

Faculty of Law
Newsletter
Summer 2014
University of Otago

OTAGO LAW



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GREETINGS FROM THE DEAN



Dear Otago Law Alumni

The end of 2014 marks the end of an era, with both Professor John Smillie and Professor Peter Skegg retiring from the Faculty of Law. Both John and Peter have been instrumental in the success and world-class reputation of the Faculty of Law, shaping the legal minds of many of you and producing world-renowned research. John and Peter are exceptional legal scholars who are world-renowned for the high quality of their work. They have set the academic bar high for the Otago Law Faculty and we all benefit from that.

The Faculty surprised John and Peter by coming in at the end of their final lectures and giving them a standing ovation along with their class and a special memento to record their combined 72 years of teaching in the Law Faculty. I'm sure many of you will fondly remember your time with John and Peter in their classes.

I am also sure you will all join with me in wishing John and Peter a very happy and healthy retirement and many wonderful hours with their magnificently supportive wives, Judy and Elizabeth, and their grandchildren. We will all miss John and Peter's great knowledge, wisdom and collegiality. The University and the Law Faculty have been very fortunate to have such long serving, dedicated academics of the highest calibre.

We wish you all a safe and happy festive season and look forward to hearing from you and also seeing many of you at our various alumni functions next year. All the very best for a wonderful 2015.



STAFF NEWS

PROFESSOR JOHN SMILLIE AND PROFESSOR PETER SKEGG DELIVER FINAL LECTURES

Professor John Smillie began work as a lecturer in the Faculty of Law in 1973 and gave his final lecture on Wednesday 9 October after 41 years of lecturing in the Law Faculty.

After graduating from Otago with an LLM, Professor Smillie was a solicitor in Cruickshank Pride in Invercargill from 1966 to 1968 and a Senior Teaching Fellow in the Faculty of Law at Monash University, Melbourne from 1969 to 1970. He then went off to Yale where he completed his LLM and his JSD before coming back to Otago.



Professor Smillie has given outstanding service to the Law Faculty and to the University, and many of us in the Faculty have been taught by Professor Smillie. Professor Smillie served as Dean of the Faculty from 1986-1988.

Professor Smillie has a long-standing reputation as a critical scholar who has written major articles challenging the basis of civil law obligations. His articles on "Formalism, fairness and efficiency: civil adjudication in New Zealand", published in the *New Zealand Law Review* and "Certainty in Civil Obligations", published in the *Otago Law Review* stand out as major contributions to the direction that civil adjudication has taken in New Zealand. They challenge the basic functions and purposes of the different heads of civic obligations. This work produced a series of leading articles which provided considerable original insights and attracted considerable interest and debate from both the judiciary and academia around the world.

Professor Smillie's articles have been widely cited in Canadian journals such as the *University of Toronto Law Journal*, American journals such as the *University of Michigan's Journal on Law Reform*, and Australian journals such as the *Melbourne University Law Review* and the *Monash University Law Review*. Professor Smillie has written the seminal article on the purpose of contract law published in the *Journal of Contract Law*. This article explains the core principles of contract and provides the touchstone for assessing the merits of proposed reforms.

Professor Smillie is known throughout the academic world as a rigorously analytical scholar. He has ensured that New Zealand law scholars are known for the depth of their thinking and capacity to question the functions of law. Professor Smillie has set a high benchmark which has influenced many young legal academic scholars in New Zealand. Professor Smillie is held in the highest regard by legal academics throughout New Zealand.

Professor Smillie has collaborated with five other New Zealand authors to produce "The Law of Torts in New Zealand", edited by Stephen Todd, which is the most widely cited legal treatise in the New Zealand courts, particularly in the senior courts such as the Supreme Court and New Zealand High Courts.

In 2007, Professor Smillie was elected an inaugural fellow of the New Zealand Academy of Humanities in recognition of his high standing



Professor Smillie's final lecture.

in legal research in New Zealand. This has been converted to membership as a Fellow of the Royal Society of New Zealand. Professor Smillie was the first legal scholar in New Zealand to be elected to such honours.

Professor Smillie has been a consultant to the Ministry of Economic Development on a digital technology review of the Copyright Act 1994 in 2002. Professor Smillie was a member of the New Zealand Vice-Chancellors' Standing Committee on copyright, and was the author of a report for the Association of University Staff on University Intellectual Property Policies in New Zealand in 2002. Professor Smillie has been the general editor of the *New Zealand Universities Law Review* and the *Otago Law Review* and was a member of the Advisory Board for the *Laws of New Zealand*. Professor Smillie was also the overseas correspondent for the *Torts Law Journal*.

In his time in the Law Faculty, Professor Smillie has taught Constitutional Law, Administrative Law, Jurisprudence, the Law of Torts and both Intellectual Property and Advanced Intellectual Property. Professor Smillie was awarded an OUSA award for his meticulous teaching.

Professor Smillie has been a visiting professor at Duke University School of Law, Durham North Carolina, USA, Faculty of Law, the University of Western Ontario, Canada, Bond University School of Law, Queensland, Australia and a visiting scholar at the Faculty of Law, University of Toronto, Canada, Faculty of Law, University of Glasgow, Glasgow and the Institute of Advanced Legal Studies at the University of London, UK.

Professor Smillie was convenor of the working party to review University processes, otherwise known as the "anti-bureaucracy working party". This working party made a number of significant recommendations to ensure that the University is more efficient in its administration. If all recommendations were implemented, the University would flourish.

Professor Smillie served as a member of the capital development committee, which makes the decisions about buildings and major works on campus. He was also convenor of the Francis Hodgkins Fellowship committee, a task he really enjoyed – mixing with artists, poets and writers.

Professor Smillie also heavily contributed to keeping the history of the Faculty alive. He wrote an article on the 125th jubilee of the Law Faculty in 1998, which was a highly successful and wonderful event. Professor Smillie also published a highly informative and insightful chapter on the Law Faculty's history to date in the Otago District Law Society's jubilee celebratory book.

Professor Peter Skegg CNZM

began teaching in the Law Faculty in 1984 when he took up the post of Professor and gave his final lecture on Thursday 10 October after 31 years of lecturing in the Law Faculty at Otago. Professor Skegg served as Dean of the Faculty from 1990-1992.

Professor Skegg began as a junior lecturer at the University of Auckland from 1968-1969. He then was an official fellow of New College Oxford from 1971 to 1984 as well as the College and University Fellow at the University of Oxford Faculty of Law from 1972 to 1984. From 1980 to 1984 he served as the Chairman of the Faculty of Law University of Oxford. While at Oxford Professor Skegg completed an MA in 1971 and DPhil in 1976.

Professor Skegg has taught and researched with distinction in the Law Faculty. He was awarded a Companion of the New Zealand Order of Merit in 2012 in recognition of his academic work, particularly his pioneering work in medical law.

Professor Skegg has been a leader internationally for a long period of time in the field of medical law. In 1989 Professor Skegg was awarded the Swiney prize for a work on jurisprudence. The prize was established in London in 1844 and it has only been awarded on four occasions in the 20th Century to an author living beyond the British Isles. The other recipients of the award were JW Salmond (1914), Julius Stone (1964) and Ronald Dworkin (1999). All of these recipients have been recognised as outstanding international leaders in their fields. Professor Skegg was given the award for his pioneering book *Law, Ethics and Medicine: Studies in Medical Law* (First Edition), Clarendon Press, Oxford published in 1985, with revised editions being released in 1988 and 1999. This book is recognised as the first major work in medical law in the Commonwealth, and it has been highly reviewed in all the leading law journals such as the *Law Quarterly Review* (October 1985), the *Cambridge Law Journal* (1985), the *Modern Law Review* (March 1987) and the *International Digest of Health Legislation* (July 1986). It has also been reviewed in the *British Medical Journal* (June 1985), *The Times Literary Supplement* (November 1986) and *The Times Higher Education Supplement* (April 1985).

Professor Skegg has continued his outstanding contribution to medical law by releasing the first major treatise on the subject which comprehensively analyses medical law in New Zealand in 2006. Professor Skegg wrote nine chapters of the book and was the leading general editor of the work. The book won the J F Northey award for the best book published by a New Zealand academic. The book has been very favourably reviewed in the *Medical Law Review*, *Journal of Law and Medicine*, *New Zealand Universities Law Review*, *New Zealand Law Journal* and the *University of Queensland Law Journal*.

Professor Skegg has served on a number of international editorial boards because of the strength of his academic reputation. He served on the international editorial board of the *American Journal of Law and Medicine*, the international editorial board of the *Medical Law International* and the international board of advisors of the *Medical Law Review* published by Oxford University Press. He has also served on the editorial board of the *Journal of Law and Medicine*. These are all the leading journals in the field of law and medicine and Professor Skegg is the only academic lawyer who has served on all four journals.





Professor Skegg's final lecture.

Professor Skegg's work in the field of medical law was described by Professor Grubb, editor of the *Medical Law Review* as setting the highest possible standards in medical law scholarship (51 *Cambridge Law Journal*, 398). It was also described by Professor Keown in the 2002 *Cambridge Law Journal* 251 as setting the standard for medical law monographs published in the UK. Professor Skegg's work is cited in all the major leading texts on medical law throughout the Commonwealth. He was described by Professor Ken Mason in the 2001 64 *Modern Law Review* on page 713 as the major medico-legal authority.

Professor Skegg has played a major role in advising the Ministry of Health on the allocation of scarce health resources in New Zealand. He was on a key statutory committee set with this task from 1992 to 1999. Professor Skegg has been an advisor and consultant to the Crown Law Office, the Health and Disability Commissioner, the Ministry of Health, the New Zealand Law Society, Green Lane Hospital, the New Zealand Medical Association, the Australia and New Zealand Intensive Care Society, Healthcare Otago, Health Waikato, the Physiotherapy Society, the Medical Council of New Zealand, the Health Research Council, the Ministry of Justice, the Ministry of Foreign Affairs and Trade, the UK Department of Health and Social Security, the National Kidney Foundation, the Otago Area Hospital Board/Health Authority, Southern Regional Health Authority, North Health and the Commissioner for Children.

Professor Skegg has worked on a number of important reviews and reports. For example, a Code of Practice for Transplantation of Cadaveric Organs (1987); the New Zealand Strategy on HIV/AIDS, Department of Health (1990); Draft Code of Practice for Health Research (1990); Core Services (1993, 1994/95 and 1995/96); The Best of Health 1, 2 and 3; discussion documents on Explaining Difficult Decision about the Allocation of Scarce Health Care Resources (1992, 1993 and 1998); and Use of Electroconvulsive Therapy (ECT) in New Zealand: a role of efficacy, safety and regulatory controls (2004, 2005).

Professor Skegg was instrumental in setting up the Masters of Bioethics and Health Law Course at the University of Otago in collaboration with the Bioethics Centre at the University of Otago. Graduates from this course have secured important positions in health law, policy and ethics around the world.

Professor Skegg taught Criminal Law and Law and Medicine in the Law Faculty and Law and Bioethics to the Master of Bioethics and Health Law course.

THE FACULTY OF LAW WELCOMES NEW RESEARCH ASSISTANT, ANDREW (DREW) SNODDY

Hello! I must start by saying that I find it nothing short of fantastic that I am introducing myself as the new Research Assistant for the Faculty of Law at the University of Otago.



Six months ago I graduated with a Juris Doctorate from Rutgers School of Law, in Camden, New Jersey. For anyone not intimately familiar with the minutia of US State geography, New Jersey is the state to which New York City is actually attached (despite what the State of New York might claim to the contrary). Setting that aside, how I ended up here in Dunedin, is actually surprisingly simple. My wife said so. OK, that isn't exactly what she said. Around this time last year (having recently gotten engaged) we found out that she had been accepted at Otago to pursue her PhD and was offered a scholarship which made the whole endeavour possible. After that we finalised our hectic plans for 2014; my graduation in May, her sister's wedding in June, our wedding in July, her brother's wedding in August, and our move to Dunedin for the commencement of her PhD in September. I'm not kidding. That all happened. I'm not entirely sure how everyone involved survived, but we all did. But looking back on it now I can't imagine doing anything different, or being anywhere else.

My primary concentration in Law School was International Law (under my mentor and friend, Professor Roger Clark, who is himself a Kiwi), but I didn't really expect such practical application of that focus, at least not so soon after graduating. I look forward to continuing to work on the full spectrum of legal research for which the academic staff can utilise my help. The research work has been an amazing extension of learning the law, and going forward, I am excited to be a part of that process.

SOALAUPOLE - SAMOAN CUSTOMARY MEDIATION COURSE



Associate Professor Selene Mize has returned recently from teaching a Samoan Customary Mediation course, for the Samoan Ministry of Justice and Courts Administration.

This is the second year the continuing professional education course has been run. It is aimed at mediators who deal specifically with cases from the Land and Titles Court, where mediation is a compulsory component in the court process.

The course was delivered in four segments over a two month period, with Associate Professor Mize teaching at the start and end of the programme. The focus of her component was on International Best Practice in Mediation, highlighting the need to harness different strengths from various sources and resources, and addressing ways in which International Best Practice could add to the Samoan customary mediation process.

Associate Professor Mize commented that the programme has continued to be a success and was particularly useful for the court process. "Mediation has a very high success rate in resolving disputes, which takes some of the burden off the Court."

DEBATING DIRTY POLITICS



On September 12, the Faculty of Law joined with the Departments of Politics and Film, Media and Communication to host a special "webinar" on the theme of Dirty Politics: Media, Politics and Law.

The purpose of the event was to address some of the deeper underlying questions raised by Nicky Hager's book *Dirty Politics: How attack politics is poisoning New Zealand's political environment* from the perspective of the three participating academic disciplines. It consisted of an initial interview with Mr Hager, followed by three 50 minute discussion panels looking respectively at the media, political and legal issues raised by the book. This discussion was webcast live from the University of Otago's media studio so that a national audience could participate in it.

The event was organised and chaired by the Faculty's Professor Andrew Geddis, with Professor Paul Roth being joined by the University of Canterbury's Professor Ursula Cheer in a discussion of some of the legal issues raised by Mr Hager's work.

MARCELO RODRIGUEZ FERRERE RECOGNISED FOR OUTSTANDING TEACHING

Congratulations to Marcelo Rodriguez Ferrere, who was named one of the top ten teachers in the 2014 OUSA Teaching Awards. This is a wonderful accolade and demonstrates the students' appreciation of his outstanding teaching.



PROFESSOR MARK HENAGHAN RECOGNISED AT THE 2014 DISABILITY INFORMATION AND SUPPORT AWARDS

Professor Mark Henaghan was amongst a group of staff acknowledged at the fourth Disability Information and Support Appreciation Awards Ceremony held at the Staff Club in October. Mark was specifically acknowledged for providing exceptional support to students and staff in the Faculty of Law.

Each of the recipients were acknowledged because of their demonstrated ability to go above and beyond their roles to offer exceptional support and service to the students and staff at Disability Information and Support.



UNDERGRADUATE NEWS

TE ROOPU WHAI PŪTAKE TURNS 21

Te Roopu Whai Pūtaka, Otago's Māori Law Students' Association, has officially grown up. The Association, which was created to support and help Māori Law students and give them a presence and voice in the Faculty of Law, celebrated turning 21 in August.

Like all 21st celebrations, there were many milestones of which the Association could be proud. The Association created the annual Te Wiki o Te Ture Māori (Māori Issues in Law Week), which has brought many high profile Māori lawyers to the University to inspire its students. It also annually attends the national Māori law hui (Te Hunga Roia Māori o Aotearoa/New Zealand Māori Lawyers Association) and supports Māori graduation, presenting each law graduand with a pounamu taonga.

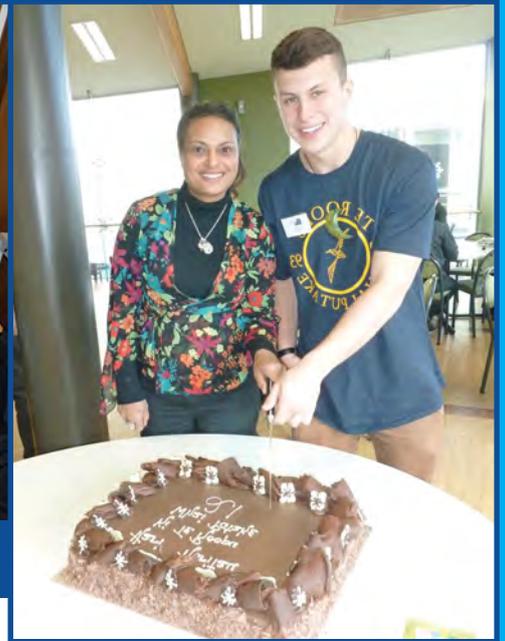
Associate Professor Jacinta Ruru, who provides a lot of support to the Māori Law students, says Te Roopu Whai Pūtaka has come a long way in 21 years.

"It started off with a few committed Māori Law students and has grown from strength to strength to become one of the strongest Māori student roopu on campus. The roopu is a committed group of students that has a really strong identity - with its own waiata and Te Roopu Whai Pūtaka branded clothing."

Alumni of Te Roopu Whai Pūtaka include the Chief Judge of the Māori Land Court and Chairperson of the Waitangi Tribunal Wilson Isaac, Māori Land Court Judge Sarah Reeves, well-known lawyer Donna Hall, Rhodes Scholar Glenn Goldsmith, leading International Indigenous law expert Claire Charters, and Fulbright



TE ROOPU WHAI PŪTAKE TURNS 21



scholar Natalie Coates. The 21st celebration also marked the first reunion of Otago Māori Law Alumni.

Activities during the celebrations included both formal and informal discussions, presentations by alumni and current students, and of

course a hangi. A very special moment in the programme was also the launch of the Jolene Patuawa-Tuilave Māori Leadership in Law Scholarship. Jolene was tumuaki of Te Roopu Whai Pūtake in 1999 and was a prominent Māori lawyer until she passed away in 2010. This scholarship is in partnership with Ngati Whatua.

LAW STUDENT WINS 2014 SIR EDWARD TAIHAKUREI DURIE STUDENT ESSAY COMPETITION

Anna Brenstrum, one of our undergraduate law students, won the 2014 Sir Edward Taihakueri Durie student essay competition.



The competition, sponsored by the Māori Law Review, involves students outlining the most significant legal development affecting Māori in the past year.

Anna wrote her award-winning essay about the public works litigation involving Patricia Grace and the New Zealand Transport Agency as part of her LAWS 455 Māori Land Law course. As part of the prize, Anna's essay will be published in a future issue of the Māori Law Review.

This is the first time one of our Otago students has won this award and it is only the third time the award has been offered.

OTAGO STUDENTS WIN INAUGURAL AUSTRALIA NEW ZEALAND AIR LAW MOOT

Otago Law students Kimberly Lawrence and John Brinsley-Pirie won the Inaugural Australia New Zealand Air Law Moot after competing in Melbourne from 7-11 July.



The moot is sponsored by the Aviation Law Association of Australia and New Zealand (ALAANZ) and run by Victoria University of Melbourne. The goal of the moot is to allow students to gain experience in the field of aviation liability law, to develop research and advocacy skills and to establish contacts with legal and insurance practitioners in Australia and New Zealand.

The problem this year involved passenger liability claims that may arise from a fictional air crash incident.

The Otago team won the competition, Kimberly won Best Oralist (shared prize), Otago won best Plaintiff, best Defendant, best Plaintiff's written outline, and best Defendant's written outline (shared).

THE FACULTY OF LAW HOSTS THE ANNUAL NZ LAW FOUNDATION NATIONAL FAMILY LAW MOOT COMPETITION

In September, the Faculty of Law hosted the New Zealand Law Foundation National Family Law Moot competition. The competition is an annual event and has been held in Dunedin since its inauguration in 1995.

Students from around the country travel to compete for the Mahony Cup, which was donated by Retired Principal Family Court Judge Patrick Mahony, in order to foster and develop advocacy in the Family Court.

Otago competitors, Yasmin Olsen and Laura Mackay did an outstanding job in the competition, however it was the team from Victoria University of Wellington - Anna Peacey and Emma Smith – who won the competition for the first time in the Moot's history.

Thanks go to Rachel Cardoza and Nicola Williams, both family law specialist practitioners here in Dunedin who acted as judges for the competition.

KENSINGTON SWAN TEAMWORK COMPETITION

Second year students Harry Kirkwood, Nadine Ward, Olivia Klinkum and Zared Wall-Manning were members of the winning team to take out the 2014 Kensington Swan Teamwork Competition.

The competition, which is exclusive to University of Otago students studying second year law, requires a demonstration of legal analysis, communication, and teamwork skills – the key attributes of a top lawyer. The competition focuses on some of the key principles students have learnt in property and contract law, with a couple of extra issues thrown in. The scenario this year involved problems arising from a commercial lease.

Students worked in teams of four, acting as staff solicitors of a made-up firm, to come up with legal advice for the scenario. They first submitted their brief and analysis in written form, which was followed by presenting their case to their hypothetical supervisors (played by Partners from Kensington Swan). In the grand-final, the top two teams then had to present to the hypothetical client, in front of an audience of faculty and peers.

Not only is this a great experience for all the students who participated, but the winning team also received a cash prize of \$2,000 and a trip to Wellington to experience a day in the working life of Kensington Swan's award winning teams.



(Left to right): Will Hughes (Otago graduate and solicitor at KS), David Ireland (KS Partner), Harry Kirkwood, Nadine Ward, Olivia Klinkum, Zared Wall-Manning, Ish Fraser (KS Partner), Victoria Vasquez (KS HR Manager)

STUDENTS TAKE SECOND PLACE IN 2014 ASIAN BUSINESS CASE COMPETITION

A team of University of Otago students, including two of our law students, took out second place at the prestigious 2014 Asian Business Case Competition hosted in Singapore by Nanyang Technological University.

The team was Jacinda Murphy (Psychology, Accounting, Marketing), James Little (Finance, Law (Hons)), Milne Riley (Accounting, Law), and Hilary Derrick (Marketing, Finance), who were coached by Dr John Guthrie from the Department of Marketing.

INTERNATIONAL NEGOTIATION COMPETITION



Recent law graduates Henry Benson-Pope and Tom Jemson, placed third overall in the International Negotiation Competition held in South Korea in June this year. The team negotiated their way against tough competition, including first and second place getters, USA and Switzerland.

Henry and Tom won the right to represent New Zealand at the competition after taking the title in the Buddle Findlay National Negotiation Competition in September 2013. Henry and Tom were coached by our own, Selene Mize – Associate Professor in the Faculty of Law.

THE OTAGO UNIVERSITY DEBATING SOCIETY (OUDS) RECORDS BEST PERFORMANCE ON HOME SOIL IN THE AUSTRALS COMPETITION

Perhaps it's a case of home-ground advantage, but members of OUDS recently achieved unprecedented levels of success both as competitors and as hosts of the Australasian Intersociety Debating Championships (Australas).

Fourth-year Medical student Kieran Bunn ranked eighth best speaker and the top Otago team of Olivia Hall, Kieran Bunn and law student Alec Dawson, reached the quarter-final round at the competition.

OUDS Publicity Officer Paul Hunt says both results are firsts for Otago.

"Kieran's achievement is just fantastic and this is the first time in living memory that an Otago team has reached the quarter-final at Australas."

The tournament also saw OUDS President, John Brinsley-Pirie (sixth-year Law and Politics), and Katarina Schwarz (fifth-year Law and Theatre/Dance) judge the grand final.

"In debating, judging is competitive. Having two Otago grand-final judges demonstrates that our judges are in the top international tier, further confirming Otago University's position as one of the top international debating institutions," John says.

Hosting the international event – the second largest university-level debating competition in the world – was a year-long undertaking for the organising committee led by Co-Convenors, John Brinsley-Pirie and Sophia Frentz, as well as General Manager, Leon Stirk-Wang.

“Enormous effort went into the tournament’s organisation. Just one glitch can wreak havoc with the entire schedule. Otago Australs was a rare tournament in that basically everything went to plan and there were no major delays,” Paul says.

OUDS is Otago’s oldest society (which began in 1878) and established the Otago University Students’ Association (OUSA) along with the University Rugby Club in 1890. It is supported by Gallaway Cook Allan Lawyers, the Vice-Chancellor and the Faculty of Law.



Otago University Debating Society Executive, from left, Patrick Dawson, John Brinsley-Pirie, Alice Sowry, Paul Hunt, Hannah Drury, Alec Dawson and Kurt Purdon. Photo: Sharron Bennett.

THE FACULTY OF LAW HOSTS THE INAUGURAL OTAGO HIGH SCHOOL MOOTING COMPETITION

As the Law for Change Otago Legal Education leader, law student Elisabeth Larsen, jumped at the opportunity to organise an inaugural mooting competition for Dunedin high school students, after the Faculty of Law posed the idea.

Seven out of Dunedin’s twelve high schools were involved, with 24 young competitors from Bayfield High School, Columba College, Kavanagh College, Taieri College, Kings High School, Queens High School, and Logan Park High School.

The students started the competition with a ‘Moot Camp’ in late July, where they were given an overview of what mooting is and what it entails. In small tutorial groups, the students read through cases and prepared submissions, under the guidance of a talented undergraduate mooter. The students then had a few days to finalise their submissions.

In early August, the students returned back to campus, dressed in court attire for the preliminary rounds, which was judged by a senior lecturer and a current undergraduate student.

Bayfield High School students Wallace Pu and Grace Cook and Columba College students Ella and Holly Barclay, made it to the final rounds, where they presented to a panel of judges made up by LAWS101 lecturers in the Moot Court.

The winning team were Wallace Pu and Grace Cook of Bayfield High School. Wallace also won the Overall Best Speaker Award, and Grace was just sixteen years at the time. They are truly a pair to watch. The Honourable mention went to Caitlin Addison and Ashleigh Neil, also from Columba College.

The purpose of running the competition is to show potential students what studying and practicing law means and to encourage them to consider pursuing it. The quality of the students’ performance and submissions was outstanding, especially considering the small amount of tuition they had beforehand.

Law for Change are keen to get every Dunedin high school on board, and perhaps to extend it to the greater Otago and Southland region, in later years.

Congratulations to Elisabeth for her organisation of this event, as well as the many other staff and students who made it such a success.

ALSA AND NZLSA SUCCESS FOR OTAGO

Our students achieved great success at the Australian Law Students Association (ALSA) and NZ Law Students Association (NZLSA) Conferences held in August. During the conferences, students compete in a variety of competitions, including Mooting, Client Interviewing, Negotiation and Witness Examination. Two teams successfully made the quarter-finals of the ALSA Competition, made up of Client Interviewers Jordan Hamel and Matthew Gunn and Negotiators George Meale and Ben Bielski.



Ben Bielski and George Meale.

At the NZ Law Students Conference, which was in Wellington over the last week of August, Junior Mooters Olivia Klinkum and Zared Wall-Manning made it into the finals for their competitions. Negotiators George Meale and Ben Bielski also made the finals and went on to win their competition.

OTAGO LAW & MUSIC STUDENT CROWNED MISS SAMOA

Multi-talented Otago Law and Music student Latafale Auva’a was crowned Miss Samoa in September this year, after competing in that country’s pageant as the New Zealand Samoan community’s representative.

The Miss Samoa pageant’s contestants are expected to emerge as role models for the younger generation, to represent a variety of professions, attitudes, skills and interests and also to be spokeswomen of the Samoan culture.

As well as taking the overall honours, Latafale also won the award for Best Interview, which she largely put down to academic and debating skills gained through her law studies, and on-stage confidence and presentation skills from her music studies.

In her pre-pageant interview, Latafale discussed gender equality issues in Samoa and its UN obligations in this area. Her pageant interview saw her asked whether or not she would become a politician and her reasons for the choice. She said she would, arguing the importance of giving women a much greater voice in the halls of power. She also spoke of her desire to effect positive change and contribute to developing the lives of Samoa’s people.

A third-year Law and contemporary voice music student, Latafale also stars in Otago’s latest television commercial, released in June. In the advertisement she is perched as a rock-climber high up on a cliff face at Long Beach while fellow student Jordan Grimmer dangles below. The pair plays out a legal conundrum; whether you are within your rights to take one life to save another.

Otago’s Pacific Islands Centre Manager Tofilau Nina Kirifi-Alai says the University is very proud of Latafale’s success.

Latafale grew up in Auckland and won a scholarship to attend King’s College where she graduated as Deputy Head. Her first taste of Otago was through the Pacific Islands Centre’s annual On-Campus Experience for secondary students. She was later invited back to Dunedin by the Faculty of Law.

The latter visit sealed her intention to attend Otago and she enrolled with the support of the Faculty's prestigious five-year scholarship and the University's Pacific Island Entrance Scholarship.

Latafale paid tribute to all the support she has received from the University, especially through the Pacific Islands Centre and Faculty of Law.

"For example, without their tutoring programme, I'm wouldn't have achieved the results I did in first year. They have really great structures to allow students to achieve, as long they are willing to put in the effort," she says.

Latafale has also represented New Zealand in singing through the New Zealand Secondary Students' Choir and is a member of the National Youth Choir. She competed for New Zealand and demonstrated Samoan colours in the World Championship of Performing Arts in Hollywood in 2013.

She will represent Samoa at the Miss South Pacific pageant in December.



Latafale with her parents and Mark.

POSTGRADUATE NEWS

FIONA MILLER

When reflecting on my background, career and postgraduate studies I sometimes think "how was it that I ended up studying and practicing law in Scotland when I intended to be a physical education teacher, and how did a Scots lawyer end up practicing and studying law in New Zealand?" I think the answers lie in the never ending pursuit to learn and to have adventure, and having an abundance of energy!

I find that I am incredibly lucky and privileged to be able to practice family law part-time, study for a PhD part-time, teach swimming, parent two amazing boys, Cameron (10) and Ross (5), and still have some time left over for Chris, my supportive and patient husband!

In 2007 I moved to New Zealand from Edinburgh, Scotland with Chris and Cameron. We had permanent residence, but no jobs. I was yet to requalify from Scots law to New Zealand Law. After sitting closed book (no statutes allowed) examinations in Legal Systems, Contract, Criminal Law, Torts, Property and Equity I was able to practice family law. I was admitted to the New Zealand bar in 2008. I had my second son in December 2008 and began with Cuba Family Law in Wellington in 2009, where I work two and half days a week.

Children's rights have always interested me, so in 2008 I began the Postgraduate Diploma in Child Advocacy at the University of Otago. The flexibility of the course meant that I could live and work in Wellington whilst studying, and fit it into my working and family lives. One aspect of this course that particularly interested me was the law on children's right to consent or refuse medical treatment. I had been involved in this area when I worked in Edinburgh for the Scottish Child Law Centre, a charitable organisation, that amongst other things, trained and advised health professional on this area of the law.

Upon completion of this course, and in pursuit of the next challenge, I applied for a place and a scholarship at the University of Otago to study for a PhD. The research is entitled "Children and Health Professionals: Partners in Health Care?" I am looking into the practices of health professionals in assessing the

competency of children under the age of 16 years to participate in decision-making and to consent or refuse treatment. This is with a view to considering the practical application of the law and whether it needs to be amended.

I spent most of the first year reading about the history of childhood, together with legal and medical articles on the degree to which children are able, in terms of the law and in terms of medical practice, to consent or refuse treatment. Crucially, in this year I also applied for ethics approval from the University Human Ethics Committee and obtained approval to begin the interviews. I have spoken with hospital doctors, dentists and nurses, GPs, private dentists, school nurses and support organisations so far. I am intending to include parents and children in the research to gain their valuable perspectives.

Studying and researching for a PhD part-time is incredibly stimulating, as it fulfils my curiosity about how the law works in practice, together with satisfying my desires to learn and to achieve. It is also a great privilege to work with Nicola Taylor and Mark Henaghan who are my supervisors. They are inspirational, encouraging and supportive.

As I am studying part-time the next three to four years are accounted for but who knows where the adventure will take me from there.



FACULTY OF LAW, UNIVERSITY OF OTAGO FINAL YEAR LLB AND LLB (HONOURS) STUDENTS 2014



2014 LAW FINALISTS

Congratulations to our 2014 Law Finalists who will head off into the world to make their mark. We look forward to hearing from you and the wonderful adventures you embark on and wish you well with your future endeavours.

Eighth Row: (left to right) Racheal Allison, Rebecca Hunt, Kelsey Brown, Simon O'Donnell, Alan Bell, John Brinsley-Pirie, Kimberley Lawrence, Liam Kernaghan, Stu Taylor, Michaela Reid, Alyssa Dunlop.

Seventh Row: Rebecca Holt, Mahoney Turnbull, Megan Paterson, Jessie Lenagh-Glue, Sam Poole, Tim Adams, Nicholas Jolly, George Meale, Richard Doole.

Sixth Row: James Lansdown, Charlotte Coyle, George Willis, Rupert Jackson, Ollie Salt, Jillian Roe, Frances Savage, Emma Caughey, Josh Pemberton, Hannah Jones.

Fifth Row: (starts midway across) Derek McLachlan, Millie Turner, Gemma Wragg, Natalie Brown, Aimee Digges La Touche.



Fourth Row: Jonathon Yeldon, Amy Smith, Stephen Sullivan, Genevieve Davidson, Jordan Watts, Tom Fairbrother, Sophora Peat, Anna Codlin, Kate Herlihy
Third Row: Kieran Anderson, Hannah Martin, Natasha McClure, Shannon Stewart, Briony McKenzie, Michelle Bowie, Libby Zandbergen, Nic Popham, Stacey Kennedy, Rosa McPhee, Ella Guy, Mehal Kejriwal, Kirsty Allan.
Second Row: Josie McGuinness, Anuradha Ulluwishewa, Anna Coppage, Sarah Mathieson, Imogen Edwards, Alice Harrison, Jordan Hamel, Laura Ridenton, George Gordon, Haydon Cunninghame.
First Row: Kirsty Thompson, Kate Stewart, Rachel McIvor, Hannah English, Emily Peacocke, Lizzie Painter, Henry Taylor, Emma Bennison, Emma Henderson, Leah Taylor.
Absent: Will Anglin, Emma Auckram, Charlotte Carr, Alex Carroll, Allanah Cunningham, Lana Davids, Kathryn Evans, Kerrie Fenton, Tamara Ford, Greer Golding, Rufus Hancock, Angela Jackson, Tamara Polglase, Brenton Rooney, Kayla Stewart, Rebecca Stoop, Kate Tarawhiti, Rolanda Tupai, Miaana Walden, Mikayla Zandstra.



Master of Emerging Technologies Law (METL)

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

Investigate an area of law that has growing international relevance and importance.

This course is offered from 2015.

For more information, visit otago.ac.nz/law

ALUMNI UPDATES

ALFRED (ALF) GEORGE NEILL QC

In the last edition of Otago Law, we unfortunately omitted the name of Alfred (Alf) George Neill QC from the list of alumni who have taken silk. Not only was Alf appointed as a QC in Dunedin, but is one of our notable alumni and also one of the first part-time lecturers in the Faculty of Law.

Alf was born in 1896 in Dunedin and attended the University of Otago from approximately 1914-1917. He was admitted as a solicitor in Wellington on 16 July 1918 and as a Barrister at the Supreme Court at Dunedin on 3 August 1923.

In 1919, Alf acquired the business of Charles Nunn Scurr and practised under the name of Scurr and Neill until 1922, when it became Scurr, Neill and O'Shea. In that same year he acquired the firm (1919), Alf was also appointed as Lecturer in Criminal Law and Property II in the Faculty of Law at the University of Otago. Alf was one of the very first part-time lecturers in the Faculty of Law.

When the partnership of Scurr, Neill and O'Shea broke up in 1925, Alf continued to practise under his own name until 1935, where he and Hugh Stanley Ross formed to practise as Neill and Ross. In 1938, William John Meade joined as a partner, forming Neill Ross and Meade where Alf practised until 1950, when he took silk and left the firm. The firm is known today as Ross Dowling Marquet and Griffin, which continues to practice with offices located on Princes Street, Dunedin.

It was on 18th January 1950 that Alf took silk in the reign of King George IV and under the hand of Sir Bernard Freyberg, Governor General of New Zealand. Alf had also continued to lecture in Criminal Law until the early 1950's. He died in 1962.

It is important to recognise Alf's input into the law during his lifetime, especially with the particularly close links he had with the Faculty of Law. Mr Neill's youngest son Alec is also an Otago Law alumnus and was admitted to the Bar in Dunedin 50 years after his father's admission as a barrister. He practised law in Oamaru as a Partner of Berry Alty and Neill before being elected to parliament in 1990. Alec Neill is now a consultant at Lane Neave in Christchurch.

BENJAMIN (BEN) WALKER

One week after I finished my last exam, I started with Ernst & Young in Melbourne. I operated in their International Tax team consisting of around 25 staff providing advice to multinational companies doing business in Australia. A partner recommended that I apply for the Masters of Law program at the Vienna University of Business and Economics. The program specialises in International Tax and is renowned around the world. To my surprise, I was accepted! After a month in Germany brushing up on my German, I began the program in September. The students were from all over the world (Europe, South America, Asia) and I found myself eating Sacher Torte (Viennese specialty) with a couple of Brazilians wondering how I could be so lucky.



The program itself consisted of block lectures from top professionals and academics around the world (OECD, NYU, Georgetown) conducted two days a week. At the end, I also produced a thesis about the exchange of information between governments in relation to International Tax criminals. The program was brilliant and I would recommend it to anybody.

After the program I joined Ernst & Young last year in London. My job title is an International Tax Advisor. The international tax team alone consists of over 200 staff and a lot of our work consists of working with HMRC following the OECD push on tax avoidance. I interact a lot with inbound US and German companies doing business in the UK.

Otago was a fantastic place to study law and gave me a good foundation for the future.

MONICA LONDAHL

I graduated with my LLB from Otago University in 2007. In my final year, I had discovered that despite my inclination to procrastinate study and an excessive focus on the Dunedin social life, I really enjoyed the academic environment and therefore decided to studiously apply myself in an effort to increase my grades and attain the requisite B+ average necessary to be accepted to post graduate study. Being more committed to my course work was very rewarding and enjoyable and fortunately I managed to increase my grades to achieve the B+ average I needed and was accepted to do an LLM at Auckland University. I moved to Auckland in 2008, eager for a change of environment, and over the next 4 years completed my LLM on an intermittent part time basis. I completed 4 papers: Intellectual Property (focussing on trademark law), Mental State Defences (concentrating on infanticide), Privacy Law (focussing on free speech) and Employment Law (looking at situations where conduct outside work may have implications for one's employment). During my time in Auckland I completed 'Profs', was admitted to the Bar and also worked for 18 months in employment law, working for the flight attendants' union which was a very interesting and enjoyable job. A lot of the work involved assisting members with disciplinary issues and taking unjustified dismissal claims to the Employment Relations Authority.



After this period of time working and studying, I decided I wanted to see some more of the world so headed overseas. I lived in Bergamo, Italy for 4 months and then worked as an au pair for a family in Ohio, USA, taking care of their 3 children. When my US visa expired and I had to return back home, I decided my next goal was to be to save up and complete more study in the US. I loved the US and decided an overseas study experience would be a uniquely challenging opportunity. I had decided by this time that I wanted to use my law degree in conjunction with another field and that my career, rather than being purely law focussed, would be inter-disciplinary, with a science-related angle. I moved to Melbourne at the end of 2012 for 18 months, with the goal of

saving for more university fees, which I knew in the US are very expensive particularly given international students are not eligible for federal aid. I spent my time in Melbourne working for a pilots' union which was also interesting, but cemented my belief that a career in a specifically law-focussed environment wasn't for me and that I wanted to work in an area of public health, using my law background to influence policy and regulation in a health context. I decided to apply for Master of Public Health courses, with a concentration in epidemiology and biostatistics.

My 18 months in Melbourne was enjoyable but challenging. Melbourne is a wonderful city and I enjoyed experiencing a new and cosmopolitan city. The process of applying for schools in the US was challenging and stressful, but I was committed and determined that I would find a way to achieve my goal. I had to study for and sit the GRE (Graduate Record Examination), a standardised test (the same concept as the LSAT that is used for law school admissions), which was very difficult. I conducted a lot of research on the applications process; I had no idea how my application would stack up against other candidates – both domestic and other internationals - or whether I would be a competitive or only average applicant. I decided therefore to apply to broad range of schools: a small number of Ivy Leagues, several good schools, and a couple of average, less competitive schools so that I would have a 'safety net' if necessary. The applications process required submission of the application form, an applications essay, submission of GRE scores, transcripts, 3 letters of recommendation and payment of the fee. I applied to 10 schools in total, and much to my surprise I was accepted to 8 of them (receiving rejections from Harvard and Yale). I was quite delighted to be accepted to Columbia and Dartmouth (both Ivy League schools) given that I was by no means an outstanding student, and it made me realise that degrees from New Zealand are more positively regarded overseas than we perhaps realise. It also made me think that it is very important not to doubt yourself and that you have to be in to win – I would never have thought I would be accepted to Ivy League schools and was quite prepared to have to attend an average state university if necessary.

I received a partial scholarship to Boston University and as I really like the city and was impressed with school itself when I visited earlier this year, I decided that was the right choice for me. I will begin my MPH at BU in the fall semester this year, which will take 2 years, and then once I have completed it I will find out what the next challenge will be.

DANIELLE DUFFIELD

I studied at the University of Otago between 2008 – 2012, graduating with a Bachelor of Laws (First Class Honours) and Bachelor of Arts (Politics) in May 2013. Following graduation, I spent a year travelling Europe and South East Asia, before starting work at Kensington Swan in Auckland.

It was at Otago law school that I developed my interest in animal law. In 2010, after spending a summer volunteering for animal welfare organisation based in New York, I established the Otago Student Animal Legal Defense Fund (Otago SALDF), a chapter of the Animal Legal Defense Fund based in the US. The chapter is now in its fifth year, and continues to work to promote the field of animal law through 'Animal Law Weeks', guest lectures, submission writing, and other events. In 2012, I wrote my honours dissertation on the enforcement of animal welfare offences and strategies for reform, which was later published in the New Zealand Universities Law Review. Although simply a paper required to complete my degree, my dissertation provided me with some great opportunities: I was lucky enough to be able to present my research at a conference held at Sydney Law School last year, and will also be presenting at an international conference in New Delhi, India, in January 2015.

I am very grateful for the support that the Otago Law Faculty has given me in fostering my interest in animal law, particularly Mark Henaghan and Nicola Wheen, and for the Faculty's ongoing support of the SALDF chapter.



NZALA

The New Zealand Animal Law Association is a group of lawyers whose principal objective is to improve the welfare and lives of animals through the legal system. We currently have approximately 150 lawyers throughout the country signed up, and have the Honourable Michael Kirby AC CMG Australia as an honorary patron.

Our more specific objectives are:

- Promoting positive legislative reform of animal law by writing submissions and reports to Select Committees and to the National Animal Welfare Advisory Committee; for instance, we have already made a submission on the draft Code of Welfare for the Temporary Housing of Companion Animals, which applies to all animals in temporary housing such as animal shelters and pet shops.
- Improving public awareness of animal law through public lectures, seminars, and other outreach efforts;
- Providing free legal assistance to animal protection organisations;
- Promoting animal law scholarship – both within the legal profession and at law schools; and we are also under discussions with the SPCA as to how we can help them with animal cruelty prosecutions.

GRACE KREFT (NEE BROWN)

You might wonder how studying law at Otago saw me end up owning my own bakery and cake decorating business – but I promise the two aren't as uncorrelated as you might first think...

If I'm honest, I signed up for law straight out of school, without being completely sure whether I wanted to be a lawyer or not, but once I arrived in Dunedin I quickly got swept up in law school life and had a great time. Five years later, come graduation time, I entered the graduate recruitment process, as you do, and ended up working as a Corporate and Managed Funds lawyer at DLA Phillips Fox.

I spent two years at DLA, and while the work was very satisfying – I enjoyed the challenge of being given a legal question or problem, and finding the answer or solution for clients – it wasn't really my passion. I secretly enjoyed baking for morning tea much more than the work I was doing!

I've always been a keen baker, and kept this up while I was working, so when it came time for our "OE" I spent a year working and training at 'Crumbs and Doilies', a top-notch London cupcake and cake bakery.

After heading for home, I set-up 'Sweet Bakery & Cakery', a boutique bakery and cake decorating studio in Wellington. Due to some lucky PR and sheer hard work, Sweet took-off almost immediately and we were turning down orders every week (and still working until midnight!). Now we have extra hands in the kitchen, managing to just keep up with demand, and we're looking at lots of exciting opportunities to keep growing.



So how does law come in now? I really think studying law at Otago has given me such an amazing base for running a small business. In a technical sense, an understanding of commerce, business, company law and tax definitely comes in handy. Many people who operate a small business based on a passion or skill struggle with the administration side of the business, but luckily with my law degree has put me in a great position for this. Beyond what you already know, simply being equipped with the ability to research, draw conclusions, and solve problems is also hugely helpful.

In a more abstract way, I think the environment and the support you find at Otago Law breeds confidence and achievement. For example, during my time at Otago, I was lucky to be sent to Taiwan to compete in International Trade Law Mooting, and to represent students on both SOULS and NZLSA. Opportunities like this definitely put you in good stead to take on big challenges and take risks down the line.

SARAH AGNEW



Sitting in class during my first year of law school at Otago, I never would have imagined that a decade later I would be writing this article from Cambodia, soon to be leaving for Ethiopia, and then on to Sweden...

Following those bright-eyed and bushy-tailed days as a fresher listening to Mark Henaghan's memorable legal tales about snails in ginger-beer bottles and itchy underwear, I graduated from Otago University with an LLB in 2008 and after completing two University exchanges to Japan and Spain, graduated with a BA (in Japanese and Spanish) in 2009.

Having always had a passion for human rights, I began work at the Ministry of Justice as an Advisor in the Bill of Rights/Human Rights Team. My team was responsible for advising the Attorney-General on legislative compliance with the NZ Bill of Rights Act 1993, reporting to the UN on NZ's international human rights obligations, and providing human rights policy advice for government departments.

Wanting to add courtroom experience to my legal toolbox, I then began working at John Miller Law, a boutique law firm specialising in ACC matters, criminal and civil law. Appearing in court was both exhilarating and terrifying at the same time, but I absolutely loved it! Being able to achieve a successful outcome for an injured client, and seeing the positive difference it made in their life, meant that all of the long hours were completely worth it.

So how did I come to be in Cambodia?

Keen to pursue my interest in human rights and peacekeeping fields, I became involved with the renowned Rotary organisation and was fortunate enough to be selected as a Rotary Peace Fellow for 2013-15. Each year, Rotary selects 50 applicants from around the world, chosen to help the advancement of peace and have a significant, positive impact, to receive a Peace Fellowship to study a Masters in Peace and Conflict Studies at one of 5 peace centres worldwide. So, as of September 2013, I have been completing a 2 year Masters in Peace and Conflict Research at Uppsala University in Sweden.

Please see the Rotary website or contact your local Rotary club for more information about the Fellowship:

rotary.org/myrotary/en/get-involved/exchange-ideas/peace-fellowships

Now in my second year I am currently undertaking a variety of internships as part of the programme. Having just completed a 5 month internship in the Office of the Co-Prosecutors at the Extraordinary Chambers of the Courts of Cambodia (ECCC), I am now about to embark on my travels to Addis Ababa in Ethiopia, where I will complete an internship at the Office of the High Commissioner for Human Rights.

Being an intern at the ECCC, where I have had the opportunity to analyse evidence and draft legal submissions, has been the most rewarding experience. It has been an extremely exciting time as my internship coincided with the delivering of the Judgment in Case 002/01, which found the two accused Nuon Chea and Khieu Samphan guilty of crimes against humanity and sentenced them to life imprisonment. I have also seen the start of Case 002/02 and was very privileged to be present in court during the opening statements. Seeing and hearing the accused in person was a very surreal experience, and one that I will never forget. To say this is an important time for Cambodia is an understatement. The victims of the Khmer Rouge regime have been waiting 30 years for justice. The emotions are so high, and hearing the victims' stories, the hurt, the pain, the tragedy, and the call for justice for the people is indescribable.

Sometimes the events that have happened so far away and seem so separate from our own lives can in fact be a lot closer to home. This became very apparent on a recent visit home to New Zealand, when I coincidentally took a taxi from Wellington airport with a Cambodian taxi driver who had fled the Khmer Rouge with his family in 1979. Listening to his story and hearing what he personally went through was heart breaking and extremely emotional. It was very apt that we should meet and highlighted the importance of the pursuit of justice even all these years later.

So an Otago law degree really can take you to exciting and far-reaching destinations. Otago University has a reputation that speaks volumes and has connections far and wide. In fact, my Swedish Professors at Uppsala University were involved in setting up the Otago University Department of Peace and Conflict Studies, and even collaborated on academic articles with an old Otago flatmate. It really is a small world.

Next year will see the completion of my thesis and my graduation from Uppsala University with a Masters degree in Peace and Conflict Research. From there I look forward to pursuing my career and securing a position in my chosen field of human rights issues and peace and conflict resolution.

Going forward, I really can't overstate how influential and important my time at Otago University was and still continues to be. Not only does the Law Department provide you with a solid academic foundation for your career combined with the ability to take more specialised classes, it also provides an environment where we are encouraged by our lecturers to pursue our passions. Here I would like to specifically refer to and thank Mark Henaghan, as his positive enthusiasm for the law encouraged us to always think of why we are doing this – to make the world a better place.

Hopefully we can all make a difference.

SARAH THORNER

I graduated from Otago Law at the end of 2008 and went straight into private practice as a Corporate/Commercial lawyer. After the prerequisite four years, I set sail for London to find my dream job and make the coveted move in-house. A year of tedious contract work later, the dream was realised and I am now an in-house lawyer at FremantleMedia in London.

I work predominantly in television format licensing and spend my days negotiating with

both format owners and broadcasters to acquire new formats and license out our existing formats (like the X-Factor, Got Talent and Idols), to other territories so they can make their own local version. I recently got the opportunity to go back to my New Zealand roots and work on a deal with South Pacific Pictures to make a local version of Shortland Street in Eastern Europe. Format rights are not currently recognised in many countries (due in part to a New Zealand precedent – *Green v Broadcasting New Zealand*), and it is an ongoing challenge to manage our legal position around this.

I had no idea that I would end up in Media Law when I graduated from Otago but it is an unexpected blessing. I love working in television and have found that I thrive in the in-house environment. While most of my time is still devoted to drafting contracts (I am a lawyer after all), the content is something I am interested in and passionate about. Plus there is the odd 'celebrity' sighting at work too.



TERENCE NG

During my recent visit to Dunedin in October 2014, I found myself walking around the familiar grounds of my *alma mater*, the University of Otago. This brought back fond memories of my time in Dunedin, and when I was invited to contribute to the Otago Law Magazine, it gave me great pleasure to accept the honour.



My journey started in early 1991 when I took up tertiary study in Law and Commerce at the University of Otago. Having immigrated from Hong Kong to New Zealand just over a year before, my initial years were difficult as I simultaneously struggled to learn English, adopt different cultural customs in a new environment, and keep up with my studies. However, I was determined to overcome these daily challenges in my new home. I believe it was because of this sheer determination (and probably a bit of luck!) that I successfully completed my undergraduate degrees in Law and Commerce in late 1995.

After graduation, I began working full time at a law firm based in Auckland. I also began my postgraduate study in Law at the University of Auckland and the University of Melbourne while continuing in full time work. Having always been interested in the Banking and Finance areas of law, I seized the opportunity in early 2006 to join Simpson Grierson as a Senior Associate in its Banking

and Finance team. Then in early 2011, I moved to DLA Phillips Fox as a Special Counsel in the Banking and Finance team before making Partner in 2013.

As a Partner in both the Banking and Finance team and the China Practice team at DLA Phillips Fox, I handle a broad range of international and domestic financing transactions, and have gained experience across a variety of corporate and commercial matters. The rapid economic growth in Asia, particularly in China, has brought fantastic and unique opportunities for corporate mergers and investments in New Zealand. I find it interesting that my mother tongue and Chinese background, which previously were the main barriers to fitting in, have now become one of my biggest assets at this stage in my career. Being fluent in English, Cantonese and Mandarin, as well as being familiar with both Kiwi and Chinese customs, has allowed me to connect with both Chinese investors and their Kiwi counterparts. As China (and Asia in general) grows in strength, I suspect my dual background will become more valuable as New Zealand adapts to the changing global economy.

Looking back as I write this, I realise that studying at the University of Otago has shaped my journey to date. The rigorous academic grounding at Otago gave me a strong foundation that launched my career. The experience of being at the 'student town' of Dunedin gave me the ability and confidence to be comfortable in two cultures and languages. Dunedin is the place where I found my soul mate and wife, who at the time was studying Dentistry. It was also the place where I formed close friendships which continue to this day, including one of my best friends, who is now a well-regarded clinical psychologist based in Auckland. I also had the opportunity of meeting a few Otago Rugby and All Black players, who were also pursuing their tertiary studies.

I am very pleased to say that there are a number of Otago law graduates at DLA Phillips Fox. Many have often expressed fond memories of Otago. It seems the passionate mentoring and support of the professional staff and Dean at the Law Faculty back then (and also now), is fully appreciated not only by me, but also by many others who attended Otago.

I personally look forward to seeing more of the next generation of law graduates come from University of Otago, and hope to read their stories in this Magazine one day.

CHARLOTTE GREENFIELD

Before I became a journalist, I used to like to think of investigative reporters on secretive missions, meeting corrupt sources in deserted car parks or hunting for clues at crime scenes. I now know the truth is a little different.

Investigative reporting – uncovering new information or putting the dots together in new ways to reveal wrongdoing and in the public's interest – is challenging, often more boring than it sounds and calls for patience and rigor.

It requires forming arguments, thinking laterally, interviewing people in times of conflict and assessing what standards apply and how they've been breached. In short, it's a career that you are perfectly prepared for from five years of studying law.



A lot of what I had drummed into me in the Richardson building and Archway Four between 2007 and 2012, I put in to practice spending the last year working towards masters degree at the Stabile Center for Investigative Journalism at Columbia University in New York City.

In Stabile, sixteen journalists ranging from recent university graduates to army veterans and experienced award winning journalists from four different continents came together under the guidance of Sheila Coronel. Sheila is a legendary investigative journalist from the Philippines, whose reporting has resulted in the downfall of at least one dictator. Sometimes with some gentle bullying, sometimes with mothering, she led a bevy of other veteran journalists to get us to push our reporting beyond what initially felt was possible.

We learned a bit of everything at Columbia Journalism School – which tries to prepare reporters for the changing world of journalism which means that coding and shooting video are taught alongside more traditional interviewing techniques and shoe-leather reporting. My first beat, I spent seven weeks reporting on criminal justice from the backlogged criminal courts and the heavily-policed streets in the Bronx, the poorest census area in a country where criminal justice, not unlike in New Zealand, is divided starkly along racial lines.

But my major project for Stabile allowed me to spend nine months focusing on the US medical system to examine a risky set of cosmetic surgeries carried out on young children. I followed the case of 'M' a nine-year-old boy from South Carolina who was born with an intersex condition, making it difficult to predict as an infant which gender he would identify with. A doctor decided he would be a girl and removed his penis when he was 18 months old and was in foster care. From the moment he could start expressing a gender identity he made it clear that he was a boy and his parents, who adopted him after the operation, are now suing the doctors and welfare services for allowing it to take place.

About one in 2,000 children are born intersex – with genitals that are not clearly male or female. Since the 1960s based on a study that turned out to be fraudulent, intersex children have been operated on as infants to make them look more 'normal'. But a gut-wrenching list of physical side effects as well as the chance of assigning a child the wrong gender, made many people in the nineties call for the surgeries to stop. My masters project, which was published in July with the Atlantic, raised a lot of questions as to whether children are protected in the US from the whole host of risks that these operations can lead to, with doctors sometimes giving inconsistent or misleading information and pressuring parents to consent to surgery being performed on their children.

Working with other reporters in Stabile was an exciting chance to bounce ideas and commiserate with people who shared a similar focus and passion for investigative reporting. My colleagues reported on topics as varied as payday loan companies shielding themselves from US regulators by using Native American Tribes as fronts, to New York City's labyrinthine welfare system which unfairly sanctions social welfare recipients, to the high number of deaths of immigrants who work on New York state's dairy farms.

The other amazing element of Columbia's Journalism School is that you learn with New York City as the laboratory for your reporting. Living with the compulsive over-achieving energy of New York was hard, but leaving it was harder. I'm now based for nine months in the equally crazy, but less efficient Jakarta, where I am working as a correspondent for Reuters on their nine-month traineeship program. As Indonesia's new president takes over amidst high hopes he will reform the country's corruption and inefficiency, I'm covering regulations, investment and commodities with hopefully a little bit of time for investigative reporting.

CHRISTINE (JENSEN) BURKE



I studied law at the University of Otago from 1987-1990 and did my professionals course in the first half of 1991. I had a period in Australia before returning to New Zealand in late 1991 and began working as a junior solicitor at Morice Ward & Co in Timaru, where I stayed for just over a year. I had a great mentor in (the now late) Morice Ward.

I then decided I wanted to return to Australia. I decided to get a job at a local council whilst I built an understanding of how things worked in Australia. I became a property and legal services co-ordinator and that introduced me to NSW property law, an area of law that I had intended to avoid since I felt I really did not 'catch on' to the whole easement 'thing' at university. But, I later realized I liked the 'earthy' nature of property law and easements became a specialty.

After a couple of years at the Council, I decided to enter legal practice and joined a small commercial firm in Sydney (Owen Hodge Lawyers) practicing in property and general law (again, for a couple of years) before joining a large national firm (Minter Ellison) where I stayed for nearly 10 years. I started as a lawyer, then as senior associate, before becoming a partner in 2004. I mainly practiced in the area of real estate and related projects. The benefit of being at a large firm (as I saw it then) meant I got to work on curly and generally large projects, including infrastructure of different kinds, including airports and defense facilities.

By 2007, I knew I needed a change. I decided to take some time out from law and returned to Nepal for 3 months to trek and climb. I had planned to go for longer but after resigning from Minter Ellison I was offered a partnership at (then, Sydney based firm) Gilbert + Tobin. It meant changing my plans. I then worked at Gilbert + Tobin for 5 years or so. The nature of the firm meant that the type of property projects I worked on were 'left of the middle' and so it was never dull. During my time at Gilbert + Tobin, I was climbing extensively. It was apparent to me that the demands of working and climbing to the standard I wanted to do both was not possible therefore I decided that as climbing was more time sensitive than I would leave legal practice to climb full time – to me it was a case of 'now or never'. I left full time legal practice in mid-2012.

I intend to climb for the foreseeable future and when the time feels right (or the money runs out) I plan to return to legal practice in some form. I am also now engaged often to make presentations to corporate entities, clubs and schools for motivational or related purposes. Many people are amazed by the parallels between mountaineering and business, including how the skills required and challenges faced are so similar.

I actually approach my climbing in a similar way to how I approached my client work – treating each mountain as a project, thorough preparation and consideration of all aspects of a climb: each mountain's history, other people's climbs and experiences, identifying objective and subjective risks, minimizing them and managing the risk that remains, where possible etc.

Whilst I am in this intensive climbing phase, I am also developing other business projects, all of which allow me to apply my legal skills. As the saying goes, 'once a lawyer, always a lawyer' meaning: since I love the law it will always remain part of anything that I do. It even helps me and others on the mountains where we need to identify risk, minimize or eliminate it, or manage the risk that remains. And, I often find myself reviewing insurance policies for other climbers or informally advising on local laws.

I realize, as I get older the mountains I am climbing may get smaller or less technical. But, I am enjoying the experiences whilst I can, learning a lot, and meeting interesting and inspiring people.

FACULTY VISITORS

The Faculty of Law had the pleasure of hosting a number of distinguished visitors recently, some of whom we have profiled below.



Professor Jane C. Ginsburg visited the Faculty of Law in October as the NZ Law Foundation's 2014 Distinguished Visiting Fellow. During her visit, Professor Ginsburg delivered a staff seminar on the topic "*Fair Use for Free or Permitted but Paid*". She also presented a public lecture on the subject, "*From Hypatia to Victor Hugo to Larry & Sergey: 'All the world's knowledge' and Universal Authors' rights.*"

Professor Jane C. Ginsburg is recognised internationally for her expertise in copyright law. She is the Morton L. Janklow Professor of Literary and Artistic Property Law at Columbia University School of Law, and Faculty Director of its Kernochan Center for Law, Media and the Arts. Jane teaches Legal Methods, Copyright Law, and Trademarks Law.

The Hon Michael Kirby AC CMG, Former Justice of the High Court of Australia, visited the Faculty of Law in August to deliver a public lecture on the topic: *"The United Nations Inquiry Into Human Rights in North Korea"*. The text from the address can be found on the Faculty of Law website. It is well worth reading. It is a passionate and articulate piece for Human Rights.



The Hon Michael Kirby

Professor Nicholas Robinson from Pace University delivered a talk at the Faculty of Law in September on *"Environmental law in the USSR and its legacy for Russia"*. Nicholas is a University Professor on the Environment and Gilbert and Sarah Kerlin Distinguished Professor of Environmental Law Emeritus; Co-Director, Center for Environmental Legal Studies.

Mr Minghui Li is visiting the Faculty until February 2015 from Southwest University, Beibei, Chongqing, China. Mr Li is conducting research on the law of Evidence in NZ, which is being funded by the Chinese Government.

Professor Manuel Moran is visiting the Faculty on sabbatical from August 2014 – January 2015. Professor Moran is a tenured Professor of Private International Law of the University of Alicante, Spain and is author of numerous publications on International Private Law. He is a Professor in various Masters degree programs in International Trade and Intellectual Property and Information Society.



Professor Patrick Parkinson

Professor Patrick Parkinson from the University of Sydney visited the Faculty in July to present a Staff Seminar on the topic *"Reforming relocation law – an evidence-based approach"*; and Public Lecture on the topic *"Religious Freedom: Managing the Tension Between Faith and Equality in a Multicultural Society"*. Patrick Parkinson is a professor of law at the University of Sydney and a specialist in family law, child protection and the law of equity and trusts.

Professor Gerald Torres, from Cornell University Law School visited the Faculty in July and gave a public lecture on the topic *"Litigating Climate Change"*. Professor Torres is a leading figure in critical race theory, environmental law and federal Indian Law.



Professor Gerald Torres

Justice Susan Glazebrook, Judge in Supreme Court of New Zealand, delivered a Public Lecture in August on the topic *"Do they say what they mean and mean what they say? Some issues in statutory interpretation in the 21st century"*.

Professor Charles Marvin, Emeritus Professor from Georgia State University College of Law, presented a Staff Seminar at the Faculty of Law in September on the topic *"The Law of sustainable development of natural resources"*.



Justice Susan Glazebrook

Judge Andrew Becroft, Principal Youth Court Judge, visited the Faculty to deliver guest lectures in both the Criminal Justice and Family Law classes in September.

Trevor Shiels QC [LLB, FAMIINZ ARB] delivered the 2014 FW Guest Memorial Lecture in September, on the topic *"Multiple Judgments and the New Zealand Supreme Court"*. Trevor was admitted to the Bar in 1976 after graduating with a bachelor of laws degree from the University of Otago and has practised for over 37 years in Dunedin, mainly in civil litigation. Trevor was appointed a QC by Attorney-General Christopher Finlayson in 2013. The FW Guest Memorial lecture is available to view online.



Trevor Shiels

Professor Susan Lamb

Susan is an LLB(Hons) graduate from the Faculty of Law at Otago, and is back on campus to teach the pre-Christmas Summer School paper, LAWS 472 Transitional Justice.

Susan is a Professor & Vice Dean, Executive Director for the Centre for International Criminal Justice and International Humanitarian Law at Jindal Global Law School. Susan is also a Rhodes scholar, and is admitted to practice as a barrister and solicitor of the High Court of New Zealand.



MICHAEL ROBERTSON - MISTY UNIVERSITY

To purchase photos you can contact:
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Faculty of Law
P.O. Box 56
Dunedin 9054

In Memory of Alex Paterson

Professor Mark Henaghan



On behalf of my colleagues and the students at the Faculty of Law at the University of Otago, we want to pass on our sincere condolences, thoughts and prayers to Diane, Alex's beloved mother; brothers Andrew and Paul; sisters Sharon, Delwyn and Leanne; brother-in-law Lou and all of Alex's family.

Kind, gentle, courteous, uncomplaining, deeply interested, compassionate, caring, determined, intelligent, questioning and enquiring, very well read, special, loyal, insightful, sense of humour, lover of anime (which is Japanese animation) and big fan of Star Trek.

These are just some of the attributes which Alex touched others with and which have emerged from conversations I have had with others. Alex was living proof that you don't have to be loud or in people's face to be noticed. In fact, Alex was noticed for the exact opposite. Alex was a quiet and courteous person who listened very carefully to what others had to say before he made up his own mind. He had a never-ending curiosity about the way the world worked and was always seeking out ways to understand human nature and how the law applies to it.

Alex was also a wonderful son to his mother Diane. She has told me how much Alex helped around the house and supported her in all that she did. He was a truly loving and caring son.

My last contact with Alex was when he was sitting in the student common room, quietly reading as he often was. He looked up, we exchanged hellos and how things were going. He told me he was enjoying his study very much this year and that he had obtained very good results in his first semester exams.

Alex completed a Bachelor of Arts majoring in Archaeology with a minor in Classics in 2009. Alex was well on his way to completing a Bachelor of Laws degree at the end of 2015. He had excellent results in Advanced Legal History, Law and Emerging Technologies, Labour Law and Jurisprudence (which he was taking this year). Jurisprudence is a difficult subject for law students as it requires them to think about why we have law at all. Alex loved such challenging questions and the wide reading necessary to answer them.

Alex gave much joy during his life with his quirky questions, his insatiable curiosity and his love of the law and fellow human beings.

Alex, may the force be with you, and we hope you are exploring strange new worlds, seeking out new life and new civilizations, and boldly going where no man has gone before.

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

If you would like to receive this and other information for alumni you can ensure your contact details are up to date at:

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