

Faculty of Law
Newsletter
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University of Otago

OTAGO LAW



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 You can join our professional network on LinkedIn

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GREETINGS FROM THE DEAN



Dear Otago law graduates and friends of the Faculty

Another busy and productive year comes to an end at the Faculty of Law. We have been fortunate to get some new initiatives underway this year including the Otago Law Alumni Scholarship appeal. I am very grateful to those of you who have contributed so generously. In this edition we profile some of you who have gone on to make a place in the world and who contribute so much to your communities.

We have hosted many wonderful visitors from New Zealand and around the world – they contribute so much to the richness of Faculty life. Our students have experienced great success in numerous areas and we are thankful to all of our staff who support them during their time here with their academic studies and the many other activities in which they are involved.

As you will know we have been deeply saddened by the passing of Greg King recently and remind ourselves of the importance of supporting and caring for each other.

Two of the legendary stalwarts of the Faculty, Ian Williams and Giora Shapira are finishing this year: Ian started part time in the 1960's and had been fulltime since 1974. He officially retired in 2006 and has worked from 2007 as a fixed term lecturer; teaching vendor and purchaser. Ian has also taught equity, taxation and planning. He is well known for his meticulous preparation of lectures. We will miss him and wish Dawn and he all the best for a happy retirement.

Giora started at Otago in 1973 coming from Israel. He taught company law, contract, conflict of laws and corporate finance. Giora officially retired in 2007 and has since taught conflicts of laws as a guest lecturer. We will miss his sense of humour and stories about the wider world.

Thank you both – without you the Faculty of Law would not be the same.

I would like to wish you and your families a safe and wonderful Christmas and New Year.

OTAGO LAW AT OXFORD

OTAGO LAW STUDENT LOUIS CHAMBERS AWARDED RHODES SCHOLARSHIP



Otago Law student, Louis Chambers has been selected as a Rhodes Scholar to study at Oxford University next year, bringing the number of Otago Law students who have received this prestigious scholarship to 10 in recent years – more than any other Faculty or school at any other New Zealand University. Louis and Edward Stace, also from Otago were two of three students selected nationally, after a meeting chaired by Governor-General Lieutenant-general Sir Jerry Mateparae at Government House in Wellington. Louis will graduate from Otago with an LLB(Hons) and a BA majoring in economics, with a minor in environmental management. Louis founded Generation Zero, a group that advocate for responsible policy changes to reduce New Zealand's carbon emissions as well as being one of the instigators of the Public Interest Law Network where law students work to promote public interest law issues. Louis has also been a successful competitor in Law competitions both nationally and internationally. He was the University of Otago Debating Society president for more than two years. Louis' comment after receiving his scholarship, "Just a huge thank you to the Law Faculty for being supportive throughout my degree and for keeping me grounded and relaxed about life!"

Louis plans to study for a Bachelor of Civil Law in his first year at Oxford and the Master of Science in environmental change and management in his second year.



OTHER OTAGO LAW GRADUATES WHO HAVE RECEIVED THE RHODES SCHOLARSHIP

In 1935, Lester Francis Moller became the first Otago law graduate to be elected a Rhodes Scholar. He later became a judge of the Supreme Court (as the High Court was then called). Graeme Rae became the second Rhodes Scholar in the 1950's. In 1981, Christine French, now also a judge in the New Zealand Court of Appeal, became the Faculty's second Rhodes Scholar.

Since 1992, ten Otago law graduates have proceeded to Oxford on a Rhodes Scholarship. This is more than any other faculty or school, across all disciplines and New Zealand universities.

The Faculty of Law's most recent Rhodes Scholars are:

Louis Chambers (2013)	Alice Irving (2010)
Laura Fraser (2009)	Jesse Wall (2008)
Glen Goldsmith (2004)	Christopher Curran (2002)
Sally McKechnie (2000)	Damen Ward (1999)
Jenny Cooper (1995)	Susan Lamb (1992)

OTAGO LAW AT OXFORD Professor Peter Skegg

Otago law graduates have been extraordinarily successful at the University of Oxford in recent years.

The Oxford degree of Bachelor of Civil Law (BCL) is Oxford's equivalent to the taught Master of Laws degree at Cambridge and elsewhere. First Class Honours in a first law degree is the normal prerequisite for admission to the BCL course. Given the competition for places and funding, most of the students have outstanding academic records. Approximately 90 students are admitted to the one year full-time course each year. For the past three years there has been a single Otago member in each year's BCL class. Their results have been remarkable, being placed 3rd, 2nd and 2nd in their year's cohort of 90 or so candidates. It is most unlikely that the graduates of any Law Faculty in the common law world have come close to achieving such results.

The other Otago graduates in whom we take such pride are Laura Fraser, Alice Irving, and Michael Forster. All three studied at Merton College, where the Senior Law Tutor is another Otago graduate Mindy Chen-Wishart.

The newly-elected Junior Research Fellow at Merton is also an Otago law graduate: Jesse Wall. Jesse is now in the final stages of his doctoral studies at Oxford, where he has also been teaching law. There were 190 applicants for the post to which he was elected.

NEW RESEARCH CENTRE HEADED BY THE FACULTY OF LAW

The International Centre for Governance, Science and Society (ICGSS) promotes and undertakes research on the challenges of integrating medical and scientific advancements with society in the face of changing approaches being used to govern citizens and institutions, as well as their rights, relationships and responsibilities.

The ICGSS aims to be an internationally renowned multidisciplinary research centre or 'think tank' that undertakes research and policy development work for governments, professional bodies and NGOs.

The Centre builds on the work, experiences and successes of collaborations with multidisciplinary and indigenous researchers, trans-Tasman experts and international networks developed from the five-year multidisciplinary New Zealand Law Foundation-sponsored Human Genome Research Project led by Otago's Faculty of Law.

Directors: Associate Professor Colin Gavaghan & Professor Mark Henaghan (Faculty of Law)

STAFF NEWS

WELCOME TO NEW STAFF MEMBER MARCELO RODRIGUEZ FERRERE



"I am both thrilled and humbled to join the Faculty in a permanent role as lecturer. Dunedin's southerlies and lack of insulated housing are simply no match for the warmth of the Faculty's collegiality and the welcome I received when I arrived here in early July.

I studied at Otago from 2003-2007 and spent some time thereafter as a clerk at the High Court in Wellington and then at Chapman Tripp. Prior to arriving in Dunedin this year, I was studying at the University of Toronto towards a Master of Laws, where I had first-hand experiences of Otago's reputation preceding itself internationally. I look forward to contributing to and advancing that reputation whilst perhaps enjoying one too many cheese rolls on the way. It's great to be back.



STRUAN SCOTT INAUGURAL PROFESSORIAL LECTURE

Professor Struan Scott presented his Inaugural Professorial Lecture: "Mistaken Payments and the Change of Position Defence: Rare Cases and Elegance." You can listen to this at: www.otago.ac.nz/law/research/podcasts/



DR ABBY SUZSKO FAREWELL

The Faculty of Law farewelled Abby Suzsko. Abby has completed her PhD and is off to share her research and teaching expertise. Abby has been a much admired and liked colleague here and we wish her well in her new position as lecturer in Aotahi: School of Māori & Indigenous Studies at the University of Canterbury.



ALUMNI NEWS

It has been really interesting hearing from so many of our alumni who are working in all sorts of areas. We very much enjoy sharing your stories and have had contributions from a number of your fellow alumni.

FROM PACIFIC STREET TO PACIFIC ISLANDS

Emeritus Professor Don Paterson

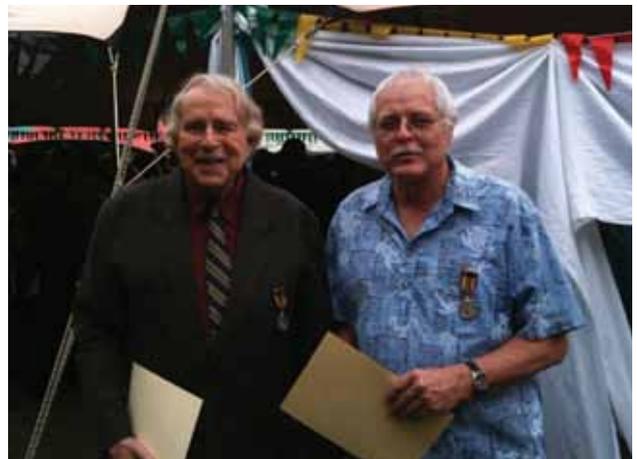
Dunedin days

I came to Dunedin in the mid 1960's, to join the Faculty of Law at Otago University, having spent several years teaching at my alma mater, Victoria University of Wellington, after my return from undertaking post graduate studies at Yale Law School in the United States. At that time, I remember the Faculty was located on the upper floor of premises owned by a newspaper company, which were used for storing newsprint, and we had to share the teaching space with great rolls of newsprint, and speak over the clatter of newspaper machinery in the lower level of the building. The building was quite close to a biscuit factory and the sweet smells of chocolate biscuits would waft in through our windows from time to time to replace the rather dry dusty atmosphere of the newspaper warehouse. The great advantage of these premises were that they were located just across the road from the Supreme Court library, and we were able to enjoy the splendid volumes and furnishings of that library.

After a year or two, the Law Faculty moved out of the newspaper building, with its aromas of the biscuit factory and moved into a building on the University of Otago campus. Indeed it was a rather fine building, which had earlier housed the Registry of Otago University. This move, from the precincts of the Supreme Court to the University, marked a very distinct change of thinking about the manner and content of legal education in Otago, and also in New Zealand itself. It marked a change from the idea that law was essentially a practical craft that could be taught by craftsmen to apprentices, to the idea that law was an academic subject that was worthy of intellectual consideration, discussion

and learning. Professor Frank Guest, who had been appointed as Dean of the Faculty of Law, was himself a former legal practitioner; and his deputy, Alan Holden, was a former teacher at John McGlashan College. The two, the former practitioner and the former high school teacher, epitomized the change that was taking place in the teaching of law in New Zealand at that time. This change was not one without comment, and sometimes quite critical comment, especially from some of the more conservative legal practitioners in Dunedin, I recall, but it proved to be a success and permanent.

The quality of the students who passed through the Law Faculty was very impressive. I remember Sylvia Cartwright, Judith Mayhew, John Hansen, Kevin Dell, Malcolm Grant, Stephen Guest, Bruce Robertson, John Smillie, Don McRae, John Dawson, Paddy Finnigan, all of whom have gone on to reach levels of great distinction in judicial, legal and academic spheres in New Zealand and elsewhere.



Emeritus Professor Don Paterson (left) and Dr Howard Van Trease were presented with Meritorious Service Medals for their contributions to Vanuatu over many years.

Whilst we were in Dunedin we bought a large old wooden house in a street in the suburb of Roslyn, called Pacific Street. This street was quite steep in parts, and during times of snowfall in the winter months each year the children enjoyed tobogganing down the street and building snowmen in the garden. Little did I think at that time that that would be the last time that I would feel snow. Little did I know also that my connection with the Pacific would become much deeper and more substantial than being merely a name on the street sign of the street where I lived.

Fiji days

Although I enjoyed teaching at Otago Law Faculty, after some time I became rather dissatisfied that the results of my efforts was only to produce men and women who would practice law in New Zealand, charging high fees for their work, and I felt that I should use my talents for work that would be of more direct benefit to people. Accordingly when the post of legal counsel to the New Zealand Ombudsman, Sir Guy Powles, was advertised, I applied for it and was appointed. This involved a move back to Wellington, and it was there and then that I became more fully aware that there were many places outside New Zealand where there was need for the application and development of law, and where law could be used to directly benefit people. Accordingly when I saw the position of Professor of Public Administration at the University of the South Pacific advertised in the newspapers, I applied, and in January 1979, my family and I arrived at the Laucala Campus of the University of the South Pacific (USP).

This appointment opened up a whole new academic world to me – the teaching, review and development of public administration in the newly emerging English speaking countries of the South Pacific, i.e. Cook Islands, Fiji, Kiribati, Nauru, Niue, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu and Vanuatu, and later; the former American territory in the North Pacific of Marshall Islands. I taught introductory law courses, and also public law courses, such as administrative law and constitutional law, in the context of public administration to students who were studying to become public officials to work and serve their countries in the South Pacific. At last I felt that my knowledge of law and my teaching of law was contributing more directly and more significantly to the improvement of humankind, something that I had not felt when I had been teaching law to New Zealand law students.

My time on Laucala Campus as Professor of Public Administration also opened up another world for me – a world of university administration. A year or two after I arrived, the Head of the School of Social and Economic Development, Professor Roger Hopkins, resigned, and returned to New Zealand, and I found myself as his successor as the Head of School. A year or two later, the Vice-Chancellor, Dr James Maraj, resigned to take up a position in the World Bank, and when the Deputy Vice-Chancellor, Professor Frank Brosnahan, was appointed as acting Vice-Chancellor, I found myself appointed as Deputy Vice-Chancellor, a position which I held for some time until after the appointment of the new Vice-Chancellor, Mr Geoffrey Caston, who had formerly been the registrar of the University of Oxford. These days were heady days, close to the very heart of the administration of the University of the South Pacific. But they were also days when the grind of administration became more and more unappealing, and I started to long to turn back to my first love – the teaching of law.

The development of a law program at USP

After the new Vice-Chancellor was firmly established, I resigned as Deputy Vice Chancellor and was appointed Professor of Law. At the time this seemed rather strange to some, because there was no department of law in the University of the South Pacific. This was because the British consultants who had been

appointed to draw up the blue print for the University of the South Pacific, had envisaged it as being an institution which would provide training and education for basically two categories of people: teachers and public officials in the new governments of the South Pacific. The founding fathers of the University had not envisaged that there would be a private sector of any significance in the economies of the countries, which the University should be assisting to develop. The first aspect of private sector economy to be recognized and provided for by USP was accountancy. The next was land management. The third was law. In the early 1980's I had discussions with members of the Pacific Islands Law Officers Meeting (PILOM), and we felt that training in law should be provided at least for paralegals such as police officers, lands officers and customs officers whose employment required some knowledge and understanding of law. Accordingly, with the active encouragement and support of the late Ron Crocombe, Professor of Pacific Studies at USP, who knew the circumstances and the needs of the countries of the South Pacific better than any other person, the Senate of USP was persuaded to accept a proposal to provide law courses at sub-degree level to paralegal persons. All such courses were to be offered by extension, and by methods, which implemented the policy of USP to decentralize its programs as much as possible. At that time the Government of Vanuatu had just enacted legislation to establish island courts, and Father Walter Lini, the new Prime Minister, made it clear that the Government was willing to have the fledgling law program hosted from the USP Centre in Vanuatu.



Don and John Dawson at USP.

Vanuatu days

Accordingly I took myself to Vanuatu and set up the Pacific Law Unit, comprising one person, myself, and threw myself into the arduous work of writing courses on law at sub-degree level that would be suitable for paralegal personnel in the various countries of the USP region. Six courses were written up for the Certificate in Law, and another six for a Diploma in Law. Most of these I wrote myself, but some were kindly prepared by others, such as Nick O'Neill who prepared a course on land law, and the late Kim Stanford-Smith who prepared a course on civil procedure.

We had no idea how many students would be interested in enrolling for such courses, and were amazed to discover that the enrolments each semester were in the range of 200-300. The Pacific Law Unit of one person had to be expanded to include Ms Mere Pulea, and Mr Kim Stanford-Smith.

Inevitably, some of the students who completed the Diploma in Law wanted to go further, and obtain a degree in law, and I started to receive increasing requests for the Pacific Law Unit to provide law courses at degree level. At much the same time, Fiji, which had been providing scholarships for its students to go overseas to Britain, Australia, Papua New Guinea or India, to obtain a law degree overseas approached USP with a request that a law degree program be provided by USP. Accordingly in 1991 a regional workshop was held at the new Emalus Campus of USP in Vanuatu. Tuiloma Neroni Slade, formerly Attorney-General of Samoa, and now Secretary-General of the Pacific Islands Forum chaired the workshop. After several days' deliberation, the workshop proposed a curriculum for a four-year law degree, to be followed by a six months practical training program. This was accepted by the Senate and Council of USP, and began in 1994, under the leadership of Professor Mark Findlay of Sydney University as Foundation Professor. The Vanuatu Government negotiated with the Chinese Government to provide the additional library and teaching rooms that were required for the law program, and also halls of residence for the students. It was several years before these additional facilities were ready, and so for the first two and a half years the law degree program was taught on Laucala Campus in Fiji, taking up full residence on Emalus Campus in late 1996.

At that time, I had reached the retiring age for USP staff, but I was invited back, and have continued teaching ever since. Originally I continued to teach public law subjects, such as administrative law and constitutional law, but I was forced to develop interest in a quite different area of law: land and property law and trusts. This came about because in 2000 the Vanuatu Government was faced with a crisis because the Chief Justice of the Supreme Court announced that it would hear no new appeals on disputes about ownership of customary land. I was approached by the Lands Department to assist to develop some alternative means of dealing with disputes about ownership of customary land. That work, which went on for several months, sparked an interest in land law, and later property law more generally, so that now it is those subjects together with trusts, which I normally teach.

My interest in public law has, however, remained, and from time to time I have been asked by the Government of Vanuatu, and other regional Governments and organizations to give some assistance on matters of constitutional significance, as well as matters relating to land. Issues of governance and issues of land are probably the two most significant, sensitive and challenging areas of concern in the law of island countries of the USP region today, and they continue to provide very interesting and challenging areas for me in respect of research and consultancy.

Some Dunedin connections still

My life has taken me now a long way away from the Otago Law Faculty and Pacific Street in the suburb of Roslyn, Dunedin. But there are still three people from Dunedin days whom I meet from time to time. One is Bruce Robertson, who, as Sir Bruce Robertson, comes regularly to Vanuatu to sit on the Court of Appeal, and plays a leading role in the judicial system of Vanuatu. Another person from Dunedin days whom I quite frequently meet is John Dawson, now Professor John Dawson, who regularly attends the Law and Culture Conference, which I also attend. The third person from early Dunedin days whom I still see from time to time is Mr Paddy Finnigan, now a barrister in Auckland, who

comes to Vanuatu from time to time on instructions from lawyers in Port Vila to attend Court hearings, and also enjoy a holiday. It is always a great pleasure to meet with them, and roll back the years to the days of yore at the Otago Law Faculty in Dunedin.

OTAGO LAWYERS IN AFGHANISTAN

From two Otago law graduates who have been working for the New Zealand Army

Andrew Taylor, Otago LLB graduate 2006, lawyer with the NZ Army working in Burnham Military Camp, Christchurch.

In September 2011 I deployed to Afghanistan to take up a newly created role in the New Zealand Provincial Reconstruction Team (NZPRT). This role was a 12 month long position working for both the New Zealand Defence Force (NZDF) and the Ministry of Foreign Affairs. The job was to provide rule of law and governance advice to Afghan officials in the now infamous district of Kahmard, Bamyan Province. The NZPRT had identified that the human rights' abuses, corruption and systemic failings in the Kahmard District Government were hindering development efforts in the Northeast of Bamyan. In an effort to curb the continuing slide into lawlessness it was decided that the NZPRT needed to focus on more than the security issues in Kahmard. In my rule of law role I mentored and assisted the Kahmard Judge, prosecutors, police and other law enforcement agencies with the aim of educating and improving their performance (unfortunately there were no defence lawyers in Kahmard for me to assist). In my governance capacity I assisted the District Governor and his District Government.

During my twelve-month deployment, I was primarily based out of Combat Outpost Romero (COP Romero) in the Kahmard District, but I also worked at Kiwi Base in Bamian town and Forward Patrol Base Malone-Durrer in Do Abe. Bamyan Province is a very challenging environment in which to work; incredibly cold in winter; blisteringly hot in summer and prone to torrential rains which wash away the roads and snows that isolate the remote areas (including COP Romero). The environmental challenges were exasperated by the cultural challenges of working with a xenophobic and highly mistrusting people. The Afghans have suffered from a lack of a functioning cohesive society for over quarter of a century. The constant warring, political upheaval and crippling poverty have all but destroyed any form of infrastructure and left the people wary of outsiders. The flexible understanding of concepts such as truth, loyalty and morality created a very difficult cultural miasma to come to terms with.



Travelling by US Blackhawk helicopter to border to visit Afghan community leaders.



Andrew in the hills above Kiwi Base in spring (a pleasant – 18 degrees).

Although Bamyan is one of the safer provinces in Afghanistan, it suffers from a terrible lack of the rule of law. Corruption is pervasive in the judicial system, the police are responsible for many of the murders and serious crimes, and violence towards women and the young is endemic and sadly, socially accepted. Kahmard in particular faces many challenges to law and order while being the focus for insurgent attacks in Bamyan. With its strong tribal and ethnic divides, ubiquitous bribery, nepotism and insurgency, the faith of the people in the justice system and Government has been totally eroded.

In some ways Kahmard's legal system takes a prosaic approach to justice by enforcing an informal 'fines' system. When the police do what is commonly referred to as policing, and actually detain a criminal (an incredibly rare occurrence) the criminal is invited to bribe his way out of trouble. If, due to community or NZPRT pressure, the criminal is instead referred to the prosecutor; the prosecutor will attempt to fast track justice by accepting a bribe. As a result of this approach, the burden on the court and prison system is greatly reduced, as only insignificant cases, and those involving the poor; actually make it in front of the Judge. But this does not preclude the Judge from having his opportunity to reap the rewards of this corruption. The Judge would often demand land or a female family member as recompense for a favourable decision. It is not hard to see why the locals despise the formal justice system.

To fill the justice void, clerics and village elders provide an informal dispute resolution process. The problem with this informal system is that the elders who settle the disputes are predominately uneducated, very conservative and rely on traditional methods such as *baad* (the gifting of a female relative to the other party as a settlement offer) to resolve conflict. I was aware of at least five cases where girls as young as five were given to settle land disputes. With the gender inequality, inconceivable to western minds, it is very difficult for women to obtain a fair outcome. As women cannot be in the same room as men, they are totally reliant on a male relative to represent them. Tragically this relative can often have loyalties to the other party, or accept bribes to settle the case unfairly. The rights of women in Kahmard were summed up for me when the prosecutor refused to investigate the murder of a wife by her husband because he did not want to get involved in the man's domestic matters. Regrettably, the young do not fare much better with brutality and sexual abuse being so widespread as to be almost condoned. I was aware of far too many rapes and murders of children, and I know I was aware of only a fraction of the real total.

In doing my job I faced many practical difficulties. These difficulties became more acute as the placement of roadside bombs increased. I am very grateful to the Kiwi Company soldiers who provided security for my many meetings, putting themselves in danger doing the thankless task of protecting both locals, many of whom were linked to insurgency, and myself. These soldiers do a fantastic job, professionally and compassionately, and we can all be proud of the work they do.

Due to the security situation in Kahmard, most international organisations could not travel there during the year I spent in the area. The only other agency able to assist me was the Canadian Police contingent based in Kiwi Base. They would travel to Kahmard to mentor the Police and I was appreciative to be able to learn from their vast policing experience. I was also lucky enough to be able to turn to a fellow Otago Graduate Roz Mitchell, who was working in the Kabul headquarters. She was able to meet with the high level rule of law policy makers and advocate for Bamyan. On a number of occasions I was able to travel to Kabul to meet Roz to discuss rule of law and benefit from her experience. I am very grateful for all the support she provided me in my time in Bamyan.



Roz and Andrew with US Navy JAG (Judge Advocate General) lawyer in front of the Bamian Buddha recesses – the Taliban destroyed the Buddhas.



Local Kahmard District village with farmer moving cattle.

With the intended pull out of the NZPRT, the main effort for Kahmard was to encourage and empower Afghans to take the lead. As such I could only advise and assist officials to do the right thing. I did this by acting as a conduit between the locals and the authorities, taking the people's concerns to the various officials and advocating for positive action. In serious cases of judicial malfeasance I would apply pressure through the NZPRT and in the most serious cases, the Afghan Central Government. Another key role of mine was to help coordinate the law enforcement agencies and encourage the use of novel legal tools such as search and arrest warrants (not previously used in Kahmard). With the difficulties of tackling corruption in officialdom, I chose to take a different approach and tried to educate the communities about their rights through workshops and information campaigns. I found the best way of doing this was to support Afghan NGOs to take the training. Another tactic was to establish a civil society network to educate, advocate for, and help the people to have a meaningful role in Kahmard's society.

Although it may sound as though it were all doom and gloom, there were many positives achieved by the NZPRT in Kahmard. The NZPRT has prepared Kahmard as best as possible through the fantastic work of the soldiers, sailors and airmen who operated in Kahmard's trying and dangerous conditions. The people of Kahmard now have the opportunity to improve the conditions and make a better life for themselves. In my twelve months I saw the introduction of a new District Governor who has changed the direction of the Government and cut down on corruption. There are a number of young Afghans who want change and can make a difference. It will take generational change to see any tangible difference in Afghanistan, but New Zealand can be proud of all the work that has been done to start this process.

This deployment has reinforced for me just how lucky we are in New Zealand to have a society that respects the rule of law and having a judicial system free from the scourge of corruption. While the deployment was long and challenging, I am grateful for the unique opportunity and I enjoyed this worthwhile experience. I hope I was able to make some little difference in my year in Afghanistan. Whether it was having a man being unlawfully held in custody released, helping a father cajole the police into investigating the rape and murder of his young son, or educating people on their basic human rights. These modest outcomes most likely made a difference to those people and hopefully made a small difference to the mindset of all involved.

I am very grateful and lucky for all the support and love I received from my family during what became an extraordinarily tense deployment, and especially my amazing wife who faced a very long twelve months without me.

All but two of the ten NZ soldiers who died serving in Afghanistan died in Kahmard. During my year in Kahmard we lost seven brave souls, six of whom were from Kiwi Company based in COP Romero.

Lest we forget:

Lance Corporal L. Smith, NZSAS
Corporal D. Hughes, RNZIR
Lance Corporal P. Durrer, RNZAC
Lance Corporal R. Malone, RNZIR
Corporal L. Tamatea, RNZIR
Lance Corporal J. Baker, RNZAMC
Private R. Harris, RNZIR

Andy attended Otago from 2002 – 2005 completing an LLB was admitted to the bar in 2006 and has been serving as a military lawyer since November 2006.

Roz Mitchell (nee Tillet) is a legal officer with the New Zealand Defence Force (Army). I studied at Otago University from 2000 - 2004 and graduated with LLB/BCom. I was deployed to Kabul, Afghanistan from June 2011 until January 2012 as a legal adviser to the Commander of the International Security Assistance Force (ISAF) [General Petraeus and then General Allen]. I was one of eight legal advisers working in the ISAF Headquarters, and the only New Zealand legal adviser. The other seven legal advisers were from the United Kingdom and the United States. However, there were a total of five New Zealand Defence Force personnel working in the Headquarters in various roles.

My main job was advising the Commander and his staff on legal issues, as well as being the legal adviser for NZ Defence Force personnel serving in Afghanistan. My main portfolios included the provision of legal advice to the ISAF counter-corruption task force, detention operations, Rule of Law, and adviser to the ISAF Special Forces. It is important to emphasise that while a New Zealander serving in Afghanistan, the legal advice was provided to all nations operating within Afghanistan, not just to New Zealand forces. This was challenging due to different national caveats on the sorts of operations that can be conducted (for example some nations are not able to conduct detention, whereas others are able to differing interpretations of international humanitarian law and rules of engagement of each nation, as well as the differing perspectives on the application of human rights law in armed conflict. Being a legal adviser in the military, regardless of whether in New Zealand or overseas, it is my role to provide advice regardless of the time of day or night. With approximately 48 nations contributing to the ISAF mission, this alone presents challenges. The main aspects of my role involved advice on International Humanitarian Law (or law of armed conflict) and rules of engagement, human rights law, treaty law, international agreements and memorandums of understanding, and contract law. I also worked closely with the NZ Ambassador to Afghanistan in providing assistance to the NZ Ministry of Foreign Affairs and Ministry of Defence.

I enjoyed working with people from all different nations and backgrounds, though this did have its challenges. I really enjoyed the companionship and camaraderie of ISAF. While there are a large number of people who live and work there, the base is small, so you get to know people quite well, and, with everyone in the same boat (so to speak), it is quite social.



Afghanistan as a country is very different, in more ways than one. Parts of the country are very beautiful, for example Bamyan, but other parts are not so picturesque and are quite polluted. The environment can be dusty and the air can be dirty. Kabul itself is not particularly clean, and it was (especially during the winter months) quite hazardous to the health to run outside. However there is a large gym, which was well used by most personnel living in the Headquarters.

Due to my portfolios, I spent quite a bit of time travelling around Kabul to the various other bases, Embassies, and Afghan Ministries (such as the Ministry of Interior) for meetings and other requirements. Driving was frustrating, and at times not very safe. Despite the security measures in place in Kabul, it still presents a risk being out driving amongst the population and the lack of road rules certainly takes getting used to. I also made a trip up to Bamyan, to meet up with the New Zealand Provincial Reconstruction Team, and the Rule of Law advisor – Andy Taylor. This was invaluable to hear first hand his experiences on the ground, and working directly with the local population, and the challenges he faced in the area which were common to those challenges faced by rule of law advisers working in other provinces to assist police, prosecutors and judges in enforcing Afghan rule of law – both legislative and customary – in the face of corruption, real-time threats to security, and lack of funding for basic requirements such as uniforms and training. He certainly had a very difficult and challenging job.

Working in Afghanistan was an amazing experience. Getting to know and work with people from other nations, as well as providing real-time legal advice to commanders in an operational theatre where decisions are made based on your legal advice, is a career highlight, and one which carried a lot of responsibility, both to ensure accuracy of advice provided, along with being an ambassador for New Zealand and the New Zealand Defence Force. Being away from home and family for a period of time is also challenging, especially over days such as Christmas and birthdays. However, it is a once in a lifetime experience, and one that few New Zealanders, and even fewer lawyers will ever experience. While I have travelled quite widely around the world, living and working in Afghanistan for seven months has certainly provided me an even better appreciation of how lucky we are in New Zealand, and what a great country we have, as well as the educational opportunities we have - especially as females - which many people in the world do not have access to. I can safely say that the education I received at Otago was second to none, and certainly the foundations it provided gave good grounding to be on par with my international legal colleagues I was working with in Afghanistan. While I was deployed to Afghanistan, two New Zealand soldiers who I was serving with lost their lives while conducting security operations in Kabul in partnership with the Afghan police. May they rest in peace.

FURTHER MUSICAL SUCCESS FOR DUNEDIN BAND SIX60

Dunedin band Six60 won six Tuis for best single, people's choice, best group, highest-selling New Zealand album, highest-selling New Zealand single and the New Zealand radio airplay record of the year in the 2012 Vodafone New Zealand Music Awards.

Band members Mac, Eli Paewai, Ji Fraser, Marlon Gerbes and Matiu Walters (law) met in 2006 when they were students at the University of Otago and named the band Six60 after their address at 660 Castle St. Their first album debuted at number one in the New Zealand charts last year and has subsequently gone triple-platinum.

Their singles *Rise Up* and *Don't Forget Your Roots* reached number one and number two on the Recording Industry Association of New Zealand singles chart and also went platinum. The band still honours their roots in Dunedin.

NEW ZEALAND LAW SOCIETY ELECTS NEW PRESIDENT

Otago law alumnus, Chris Moore, has been elected the new President of the New Zealand Law Society. Chris practised for a short time in Auckland before moving to Whakatane, becoming a partner in the law firm now known as Hamertons Lawyers Ltd. He returned to Auckland to join Russell McVeagh, where he was a partner for 10 years. Since 1999 Mr Moore has been a partner at Auckland law firm Meredith Connell, specialising in commercial property.

Chris has had a long association with the Law Society including being Chair of the Property Law section since 2003 and President of the Auckland Branch since 2009.

www.lawsociety.org.nz/home/for_the_public/for_the_media/latest_news/news/october_2012/new_zealand_law_society_elects_new_president

MAYA SHINO



I was an Otago Law finalist in 2010. I'm now in my second year working in the Public Law & Policy Team at Russell McVeagh in Wellington.

Outside of work, I've been keeping myself busy running LawSpot (www.lawspot.org.nz). LawSpot is a non-profit website where members of the public can ask their legal questions and our group of qualified lawyer volunteers will answer them for free. I launched LawSpot earlier this year, together with co-founder Bowen Pan. The site went live to the public on 1st August and we've now trained nearly a hundred volunteers and published dozens of answers on the site. We're partnered with our local community law centre, Community Law Wellington and Hutt Valley, and are in discussions with other regional law centres about rolling out the service nationally. I've been enjoying blending my legal work experience with this entrepreneurial project as it's allowed me to develop new skills and work with a range of people and interest groups.

Longer term, I am interested in pursuing post-graduate legal studies and am particularly keen on exploring the emergence of "civic start-ups" in the US and elsewhere. Broadly, civic start-ups harness technology (often using online and mobile platforms) to help government organisations function more effectively and increase public engagement in local and central government decision-making. I'm excited about this development as I think civic start-ups will start to fundamentally change the way citizens interact with government. I want to explore how such models could apply in the New Zealand context.

BART CAMPBELL

Bart says Otago University is an enormous feature in his life, despite having left here in 1993. He says it all feels like it was yesterday. It was at Otago that he made many friends who have remained so and will for life.

He says his experiences at Otago helped shape a 'not so diligent student' (he was the social secretary for the Otago University Law Students Association) to one who has enjoyed gathering wide networks of people and learnt the social skills to deal with people from all walks of life.

Bart says that while he enjoyed his time at the other Universities, he has a 'love off' with Otago.

'Mark Henaghan got me through law school. When I was distracted he reminded me that law school was competitive and populated by smart people, so to get going. He took the time to get me excited about studying law. Mark was also exceptionally cool in the 1980's and drank pints out long handles and dressed completely in denim!'

Since 2009 Bart has been the Group COO of Chime Communications plc ("Chime's") sports division, called CSM Sport & Entertainment (www.csmdivision.com) which has 670+ staff, in 15 offices across 13 countries. Bart is a member of the executive board of Chime. Prior to that he was Chief Executive of the sports marketing and management business, Essentially Group plc ("Essentially") that is part of Chime today, starting this role in 2006 (www.essentiallygroup.com).

During his tenure as CEO of Essentially, Bart grew the business from 20 to 120 professionals with offices in London, Australia, South Africa, New Zealand, India and Japan. It is a business that manages many New Zealand athletes in New Zealand and abroad. Clients in New Zealand include, Dan Carter, Richie McCaw and Daniel Vettori.

Bart is a former practicing sports and commercial lawyer; he was admitted to the bar in 1994 before going on to complete a Masters in Commercial Law (Hons) from Auckland University in 1999. He successfully completed the Advanced Management Program at Harvard Business School in 2010.

Bart is also a founder and the Non-executive Chairman of TLA Worldwide plc ("TLA") (www.tlaww-plc.com) which is a business working in Major League sports in the United States, with Major League Baseball being the core focus. TLA has offices in London, New York and Los Angeles.

There are other Otago law alumni working with Bart, including Simon Porter, Pete Simmons, Henry Bates and 'yoda' himself, Warren Alcock, which he says is not just a coincidence.

Bart is a big believer in the quality all round education offered at Otago, and in the type of person who comes through.

Bart says he is always looking for good Otago law grads and CVs can be sent to HR at www.csmdivision.com

HONOR LANHAM

Things in New York are going really well. I'm thoroughly enjoying my classes. A real highlight is a paper called International Lawyering for Governments. It's a small group of 14 students selected from around the world and the instructors are Professor Sarah Cleveland (a human rights/international law specialist) and Sir Daniel Bethlehem (ex principal legal adviser for the Foreign Commonwealth Office). It's very practical and aimed at giving you an insight into the challenges of working in the area. I also decided to take a politics paper concerning emergency humanitarian aid work.

Columbia in general has a really nice feel to it and I enjoy the campus. Like Otago there is always lots of things happening and the whole suburb is geared towards students - I didn't realise how much I had missed student discounts! I'm living one block from the law school in a law school apartment with two other law students.

I applied and was accepted for a legal internship with the International Committee of the Red Cross' Delegation to the UN. I'll spend one to two days a week there until the end of the year. For the last two days I sat in on the UN's sixth committee (legal committee), where they were discussing terrorism and the rule of law. The ICRC gave a statement on the rule of law vis-a-vis international humanitarian law. It was such a great experience.

MATT CHEUNG

I came from Hong Kong to read law at Otago, my mother's university. I graduated with LLB (Hons) in 1996, my professionals in Auckland in 1997 and an LLM at the London School of Economics in 1998. I started work in 1999 in the Auckland office of Bell Gully, moonlighting for fun as a tutor in Jurisprudence at the University of Auckland.

Two good years later, I moved to London and joined Denton Wilde Sapte in the City as a commercial and corporate litigator. In 2005, I took a year out to write and teach the UK professionals, the Legal Practice Course, and never returned to practice. After seven years in London, I returned to Hong Kong to be with my wife. There I joined the Faculty of Law of the Chinese University of Hong Kong. I teach seven subjects, ranging from Civil Procedure, which I like, to Jurisprudence, which I love.

All these years later, I remember still how in both practice and teaching I constantly apply the knowledge and method of my fine Otago teachers. Among these were Dean Henaghan (Legal System and Family Law), Dr Jim Allan (Jurisprudence) and Professor Richard Mahoney (Evidence). My ability is but a shadow of theirs. Still, looking back, I see now that Otago Law armed me for the severe demands of both practice and academia across fifteen years and three continents. I know it will do so for generations to come.



RUSSELL CASSIDY JOINS 40+ CLUB ADMITTED TO THE BAR DECEMBER 1972

In the last edition we featured Leighton Cassidy an Otago law grad working in London – this time it is about his father, Russell, who has been practicing as a lawyer in Dunedin for 40 years. Russell started work in the law firm, Baylee, Brunton and Mitchell the year before admission to the Bar for the princely sum of \$5 per week. He says that this experience gave him a real advantage when he started in practice as he had already undertaken some

fairly substantial legal tasks. He fast tracked to become partner in 1974. Many of Mr Brunton's clients have stayed with Russell as have Mr Mitchell's. Much of Russell's work in the 1970's was in debt recovery at a time when defaulters could still be imprisoned, which he says affected many women who were financially constrained and unable to pay basic household bills.

Russell went on to join Brunton, Farry, Cassidy and Gowing and helped start Webb Farry in 1988. In 1999 he started his own firm Russell Cassidy Lawyer. He still enjoys coming to work everyday he says, "I cannot believe that work is still so enjoyable".



Pictured on the front steps of the Dunedin Supreme Court are the 23 barristers and solicitors admitted to the bar this morning, 1st December 1972, by the Chief Justice, Sir Richard Wild.
Front Row from left: B.J.Coombes. G.A.Chance. Miss L.J. Turner. A.J.Clark. J.L.Millar. C.R.McLay. M.R.D. Guest.
Second Row: M.C.Coubrough. L.W.Goodman. M.A.Hayward-Ryan. B.J.Thomson. J.K.Guthrie. A.B.Jack. C.W.Ward
Third Row: A.Derbic. L.R.Evans. R.J.,Cassidy. R.T.Salisbury.
Fourth Row: J.L.Rogers. K.O.G.Beckett.
Back Row: D.F.Howden. J.H.M Hayward. J.R.Laidlaw.

Russell describes lawyers as "minders, grinders and finders" – all necessary for any successful law firm. He places himself in the 'minder' category as he loves to work with his clients in a holistic way to ensure that legal needs are met. As a student at Otago, Russell remembers the Dean, Professor Sim fondly. He says that there were a number of part time teachers as well and he enjoyed being taught by Bruce Robertson, Ron Gilbert, Don Paterson, and Bill Reid. He best remembers Walter Rutherford who is still with Anderson Lloyd. Russell enjoyed studying with friends John Smillie, Ian Williams, and Kevin Dawkins, all still with the Faculty of Law. He remembers class sizes of 25 – 30 students, and a total University roll of between 4 – 5 thousand. Parties at the Cumberland Street flat were also a highlight. Russell is proud of both his sons, Kelwyn and Leighton. He says that when Leighton was growing up he said, "Dad when I grow up I am going to be a lawyer – just not one like you".

Russell is a huge University Rugby Club fan.

DANIEL SIMMONS- WEAKLEY



Daniel and Brother Jono

Since completing a LLB (Hons), and B.Com (Finance) in 2009, I have been working in Auckland in the Corporate Finance division of PricewaterhouseCoopers. My role has primarily involved assistance in sell-side and buy-side advisory for companies in relation to M&A transactions. I have also been involved in assignments providing strategic corporate finance advice, business valuations and integrated financial modelling.

Having been awarded the Spencer Mason Scholarship, and Tripp Scholarship, I am heading to Oriel College at the University of Oxford to study for the Master of Laws and Finance (MLF). This degree combines half the content of the BCL, and half of the Master of Science in Finance at the Saïid Business School at Oxford, alongside a full year interdisciplinary law and finance paper focussed on case studies. Following completion of the MLF, I hope to work at an investment bank, or consultancy in either Europe or the USA. Eventually I hope to return to New Zealand and become involved in politics and policy.

I wanted to thank Mark and the staff for developing a love of learning and of the law. After almost three years working in Auckland, it certainly seems to be dominated by Otago alumni. I also wanted to let you know that Shelley Griffiths and Jess Palmer were incredible in helping me get a spot at Oxford. Both were extremely encouraging when I first applied, and both have been fantastic referees.

FOLLOWING UP WITH ERIKA YIGZAW

Erika was interviewed for the September 2012 issue of University Business magazine in the US and named one of the "strategic elite" in technology. She was also named one of the top 35 CIOs by University Business in June 2012 and participated in the invite only UBTech CIO Summit in Vegas in June.

Here's the link to the University Business article:
www.universitybusiness.com/article/changing-face-cio

Erika presented Top 12 Technologies for 2012 to the DETC October 15, 2012 and See the prezi:
www.universitybusiness.com/article/changing-face-cio

RHONDA TOMBROS (NEE POWELL)

My Otago days seem a long time ago (1998-2002) but I remember them very fondly. I believe that the legal education I received as an undergraduate at Otago set me up for any career, legal or otherwise.

After completing my law and politics degrees, I moved to the United Kingdom and worked as a paralegal in a large law firm (Ashurst) in the City of London. It was great being surrounded by the history and the buzz that is London. I then moved to Nottingham to undertake the LLM in Human Rights Law. Nottingham offered one of the most highly regarded human rights law degrees in the United Kingdom. When I started I was worried how I would 'stack up' against my classmates. They came from all over the world, from Europe, Africa, Asia and the Middle East. I was really pleased to find that the grounding I had received at Otago was solid and helped me even though I was studying subjects that I had never touched before - philosophical foundations of criminal justice, the theory of international law, gender, sexuality and the law, as well as the more concrete international law, international humanitarian law and international human rights law.

I then spent three years studying towards the DPhil degree at Oxford. I loved living in Oxford. The city was just the right size. It was also stunning, in terms of beautiful architecture, the two rivers flowing through the city centre and the various meadows, parks and college grounds. Whilst it was certainly a challenging time and I was probably not there for the right reasons – my

advice would be not to undertake a doctoral degree unless you are really passionate about your topic and really motivated to complete it – it was an incredible experience.

I still remember e-mailing home soon after my arrival and commenting how you could go to the pub and discuss philosophy. The atmosphere really facilitated learning. That said, doctoral study is a very lonely path to take, especially in a field such as law in which you work on your own and which is internally competitive. You certainly needed to be able to defend your arguments in Oxford. Just as well I have always liked a good debate ...

Next, I spent a year teaching constitutional and administrative law and mentoring LLM students in Cambridge. The city of Cambridge felt overpopulated compared to Oxford but the law faculty was smaller and therefore more personable. The LLM degree might not be as rigorous as the BCL in Oxford but the Cambridge students probably have more time to enjoy themselves and the LLM is therefore a more balanced experience. PhD students in Cambridge appeared to be more involved in the Faculty and in teaching than the DPhil students in Oxford, again probably because of the lesser numbers. But then, being one of 100 law doctoral students in Oxford (and the only one from New Zealand when I started) was great as there were all sorts of discussion groups and support facilities that wouldn't be available without the numbers.

Whilst I gained a lot academically from these experiences, most of all I learned about myself and about what sort of working environment would be good for me. I therefore made the surprising decision to return to legal practice, as I was seeking the more concrete structure of the office as compared to the University, shorter-term goals and greater teamwork. So, I spent two years in London working in a medium sized (that means 30 partners plus 70 lawyers) West End private client firm (Boodle Hatfield). This sort of firm specialises in advising very wealthy individuals and families about their personal, trust and business assets. I loved the experience and would have happily stayed another couple of years.

Instead, I married a lovely Greek-English doctor, moved to Australia and had a baby (a breech baby, something that has changed my life more than any of my other experiences). Matilda is now a bubbly toddler and I am working part time in a Melbourne law firm (Harwood Andrews) in the area of succession planning and asset protection for families and businesses. The firm has been really supportive of me – it hasn't had many working mums before so it's a learning curve for them too. In my 'spare time' I run a support group for the mothers of breech babies (www.breechbirth.net). I am currently organising



for a group of international experts to give seminars on breech birth to midwives and doctors in Melbourne. So that keeps me busy. I am not 'sold' on Melbourne – it is a big city but I am not yet convinced that it really offers anything more than any of New Zealand's smaller (and therefore more manageable) cities. But we shall see. I do seem to have made a habit of uprooting myself so who knows what might be next!

LAW ALUMNI EVENTS

We have heard from many of you that you enjoy the opportunity to catch up with other alumni from Otago and we are planning to have more events where possible. We will keep you posted.

This year Mark hosted two overseas alumni events. There was a get together in London to meet for drinks on the occasion of Professor Mark Henaghan's visit to London. It was very well attended and we had over 50 attendees for drinks at Suze in Mayfair. Leighton Cassidy who helped organise the event said, "It was a fantastic occasion. Everyone who attended had an enjoyable evening and it was great to catch up with fellow alumni and hear the Faculty's news. There was a wide spread of alumni from different eras and we hope to repeat this next year and have some further events."

Mark also caught up with a group in Hong Kong that was equally enjoyable.



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:

database.alumni@otago.ac.nz

To follow Faculty of Law news on Facebook:

www.facebook.com/OtagoLawAlumni

Many of our public and guest law lectures are available to view or you can subscribe to RSS feeds when lectures are available.

Follow these at:

www.otago.ac.nz/news/itunesu/podcasts/otago025528.html

UNDERGRADUATE NEWS



Congratulations to **Bianca Hewitson** who received the Clarrie Stevens Memorial Law Scholarship this year. The scholarship is named after Clarrie Stevens a prominent Dunedin Lawyer. The scholarship is awarded to candidates who have shown particular aptitude in Wills, Trusts and Commercial Law. The selection panel members are Professor John Smillie from the Faculty of Law, Geoff Thomas, partner in Anderson Lloyd Caudwell, Roger Macassey, partner in Gallaway Cook Allan.

Bianca is in her final year at Otago and will be working for Chapman Tripp next year after a much-deserved break in the UK.

MĀORI AND PACIFIC LEGAL ISSUES WEEK - REPORT FROM TE ROOPU WHAI PUTAKI AND THE PACIFIC ISLANDS LAW STUDENTS ASSOCIATION

This year Te Roopu Whai Putake (Māori Law Students' Association) and the Pacific Islands Law Students Association pooled their resources to host a combined week addressing Māori and Pacific Legal issues. The broad overall theme, 'Looking to the future, Māori and Pacific Legal Issues in the 21st Century', allowed the week to encapsulate a wide range of issues. The work of both executives produced an exceptional line-up of events and highly regarded speakers. Although the week was specifically targeted towards the minority ethnic groupings of Māori and Pacific people the implications of the topics discussed are wide ranging and touch the lives of all New Zealand citizens.

Metiria Turei was the opening speaker. Her talk addressed issues of Sovereignty, natural resources and issues between the individual and the state. Her passion for the advancement of a multi-cultural society and advancement of community-based leadership was evident. Politics were set aside and Metiria can be commended for delivering a talk that provided for a conversation that all in attendance could participate in. John Gibbs highlighted the force of her message in an article in the Otago Daily times the following day. He reiterated Metiria's point on avoiding the "divide and conquer" pitfalls that often occur between Māori leadership groups. This is a notion that is not only applicable to Māori, but all New Zealanders.

PILSA QUIZ NIGHT

Quiz teams competed for the coveted PILSA Quiz night title. There were quiz questions, and corresponding questioning looks – in addition to a stack of delicious pizza! The healthy turnout were vying for the glorious first prize of Veggie Boys purchased pineapples and assorted tropical fruit, sorry Hintons. In an interesting turn of events the non-Law team "Meatlovers" won on 36 points. How could this be? It is common knowledge that law students carry all the knowledge, as knowledge is power. "Uncle Len's Advocates" came second on 35 points (although points were nearly deducted for an intractable team member arguing that Magna Carta was not a statute, when clearly the quiz-writer knew that it was), and "Nga Toroa" was awarded a 'wooden spoon' last place prize of three brussels sprouts and a shallot. ... Just kidding, all participants received tropical fruits and pineapple lumps as congratulations. Many thanks to all who attended and helped – bring on next year!

FAMILY LAW: PERSPECTIVES FROM THE FRONTLINE

Day two of the week saw a team of local practitioners take time away from their work commitments to speak about their experiences working in the legal field of family law. The amazingly talented Rochelle Crossman brought along a team of volunteers that showed passion for their work, clients and field of expertise. Warm appreciation to Chanel Gardner, Claire Elder and Ben Nevell who took time out of their busy schedule to be with us.

Rochelle got the proceedings underway by providing a brief overview of the law surrounding domestic violence and highlighted important provisions in the Domestic Violence Act 1995. Ben followed with a number of relevant statistics that highlighted the gravity of the issues facing our nation while everyone chipped in ideas, comments and retrospectives along the way. A joint discussion on protection orders followed. Chanel ended the session with information to address cultural barriers that exist when dealing with ethnic minorities. She especially highlighted the difficulties in working with Pacific families who harbour domestic violence incidences within their kinship relations and avoid speaking out or highlighting the incident due to the sense of family shame.

A common theme was the positive remarks made towards organisations that assist families, especially women in times of need throughout the session. These include but are not limited to Women's Refuge, Child Youth and Families and Stopping violence. Dunedin. These organisations perform a vital function in our society and it is important their work and efforts are acknowledged. There is an opportunity to see strengthened relations between local practitioners and important initiatives occurring in the Dunedin community.

JUDGE CRAIG COXHEAD'S GUEST LECTURE AND LEADERSHIP BREAKFAST

On Tuesday night we had the pleasure of a guest lecture from Judge Craig Coxhead which expanded on our broad theme of "looking to the future". Coming from the Māori Land Court (and concurrently sitting on the Waitangi Tribunal), we knew his experiences would provide for a thought-provoking lecture on indigenous legal issues. One of the main themes of his lecture outlined the struggles that Māori inevitably face within a legal

system that is (at its core) inherently non-Māori. The audience weren't afraid to promote discussion on these issues and Judge Coxhead certainly took advantage of this excellent opportunity to project some of his views. It was great for the audience to be able to take away from the lecture the frank perspectives of such a revered member of our indigenous judiciary.

On Wednesday morning we held a leadership breakfast with Judge Coxhead. This gave junior Māori and Pacific law students the chance to have an informal meet and greet with a Māori member of the judiciary. There was a great turn out of aspiring young lawyers eager to find out what it is like to be a practitioner and a judge within Māori law. No topic of discussion was off limits as students queried Judge Coxhead on everything from judicial selection processes to the type of car he drives.

PACIFIC ISLANDS LAW STUDENTS ASSOCIATION V PACIFIC ISLANDS HEALTH PROFESSIONAL STUDENTS ASSOCIATION DEBATE

The moot for the second annual PILSA v PIHPSA, 'National Independence is best for Pacific nations' provided an opportunity for relevant and contentious discussion. After some confusion, discussion by the PIHPSA side that kicked off the action interestingly centred on the growth, processing and sale of coconuts. Who could have known that coconuts had such an influence on the global economy? PILSA in all their wisdom pounced, alerting them to the difference between Independence and Isolation. These lessons in definitions ultimately led to a PILSA victory. On the day PILSA was represented by Kate Rouch, Hans To'o and Melanie Lloyd, while Brittany Stanley-Wishart, RJ Faletua and Nina Larissa Maifea represented PIHPSA. The Judges were Professor John Dawson of the Faculty of Law, Tony Zaharic of the Biochemistry department and President of Te Roopu Whai Putake, Renata Davis. A warm Pacific thank you is directed to speakers and judges alike. Debating is an art, but interpretation of 'coconut issues' may be argued to be a harder task to master.

SIR TIPENE O'REGAN'S GUEST LECTURE

Sir Tipene O'Regan presented on Wednesday evening and captivated the audience with his wealth of knowledge and experience. As an iwi leader, he was on the frontline throughout the Ngāi Tahu settlement process and the Sealords Deal, these accolades making up a small part of his extensive career. His reputation was clearly a draw card for the Dunedin legal community and the general public. Sir Tipene's topic of discussion was related to his position as the current co-Chair of the Constitutional Advisory Panel. In this role Sir Tipene is charged with considering the place of the Treaty of Waitangi within New Zealand's constitutional arrangements. A key element of his discussion was the substantial changes in demography that NZ will experience over the next fifty years. During his lecture he argued, "By 2060 there will be twice as many New Zealanders as there are now. The ethnic and age mix is going to be completely different. How do we want NZ to be at that time? How do we want our future to look?" He maintained throughout that there are serious constitutional questions, which are yet to be discussed by mainstream kiwis, and that the Treaty is at the forefront of such issues. We are grateful to Sir Tipene for allowing us to be involved in this stimulating discussion.

COMMODYFING CULTURE: LAW AND PACIFIC CULTURE IN THE AGE OF GLOBALISATION

Chaired by Professor John Dawson the forum, which included Hazel Tucker (Tourism), Suzanne Duncan (Te Tumu), Chris Prentice (English) and Iati Iati (Politics), tackled the topic of commodifying culture. Due to unfortunately low turnout numbers, the forum evolved into a thought-provoking intimate conversation. Discussion topics addressed the inherent compromise between indigenous communities and outsiders in the commodification of culture and the tension between cultural authenticity and evolution. A concrete example included the controversial use of the haka by the New Zealand All Blacks and the effect of the haka on the pre-game rituals of the Manu Samoa rugby and University of Hawaii football teams. It is intended that this forum will be an annual fixture that leads to valuable discussion relationship building between departments and across cultures.

MARAE TRIP

The week was concluded with the Biennial Marae Trip, (in collaboration with SOULS) and sponsored this year by Anderson Lloyd. It was held at Araiteuru Marae, Wakari and comprised of a unique experience to all Otago law students. It involved a powhiri (welcome ceremony), kapa haka (cultural group performance) and interaction with lawyers from Anderson Lloyd. The group also got to enjoy hangi, which is traditionally cooked in a ground pit. The guys of the group were taught haka; the girls were taught waiata ringa (action song) – which was entertaining to say the least! All round it was a great opportunity for all law students to experience a bit of Māori culture.

The week was an all round success for all involved with a great mix of academic, social and cultural events. We look forward to next year's legal issues week!

THE OTAGO STUDENT ANIMAL LEGAL DEFENCE FUND

presented a talk by one of Australia's premier Animal Lawyers, Ruth Hatten Legal Counsel, "Advocating for the Voiceless: Life As an Animal Lawyer in Australia"

Animal law is a burgeoning area of law. While the first-ever animal law course was taught just twenty years ago, today hundreds of law schools throughout the globe offer the course. But outside of the classroom, what is it really like to practice public interest law as an animal lawyer? This lecture provided insight into the life of an animal lawyer – the barriers, the successes, the daily responsibilities, the rewards, the frustrations and the means by which lawyers can foster positive change for animals.



AUSTRALIAN LAW STUDENTS' ASSOCIATION CONFERENCE IN MELBOURNE JULY

Otago fielded four teams in client interviewing, negotiation, the championship moot competition and the international humanitarian law competition.

The IHL team got to the quarterfinals of that competition, the championship mooters (William Cheyne, Alec Dawson and Jayne O'Connell) got to the final of their competition but were very narrowly defeated by Victoria University from Wellington in the final.

Will Cheyne was awarded best mooter of the championship moot competition.

CHARLOTTE GREENFIELD



Earlier this year, I went to Jakarta representing the Faculty of Law to compete in the Asia-Pacific Round of the ELSA Trade Law Moot. I knew this was an amazing opportunity for anyone who wanted a career in international trade law, however I had no idea it would end up such a door-opening chance to someone who, like me, wanted a career in journalism.

After just missing out on the final round of the moot, one of the organizers tried to console me and my teammates by asking whether any of us would like her to try and organize an internship at the World Trade Organization in Geneva. I thanked her for the offer, but said that I wanted to focus on pursuing a career in journalism. She promptly pointed out that the moot was being sponsored by the Jakarta Globe, Indonesia's largest English language newspaper, and that she would mention my interest to them.

She did so I and received an email from one of the chief editors asking to send a copy of my CV. I did so and was offered an internship in the Jakarta Globe's newsroom. I am heading over to Indonesia in mid-September to what I have been assured will be an "adventure" and a "hands on experience" working as a journalist in Jakarta for five months.

PUBLIC INTEREST LAW NETWORK - ALICE OSMAN

The Public Interest Law Network (PILN) is a group of law students working to promote public interest law opportunities. It started off with an event earlier this year, where over 100 people came along to hear from young lawyers who have used their legal skills in areas such as climate change and human rights. There were also break-out groups where we discussed topics ranging from post-graduate opportunities to criminal justice issues.

Since then around twenty of us have been working on several projects. The first is a handbook full of information on volunteer opportunities, national and international internship and post-graduate opportunities, and career options in the public interest law area. The second is a database of Otago law alumni who have had experience in public interest law. This will enable current Otago law students to contact them to learn more about their experiences and how to go about finding similar opportunities. Another project on the horizon is a public interest law journal, which would feature articles on issues such as the environment, criminal justice and access to the legal system.

Another major goal of PILN is to raise awareness around the ways that Otago law students can use their legal skills in the community while still at university. We recently held an event where speakers talked about some of these opportunities. Dr Saskia Righarts talked about research opportunities with the Legal Issues Centre run through the faculty, which carries out research on how to create a more accessible and affordable legal system.

Next year we want to pursue this goal further, establishing PILN as a connecting point that links Otago law students to people in the community who need basic legal help. Furthermore, there are specific projects that we are hoping to implement. We plan to bring the Law in Schools project to Dunedin, which sends volunteers into High Schools to teach students about practical legal topics. We are also looking to help Professors Harlene Hayne and Mark Henaghan set up a University of Otago branch of the New Zealand Innocence Project, an organisation dedicated to acquitting wrongfully convicted individuals.

We are excited about the progress that has been made so far and the work that lies ahead. Events held in Auckland and Wellington law schools have sparked up similar groups that we will work alongside. Overall, the goal of PILN is ambitious but achievable and necessary. We want to encourage the next generation of lawyers to go into the work force with a sense of responsibility to the community and a desire to use the skills they have gained for the public good. If you have any questions or would like to get in touch please email otagopublicinterestlaw@gmail.com.

LLM and PhD in Law

Enhance your research skills, gain specialised legal knowledge and expand your employment skills

Welcome to the University of Otago Faculty of Law. Established in 1873, the Otago Law Faculty is proud of its long history and tradition of providing a world class legal education. Our very experienced staff have

international reputations in their fields. The University of Otago is New Zealand's most research intensive university. High quality research is a major contributor to our legal system. Be part of this contribution.

CRITERIA FOR ENTRY TO LLM AND PhD

LLM (by Thesis)
 LLB or equivalent undergraduate legal qualification
 B+ average in papers taken in final years of undergraduate law degree
 B+ standard in legal research
 Demonstrated English language proficiency
 Discretionary admission in other cases
 2 academic letters of reference
 The LLM is intended to represent the product of 12 months (or equivalent) full-time research

PhD
 Honours or Masters degree or appropriate research experience
 B+ grade point average for all 300/400 level papers (or equivalent) taken in LLB degree and other prior bachelor degrees, and Masters coursework or research
 Demonstrated English language proficiency
 2 academic letters of reference
 The PhD involves a minimum of two and a half years' full-time, or at least four years' part-time study

UNIVERSITY OF OTAGO POSTGRADUATE AWARDS AND SCHOLARSHIPS
 These awards and scholarships are awarded for the first 12 months of a Masters Thesis or the first 36 months of a PhD Thesis.
 For scholarship and awards information contact the University of Otago Postgraduate Scholarships office at email: scholarships@otago.ac.nz or visit the website: www.otago.ac.nz/study/scholarships/postgraduate_scholarships

To further your enrolment plans, formulate a research proposal and discuss your plans with the Postgraduate Co-ordinator, Faculty of Law, email postgraduatelaw@otago.ac.nz

Please refer to the website for application forms and information
www.otago.ac.nz/law

YOUR PLACE IN THE WORLD

POSTGRADUATE STUDIES



DEVON LATOA AT THE ASPIRING LEADERS FORUM

The 2012 Aspiring Leaders' Forum on *faith and values* took place in July in Wellington. I had the privilege of attending as a nominee of the Faculty of Law. It was an honour I looked forward to. I had kept an open mind and heart to the potential for an interesting, inspirational and insightful four days. Little did I know that those four days would turn out to be an experience I hope never to forget. My four-day flirtation with the capital city showed and gifted me something intangible, something priceless, something I will be forever grateful to the Faculty of Law for:

The forum was comprised of a number of keynote speakers, seminar speakers, MP hosts and small group sessions. The aim was to get the 100 plus 'Aspiring Leaders' talking, thinking and reflecting *Faith and Values*. How? It was evident from the start that the facilitators and crew who had done the hard work and continued to work hard, thanklessly, behind the scenes had a formula. It was a formula that had been applied in the United States, Australia and elsewhere. Now this formula was in the 7th annual year of application through the Aspiring Leaders Forum. How does that formula work? Magically...! But you have to let it happen. I had to open my heart and mind, contribute, listen and reflect. I would find myself late at night after over 12 hours of forum events reflecting. Reflecting on what I heard, saw, experienced and felt. I formed opinions and conclusions. I absorbed the content I connected with and let the extra material go. I listened to opinions I didn't necessarily agree with and changed mine where I felt I needed to. I tried my best to listen, not only to what was being conveyed to me, but to what was happening within me.

In my time in Wellington I heard from a number of speakers. Well known leaders who have achieved remarkable things like Rob Hamill, Kerre Woodham and Sam Johnson. I attended talks by MPs who continue to run this country. I contributed in seminars and small group sessions with people who we would regard as successful, wealthy and winners at life. But what really happened is I got to hear stories from people who personify the clichés, not because they necessarily believe in them, but because they believe in themselves. I heard stories from people who took actions in their lives, actions that sometimes had positive results, other times negative, ultimately, and actions that resulted in these people being identified as leaders.



What is leadership? I feel that can't be defined; it shouldn't be given a definition that limits its scope. It should be given a set of parameters to be duplicated and replicated by others. Leadership is everywhere. It is an opportunity seized by a human being who chooses to believe in oneself: leadership is individualistic. Leadership is having the passion to make a decision, commit to it and see it through. Leadership is simply getting your children to school on time well fed and with lunch in hand. Leadership is directing the ship that is you. It is choosing to live life rather than watch it pass by. Leadership is simply listening to one another. It is everything and nothing at all. 'Leadership' is really just another fancy term given to something we want to attribute an understanding to. We too often let that term deter us from taking action. If I learnt anything from my four days in Wellington, I learnt that an old cliché is true. Life is too damn short!

When you look in the mirror and truly reflect, what is it that will determine your wealth? The figures that appear on a screen when you enter your login and username to check your balance, or the fond memories you have because you chose to lead yourself on a journey that made a story worth retelling.



FLOSSIE VAN DYKE TRIATHLETE

The World Triathlon Championships were held in Auckland this year. I competed in the Aquathon (1000m swim, 5km run) and Triathlon (1500m swim, 20km bike, 10km run), placing 2nd and 5th in my age group.

I have been training for the Triathlon for the past year with the Otago Triathlon Academy. I was lucky to qualify for the World Triathlon Championships in 2011 when I won the 20-24 New Zealand age group Championships. Training with the Academy was a lot of work but also a lot of fun. Regular 'coffee stop' rides, local races and incorporating sports massages and bikram yoga into the programme ensured we survived training 20 hours a week through the Dunedin winter.

The conditions for the World Champs race in Auckland were perfect. Temperatures felt balmy after the build up in Dunedin, and it was encouraging to race on a home course that wound through downtown Auckland. My races could not have gone better but the best part was meeting other athletes on race day and at functions during the week. It was inspiring to train with, race against and share stories with athletes who had traveled to New Zealand from almost every country in the world.

Flossie is hoping to be offered a human-rights focused internship in the hope that she will be able to gain some insight into this area of law before starting work at Bell Gully mid way through next year.

LANA KAMFFER - STUDENT EXCHANGE IN ALBERTA

Lana is in her 5th year of studying a BCom/LLB at the University of Otago, having completed a BCom majoring in Finance earlier this year.

She is pursuing the final semester of her Law degree on the student exchange programme at the University of Alberta, Canada for their fall term (September – December 2012)

As it is her last semester Lana obtained a year long working visa to remain in Canada for 2013

Originally Lana thought to keep an open mind about any work experience either in business, law or casual jobs as she travelled.

The opportunity for her to practice law in Canada has arisen so she is in the process of applying to get her Otago Law degree accredited to Canada. This is now with the long-term goal of gaining admission to the Canadian Bar and practising in Alberta.

Lana says that she highly recommends the student exchange program. "In particular, the University of Alberta has exceeded my expectations. For me personally, doing it in my final semester of studies has had certain downsides (such as missing your last days at University with your friends, finalist functions and most importantly graduation). However on the upside, being overseas when you graduate literally opens a world of opportunities. I am seeing the value of transferable skills learnt at Otago as well as the benefits that come with studying at a world renowned University such as Otago.

I would like to thank the Otago Alumni. I have had tremendous support from Alison Finigan in Dunedin and alumni living in Canada and Edmonton such as Beverley Hoskins".



LAW AND CULTURE: PACIFIC LAW AND NEW ZEALAND/AOTEAROA

Over the mid semester break a handful of students attended Law and Culture: Pacific Law and New Zealand/Aotearoa. This conference was the continuation of a joint venture initiated by Professor John Dawson of the University of Otago Faculty of Law and Anita Jowitt of the University of South Pacific who graduated from the University of Otago with an honours degree in law. The small exchange that began some 6 years ago has come to be an annual event that may head across the ditch with the University of New South Wales keen to play host next year. The students in attendance were Devon Latoa, Tom English, Hans To'o, Mikayla Zandstra and Matt Dodd, with Professor Dawson carrying the flag for the staff.



The conference was held over 3 days and involved a variety of keynote speakers, staff and student presentations. Notable mention should be given to His Excellency Judge Sir Kenneth Keith who was appointed to the International Court of Justice in 2005. In addition, the attendance of 'Asipeli' Aminiasi Kefu, the Solicitor General of Tonga and the knowledgeable Professor Don Paterson, a leading scholar on matters of South Pacific law, should be given due credit. The Roundtable discussion on the Diversity of the Judiciary that took place on the first evening also involved a number of well-respected individuals whose input and views were greatly appreciated and respected by all in attendance. The involvement of many esteemed leaders from various fields of law and related academic interests was a testament to the growth of the Law and Culture conference, the efforts of the organising committee at the University of Auckland and the growing attention that the Pacific Region is receiving. This is further highlighted by the attendance of Hillary Clinton at the Pacific Islands Forum that was occurring simultaneously in the Cook Islands.

The panel discussions over the three days covered topics concerning Land, Rights and Freedoms, Policies, Family Law, Culture, Emerging fields and more. The diversity of people taking an interest in the conference was reflected in the diversity of papers, presentations and general discussions over the three days. The presentations given by Professor Dawson, Devon Latoa and Matt Dodd were met with positive feedback, valuable questions and healthy discussion. The papers presented over the three days were informative, intriguing and often intricate. There was a continual undertone concerning the compromise between the values and principles of customary systems and Western notions of law, human rights and international diplomacy. This form of legal pluralism is the achilles heel for many Pacific nations. There is a constant balancing act between the influence and need for help and assistance from larger nations and the imposition of the legal norms of the respective contributing and supporting nations.

The annual moot competition between the University of Otago team and the University of South Pacific Emalus Campus team was a highlight of the conference. Both teams put forward strong submissions, which were supported by strategic thinking and question responses while under pressure. Thankfully the Otago team of Tom English, Hans To'o and Mikayla Zandstra made up for last year's loss and the trophy returned to its rightful home. The judges had high praises to sing about both student teams and even went as far as to compare one young advocate to the highly respected Barack Obama. It is hoped that the advocacy skills on display will continue to be sharpened and may assist the minority Pacific communities in the future.

The conference was certainly an intense three days and the recently built Fale Pasifika and amazing weather in Auckland were additional complimentary elements to the memories shared and created by all. Everyone walked away with a tremendous amount of additional knowledge. But most importantly people walked away asking the right questions, questions about change, positive outcomes and a way forward for Pacific communities as a part of our global community and the world of common citizens. We look forward to next year's conference with anticipation and the hope that some of those questions may already be answered.

AUDACIOUS BUSINESS CHALLENGE

Congratulations to Ryan Everton LLB/BCom for winning this year's Audacious Business Challenge for Otago University and Otago Polytechnic students.

Second place winners, David Booth and Harrison Uffindell, are also LLB/Bcom. Their entry was the Meatmail, a meat delivery service for students in Dunedin.



**Faculty of Law, University of Otago
Final year LLB and LLB (Honours) Students 2012**

Seventh Row: (left to right) Rosa Winter, Willie Allan, Nic Blumsky-Gibbs, George Davies, Jade Cooper, Sam McLernon, Sam Whitehead, David Owen, Steven Lack, Patrick Ryan, Louis Chambers, Nick Jones
Sixth Row: Florence Van Dyke, Eryn Rogers, Jessica Dickson, Walker MacMurdo, Elizabeth Escott, Anneke Theelen, Alice Selby, Sophie Wharam, Alice Osman, Zac Kedgley-Foot, Harrison Uffindell
Fifth Row: Emma von Veh, Hana Cudzow, Amelia Morgan, Louise Brazier, Jessie Rose, Alice Garner, Hannah Ferguson, Alice O'Connell, Mitchell McClenaghan
Fourth Row: Olivia Newman, Helena Hallagan, Kate Rouch, Heather Bossetmann, Nicole Thompson, Rachel Riddle, Sophie Kalderimis, Charlotte Kempthorne, Stephanie Bould, Steve Thomson, Hayley Mahen
Third Row: Liz Meade, Micaela O'Connor, Malaika Cockerell, Karen Heine, Malcolm Lucas, Annika Tomblison, Laura Drake, Devon Latoa, Matt Dodd, Alice Sanders
Second Row: Jen Carr, Amy Prentice, Rachael Cederwall, Isabelle Manson, Kimberley McKenzie, Jared McIntosh, Sam McCutcheon, Jane Guthrie, Almiro Clere, Jamie Mountier, Matt Minnema, Emma Bowman
First Row: Sean Conway, Tom English, Aimee Paterson, Rebekah Dixon, James Cleland, James Harty, Dom Jones

FINALISTS

The Faculty of Law farewells this years group of finalists and wishes them all well in their next chosen step.

RECENT GRADUATE NEWS

NATHAN GRAHAM

My background is about as far from law as you could imagine. A lifelong interest in car racing led me to a career in motorsport engineering. I have been extremely fortunate to have had the opportunity to work at some of the world's most famous race tracks and races throughout the US and Europe (including the Le Mans 24 hour race). I have also been fortunate to work with and learn from some extremely talented people throughout this part of my career. It was a dream come true.

However, the demanding travel schedule and the lack of the quintessential kiwi lifestyle led me to reassess what I wanted from life. My wife Monica and I moved back to NZ and to her hometown, Dunedin.

For several years I worked as a service manager for a local dealership and I was still involved in the professional motorsport scene throughout NZ. I was very busy... but I felt that I needed an extra challenge. Full time job offers in motorsport, based in Auckland, were turned down (Dunedin is far too nice to leave!) I was looking for something different.

A close friend of mine (who comes from a family of lawyers) suggested that if I wanted a challenge, as well as an interesting new career, then law was the only way to go. I had always enjoyed dealing with and helping people. Also, throughout my engineering career I had developed good analytical and problem solving skills. With the full support of friends and family the challenge was accepted.

It had been such a long time since having to write an essay or sit an exam that the first year of study felt distinctly foreign. But I made it through and I decided to carry on.

Each passing semester saw my interest and passion for law grow. The University of Otago Faculty of Law played an important part in this. The entire staff is committed to helping and nurturing inquisitive young (and in my case – not so young!) minds. A major influence for me is Professor Mark Henaghan. His enthusiasm for

the law, as well as the students, is incredible. Also, the quality of the teaching staff is inspirational. I am sure that many graduates of the Otago Law school feel the same way.



Nathan seen here with Mark, Preeya Reedy, Brierly Broad and Laura Bowman

Throughout my entire degree I have been lucky enough to continue some of my engineering work. Somehow we have also had time to become parents to a baby boy called Thomas. Despite an at times immensely demanding workload I have thoroughly enjoyed my time as a student. I am now looking forward to working in the legal profession to take the challenge further.

Other law school highlights:

- Nigel Jamieson – occasional visits to his office would leave me with my head spinning and about 2 weeks worth of concepts to ponder. Amazing man, amazing mind.
- Professor Nicola Peart's lectures and tutorials were pure gold. Super fantastic teacher/writer/everything.
- Professor Peter Skegg – a true gentleman.
- Barry Allan – his beard should have its own office.
- The Law library staff – super helpful, nothing is ever a problem for them.

POSTGRADUATE PROFILES

JEANNE SNELLING



Jeanne's interest in law first became apparent when, as a nursing student, she became absorbed by the proceedings of the Cervical Cancer Inquiry chaired by (now) Dame Sylvia Cartwright. It took

some time, but her legal aspirations were finally realised when she graduated with a Bachelor of Laws with honours in 2003. After a period working as a Research Fellow and discovering an affinity for law and genetics research, Jeanne decided to pursue Doctrinal studies.

Jeanne's PhD thesis examines a relatively new genetic technology: preimplantation genetic diagnosis (PGD). PGD is a procedure that enables the identification of gene variants in an embryo created by *in vitro* fertilization. Although it was first used by couples at risk of passing on a serious genetic condition (such as cystic fibrosis or Huntington Disease) to conceive a child without that particular illness, the scope of PGD has since extended considerably. Not surprisingly the legal response to PGD varies considerably across jurisdictions. The thesis interrogates some of the arguments associated with PGD to determine what principles should underpin a regulatory framework.

The PhD that resulted was substantively different to the one that she originally anticipated writing in that it evolved into a more theoretical discussion of the notion of reproductive liberty, whereby the technology simply provided the background for a critique of ethical and jurisprudential concepts. Jeanne was extremely fortunate in receiving superb support from her supervisors, Professor Mark Henaghan and Professor Sheila McLean (an expert in medical law and ethics at the University of Glasgow). Together they enabled her to hone her critical and writing abilities – which she says is the great aspect of the PhD process.

MARIA POZZA

I was invited to apply for and subsequently awarded the Lauterpact visiting fellow at the Lauterpact Centre for International law, which is the scholarly home of international law at Cambridge University. The Centre is part of the Faculty of Law in the University of Cambridge and one of the Faculty's specialist law centres. I intend to take up the position from late August 2013. Subsequently, I have been awarded the Claude McCarthy Fellowship and an International Studies Award travel Grant to attend the 2013 International Studies Association Conference 2013 in San Francisco.

CONGRATULATIONS TO LAN PHAM

Lan won the Environmental Defence Society (EDS) student writing competition for her essay, "*The travesty of native fish 'protection' in NZ: How the expiry of historic mining rights in Otago highlights Otago Regional Council's inadequacies in protecting the threatened galaxiids in their own backyard*". EDS is a leading environmental NGO that has met with much success in litigating to protect the environment and has run the national student writing competition for three years. The idea for a student prize originated with Natasha Garvan, who is an Otago graduate, and is seconded to the EDS by Bell Gully. This is the first time that an Otago student has won the prize.

Lan says, "I was lucky enough to get to do Ceri Warnock's RMA law papers as part of my MSc papers year in 2011, and I would really encourage the Law Faculty to extend the invitation to other Ecology/Zoology students in future. You learn some really interesting and incredibly important things about how NZ's resources and environment are managed (or mis-managed) and these are things which are very pertinent to the wildlife and conservation fields. I have had some incredible opportunities as a result of things we learnt in these papers, such as presenting to Parliament's Select Committee on the Exclusive Economic Zone bill in Wellington earlier this year and to Otago Regional Council next month with our Freshwater group to submit on their Water Quality Plan Change, and now, being invited as part of my prize for the essay competition, to attend the EDS conference coming up in August.



Lan sampling aquatic invertebrates as part of her MSc in Zealandia Sanctuary, Wellington.

So thank you to the Law Faculty for accepting an inexperienced ecology student into your courses, and I hope holding the EDS title for the year made it worth the extra paper work.

Lan went to the Select Committee to make an oral presentation on behalf of her class. As part of the Advanced Resource Management paper, Ceri got students to write submissions on the EEZ Bill as part of their assignment.

Future Law Student - Georgia Gumbrells



Georgia is 13. She has been writing to Nicola Wheen since she was 10. She wants to be an environmental lawyer; and she wants to study Law at Otago. As her 13th birthday present, she asked for a trip to Dunedin to visit the Faculty and meet Nicola and Mark.

During the September school holidays in 2010 (I had just turned 11), I was bored, so set myself a project – deciding where and what I wanted to study. I had always been interested in Law, so I searched on the internet about Law Schools in NZ, and came across Otago University, with its marvellous Law facilities. I read up about different graduates, and about the things that are studied during Law at Otago. I quickly decided this was the place I wanted to be, and I couldn't wait to get there. I started to consider what kind of law I would like to study, and decided upon family law. But then, I changed my mind. My passion for the environment and animals drove me to then set my goals to be an Environmental Lawyer; to help save our planet, and our amazing species. There didn't seem like many other things that were as important as helping to save our home, for future generations to come.

Whilst browsing the Otago website, I clicked on staff, and did some reading about each staff member. I then read up about Nicola Wheen, and when I saw that she was producing reports about the Maui's and Hector's dolphin, which is one of my favourite animals, I decided I would email her and ask her about the work she does, and what it takes to be a Lawyer. I emailed Nicola for a while, and learnt more about Law. During my last term of school for year 6, we did a project on what we wanted to be. We had to write out about our strengths, and what career we wanted, and stick all these things artistically on a canvas. Right in the middle of my canvas was a picture of Nicola Wheen, my idol, and whom I wanted to be like when I grew up.

Then in February this year, I decided that for my 13th birthday, I wanted to visit Dunedin, and Otago University.

I emailed Nicola, and she said it would be fine to meet up some time! I was so delighted, knowing that I was actually going to meet an environmental lawyer/lecturer!! I was counting down the days until my trip, I couldn't wait to finally set eyes on, hopefully, what would be my future University!

The day of meeting Nicola at Otago University, was one of the best days of my life. Having an awesome tour around the University, being able to talk to her in person about environmental issues, and especially meeting the Dean of the Law School, Mark Henaghan! It was an amazing, inspirational visit that made me even more excited and keen to study Law at Otago.



“Meeting you and the Dean was an absolute dream come true, and I love being able to ask questions and talk with you about Environmental Law. It has made me even more inspired to come to Otago, I went and visited St Margaret’s Hostel afterwards as well, and that was so nice, hopefully if I study at Otago I can stay there!”

SPECIAL ACKNOWLEDGEMENT

LAW LIBRARIAN JUDI EATHORNE-GOULD

This special acknowledgement from the Faculty of Law is in honour of Judi’s enthusiasm and commitment over the last 21 years.

Judi’s interest for working in an academic law environment has its roots in 1990 while in her final year at the University of Otago, completing a BA in History, and an LLB. While studying five papers, she also worked at the Law Library as a Desk Assistant, sometimes up to 30 hours a week, and often at short notice.

Then in early 1991, Judi was employed as a temporary part-time Library Assistant, which fitted in well with her tutoring work for the Law Faculty (which she still does to this day), and later that year, some research work for them too.

From then until now, Judi thrives in her ability to work along side staff and students, taking an interest in their interests; be it an upcoming assignment, private tutoring, finding legal resources, or anticipating a research need.

Donna Buckingham: “Judi’s commitment drives the growth of the New Zealand Legal Information Institute, the largest online publisher of free legal information in New Zealand. Her efforts are largely responsible for helping NZLII coverage grow to 70 databases. She does this work at nights and weekends and her passion for public access to law is the reason”.

Richard Mahoney: “She is indispensable. I never have to wait more than a few minutes to have her perform an internet task that is beyond me. She appears to love a challenge to find something that I have given up trying to locate. We could not afford to lose her.”

Geoff Hall: “whenever I need a hard to find unreported judgment, a copy of a Bill or a Ministerial Report she’s the go-to gal. She’s a gem!”

VISITORS

The Faculty has enjoyed many visitors in the latter half of the year enriching the culture and life of us all immeasurably. Among these have been the following:

EILEEN FEGAN EDUCATION, ECONOMICS, EMPLOYMENT: IMAGINING OUR FUTURE



Eileen Fegan graduated Queens University, Belfast with First Class Honours in Law and gained a scholarship for postgraduate study into legal theory in Canada. She then lectured Law in four UK Universities, including Oxford and Queen’s Belfast, where she specialised in Gender, Equality and Human Rights. Eileen is now a Lecturer with the Open University, teaching on the LLM programme to students worldwide.

As a guest of the Faculty of Law and the New Zealand Federation of Graduate Women Eileen Fegan, an Irish Human Rights lawyer, gave an interesting and timely lecture to the public entitled, Education, Economics, Employment: Imagining Our Future.

Eileen has conducted research into the many ways law constructs our understanding of gender and uses those constructions to discriminate against women and minorities. Eileen has published seminal articles on feminist legal theory and reproductive rights in Canada, UK and Ireland.

In 2005 she set up her own Empowerment Training and Consultancy company (www.efempowermenttraining.com) to put her academic expertise on women's inequalities to work in the community. She has trained many community groups in Northern Ireland on issues of women's political participation, human and reproductive rights and delivered workshops aimed at providing the public with awareness of laws most affecting women. She has worked on projects for Women into Politics, Trademark, Alliance for Choice, and the Community Foundation for Northern Ireland.

JUSTICE PAUL HEATH

The Faculty welcomed Justice Paul Heath from the New Zealand High Court. Justice Heath has been a regular visitor to the Faculty where he gives lectures on transnational insolvency.

Justice Heath spoke to staff at a seminar on hard cases for Judges. His topic was "Reflections on Difficult Judgments".

He chose 5 particular cases, which illustrate some of the matters that judges grapple with. These included: A case about cross border insolvency; a relocation case; a case concerning the indefeasibility of a registered lease hold interest in land, the circumstances in which a registered interest may be challenged and the nature of any remedy that can be ordered; a case about whether guardianship continues after death, how this relates to the deceased remains of a child; and a case concerning the care of a premature baby whose Mother had been diagnosed with terminal cancer.

Justice Heath used these examples to reflect on some of the practical difficulties facing Judges when making decisions. He discussed those, which are highly emotive, those that are time sensitive, and those where it is a matter of 'hard law'. Justice Heath also discussed some of the implications of changes to legal aid which include increasing numbers of self litigants which can have delaying effects in case management. He also noted that there are many more cases coming before Judges where an interpreter is required, particularly Mandarin, Vietnamese, and Korean speaking, and some of the complexities which can have unforeseen consequences in terms of time and issues around correct understanding of the facts.



Justice Heath and PhD candidate Sarah Butcher

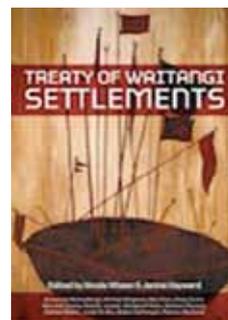
PUBLICATIONS



Nicola R Wheen and Janine Hayward (eds) *Treaty of Waitangi Settlements* (Bridget Williams Books, 2012) published with joint funding from the NZ Law Foundation. This book considers the achievements and controversies of Treaty settlements and the Treaty settlement process.

Janine Hayward is Associate Professor in Politics at Otago, Nicola Wheen is a senior lecturer in Law. The two co-edited *The Waitangi Tribunal – Te Roopu Whakamana i te Tiriti o Waitangi* (Bridget Williams Books, 2004). They also co-authored Chapter 1 and the Conclusion for *Treaty of Waitangi Settlements*.

Treaty of Waitangi Settlements includes chapters on the meaning and history of Treaty settlements; the Treaty settlement process; legal challenges to the settlement process; Crown apologies in settlements; the lands, fisheries, freshwater and Ngāi Tahu taonga settlements; the financial and commercial dimensions of settlements; contemporary identity and representation challenges to settlements; and the impacts and implications of settlements for Māori and for Māori-Crown relations.



The book asks whether the settlements achieved so far, and the Treaty settlement process as a whole, have been successful in redressing historic grievances, and whether Treaty settlements are truly 'full and final' or leave major issues unresolved?

CONTRIBUTORS

Nicola Wheen – Law, University of Otago
 Janine Hayward – Associate Professor, Politics, University of Otago
 Michael Belgrave – Professor in History, School of Social and Cultural Studies, Massey University
 Dean Cowie – Chief Negotiator and Manager, Native Title Unit for the State of Victoria, Australia
 Baden Vertongen – Senior Associate, Kensington Swan
 Maureen Hickey – Historian, Office of Treaty Settlements
 Paerau Warbrick – Te Tumu, University of Otago

Margaret Mutu – Head of Māori Studies, University of Auckland;
Chair of Te Rūnanga-ā-Iwi o Ngāti Kahu
Linda Te Aho – Associate Dean Māori, Te Piringa – Faculty of Law,
University of Waikato
Michael Stevens – History, University of Otago
Damian Stone – Partner, Kahui Legal
Robert Joseph – Te Piringa-Faculty of Law, University of Waikato
Mai Chen – Partner, Chen Palmer New Zealand Public Law
Specialists
Maria Bargh – Māori Studies, Victoria University of Wellington

OTAGO LAW REVIEW

The Otago Law Review Trust Board Inc publishes the Otago Law Review (OLR) annually. The Otago Law Review is a blind-refereed journal. The Dean of the Faculty of Law is Chairman of the Trust Board and Associate Professor Margaret Briggs is the Editor of the OLR. Members of the Faculty and selected LLB students serve as members of the Editorial Committee. In addition to an Editorial Committee, the Otago Law Review has an International Editorial Board:

- Professor Andrew Ashworth, Vinerian Professor of English Law, All Souls College, University of Oxford
- Professor Dame Hazel Genn, Dean of Laws, Professor of Socio-Legal Studies, University College of London
- Professor Jeremy Waldron, Professor of Law, New York University School of Law; Chichele Professor of Social and Political Theory, All Souls College, University of Oxford

The OLR was founded in 1965; the 2012 edition of the OLR will be the 4th and final number of the publication's 12th volume.

Titles of some of the contents of the upcoming 2012 edition:

- FW Guest Memorial Lecture 2011, Jack Hodder
- Inaugural Professorial Lecture, "Mistaken Payments and the Change of Position Defence: Rare Cases and Elegance", Struan Scott
- "Political Culture and the Rule of Law: Comparing the United States and New Zealand", Brad Wendel
- "The Tenancy Tribunal: Tensions of Jurisdiction, Coherence, and Economics", Thomas Gibbons
- "Control, Over My Dead Body: Why Consent is Significant (and Why Property is Suspicious)", Jesse Wall
- "The Fool's Law or the Law's Fool?: Common Law Perspectives and Swedish Experiences on the Matter of Mistake as an Excuse from Criminal Liability", Dennis Martinsson

Subscriptions to OLR can be arranged by emailing law.review@otago.ac.nz.



NEW LAW SCHOLARSHIPS

The Faculty of Law has been greatly privileged to be involved in the launch of two new law scholarship appeals.

OTAGO LAW ALUMNI SCHOLARSHIP

As you may know we recently launched the inaugural appeal for the *Otago Law Alumni Scholarship*.

We offer our heartfelt thanks to those of you have contributed so generously already.

If you would like to contribute you can do so at:
<https://secure-www.otago.ac.nz/alumni/donate-to-otago/>

or you can contact:

Otago Law Alumni Scholarship Appeal
Development & Alumni Relations Office
University of Otago
PO Box 56
Dunedin 9054
Telephone: +64 3 479 5246
Email: development@otago.ac.nz

MĀORI LEADERSHIP IN LAW SCHOLARSHIP



Te Rūnanga o Ngāti Whātua and the University of Otago are establishing the *Māori Leadership in Law Scholarship* in memory of Jolene Patuawa-Tuilave. Jolene, of Scottish Ngāti Rangiwewehi, Te Uri-o-Hau, Te Roroa, Ngāti Torehina, Ngāpuhi and Ngāti Whātua descent, was a very highly respected Otago law graduate and young leader in the legal profession whose very sad passing brought short her important work amongst hapū and iwi. She was an inspiration to many and an indefatigable advocate for Māori rights. The scholarship is being established, in conjunction with Jolene's whānau, as a legacy to Jolene and to encourage and enable young Māori students, particularly those of Ngāti Whātua descent, with leadership qualities and a passion for law to follow their dreams through the study of law. It is the first of its kind at the University of Otago.

The launch of the *Māori Leadership in Law Scholarship* appeal was a significant event, which took place at the inaugural World Indigenous Peoples Lawyers Conference at Vilgrads Winery in Hamilton on 7th September. The conference was hosted by Te Hunga Roia Māori (the Māori Lawyers Society), which Jolene was co-president of at the time of her death. Many of Jolene's colleagues and friends were at the conference and at this launch. It was made even more special by the presence of Jolene's immediate whānau. Her father Bill, stepmother Jacqui, brother



Mathew and sister Claire, all travelled from Tauranga for the event. It was fitting to have Donna Buckingham in attendance to represent the Faculty of Law, as well as Rachel Hall, Jolene's friend and legal colleague, and Spencer Webster who had worked on many Treaty of Waitangi claims with Jolene. While Dr Jacinta Ruru, Senior Law Lecturer, was unable to attend due to being overseas with Fulbright commitments, it was also wonderful to have the support of members of Te Roopū Whāi Pūtake and their counterparts from the University of Canterbury to support Tame Te Rangi (Te Rūnanga o Ngāti Whātua) and Janine Kapa (the University's Office of Māori Development), following their speeches with a lovely rendition of the Ngāi Tahu waiata, 'Ka Tahuri Au'.

Jolene contributed enormously to the University of Otago, including the Faculty of Law, during her time as a student (she was a past Tumuaki of Te Roopū Whāi Pūtake in her students days at Otago) and then as a lawyer in meeting with and mentoring Otago law graduates, in particular Māori law graduates. This is the first appeal to establish a scholarship for Māori law students with leadership potential.

If you would like to support this appeal please follow:
<https://secure-www.otago.ac.nz/alumni/donations/>,

or you can contact:

Māori Leadership in Law Scholarship
 Development & Alumni Relations Office
 University of Otago
 PO Box 56
 Dunedin 9054
 Telephone: +64 3 479 5246
 Email: development@otago.ac.nz

Visit the Faculty of Law website



www.otago.ac.nz/law/

IN MEMORY OF GREG KING

We were deeply saddened to hear of the passing of Greg King recently.

Greg was an incredibly hard working and highly respected criminal lawyer; perhaps best known for taking on some of New Zealand's 'hardest cases'. His kindness and compassion as well as courage in going against the tide of popular feeling have earned him accolades from the legal community, clients and victims families alike. Greg had many career highlights and received a number of distinguished awards. Most recently Greg was selected as the Fellow from New Zealand for Eisenhower Fellowships' 2012 Multi Nation Program. A particular focus for Greg during his time away was on problem-solving courts. Greg graduated with an LLB in December 1992; Awarded University of Otago Award in Law. February 1994: Awarded University of Otago Maori Postgraduate Award.

Our deepest sympathies remain with Greg's wife Catherine and their two children Pippa and Millie. His family, friends and colleagues, as well as others whose lives he touched will sorely miss Greg.

UNIVERSITY OF OTAGO

HEALTH SYSTEMS LAW INTENSIVE GPCC501



The Faculty of Law, University of Otago, in association with Buddle Findlay and Claro is offering the Health Systems Law Intensive GPCC501

2-5 APRIL 2013

This is for Australian and New Zealand senior clinicians or administrators in the health sector, law practitioners with an interest in health law or if you are considering a postgraduate degree in health.

Cost \$2,800 + GST

FOR FURTHER INFORMATION AND ENROLMENT FORMS PLEASE CONTACT:

Judy Woolley Tel: +64 4 499 4242
 Email: judy.woolley@buddlefindlay.com, or
 The Faculty of Law Administrator
 Tel: +64 3 477 8857 Email: law@otago.ac.nz



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