have been involved in lots of interesting work during this time – the highlights to date include working on several wind farm projects for Meridian Energy and more recently appearing in Court and at mediations for Transpower New Zealand on policy and planning matters for the National Grid (the nationwide electricity transmission system in New Zealand).

Early on in my career I was seconded to the Environmental Defence Society (EDS) on a part-time basis. It is probably fair to say it isn't the norm to work for a large corporate law firm and be seconded to a small non-governmental organisation. My education and experiences at Otago prepared me very well for the challenges of this role. My role involved providing legal advice to members of the community about Resource Management Act (RMA) issues, co-authoring the EDS Guide to Managing Freshwater, and undertaking litigation such as assisting with the Board of Inquiry King Salmon case (the decision was appealed to the Supreme Court and is now a leading authority on the RMA).

I was a member of the Governance and Limits Working Group for the second report of the Land and Water Forum. The forum includes stakeholders and organisations with an interest in freshwater management, and makes recommendations to the government. This experience gave me a real insight into the current state of freshwater and the economic and environmental challenges facing New Zealand.

My interest in freshwater management led me to working with Rhys Millar (Dunedin based environmental consultant) and Mike Barton (Taupo based farmer) on a project called Food, Farms, and Freshwater (3F). I'd heard Mike speak at an EDS conference years earlier about his and his wife Sharon's company Taupo Beef – they sell their beef to consumers for a premium on the basis they're verified by the Waikato Regional Council as looking after the water quality of Lake Taupo for future generations. Taupo Beef won the Supreme Award, NZI Greatest Contribution to a Sustainable New Zealand, at the Sustainable Business Network Awards in 2015. 3F wants to roll out their model to more farmers throughout New Zealand.

3F is looking to achieve economic and environmental "win-wins" by returning to participating farmers a premium from consumers for meeting environmental standards (linked to swimmable and fishable freshwater objectives). We were selected for Launchpad - a social enterprise accelerator programme run by the Ākina Foundation. This involved six months of robust testing of proposed models, and a lot of learning to try and turn our idea for a social enterprise into reality. We are currently in discussions with potential funders for the 3F project.

I definitely think there has been a shift towards allowing employees greater flexibility as to where and when they work. I've had three stints working flexible hours at Bell Gully: most recently to participate in the Launchpad, my secondment to EDS; and at the start of my career to complete my honours degree in political studies. I've been able to move (twice) between Bell Gully's Auckland and Wellington offices. It has been great having the opportunity to experience working life in both offices and cities.

I was fortunate enough to be able to take four months off work in 2013 to travel around South East Asia and Europe with Jeremy Spicer (Otago law school alumni and now my husband). We had an amazing time, including catching up with friends from law school in Singapore, London and Hong Kong. Our Otago law degrees have certainly served us well all around the world and I have very fond memories of my time down south.

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## Joss Miller



My legal career had its origins as first year Law student at Otago University in 1970. At that time the Law Faculty was located in what is now the Staff Club being a building of considerable architectural beauty on the banks of the Leith River. Student numbers then were relatively low.



This was a pre computer age and index cards in the Law Library were used to access records. The library itself was rather cramped and had a slightly stale atmosphere which of course only added to the attractiveness of the campus café where rather too many hours were frittered away. At the top of the main entrance stairwell was the office of the Law Faculty Dean, the late and greatly admired Professor Peter Sim whose lectures in Law were memorable for their clarity and brevity.

Internal assessment was non-existent with everything hinging on the outcome of end of year exams. Many exam post mortems were conducted at the Captain Cook Tavern occasions which usually only served to highlight certain inadequacies in one's legal knowledge or examination technique. Exam results with the names and grades of individual students no matter how unflattering were attached late at night in the darkness of the main Archway notice board. Mercifully for these to be read the illumination from a torch light was required. This was also followed by full publication in the Otago Daily Times. There was no privacy surrounding personal information in those days! Apart from the law I immersed myself in various student and other activities eventually graduating BA/LLB and was admitted to the Bar in Dunedin in 1976.

Over the next 40 years I have practised as a lawyer doing a broad range of work initially in provincial centres in New Zealand and also for a period of 18 months with a Solicitors firm in Kent, England. In England unlike New Zealand there is a clear distinction between Barristers and Solicitors. During this time I also had the pleasure and privilege to observe the late and great Justice Denning delivering a judgement in his inimitable style in the Chancery Courts Division in London. He was 80 years old!

Ten years after my admission to the Bar my wife Dawn and I returned to Dunedin where in 1988 I commenced work as a sole practitioner and continued in that capacity until my retirement recently at the end of March 2016. Criminal Law has always appealed to me and the importance of providing legal representation, no matter how unpleasant or difficult a case might be. To be effective an advocate needs to clearly and accurately identify the relevant issues and be able to articulate those in Court whether it be a Judge only hearing, a Jury Trial or an Appeal. Much can be gained from observing experienced Counsel in Court. Many years ago on a very hot

afternoon I was seated at the rear of the Ashburton District Court waiting for my case to be heard. Next to me was a well-known and experienced Christchurch Practitioner and I asked him what he thought was the paramount attribute required to be a successful Barrister. My expectation was that he might have something reasonably profound to say and might even quote Cicero or Shakespeare. After a silence of some two minutes he replied in a solemn tone "Patience." Perhaps he had been waiting longer than me that day!

In addition to Criminal Law and other areas requiring advocacy the Firm has also been involved in property related work. Over a long period of practice there can be moments of considerable elation and occasional despair but on balance the work has been rewarding and satisfying. Humorous situations can occur in the instance of a preparatory Will, where as a result of a typographic error the Testators directions were incorrectly recorded in stating that the balance funds in the Estate were to be held for the Salvation of New Zealand instead of the Salvation Army of New Zealand.

Of concern are the draconian cuts to the Criminal Legal Aid in 2012, the impact of which has been extremely detrimental to the private Criminal Bar in New Zealand. Although young lawyers now have the opportunity to be employed in Public Defenders Offices, entry to the private Criminal Bar under the current regime is particularly discouraging and is likely to result in a dearth of capable advocates. In my view a viable, buoyant and independent Criminal Bar should be the bedrock for justice in New Zealand.

Lawyers where possible need to consider mentoring or provide work opportunities for law students and graduates as this type of experience is invaluable in helping to bridge the gap between academic study and the work place. Professor Mark Henaghan, the Dean of the Otago Law Faculty has always displayed an outstanding capacity to link with students and the legal profession at large. I have fond memories of the times my sons Ian and Kieran who were both Otago Law graduates worked in the practice and am sure that this was an enriching experience for all of us.

Although there have been huge technological changes in the law since my graduation the requirements that lawyers be courteous and ethical have not changed. Though now retired from legal practice I am confident that the new generation of lawyers will continue to ensure that justice is served.



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

## FACULTY VISITORS

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



**PROFESSOR JONATHAN HERRING**, University of Oxford, visited the Faculty in March and April as the 2016 De Carle Distinguished Fellow. During his visit, Professor Herring delivered a series of lectures on Relational Law, including: 'Law and the Vulnerable Self', 'Law and the Caring Self', 'Law and the Abused Self' and 'Law and the Relational Self'. Professor Herring delivered a number of staff seminars across the university as well as participating in a Law and Medicine Symposium and presenting at a Medical Forum at the Medical School.



**PROFESSOR DONALD MCRAE** C.C. Hyman Soloway Chair and Full Professor of Law at the University of Ottawa, visited the Faculty in April as a University of Otago James and Jean Davis Prestige Visiting Fellow. Professor McRae presented a staff seminar, 'A discussion about the current developments in legal education in Canada, including teaching, research and the law school environment' as well as a public lecture on 'The Evolution of International Law: Challenges and Prospects'. Professor McRae also spoke at the Otago Law Review's 50<sup>th</sup> Anniversary Celebration, as the first editor of the publication. Professor McRae participated in a symposium on Environmental and Trade and Investment Law, and presented a guest lecture in an Environmental Economics paper in the Business School.



**COLIN SMITH** MNZM, Partner of Greymouth law firm Hannan & Seddon visited the Faculty in late May to present a student seminar on working in a rural New Zealand law firm. Colin also presented a public lecture on Thursday 26 May on the topic: 'Pike River: How could this happen in this day and age'.



**ALICE OSMAN AND JOSH PEMBERTON** visited the Faculty on Tuesday 1 March to present to senior students about working as a Judge's Clerk. Josh worked as Judge's Clerk in the Supreme Court and Alice worked as a Judge's Clerk in the High Court.



**JENNY COOPER**, Barrister at Shortland Chambers visited the Faculty to present the FW Guest Memorial Lecture on Wednesday 4 May. The topic of the lecture was 'Making the penalty fit the crime: the pros and cons of civil pecuniary penalties as a means of enforcing commercial law'.

**PROFESSOR ZVI ZOHAR**, Chauncey Stillman Professor of Sephardic Law and Ethics from Bar Ilan University and Senior Scholar, Center for Halakha, Shalom Hartman Institute, Jerusalem presented a staff seminar on Tuesday 23rd February on the topic: 'What does a secular state mean in Israel'.

**PROFESSOR BARRY CUSHMAN**, from the University of Notre Dame presented a staff seminar on Thursday 10 March on the topic: "Some Varieties and Vicissitudes of Lochnerism" Professor Cushman is the John P. Murphy Foundation Professor of Law, and also has concurrent professorships in Political Science and History.





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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