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careers guided by values and service

40 years on

*Reflecting on the path
to Homosexual Law
Reform and its legacy*

Giving back

*The growing role
of pro bono across
the profession*

Working differently

*Flexible work, wellbeing
and tools to close
the gender pay gap*



**New Zealand
Law Society**
Te Kāhui Ture o Aotearoa



ILANZ Conference 2026, Wellington

Above L-R: Linda Clark, Una Jagose KC, Katie Rusbatch



Annual Breakfast with the Chief Justice, Wellington

Left: Chief Justice Dame Helen Winkelmann



Property Law Conference, Christchurch

Right: Keynote Tony Alexander



Making a tangible difference

BY **DAVID CAMPBELL**



From the age of 11, I wanted to become a lawyer – I wanted to solve problems for people. While I could not have predicted the path my career would take, I knew it would involve meaningful work.

This instinct is a common one. For many, the law offers not just a career, but a sense of purpose. It is a profession uniquely positioned to make a tangible difference in people's lives – something that sits at the heart of this issue.

The passage of the Homosexual Law Reform Act in 1986 is a reminder that change is never inevitable. It was achieved through sustained effort by individuals willing to step forward, often at considerable personal and professional risk. It now seems anathema that, within living memory, the law treated same-sex relationships between men as a criminal offence. Yet, that change was hard won. Progress in the law, as in society, depends on those prepared to act.

That same commitment can be seen in the career of legal veteran Nigel Hampton KC – with more than six decades in the profession and featuring a single-minded

dedication to access to justice. It is reflected, too, in the thousands of hours contributed through pro bono work by the profession – quiet but significant work that ensures justice is not out of reach for people who cannot afford to hire a lawyer.

A year on from the Law Society's *Strengthening the Rule of Law in Aotearoa* report, many of the pressures it identified remain. The continued use of urgency in legislation, proposals with retrospective effect, and ongoing concerns about access to justice all reinforce the need for vigilance. At the same time, there are encouraging signs. Parliamentary processes – particularly select committees – have, in several instances, responded constructively to public submissions, improving legislation and demonstrating the value of scrutiny and participation. While access to legal aid remains a concern, we welcome the Ministry of Justice's Accessible and Affordable Justice Programme, emphasising the importance of meaningful engagement with the profession.

These domestic developments sit within a broader global context where rule of law standards are under strain. Democratic norms are being tested, and the importance of strong, independent institutions has become increasingly clear.

In this environment, the role of the legal profession is both enduring and evolving. Lawyers are not merely participants in the system – we are its stewards. Through our advice, advocacy, and ethical practice, we uphold the rule of law and maintain public confidence in the justice system.

This is why conversations about the rule of law are inseparable from the idea of a meaningful legal career. Such a career is defined not only by progression or technical expertise, but by purpose – a commitment to fairness, integrity, and the protection of rights. It is expressed in a willingness to engage thoughtfully with change, to question where necessary, and to contribute to the strength of the institutions that underpin our democracy. ■



06



12

03 Making a tangible difference

BY DAVID CAMPBELL

06 Homosexual Law Reform 40 years on

The law change that let people live openly and why it still matters.

BY KATHRYN BURNETT

12 The early career lawyers behind the Women's Law Journal

Between full-time legal work and study, three young lawyers are giving back through the New Zealand Women's Law Journal.

16 64 years and counting

Nigel Hampton KC talks with *LawTalk* on a legal career defined by purpose, public service, and a willingness to stand firm in the pursuit of justice.

18 Law, labour and dialogue

Reflections on a path to the International Labour Organisation, the enduring value of social justice, and why practical, people-centred lawyering still matters on the international stage.

BY LISA TORTELL

21 Beyond the billable hour

How lawyers of Aotearoa are building a stronger culture of pro bono and expanding access to justice in the process.

26 Lawyers as agents for the rule of law

When commercial pressure collides with professional duty, how does a lawyer hold the line?

BY PROFESSOR STEVEN VAUGHAN

29 There's more than one way to be a lawyer

How flexible working is helping lawyers build sustainable careers.

ABOUT LAWTALK

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32 New resources to help close the gender pay gap

For law firms serious about fairness, new tools are making it easier to measure and close the gender pay gap.

34 AML/CFT in the spotlight

What lawyers need to know.

36 Law reform and advocacy update

Our activities from March to June 2026.

40 High Court civil work

An update on the new Rules, the re-established commercial list and trial readiness.

BY THE HONOURABLE JUSTICE
SALLY FITZGERALD

42 Tikanga and the law: building capability in practice

A new day-long wānanga, developed by Te Huna Rōia Māori o Aotearoa and the Law Society, aims to provide practising lawyers with a foundational understanding of tikanga and its intersection with the law.

44 Tackling wellbeing in the legal profession

A conversation with Sir John Kirwan and Dr Fiona Crichton.

46 Tracing the contours of refugee protection

A new book explores the landmark decisions that have shaped international refugee law.

REVIEWED BY SHARELLE AITCHISON

47 Fresh off the shelf

New titles at the Law Society Library.

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Homosexual Law Reform 40 years on

The law change that let people live openly

BY KATHRYN BURNETT

It's difficult to believe that not too long ago, it was illegal for gay men to be what was described as "actively homosexual". Legislation meant homosexual acts between consenting men were punishable by penalties of up to five years in jail; and the illegality of being gay allowed discrimination in employment, housing, and health to occur with impunity.

In this issue of *LawTalk*, we speak with seven legal professionals who consider the impact of this reform and why it still matters 40 years on.

The challenge of overturning the law

There had been earlier attempts by gay action groups (and MPs) to overturn the law, but it took Wellington MP Fran Wilde backing the call from the campaigners to amend the Crimes Act 1961 to get the reform moving.

In 1984, discussions among the Auckland Task Force, Christchurch Gay Task Force, and Fran shaped a new bill with the support of politicians, members of the legal fraternity and the gay and lesbian communities.

The New Zealand Law Society's well-received submissions on the Homosexual Law Reform were soon to follow and did not express a view on the desirability of the reform.

However, the bill was not without its detractors who ensured that morality was front and centre. An aggressive and very public petition against the bill was led by Norm Jones and other MPs who were working with fundamentalist figures and religious organisations to stymie any reform to the law. But the often vitriolic, attacking tone of the campaign simply served to galvanise and energise the reformers, prompting extensive mobilisation and growing public support.

Lawyers Don McMorland and Alan Ivory were part of the Auckland Taskforce and co-crafted the original amendments to legislation, after joining forces with Peter Wall, Bruce Kilminster, John Hughes, and James Peters.

Don says he didn't think about how being on the taskforce might impact him professionally because it was something that "simply needed to be done". He and Alan had been discussing legislation change since

"...every hard-won liberty is only permanently won as long as there are people who understand the history..."

the late 60s and once the reform looked like a possible reality, they saw it as their responsibility to contribute.

A young law firm partner named Matthew Muir (who would become New Zealand's first openly gay High Court Judge) assisted the taskforce after the bill had been tabled and began to help gay people with legal issues resulting from personal anti-reform retribution.

"The public profile of the campaign and taskforce was so high that



David Hindley

many of the campaigners became targets. Some taskforce members became sounding boards for the gay community. I was also reasonably well connected with the centre right in New Zealand politics. I knew a number of those MPs, so I did a lot of campaigning. From memory, it was ultimately three or four National Party votes that got the bill through."

Lawyer and former Attorney General Chris Finlayson recalls a lot of "noise" around the campaign. He thinks the issue was very simple – "there is a distinction to be noted between matters of public morality (when the state has a duty to legislate) and matters of private morality where the state has no role". Chris thought former Canadian Prime Minister, Pierre Trudeau had put it well when he famously said, "there's no place for the state in the bedrooms of the nation".

Perhaps surprisingly, Justice Muir says Labour contained some strong opponents of the legislation too, like Geoff Braybrooke and Whetu Tirikatene-Sullivan. But while lobbying often occurred in a hostile environment, the campaigners also found there was fun to be had disrupting the anti-reform petitions.

"We would stand in Queen Street every Friday night. I was a young, smartly dressed lawyer, so they never thought for a moment that I was an opponent. And tying them up in knots for long discussions meant they couldn't get a single signature."

He describes the campaign as an engaging and energising time for



📷 David Hindley

the gay community but put the vital shift in public opinion down to the taskforce's professional and measured approach.

"It had to be measured, to contrast with the behaviour of the other side. If you look at how the public broke on this issue in the beginning, and where it ended up on the eve of the Parliamentary vote, there was a significant shift in public opinion

towards the reform by about 20 percent. If there hadn't been that movement, the vote would not have succeeded."

On a personal level, Justice Muir says as an out partner of a law firm, he was largely insulated but the fear of being exposed for many men was very real.

"There were very few lawyers prepared to identify with this

cause. Many thought that it would imperil their professional careers and many were not out to their families. To participate in the public discourse – you really had to be out which required courage."

The fear was not about an "imagined truncheon-wielding policemen at the bedroom door" but the shame and career-limiting outcomes of being outed.



Above: Otago University Vice
Chancellor Grant Robertson
Left: Justice Matthew Muir KC

**“It’s important
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“It was about taking your place at the table and the complete inability to do so while that legislation was on the books. I was a partner in a law firm, but let’s be frank, the prospect of ever obtaining silk let alone ending up on the High Court Bench would have been zero.”

He says that younger colleagues often react with stunned incredulity when hearing about this time.

“It’s important that they understand that every hard-won liberty is only permanently won as long as there are people who understand the history and how quickly these gains can be overturned.”

New possibilities

Otago University Vice Chancellor and ex-MP Grant Robertson recalls the courage of the gay community during the campaign and how it led to wider support.

“It remains one of the most extraordinary moments of the whole campaign – the full-page campaign ad in the New Zealand Herald, signed by gay men. Publicly signing their names when it was still illegal. The courage to do that was probably a big part of helping some New Zealanders say, “Okay, I actually know somebody on that list ... and I don’t want them to be criminalised or discriminated against.”

Grant is unequivocal that the success of law reform enabled people like him to build the kind of career and life he has. He has no doubt that he would not have been able to have his political career had the reform failed.

“My generation of gay and lesbian and transgender folk have been carried along by those who did that work in the ‘80s. Fran, of course, but also others who were important in the background of making it work. The brave politicians who followed, who came out.”

He points out the campaign success laid the foundation for later changes such as civil unions, marriage equality, and more diverse political representation.

“Obviously it was a super important piece of legislation and campaign, but what we don’t talk about a lot, is how important it was for opening those other doors. It allowed the whole queer community to engage and turn up fully.”

Barrister and Auckland Rainbow Law convenor David Friar agrees, saying his generation and those that followed stand on the shoulders of the activists who fought for Homosexual Law Reform.

“It really is a pivotal moment in the history of LGBTIQ+ rights in New Zealand. I think today we sometimes take it for granted that you should be able to love whoever you want.

Clockwise from left to right: Prue Kapua, Tamatekapua Law; Lavi Abitbol, Dentons Kensington Swan; Arela Jiang, Chapman Tripp; David Friar, Barrister and Auckland Rainbow Law convenor.



It's important at times like this to pause and just reflect on the fact that it was effectively illegal to be a gay man."

In his early teens during the reform, this didn't truly hit home for Friar until he came out in the 1990s which he adds "was still not an easy time to come out in New Zealand".

"I could only imagine what it must have been like for those people, 15 years earlier who had not only come out, but fought publicly for this reform," says David.

"I was grateful but also in awe of the courage. Today it's easy to forget the campaign of vitriol, the hate and abuse campaigners had to endure. And we need to remember there was no anti-discrimination law. They put so much at risk to fight for what was right. We all need to remember and recognise just how hard it was for them to do that."

David believes legal professionals can learn a lot from the Homosexual Law Reform and consider how their skills as lawyers allow them to fight for a

better world and make a difference.

"When we look back on the efforts of all of those who fought for homosexual law reform, it's an inspiration to the rest of us to fight for what we think is right, and not just in the LGBTQI+ community but more broadly."

Principal at Tamatekapua Law, Prue Kapua recalls the decade of the reform as being one filled with political activism. The Te Reo petition, the nuclear-free and the anti-apartheid movements, to name but a few, were around the time of the law reform and the multiple campaigns together created a sense of momentum and change.

"At the time, there was a definite acknowledgement that changes were happening in society. I recall a very strong force of wāhine Māori, Takatāpui involved in pushing the law reform. They were involved not only in the Māori activism but this issue too. Ngāhui Te Awa Kōtuku was very staunch about supporting people who were a bit younger to have a voice. There was quite a movement."

She agrees that the reform in '86 absolutely opened the door to legalising same-sex marriage, saying that while her career had always been in the human rights area, her involvement in gay rights began in earnest with the drafting of the Marriage



“When we look back on the efforts of all of those who fought for homosexual law reform, it's an inspiration to the rest of us to fight for what we think is right.”

(Definition of Marriage) Amendment Bill, which was introduced by her partner, then Labour MP Louisa Wall.

“The civil union bill that came before same-sex marriage was a little bit of a distraction, if you like, rather than a step towards same-sex marriage. How people behaved in response to civil unions didn’t make it any easier because there was still pretty ugly stuff happening with the marriage equality campaign.”

She says it was interesting that while certain institutional organisations, like the Salvation Army, fiercely opposed the civil union campaign, they were less strident during marriage equality – a shift which Prue puts down to how the bill was framed.

“The focus of the Marriage Amendment Bill was that marriage is a state institution. It’s the state that issues the licences etc, so it shouldn’t be taking a moral position on it.”

Prue says we need to acknowledge that we were the first country in this part of the world to legalise same-sex marriage and that law reform and marriage equality are now “a given” but she points out that there are still parts of the Pacific that criminalise homosexuality.

Why the reform still matters

Solicitor Lavi Abitbol from Dentons Kensington Swan was admitted to the bar in 2023 and says he regards the law reform as an incredibly important part of not just queer history but New Zealand history.

He says that looking back on the Homosexual Law Reform now is quite surprising.

In particular, he is struck by what it was like to be queer back at that time and the extent to which the government had control over what people did in their own homes.

“While there are still residual negative attitudes to queer people, it’s more on a cultural level. In the professional sphere people can now just exist and obviously we are very grateful that the work was done, and we can just be ourselves,” he says.

He feels a comparable legal and social issue for everyone to consider in 2026 is that of intersex rights, as trans and intersex people have tended to be left out of queer rights advocacy in the past.

This is echoed by Solicitor Arela Jiang from Chapman Tripp, who adds that while the law reform excluded trans people it opened

the door to pursuing legal rights of transgender and gender diverse people.

“Much as homosexuality was seen as abominable or perverse by the everyday individuals and politicians alike, this same rhetoric surrounds transgender people in the public sphere. Seeing how the Homosexual Law Reform campaign helped humanise homosexuality, one would hope that same treatment would happen with transgender people. The existence of trans people in society makes the wider public look at themselves and face their own intolerance – like a moment of reckoning to see that the sky won’t fall if they choose to love thy neighbour, at the very least, to turn the other cheek and leave us unbothered.”

Arela says that as the reform demonstrates, the law reshapes society and can make us better, more inclusive and respectful people. ■

Kathryn is an award-winning New Zealand writer who writes articles, plays, screenplays and non-fiction books. She has been published in North & South among other publications, and her onscreen credits include cosy crime dramas *The Brokenwood Mysteries* and *My Life is Murder*.

The early career lawyers behind the Women's Law Journal

Between full-time legal work and study, three young lawyers are giving back through the New Zealand Women's Law Journal.

Anna Piebenga, Samantha Fowler and Sophie Dixon are volunteer Co-Editors-in-Chief of this year's edition of *New Zealand Women's Law Journal Te Aho Kawe Kaupapa Ture a ngā Wāhine*. In previous years, the three friends have also held roles as Deputy Editor (Sophie) and Associate Editors (Samantha and Anna).

LawTalk asked the three women about their backgrounds and why they have taken these volunteer roles with the Journal on top of their already busy full-time jobs and study.





Anna Piebenga

Anna grew up in Rotorua and studied toward her LLB and a BA in Politics and English at Ōtākou Whakaihu Waka Otago University. In 2022, she moved to Wellington where she worked as the Judge's Clerk for Principal Family Court Judge Jacquelyn Moran for two and a half years. Anna is currently completing an Advanced LLM in International Children's Rights at Leiden University in the Netherlands and works as a research assistant within the faculty.

Anna first became involved with the Journal in 2024 as an Associate Editor. She is excited to return to the Journal this year in her new role as Co-Editor-in-Chief, alongside Samantha and Sophie.

Anna says the Journal is an important vehicle for meaningful change – social, political and legal.

“The Journal creates space for thoughtful, critical conversations about how the law can better serve women.”

“It amplifies voices that are often overlooked or under-represented in legal scholarship,” Anna says, citing her experience growing up in Rotorua where access to justice was not equally available to everyone in practice.

“Our work has the potential to influence how the law is understood, practised and reformed.”

Anna has also undertaken other volunteer work, including an UNESCO research project focused on upholding the right to education for children in Africa. She also volunteers for UNICEF and organises guest lectures on children's rights issues at the university.

Samantha Fowler

Samantha (Ngāi Te Rangi) first became a Co-Editor-in-Chief for the Journal in 2025 and is responsible for the Kaupapa Māori portfolio. The role involves engaging potential wāhine Māori contributors and supporting submissions on kaupapa Māori gender justice issues.

Samantha grew up in Auckland and went to Ōtākou Whakaihu Waka Otago University to study an LLB and BA in English and Classics. After graduating, she joined a Wellington firm that she had undertaken a

summer internship with. After two years, she joined Luke Cunningham Clere in Wellington, where she is a Senior Solicitor specialising in criminal and public law litigation.

The Journal celebrated its tenth Edition in 2025, a work that Samantha is immensely proud of leading alongside the former Co-Editors-in-Chief. She says the Journal is achieving its goal of platforming and publishing feminist legal scholarship and promoting awareness about gender justice issues in the law.

Samatha sees her role as Kaupapa Māori editor as providing an opportunity to actively support wāhine Māori voices in legal scholarship. She cites a recent article written by a team of wāhine Māori solicitors at Whāia Legal: *Wāhine Tū, Iwi Māori Ora The Waitangi Tribunal Mana Wahinē Kaupapa Inquiry: The First 32 Years*.

In what other spare time Samantha has, she is learning te reo Māori.



© Andrew Coffey

“This kind of work can have a very practical impact.”

Sophie Dixon

Sophie also grew up in Auckland and went to law school at Te Herenga Waka Victoria University of Wellington which she, in part, chose because it was right across from Parliament. She was a Judge’s Clerk at Te Kōti Matua The High Court in Wellington, where she clerked for Justice McHerron and Associate Judge Skelton. At the start of 2026, she moved to Bankside Chambers in Auckland where she is a junior barrister, working for Rachael Jones and Josh Suyker.

Sophie is excited to step into the role of Co-Editor-in-Chief, having been Deputy Editor for the 2024 and 2025 editions. She considers the Women’s Law Journal has important implications for the profession and those it represents. She cites work by Mariah Hori Te Pa (now a Journal Trustee) and Alex Gordon on the troubling case of Mihi Bassett, and commentary, regrettably relevant, about how detrimental any attempt by the Courts or Parliament to define “women” would be.

“This kind of work can have a very practical impact,” says Sophie,

especially when paired with the work of the Journal’s Advocacy Team.

“Sometimes laws are passed and their impact is not fully understood,” she says. “The work in the Journal is now being referred to in submissions and by decision makers across the board.”

As well as spending between five and ten hours a week contributing to the journal, Sophie is also a mentor for Pillars Ka Pou Whakahou, walking alongside tamariki with whānau in prison. ■

About the New Zealand Women’s Law Journal

The New Zealand Women’s Law Journal Te Aho Kawe Kaupapa Ture a ngā Wāhine is the only academic publication that is solely dedicated to publishing legal scholarship about gender justice in the law and supporting the work of women lawyers in Aotearoa New Zealand.

It focuses on supporting and publishing scholarly research about women and those marginalised because of their gender or sexual orientation. It also provides a community for women in the New Zealand legal profession.

The Journal has an Advisory Board, a Board of Trustees, and a Leadership Team comprising the leaders of the Editorial Team, Managing Editor Team and Advocacy Team. The Editorial Team is led by

three Co-Editors-in-Chief and two Deputy Editors and includes between 12 and 20 editors each year.

The Journal’s Advocacy Team is led by two Co-Advocacy Managers and two Deputy Managers. It includes a team of volunteers who make submissions on law reform issues within the Journal’s scope and produce a podcast to share its scholarship more widely.

The Journal accepts submissions (articles and commentaries) throughout the year for consideration for future editions.

Anyone who is interested can contact the team at editors@womenslawjournal.co.nz, or find more information on the Journal’s LinkedIn page or website, www.womenslawjournal.co.nz. ■

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Right: Nigel Hampton KC speaking at the New Lawyers' Conference in August 2025.

64 years and counting

Nigel Hampton KC reflects with *LawTalk* on a legal career defined by purpose, public service, and a willingness to stand firm in the pursuit of justice.

Over more than six decades in the law, Nigel has witnessed – and helped shape – some of New Zealand's most significant legal moments. His work has touched cases that have left a lasting mark on the national conscience, from *Peter Hugh McGregor Ellis v R* to *Osborne v WorkSafe New Zealand*, arising from the Pike River tragedy.

Across that time, he has seen not only landmark cases, but deep changes in the profession itself. Running through it all is a clear thread: a conviction that the law matters most when it improves lives and strengthens justice.

Seeking positive change

Reflecting on the profession today, Nigel is alert to the pressures facing democracy and the rule of law. He points to troubling developments in some overseas jurisdictions, and to signs that similar attitudes are beginning to reverberate in New Zealand. “I think of our own growing disrespect for conventions, both national and international, and the degradation of rules-based systems both abroad and at home,” he says.

That perspective has informed his career-long approach: when the

chance arises to do some good – or to create positive change – it should be taken.

Lessons from the past

When he began practice in the 1960s, legal aid in the Magistrates' Courts operated under the Offenders Legal Aid Act 1954.

“Even the name lacked lip service to the presumption of innocence,” he notes.

Because legal representation depended on the discretion of a Magistrate or Judge, access to justice was uneven and uncertain. That experience helped drive his support for the duty solicitor scheme in the early 1970s.

“It started in Christchurch as a voluntary effort, with plenty of lawyers willing to help and strong support from the magistrates. From there, it spread across Canterbury, then to Nelson and further north, eventually becoming an accepted part of our criminal justice system.”

He describes the scheme as an important step toward balancing the power of the state and ensuring a fairer process for those most often before the courts.

“The disadvantaged and indigenous, who were then, as now, so frequently one and the same.”

More recently, he points to the creation of the Criminal Cases Review Commission as another milestone – one that followed decades of advocacy by him and others. He traces that commitment in part to the Peter Ellis case, in which the Supreme Court posthumously quashed Ellis' convictions more than two decades after he had spent seven years in prison maintaining his innocence, and to a hostage-taking incident at Christchurch Men's Prison in 1997, which sharpened concerns about miscarriages of justice in high-profile cases.





“Pro bono publico is a worthwhile guiding principle to be remembered and acted upon by all lawyers.”

The power of connections

Relationships, too, have shaped Nigel's career in unexpected ways.

After the Pike River explosion in 2010, he was approached by Andrew Little, then General Secretary of the Miners' Union, who asked him to represent the union in the Royal Commission.

Andrew had recognised him from a litigation skills course years earlier. That connection led to his involvement in the Commission and, ultimately, to years of Pike River litigation, where he acted pro bono for families of the victims through multiple proceedings. It culminated in a successful Supreme Court challenge, *Osborne & Rockhouse v*

WorkSafe New Zealand, which found the agreement to dismiss health and safety charges unlawful. The case even brought the unusual experience of seeing himself portrayed on screen in the film *Pike River*.

“You never can expect the fruit which connections may bear.”

A similar lesson emerged beyond the courtroom, where a chance meeting led to a decade of voluntary service on the KidsCan board, helping the organisation grow into the significant contributor it is today.

“When opportunities present themselves, take them,” Nigel says. “*Pro bono publico* is a worthwhile guiding principle to be remembered and acted upon by all lawyers.”

Ideas and ideals

For Nigel, the practice of law has been both privilege and a calling – work that has brought colour, drama, and deep satisfaction to his life.

“It has been a life with words, with ideas and ideals. One which has permitted me to attempt in some small way to right the wrongs which I have seen, to try and help remedy the deficiencies apparent within our justice systems.”

His career has been shaped not simply by longevity, but by a sustained sense of purpose: a readiness to step forward, to serve, and to build on hard-won gains in the pursuit of a fairer system. ■

Right: In the West Bank with ILO colleagues, as part of work to report on the situation of workers of the occupied Arab territories.

Law, labour and dialogue

Reflections on a path to the International Labour Organisation, the enduring value of social justice, and why practical, people-centred lawyering still matters on the international stage.

BY **LISA TORTELL**



I started writing these short reflections in the margins of the International Labour Conference, as thousands of employers, workers and governments from around the world gathered in Geneva to discuss issues relating to labour and social rights, including the adoption this year of an international convention on decent work in the platform economy.

Meeting rooms were filled with the colours of national costumes and a cacophony of languages, amid procedural motions and tough negotiations over the placement of commas or choice of words. My role during these two weeks was to lead the secretariat supporting the Credentials Committee, a technical legal role sitting at the heart of the ILO's distinctive constitutional structure, ensuring the proper representation of governments,

employers and workers in the organisation's tripartite decision-making.

The Conference epitomises for me the hope attached to the notion that dialogue among the people concerned is the best way to come up with creative yet grounded ways forward. It is a privilege to be part of the secretariat supporting this notion.

Reflecting on these questions, I realise that a lot of who I am as a lawyer comes back to where I come from: I remain very much a New Zealand lawyer and the very Kiwi qualities of personal engagement and a focus on solutions are useful in an international organisation built on dialogue and consensus.





“I remain very much a New Zealand lawyer and the very Kiwi qualities of personal engagement and a focus on solutions are useful in an international organisation built on dialogue and consensus.”

What first sparked your interest in labour law and human rights?

Equality and a sense of responsibility to act have always resonated with me – values that come from my family and that I think many New Zealanders share. At university and beyond, I have benefited from inspiring teachers, mentors, colleagues and friends who challenged me to think about the role of law in society.

I did not set out intending to specialise in international labour law, but my interest has been held by the way it brings together human rights, regulation and the relationships between people. Work is a defining relationship for most of us and shapes our sense of self. It is an area of law where abstract principles directly affect people's lives while providing the building

blocks for social change: as the ILO Constitution states, “universal and lasting peace can be established only if it is based upon social justice”.

How did you come to join the ILO, and what has kept you there?

I've tended to follow opportunities where my curiosity leads. Joining the ILO was largely a matter of chance: when a friend told me about a short-term opportunity in the ILO's Human Resources Department, I jumped at the chance to take a five-month break from my doctoral studies to live somewhere else and apply my Crown Law experience in an international organisation.

What has kept me here is primarily the work, having continued to follow opportunities to work in more technical roles and, currently, to serve as the Deputy Legal Adviser.

The combination of intellectual challenge, public service and international engagement is rewarding. I work across diverse issues involving international labour standards, governance processes, institutional law and relations with governments, employers' organisations and trade unions. In essence, the Office of the Legal Adviser advises on the legal framework within which the ILO operates. Our daily work ranges from human resources and the application of privileges and immunities to constitutional and governance questions, to supporting the negotiation and interpretation of international labour standards. In my experience, much of the work calls for a blend of rigorous legal analysis and a pragmatic number-eight wire approach to navigating complex issues and finding practical ways forward.

Over the course of your career, what major changes have you seen in the ILO's work and the issues it faces?

The core principles of the ILO have remained constant: social justice, dialogue and respect for rights at work. What has changed is the context in which those principles are applied. Most recently, one of the more significant developments has been the pressure on multilateralism itself. While challenging for an international organisation, I can only believe that these developments reinforce the relevance of the ILO's mandate. The world of work is continually changing, but the need for dialogue and social justice is as relevant now as it was in 1919 when the ILO was founded.

What have been the most rewarding aspects of working at the ILO?

It is an extraordinary privilege to work with constituents and colleagues from around the world. Some of the experiences I have valued the most involved serving as part of the secretariat of the ILO Commission of Inquiry on Zimbabwe, contributing

to the Director-General's report on the occupied Arab territories, and providing development cooperation in eight countries through a four-year project promoting freedom of association in the rural, export processing and domestic work sectors. Although very different assignments, all involved bringing individual people's experiences of work to an international forum. In listening to people's often difficult stories or applying international standards to their lives, the ILO becomes less a lofty institution and more a space where international law engages with individuals.

That is as motivating as the rather more esoteric challenge in my previous job, in the International Labour Standards Department, where I coordinated the Office's support to a tripartite working group with the mandate of keeping the ILO's approximately 400 international labour standards up to date. For example, we conducted an audit of inappropriate language in the international labour standards, including the memorable provision that "notorious drunkards should be prohibited from employing children other than their own", references to "underdeveloped or backward

areas", and the gendered assumption that a household is composed of a male breadwinner with dependant wife and children. It is good to be reminded of how far we have come!

At a personal level, all four of these experiences have involved close teamwork, either with other lawyers from different legal systems or as the sole lawyer in a stimulating interdisciplinary team, and the combination of intellectual challenge and practical impact.

What advice would you offer New Zealand lawyers wishing to build enduring and meaningful careers in law?

Be open to the unexpected. Find work that matters to you. Take responsibility. Whatever you do, do it well. Look for the connections between people. Some of the most important things I have learned as a lawyer have come from listening to and understanding other people's perspectives. Whether you practise in Wellington or Geneva, that is a skill that travels well. ■

Lisa Tortell was appointed Deputy Legal Adviser of the ILO's Office of the Legal Adviser in May 2025. She holds an LLB with Honours from Victoria University of Wellington, along with master's and doctoral degrees in law from the University of Oxford. Admitted as a barrister and solicitor of the High Court of New Zealand, she began her career as Judge's Clerk to the Chief Justice and Assistant Crown Counsel at the Crown Law Office, as well as working as a researcher in Portugal, before joining the ILO in 1999.

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Beyond the billable hour

How lawyers of Aotearoa are building a stronger culture of pro bono and expanding access to justice in the process

*Nāu te rourou,
nāku te rourou,
ka ora ai te iwi.*

*With your food
basket and my
food basket the
people will thrive.*

Behind every pro bono hour is a person who might otherwise have faced the legal system alone. From individuals shut out of legal help by cost, to community organisations carrying the weight of unmet need, lawyers across New Zealand are quietly stepping in, not for profit, but because access to justice matters.

The national Framework for Collaborative Pro Bono is now bringing that work into sharper focus, revealing not only the scale of the participating lawyers' contribution, but a growing collective commitment to making legal support more accessible, connected and intentional.

Two years on from its establishment in 2024, the Framework is exceeding aspirational targets for pro bono services with participating firms delivering more than 17,500 hours of free legal work in 2025.

People who don't qualify for legal aid, but can't afford a lawyer, are benefiting from the growing number of lawyers willing to provide their services on a free 'pro bono' or reduced fee basis. Lawyers find that pro bono work is a positive way to give back to their community and help those in need.

Te Ara Ture was established in 2021 to help connect clients in need with pro bono lawyers. Te Ara Ture is the pro bono clearinghouse service within the Community Law Centres Aotearoa and leads the Framework for Collaborative Pro Bono in Aotearoa New Zealand.

The New Zealand Law Society Te Kāhui Ture o Aotearoa supports the Framework as part of its broader commitment to improving access to justice and strengthening public confidence in the legal profession. By helping facilitate national collaboration, supporting the collection and reporting of pro bono data, and working alongside Te Ara Ture and participating firms, the Law Society is helping to create a more coordinated and sustainable approach to pro bono legal services for people who may otherwise struggle to access legal representation.

Te Ara Ture works with participating law firms to bring structure, efficiency and shared momentum to the delivery of pro bono legal services across the motu, in ways that complement existing community services and respond more effectively to unmet legal need.

“...the legal need in our communities is real and it’s growing.”



Sabrina Muck, Te Ara Ture

The Framework’s first annual performance report covered pro bono services delivered in 2025 and reports:

- lawyers averaged 27.6 hours of pro bono work per full-time equivalent across the six participating firms, exceeding the Framework’s aspirational 25-hour target.
- two in three lawyers (67%) at participating firms undertook at least one hour of pro bono work during 2025, and among those who participated, the average was 41 hours.

Sabrina Muck, Director of Te Ara Ture, says “the legal need in our communities is real and it’s growing. Community Law Centres across New Zealand are working in this space every day. Pro bono support via Te Ara Ture and the Framework helps us to respond to this need in a way that is structured, sustained across the industry and built to last”.

“The firms that signed up to the Framework did so voluntarily, and the 2025 performance report shows they more than delivered.”

“Behind the hours are people and organisations in genuine need: individuals who don’t qualify for legal aid but cannot afford a lawyer, charities, not-for-profits and community groups seeking legal assistance to further their work. The Framework offers a structured and identifiable pathway for lawyers to engage in pro bono legal work. In facilitating high quality pro bono legal advice, we’re able to walk alongside clients who would otherwise have nowhere else to go, with the aim of providing access to justice to those who need it most.”

The participating law firms are DLA Piper, Gilbert Walker, Holland Beckett, Luke Cunningham Clere, Russell McVeagh and Simpson Grierson, with open door encouragement to any other law firms who wish to sign up to the Framework and endorse its principles.

For the Law Society, Te Ara Ture and the participating firms, there’s a strong belief in a professional responsibility to promote access to justice through pro bono work and that this must be reinforced, safeguarded

and promoted and the Framework provides a mechanism to do so.

You can read the Framework’s performance report on the Te Ara Ture website.

Pro bono work is a rewarding aspect of a lawyer's career

Lawyers who take on pro bono work consistently report it as among the most rewarding work of their careers. It exposes them to the full breadth of issues in society, gives junior lawyers the opportunity to take the lead on matters earlier in their careers, and builds skills that make them more effective across all their work.

For law firms, a genuine pro bono culture is increasingly important for staff satisfaction, retention and attraction. Many emerging lawyers are drawn to firms that are committed to using their skills for public good, and pro bono provides a structured, meaningful way to deliver on that commitment.



Brooke Clifford from Simpson Grierson (left) with Mo Shamade from the Manawātū Community Law Centre.

Pro bono work in practice

Pro bono case keeps single dad in home

For Senior Solicitor Brooke Clifford, taking on a pro bono case allowed a single father and his two young children to stay in their home.

The case came to Simpson Grierson through the firm's ongoing support of Community Law Centres Aotearoa, with the matter referred via Te Ara Ture from the Manawātū Community Law Centre. Together, the organisations help connect people facing barriers to justice with lawyers able to provide pro bono support.

Brooke successfully appealed a Tenancy Tribunal decision evicting the man from his tenancy on the basis that there were errors of fact and law in the original decision-making process. A further appeal challenged the Tribunal's refusal to grant a rehearing, arguing that procedural errors had not been properly addressed.

Brooke, who prepared written statements and appeared in the

District Court on behalf of the tenant, relished the opportunity to make such a tangible difference in someone's life.

"As my role typically involves working with commercial clients, I really value the opportunity to be able to engage with members of the community on issues that are of real importance to their everyday lives," she says.

"Assisting pro bono clients to achieve positive outcomes is not only incredibly rewarding but also reminds me of the positive difference we, as lawyers, can have on individuals."

The outcome had a significant practical effect. Had the eviction proceeded, the family would have faced serious difficulty securing appropriate housing at short notice.

Mo Shomade, solicitor at the Manawātū Community Law Centre, said Brooke's commitment to her client was commendable.

"It was clear she put in as much effort as one would expect in a fee-paying claim."

"The case also highlights the broader value of pro bono work not only in achieving positive outcomes for individuals, but in reinforcing the role lawyers play in supporting communities and upholding fairness within the justice system."

Tenant wins Healthy Homes case with pro bono support

Helping a pro bono client challenge his landlord showed senior solicitor Aneesha Dahya from Luke Cunningham Clere (LCC), the personal impact of her legal skills.

Facilitated through the Framework for Collaborative Pro Bono, the case involved direct contact with an individual client, rather than the law firm's usual Government agency and public sector clients.

The tenant had initially succeeded in the Tenancy Tribunal and was awarded \$5,700 for breaches of Healthy Homes Standards. The landlord appealed the decision to the District Court, at which



Aneesha Dahya,
Luke Cunningham Clere

**“What is
routine for
us can make
a world of
difference
to an
individual.”**



Steve O'Connor,
Luke Cunningham Clere

point LCC was able to step in, and Aneesha assigned to conduct the proceedings.

“The tenant had been having a really tough time dealing with the condition of the property and the property manager,” she says.

“It is easy for tenants to become disincentivised from standing up for themselves in these situations, because landlords and property managers often have a lot of power behind them. So, it was really nice to be involved in something like this, and to see how we could use our skills to help someone who might not otherwise have access to legal support.”

LCC advised the client on a possible cross-appeal and represented him at a court teleconference. The landlord was ordered to pay the

tenant under the Tribunal's original decision. The appeal was ultimately discontinued by the landlord.

Pro bono partner at LCC Steve O'Connor says the case was the first the firm had taken under the Pro Bono Framework and presented an opportunity to put its offering into practice.

“We accepted it as a referral from another Framework law firm, Gilbert Walker, on the basis that it was something where we could readily involve solicitors and senior solicitors, and that, on its face, it appeared to present an immediate opportunity for our solicitors to engage their specialist litigation skill set.”

“From the Framework's perspective, the goal is greater access to justice. Here, that would not have

happened without Framework participants cross-referring to each other.”

Aneesha treated the case as she would any other and encourages other firms to get involved in pro bono work.

“We have a lot of expertise, and legal fees aren't cheap. Often, people just need someone to clearly explain and articulate their position. We're used to working with other (in-house) lawyers, so the way we communicated with the client was a bit different. But that kind of advice can make a real difference to an individual, and it's a good reminder of the value of our skills.”

“What is routine for us can make a world of difference to an individual.” ■



Checklist for lawyers undertaking pro bono work

- ✓ The professional and ethical obligations in the Lawyers and Conveyancers Act (LCA) and the LCA (Lawyers: Conduct and Client Care) Rules 2008 apply to pro bono work that is legal work.
- ✓ Consider if the pro-bono service you are providing is "legal work" under section 6 of the LCA.
- ✓ Provide your pro bono client with the same client care information you would provide a paying client.
- ✓ Be clear that all parties understand who is responsible for the services being provided and what happens if something goes wrong.
- ✓ If you are practising as an in-house or employed lawyer, ensure the arrangement meets your regulatory obligations. Make sure there's no conflict of interest and get consent from your employer.
- ✓ Consider if you need professional indemnity insurance, and if you do have professional indemnity insurance, check that pro bono work is covered.
- ✓ Check if the work triggers obligations under the Anti-Money Laundering and Countering Financing of Terrorism Act regime, such as conducting customer due diligence.
- ✓ If your firm has a pro bono policy, check that the work complies with that and your reporting requirements.

For more information

Read the Law Society's guidance for lawyers providing pro bono work.



Right: Professor Steven Vaughan
presenting at the 38th Annual
ILANZ Conference in May.

Lawyers as agents of the rule of law

*When commercial pressure
collides with professional duty,
how does a lawyer hold the line?*

BY **PROFESSOR STEVEN VAUGHAN**

When I speak to in-house counsel, I often open with a broad question: Do you see yourself primarily as a lawyer, an in-house adviser, or a business partner?

It is a query that gets to the very core of professional identity. In research I undertook with Richard Moorhead and Cristina Godinho mapping the identities of hundreds of in-housers, the responses were telling. Forty-six per cent identify primarily as a solicitor or barrister, 40% as an in-house legal adviser, and the remainder see themselves as managers, subject specialists, or businesspeople. Yet, as one General Counsel candidly remarked, “If you begin to see yourself solely as a service provider then you miss one of the key reasons for having an internal legal function”. You risk swapping professional independence for organisational compliance, transforming the legal department from what she called a “bastion of assurance” into a mere “hired hand”.

As organisational landscapes become increasingly complex, in-house lawyers find themselves

caught in what Richard, Cristina and I term the ‘tournament of influence’. It is an environment where organisational performance metrics, corporate and political hierarchies, and commercial drivers exert constant, subtle (and sometimes not so subtle) pressure on ethical boundaries.

Your client interests are important...but not paramount

Time and time again, in studies all over the world, we see lawyers talking about (and taking actions to make real) the zealous pursuit of their client’s interests. This extreme client-first lawyering treats the rule of law through a remarkably narrow lens, operating on the premise that legal professional rules exist only to facilitate a client’s aims.

To be clear, this is legally inaccurate. Lawyers in Aotearoa New Zealand have overriding legal duties as officers of the court. In Australia, their paramount duty is to the court and the administration of justice and, in England and Wales,



professional principles which safeguard the wider public interest take precedence over an individual client’s interests. A client’s best interests sit among a constellation of other duties: to the court, the rule of law, the administration of justice, professional integrity and independence, and so on. See, in Aotearoa New Zealand, Section 4 of the *Lawyers and Conveyancers Act 2006* on ‘fundamental obligations’ and Chapter 2 of the *Conduct and Client Care Rules 2008*.

For the in-house lawyer, the question of priority can feel especially sharp because the client is also the employer; the person who signs pay checks, reviews budgets, and controls career progression. Professional independence and integrity are necessarily challenged to varying degrees because of context and organisational environment.

When we look at the global landscape of scandals involving lawyers, we see the devastating



human and social costs of a centring a client's interests to the exclusion of everything else. Consider the Post Office Horizon scandal in the United Kingdom which saw 1,000 postmasters wrongfully prosecuted over 13 years, with hundreds sent to prison. The subsequent public inquiry revealed a pattern of in-house lawyer aggressive litigation tactics, improper approaches to prosecution, an adversarial dislocation with truth, and a lawyering infrastructure that treated systemic flaws as corporate risks to be legally managed away. Prosecutions, both professional and criminal, of the lawyers involved (in-house and in private practice) are almost certain to follow.

In Australia, the recent Robodebt and Crown casino scandals similarly suggest that some in-house lawyers become so deeply embedded in the institutional and commercial objectives of their employers to the point that professional independence is compromised; acting as mouthpieces and enablers rather than as gatekeepers.

In-house pressures

We also know that in-housers have a difficult job to do. The data that Richard, Cristina, and I collected reveals a troubling reality: 32% of in-housers surveyed reported being asked to advise on a matter that made them feel ethically uncomfortable. Twenty-six per cent agreed that there are fundamental tensions between how they and their business respect obligations to uphold the rule of law. These findings are mirrored by the Solicitors Regulation Authority's thematic reviews in the UK, where 10% of in-housers admitted their regulatory obligations had been compromised to meet organisational priorities, and five per cent reported explicit pressure to suppress information that conflicted with organisational goals.

This brings us to something that can sound abstract but is central to ethical in-house practice: the important fact that the rule of law is not self-executing. The rule of law does not maintain itself automatically through statutes, courts, or

“...32% of in-housers surveyed reported being asked to advise on a matter that made them feel ethically uncomfortable.”

constitutional language alone. As work I did with Richard and Kenta Tsuda for the UK Legal Services Board makes clear, the rule of law depends on living agents; people within institutions and organisations who interpret, apply, defend, and sometimes resist exercises of power. Lawyers are among the most important of those agents.

The significance of this for in-house counsel is profound. Lawyers inside organisations are often present in those moments where legality, commercial pressure, political objectives, and/or institutional self-interest collide. The question is not simply whether lawyers facilitate transactions or manage



legal risk. It is whether they exercise independent professional judgment in ways that support legality and the administration of justice, even when doing so is uncomfortable or costly. Here, our work for the Legal Services Board stresses that lawyers uphold the rule of law not just by advising on legal rights, but by counselling clients towards legality and challenging arbitrary or improper uses of power.

Prompts for navigating the ethical terrain

Sadly, there are no real ‘quick wins’ to the issues and pressures I have outlined. But there are some useful prompts alongside more practical things like reflecting on reporting lines, bonus criteria, agreeing role clarity with the CEO, helping the board understand the lawyer’s professional duties, ethical training, and avoiding isolation from one’s professional community.

1. Ethical erosion often happens gradually inside institutions. Lawyers become accustomed to ‘commercial realities’, operational pressures, executive expectations, and/or reputational management. A values-led career therefore requires ongoing

self-reflection: am I still exercising judgment independently, or have I become a facilitator of organisational power?

2. Values-led lawyering is inseparable from culture-building. In-house lawyers are often central actors in governance systems. They influence escalation pathways, internal investigations, disclosure practices, risk appetites, and board understandings of legality. Ethical in-house practice is therefore not confined to saying various flavours of “No.” It involves helping to create organisational cultures where legality, accountability, and good faith are treated as substantive values rather than obstacles to commercial or political success.
3. Traditional in-house metrics (such as commerciality, responsiveness, strategic alignment, and protecting the brand) remain important. But these are incomplete measures if detached from integrity and legality. A genuinely successful in-house lawyer is not simply someone who helps the organisation avoid liability. It is someone who helps the organisation act lawfully and

responsibly in ways that sustain public trust.

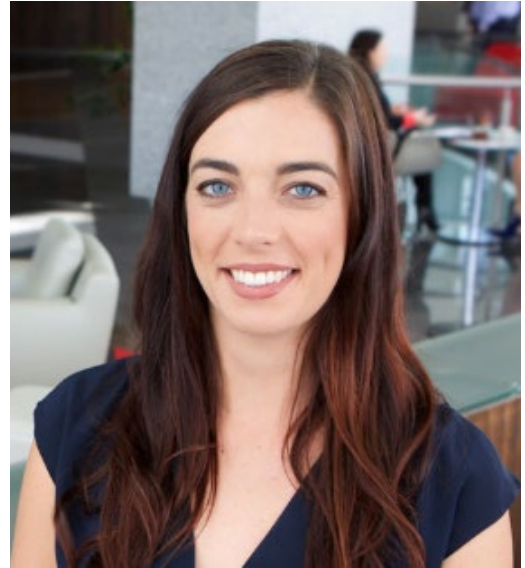
4. Giving voice to values is difficult because in-house lawyers are human beings embedded within systems of hierarchy, ambition, and dependence. Careers, promotions, relationships with executives, and financial pressures all shape ethical behaviour. A values-led career therefore requires conscious choices about boundaries, leadership styles, and sometimes personal red lines.

We should not expect heroic purity of in-housers. Instead, what society wants and needs are lawyers who remain capable of reflection, independence, and moral courage within imperfectly human organisations. As one in-houser so powerfully told me when I asked him if he still thought of himself as a solicitor, “I do. Ultimately, I’m grounded, although I think like everyone else now you tend to call yourself a lawyer. But, yeah, primarily I think that’s my qualification and that’s what I do and that’s what I’m grounded in... Otherwise I’m just a highly paid commercial person and what’s the point of that?” ■

Professor Steven Vaughan is an internationally recognised scholar of legal ethics and governance, currently serving as Dean of Law at Monash University, Melbourne. He was the keynote speaker at the New Zealand Law Society’s ILANZ Conference in May. This article is based on his opening presentation at that conference.

There's more than one way to be a lawyer

How flexible working is helping lawyers build sustainable careers



Alice Robertson, Heaney & Partners

The image of a successful lawyer has long been a familiar one. Always available. First in and last out. Building a career through hard work, dedication and long hours in the office.

For generations of lawyers, that model represented professionalism, commitment and ambition. Many built rewarding careers that way, often through considerable personal sacrifice. But as the profession evolves, an increasing number of practitioners are asking a different question. It isn't whether lawyers are willing to work hard. It's whether there might be more than one way to build a fulfilling legal career.

Across New Zealand, lawyers are finding ways to balance demanding work with family responsibilities, health needs, community commitments and careers that are sustainable over the long term. Flexible working isn't new, but it's becoming an increasingly important part of the conversation about how the profession can attract and retain talented people.

For civil litigation lawyer Alice Robertson, flexibility began when she started working for Heaney & Partners while living first on Waiheke Island and later in Dunedin, she was able to work remotely years before hybrid arrangements became widespread.

"It started with one day working from home each week," she says. "Then when we were looking at moving to Dunedin, my firm was willing to try something different and see what happened."

That willingness to experiment proved critical.

"It was really about being open to doing things differently with good faith and trust on both sides," Alice says.

Partner at Heaney & Partners Frana Divich says that philosophy stretches back decades.

"I've been with the firm since 2005 and they've always been flexible," she says. "There's been flexibility from the beginning. We've invested a lot of time developing people, and you want to keep them. It's

"It was really about being open to doing things differently with good faith and trust on both sides."

about recognising that you need to accommodate people in order to retain talent."

Importantly, flexibility isn't just about parents of young children. For lawyer Sarah McClean at Anderson Lloyd, flexibility has taken different forms at different stages of life. "I've been aware that my needs, and my family's, keep changing, so I might need to change my hours," she says. "That's something that's been really important to me. The reality is that both those things need to be functioning well. Work and life both need to flex around each other for whatever's the competing need."



Frana Divich, Heaney & Partners

“We've invested a lot of time developing people, and you want to keep them.”

Sarah is quick to challenge assumptions about who flexible working is for. “It’s not just women,” she says. “There are men who want to spend more time with their children. There are people caring for parents. People have different things happening in their lives.”

Careers span decades, and flexible working recognises that people’s circumstances evolve over time.

One of the strongest arguments for flexible working is retention. Law firms invest significant time and expertise in developing lawyers, yet many experienced practitioners leave private practice seeking arrangements that better accommodate other responsibilities or priorities.

For Alice, the ability to continue practising while living in Dunedin and raising her family has been a significant factor in her decision to stay. “I am very grateful to Heaney’s – this flexibility has allowed me to prioritise and participate in the other things that matter in my life as well,” she says.

Sarah agrees. “I think the reality is to keep good people, you have to be able to offer that flexibility,” she says.

Frana shares that perspective.

“We’ve always made arrangements for people that you want to be able to retain,” she says. “There’s a really good person that we’ve retained because we were flexible and let her work for us from Dunedin.”

Flexible working won’t solve every retention challenge facing the profession. But it may help ensure talented practitioners don’t feel they



Sarah McClean, Anderson Lloyd

“There are men who want to spend more time with their children. There are people caring for parents. People have different things happening in their lives.”

have to choose between the law and the rest of their lives.

Successful arrangements rely on planning, communication and trust. “There’s got to be flex and trust on both sides,” Sarah says. She also believes clients are often more understanding than lawyers expect.

“I think we’re often really afraid that some clients won’t care that you’ve got a life outside of work. But actually, most of them, if they’re a good client, understand that.”

The legal profession has never stood still. It has adapted to new technologies, changing client expectations and evolving social norms. Flexible working may be another chapter in that story.

There is growing recognition that flexibility is no longer a niche issue. It’s a recruitment issue. A retention issue. A wellbeing issue. And increasingly, a business issue.

Frana encourages firms considering flexibility, to experiment rather than adopt wholesale change. “Maybe they start small,” she suggests. “Allow everyone to pick a day that

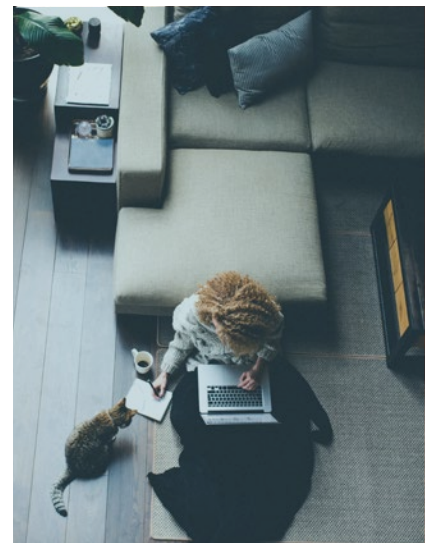
they work from home and then see how it goes.”

Perhaps most importantly, flexible working challenges the assumption that there’s only one way to build a successful legal career.

For Alice, flexibility has enabled her to balance a career she loves with a life that works for her. For Sarah, it has meant adapting to life’s changing seasons. For Frana, it has become a practical strategy for retaining talented people.

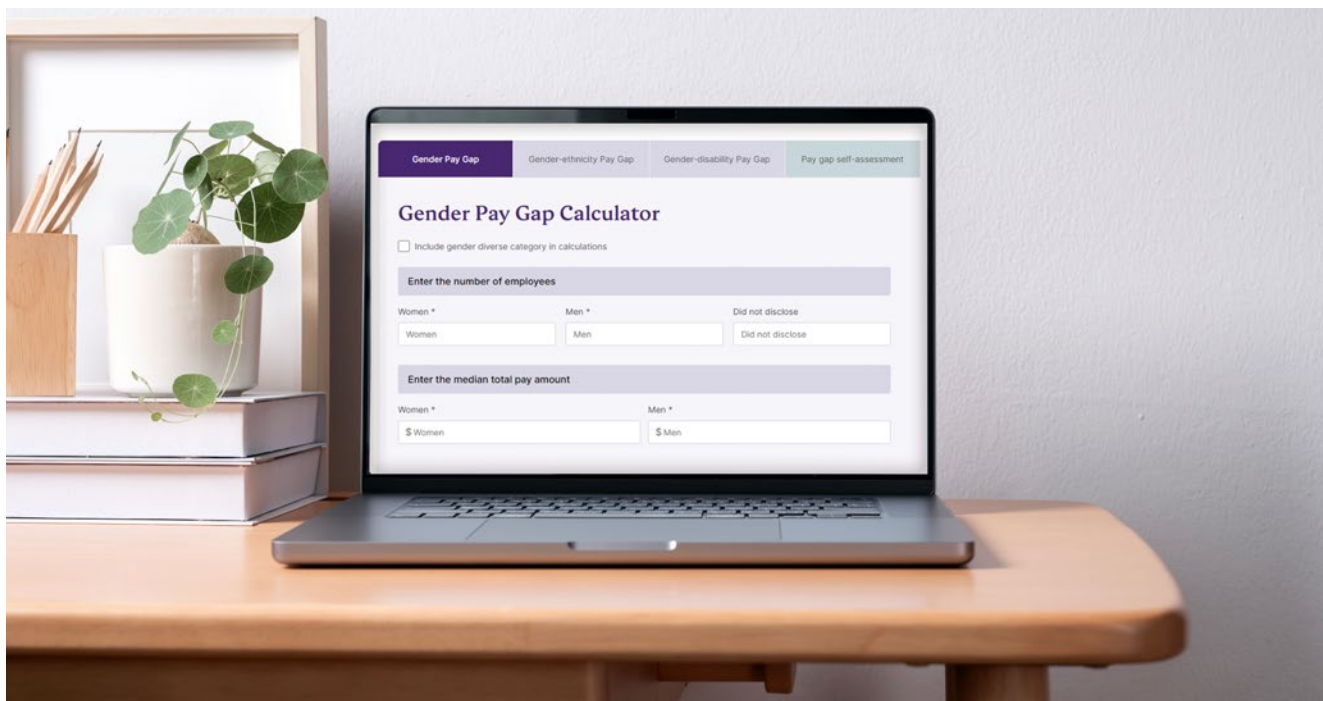
The future of legal practice may not depend on one perfect model of work, but on a profession confident enough to recognise many ways of succeeding while maintaining excellence, commitment and ambition.

The opportunity is bigger than helping lawyers balance work and life. It is to build a profession where talented people choose to enter, stay and thrive, through different seasons of life and different ways of contributing. That begins with a simple truth: there is more than one way to build a meaningful career in the law. ■



Five tips for making flexible working work

- › Be clear about expectations
- › Keep communication open
- › Recognise that needs change over time
- › Focus on outcomes rather than presenteeism
- › Approach flexibility as a partnership built on trust



New resources to help close the gender pay gap

For law firms serious about fairness, new tools are making it easier to measure and close the gender pay gap

Small and medium-sized law firms wishing to measure the gender pay gap and take action, now have access to a tailored, practical resource specifically designed for their needs.

Earlier this year, the Ministry for Women launched new and updated tools within the Gender Pay Gap Toolkit to better support businesses to measure and address pay gaps.

These included a guide for small and medium-sized businesses, listing five steps to take with a set of templates to save time and support a more inclusive and welcoming workplace.

Other additions to the toolkit include:

- A resource to support confident conversations about pay.
- A new calculator and guidance to support measurement of gender-ethnicity and gender-disability pay gaps.

The Ministry first launched the toolkit in 2024 to help people teams to understand, measure, and take action on gender pay gaps in a practical and consistent way. These new tools have been informed by a benchmarking survey of businesses which showed the need for further practical tools and resources.

Firms and organisations wishing to find out more about the toolkit and how to use it effectively, are encouraged to attend the webinar, *Closing the Gender Pay Gap is Good*

for Business, on 16 September from 1pm-2pm. Hosted by the New Zealand Law Society Te Kāhui Ture o Aotearoa with the Ministry for Women, this will be an opportunity to find out why it's worth closing the gender pay gap, walk through the toolkit, and have your questions answered. ■

Take action

Access the Gender Pay Gap Toolkit at women.govt.nz.

Registrations for the *Closing the Gender Pay Gap is Good for Business* webinar open early August – visit lawsociety.org.nz.

What do we know about the gender pay gap in the legal profession?

Our 2025 Snapshot of the Profession shows women continue to make up an increasing proportion of the profession (56.8%), with this rising to 64.5% in the 0–7 years since admission (PQE) cohort.

Our 2025 Survey of Gender Equality Charter Signatories found:

- 63% of Charter law firms had completed a gender pay audit in the last two years – down from 72% in 2023 – compared to 100% of in-house legal teams.
- Of the 55 law firms that conducted a gender pay audit for salaried lawyers:
 - 33% had a pay gap that favoured men
 - 10% had insufficient or unavailable data.
 - 57% indicated no gap or that it was favourable to women
 - 30% had used the Ministry for Women's Gender Pay Gap Toolkit.

Further reading on the Law Society website

- 2025 Snapshot of the Profession
- 2025 Survey of GEC Signatories – Supplementary Report





AML/CFT in the spotlight

What lawyers need to know

Law firms' responsibilities as reporting entities under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 have been under the spotlight recently. The Department of Internal Affairs issued formal warnings to six firms for audit-related non-compliance in June, and two Anti-Money Laundering reform bills have come into force over the past few weeks.

The legislative changes have been made following review of the Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) regime by the Financial Action Task Force in 2019-2021 and a statutory review of the Act in 2022. They follow other amendments made in November 2025 through the Statutes Amendment Act 2025.

The stated intention behind the changes brought with these two Acts is to clarify existing obligations to provide more certainty, strengthen enforcement provisions,

and provide relief for businesses and reduce compliance costs.

Anti-Money Laundering and Countering Financing of Terrorism Amendment Act 2026

This Act came into force on 19 May, with changes that intend to make the AML regime more risk-based, efficient, and effective at addressing organised crime.

Some key changes relevant to law firm reporting entities

Definition changes in section 5(1)

- Amending the definition of “beneficial owner” to include a person with “ultimate ownership or control of the customer” and exclude “customers of a customer” unless they have ultimate ownership or control of the customer
- Amending the definition of “designated non-financial business or profession” by replacing the terms “engaging in or giving instructions”

with “*carrying out, preparing to carry out, or giving instructions*”.

This amendment alters the scope of lawyers' activities that are captured by the AML/CFT regime. Further guidance is expected from the Department of Internal Affairs (DIA).

CDD for trusts

Providing that reporting entities are not required to conduct certain identity verification requirements in respect of customers or persons who are trusts, if satisfied that any risks have been mitigated by conducting standard due diligence under sections 15 and 16, and enhanced customer due diligence under sections 23 and 25.

Compliance officer

Clarifying and providing flexibility for the requirements for compliance officers in section 56, so that they must be senior managers or report to senior managers and must be natural persons.



Risk assessments

Require that a reporting entity's risk assessment incorporate all relevant risks that are identified by any risk assessments issued by DIA or the Financial Intelligence Unit.

Anti-Money Laundering and Countering Financing of Terrorism (Supervisor, Levy, and Other Matters) Amendment Act 2026

This Act provides for the transition to a single supervisor (DIA) of the AML/CFT regime, replacing the existing three supervisors – the Reserve Bank, Financial Markets Authority, and DIA. New section 131 of the Act also amends the powers and functions of DIA as the sole supervisor.

New section 155A of the Act also enables a levy to be imposed on reporting entities, the purpose of which is to support a flexible and coordinated system that will deliver sector benefits. Details of the industry levy are not yet confirmed.

An AML/CFT National Strategy and work programme will be introduced as part of the funding model. The Law Society has previously submitted on the levy consultation proposal, most recently the design of the levy and how it will be calculated. We will keep the profession updated as this work progresses.

New sections 80A and 80B also introduce a new censure regime, in addition to existing enforcement mechanisms of formal warnings, enforceable undertakings, injunctions, and pecuniary penalties.

This Act came into force on 1 July 2026. However, the levy will not apply immediately.

Further changes may be coming

Reporting entities will need to review these new amendments to ensure their due diligence, verification and other AML/CFT processes comply.

DIA has launched the AML/CFT Regulatory Strategy 2026-30 and will update guidance on their website to

reflect changes from these Acts.

Further changes to the AML/CFT regime and the regulatory settings have also been signalled, with the Government noting its intention to introduce a further Bill amending the AML/CFT Act into the House in the current parliamentary term. ■

More information

See Anti-Money Laundering and Countering Financing of Terrorism on the *Department of Internal Affairs website*.

See the Law Society's law reform submissions on the *Law Society website*.



Law reform and advocacy update

Our activities from March to June 2026

From March to June, the Law Society has made 12 submissions on bills before Select Committee, and 18 submissions on a range of discussion documents released by government agencies. Some of these submissions are highlighted below and can be found in full on the Law Society's website, alongside all other public submissions.

The Law Society submitted on a second consultation from the Ministry of Justice, regarding **design of the industry levy for reporting entities under the Anti-Money Laundering and Countering Financing of Terrorism Act 2009**. This consultation set out the Ministry's preferred options for design of the levy, including which reporting entities would pay the levy, and how the levy amount would be calculated. The Law Society's submission reiterated earlier concerns that insufficient work had been done to justify and design the levy in respect of law firm reporting entities, that the levy cannot be equitably applied within the legal sector or vis-à-vis other sectors, and that its imposition on the legal profession has not been justified in accordance with accepted principles of cost recovery. The submission also identified methodological issues within the

design of the proposed options, and shared feedback received from the profession.

The **Anti-Money Laundering and Countering Financing of Terrorism (Supervisor, Levy, and Other Matters) Amendment Act 2026** was passed by Parliament this quarter, and comes into force on 1 July. It contains the substantive provision enabling the making of regulations to set and implement the industry levy. We'll continue to update the profession on the proposed levy.

With the input of the Employment Law Committee, the Law Society submitted on the **Employment Leave Bill**, which will replace the Holidays Act 2003 and establish a new legislative framework for employment leave. Feedback on this Bill focused on uncertainty arising from the drafting of provisions which will shift the leave framework to an hours-based leave accrual system, as well as concerns relating to the process for remediating underpayments and payment failures which occurred under the Holidays Act.

Law reform submissions often involve the input of multiple law reform committees, as was the case with the **Policing Amendment Bill**, which involved both the Criminal

Law Committee and Human Rights and Privacy Committee. The Bill proposes to authorise Police to record images and sounds in public places, and to collect personal information, in broader circumstances than at present. It also proposes to expand the temporary road closure powers of Police beyond roads, and for broader reasons, with corresponding enforcement mechanisms. The Law Society's submission set out deficiencies in the policy development of the Bill, inconsistency with modern expectations of privacy, risk of the powers being improperly used, as well as drafting and workability issues.

Similarly, the Criminal Law, Environmental Law, and Public Law Committees jointly assisted with a submission raising concerns about several aspects of the **Fisheries Amendment Bill**, notably the proposals to exclude fishing boat camera footage from the Official Information Act 1982, and to introduce a time limit of 20 working days to apply for judicial review of decisions made under the Act.

Further criminal law reform is proposed by the **Trespass (Specified Retail Premises and Other Matters) Amendment Bill**, which will introduce a raft of changes to the Trespass Act 1980, including:



increasing the maximum length of a trespass order; a bespoke power to trespass a person from multiple locations at once; widening the circumstances in which a person is considered to 'know' they have been trespassed; and increasing the penalty for breach of a trespass order. The Law Society's submission again raised issues around the process by which the Bill was developed, as well as significant workability issues and Bill of Rights Act implications that required consideration.

The Law Society also made a submission on the **Immigration (Enhanced Risk Management) Amendment Bill**, prepared with the input of the Immigration and Refugee Law Committee and Human Rights and Privacy Committee, as well as a Parliamentary Paper, which proposed further amendments to the Bill. The submissions raised

significant concerns regarding the majority of reform proposals, including proposals to prevent certain temporary visa holders from appealing to the Immigration & Protection Tribunal (IPT) on humanitarian grounds, broaden immigration officers' powers to request information and seize documents, and remove the IPT's ability to accept out of time appeals, even where special circumstances exist.

Several member's bills have also progressed, including:

- The **Copyright (Parody and Satire) Amendment Bill**, which proposes an authority to use a copyright work for the purpose of parody or satire. The Intellectual Property Law Committee worked on the submission on this Bill, noting that it raises complex legal issues and should instead

be progressed within the more detailed copyright review underway.

- The **Modern Slavery Bill**. Interestingly, this is a Member's Bill in the joint names of Camilla Belich from the Labour Party, and Greg Fleming from the National Party. The Law Society's submission, prepared with the Human Rights and Privacy, Criminal Law, and Public Law Committees, was broadly supportive of the Bill and made drafting and workability recommendations.

Other law reform and advocacy work this quarter

The Law Society has welcomed the announcement that Budget 2026 will provide \$100 million of funding for two new courthouses in Rotorua: one for the Rotorua Law Courts and

one for the Rotorua Māori Land Court. In December last year, the Law Society and its Waikato Bay of Plenty Branch joined local organisations in urging Associate Minister Nicole McKee to prioritise funding for a new Rotorua Courthouse.

Regular engagements continue across relevant government agencies and other stakeholders. In particular, the Ministry of Justice on court buildings, facilities and security issues, as well as on the design and implementation of Te Au Reka (the new digital case management system for the courts and tribunals) in the Family Court.

Mapping current issues with accessing clients in custody

The Law Society is aware that criminal lawyers have ongoing concerns about accessing their clients in custody, with issues ranging from booking in-person appointments and phone calls, to setting up remote video conferencing and providing disclosure. We have commenced work to paint a nationwide picture of these issues, as better data has been encouraged by stakeholders and will assist with identifying where sustained attention is *required*. We want to hear directly from lawyers about the current issues

at each Corrections facility they attend. This feedback can be sent to prisonaccess@lawsociety.org.nz. You can email regularly, as issues arise. General feedback is welcome, and specific examples will be particularly useful (include, for example, the corrections facility, approximate date, and details of issue).

Following the collection of this feedback, we will look to hold a series of meetings with the profession, including the other legal professional organisations, to share this information and discuss possible solutions. We'll continue to provide updates as this work progresses. ■

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Family Law Conference

17-18 June 2027

Ōtautahi Christchurch and online



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High Court civil work

An update on the new Rules, the re-established commercial list and trial readiness

BY **THE HONOURABLE
JUSTICE SALLY
FITZGERALD**



As lawyers practising in the High Court's civil jurisdiction will be aware, the new Rules governing general proceedings came into force on 1 January 2026. Useful information about the purpose and content of the new Rules can be found on the Rules Committee website.

It is still relatively early days in the operation of the new Rules. At the time of writing this update, one Judicial Issues Conference (JIC) has been held, and feedback is that it was a very useful and helpful exercise. Given the Rules only came into effect as of January this year, the number of JICs will start to ramp up as the year progresses. I encourage lawyers to carefully consider the steps they and their clients must take in the lead-up to a JIC, as well as how to maximise the opportunity of a substantive (half-day) conference with a Judge or Associate Judge who is fully briefed on the file.¹

The joint Judicial/Ministry of Justice Working Group established to oversee implementation of the new Rules continues to oversee their operation. A range of data is being

collected, though it will likely be another year or so before any clear trends are seen. The Working Group will also be reporting to the Rules Committee later this year on any suggested amendments to the new Rules, or other matters requiring the Committee's attention. If you consider there are matters requiring early clarification or amendment in the new Rules, or operational matters that it would be helpful for the Court to consider, you should feel free to provide feedback directly to me via Principal Advisor Angela Blake (Angela.Blake@courts.govt.nz), to the Rules Committee via the clerk to the Committee (Henry.Fitzgerald@justice.govt.nz) or to your local Court Manager or Civil Caseflow Manager.

The other development in the High Court's civil jurisdiction is the (re) establishment of the Commercial List in Auckland (in October last year). The Practice Note governing proceedings in the Commercial List are published in the High Court Practice Notes on the Courts of New Zealand website. Again, while it is still early days in the List's operation, the List is already





meeting its objectives of more speedy progression of commercial cases through interlocutory phases and the allocation of earlier substantive fixtures. Interlocutory matters are able to be allocated a short hearing before a Commercial List Judge later on the same day that the parties advise that the application is ready to be heard, or during the following week. A number of substantive fixtures have already been allocated, with those dates being for as soon as the case is ready for hearing. Justice Gault and I (as the Commercial List Judges) have been very impressed by the approach taken by lawyers and their clients in proceedings in the List, with evident cooperation and pragmatism, and much being able to be dealt with by consent.

Finally, there is one practical, and unfortunately not a positive, matter to raise. This is the ongoing number of adjournment applications sought in respect of substantive trial fixtures, particularly in the Auckland Registry. There is no doubt that time-to-trial (measured from the date a Judge directs that a substantive

fixture is to be allocated) in general proceedings in the High Court is presently longer than desirable.² But despite this, the Executive Judge in Auckland deals with applications to adjourn substantive fixtures on an almost daily basis, despite the parties having had more than ample time to prepare for their hearing. Parties and their lawyers should be aware that circumstances will usually need to be exceptional before an adjournment application is granted. In addition, some parties and their lawyers anticipate an adjournment being granted and a new hearing date allocated in a small number of weeks or months' time. That is not the case. In most cases, the proceeding will have to go to the "end of the queue".

If lawyers apprehend an adjournment might be required, it is important to raise this with the Court at the earliest possible opportunity. In that way, if the application is granted, there may be sufficient time to bring forward another fixture. Parties and lawyers are also encouraged to confer early,

and regularly, on trial duration. A number of adjournment applications are made on the basis that the parties have significantly underestimated the time required for trial.

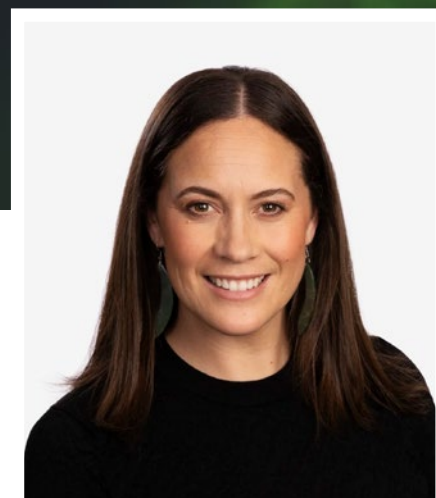
I hope this brief update is helpful, and I thank the profession for their ongoing cooperation and assistance in the High Court's civil work. ■

The Honourable Justice Sally Fitzgerald was appointed the Chief Judge of the High Court of New Zealand in December 2023. She was appointed a Judge of the High Court in 2016. From February 2020 to August 2023, she was the Auckland Criminal List Judge, with oversight of all criminal jury trials in the Auckland High Court.

1. As lawyers may already be aware, Judicial Issues Conferences are scheduled to commence at 11.45am and to conclude at around 3.30pm (taking the standard lunch adjournment at 1pm to 2.15pm).
2. Some commentary references the number of days to trial from when the case is "ready to be heard." This is in fact a misnomer. Time to trial is measured from the date a Judge directs that a substantive fixture is to be allocated. Under the old Rules, substantive fixtures are usually directed early in the lifecycle of proceeding, and when a case has many steps to be taken before being ready to be heard. Annual statistics on waiting times for scheduled hearings are published to the Courts of New Zealand website.

Tikanga and the law: building capability in practice

A new day-long wānanga, developed by Te Hunga Rōia Māori o Aotearoa and the Law Society, aims to provide practising lawyers with a foundational understanding of tikanga and its intersection with the law.



Natalie Coates, former co-president, Te Hunga Rōia Māori

Natalie Coates, former Te Hunga Rōia Māori co-president, says that while tikanga is now a part of the LLB curriculum, many lawyers are looking to build their understanding of how tikanga operates within the legal system and how it may be relevant to their practice.

“This provides an exciting opportunity for the profession to come together, to learn and to build capability in a developing area of law,” she says.

Increasing recognition

Natalie says that the development of the course reflects the increasing recognition and standing of tikanga within Aotearoa New Zealand’s legal system.

Tikanga has long been recognised as part of the common law of Aotearoa. However, a growing body of case law, including the Supreme

Court case of *Ellis v R* [2022] NZSC 114, has confirmed that tikanga can and will continue to influence the development of the common law where it is relevant.

“As tikanga becomes increasingly visible and considered within legal reasoning and decision-making, it is important that practitioners understand both its foundations and the ways in which it may arise in practice,” she says.

The wānanga is designed to give lawyers a practical framework for thinking about tikanga and the law, including when tikanga may be relevant, how it may apply, and the influence it may have in legal contexts.

“Just as there are foundational principles and values that underpin areas of law such as international law and human rights law, the same is true of tikanga,” says Natalie.

“There is significant opportunity to approach this area in a way that maintains both the integrity of tikanga and the legal system,” she says.

For all practitioners

Natalie says the course will be relevant for practitioners across all areas of law who want to better understand the growing role of tikanga within the legal system.

The wānanga will cover:

- the nature of tikanga and its key principles
- the practical application of tikanga
- a framework for thinking about tikanga and the law
- recent jurisprudential and case law developments, and
- practical guidance for practitioners.

“Just as there are foundational principles and values that underpin areas of law such as international law and human rights law, the same is true of tikanga.”

Natalie says the wānanga will provide a safe environment in which to discuss these issues and to ask questions.

“There have been instances where tikanga has not been engaged with as carefully or appropriately as it might have been,” she says. “The wānanga aims to provide practitioners with the tools and confidence to navigate these issues more effectively.”

Deeper learning and reflection

Natalie says the full day format allows participants to engage in deeper learning and reflection than is often possible through shorter professional development programmes.

All presenters at the wānanga will be Māori lawyers, either currently practising or with previous experience in legal practice, including Natalie herself, who has been involved in significant cases that have grappled with the intersection of tikanga and the law.

Like the other presenters, Natalie is keen to share her experiences and learnings with the wider profession.

Natalie says the wānanga has only been made possible through the partnership between Te Hunga Rōia Māori and the Law Society.

“While Te Hunga Rōia Māori has led the development of the substantive content of the wānanga, we have worked closely with the Law Society to deliver a programme that we hope will provide significant value to the profession,” she says.

About the wānanga

Day long wānanga are being held in Auckland, Wellington and Christchurch in September. In keeping with tikanga, the in-person programmes will be hosted on marae.

Presenters include Horiana Irwin-Easthope, Tai Ahu, Chris Merrick, Precious Clark, Puna Wano-Bryant, Aroha Herewini and Maia Wikaira, among others. Māori members of the judiciary will also participate as presenters in some of the wānanga.

There are also plans to offer the course online. ■

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Tackling wellbeing in the legal profession

A conversation with Sir John Kirwan and Dr Fiona Crichton

While working in the law can be incredibly rewarding, it can also be stressful. The pace and scale of change lawyers are facing today ranges from rapid technological shifts to evolving expectations of work, purpose and performance.

The following conversation with former All Black and Mental Health advocate Sir John Kirwan (JK) and health psychology specialist and former litigator Dr Fiona Crichton comes from a free Law Society webinar held in May. They offered a blend of lived experience, neuroscience, and practical tools for protecting wellbeing for lawyers experiencing strain.

Change is constant, and it affects us all differently

FC: The law has always demanded commitment and sacrifice, yet generational expectations are changing our workplaces, with Gen Z expecting good mental health. “Many senior lawyers have trained in an ‘old school’ model: long hours, relentless effort, and the quiet understanding that this was the price of partnership. The model is shifting, and with it comes uncertainty.” At the same time, the legal profession’s deep respect for precedent and established ways of working can make constant reinvention especially draining. “Our brains

crave certainty, yet modern legal practice offers less and less of it.”

JK: While change itself isn’t new, the *volume* of change is, and how you feel about change directly affects how you experience it. “People respond to change in markedly different ways. Some are energised by it, some cautiously optimistic, others deeply uncomfortable. A final group are actively resistant, often as a form of self-protection. You need to be aware of what you are feeling about change, as it will affect you.”

Brains under pressure

FC: Relentless change is exhausting, as human brains are not wired for continuous disruption. “Traditionally, periods of change were followed by periods of settling. Today, just as we adapt, the ground shifts again. Add global crises – wars, extreme weather, economic shocks – and many lawyers wake each morning already activated, their brains interpreting the world as unsafe. Emotionally, that can land as anger, anxiety, or numbness.”

JK: Staying stuck in an emotion rarely leads to solutions. “Awareness is the first step. Ask yourself: What am I feeling about this? Understand the emotion, then quickly work through it. Find a solution so you can have a good day.”

Right: Dr Fiona Crichton and Sir John Kirwan offer lawyers something grounding and hopeful.

Burnout has a signature – learn yours

FC: Burnout often shows up as physical exhaustion, reduced sense of achievement (“I’m not doing a good job”), and depersonalisation, such as feeling detached, cynical, or irritated by people who once mattered. “Perfectionism accelerates this process. So does constant busyness without reflection. When we remove thinking time from our days, burnout fills the gap.”

JK: Know the early signs of your burnout. I use the analogy of being chased by a shark. Being chased by a shark make me a hard *worker...but* in the end, the shark begins to eat me. For me, the signs of burnout begin with feeling unappreciated, disrupted sleep, and increasing irritability.

The case for boredom

FC: From a physiological perspective, being bored earlier protects your sleep later. Without pauses during the day, the brain saves this processing for bedtime which is why everything feels heavier at 3am. Simple practices that help include, going for a walk without a phone, sitting with a cup of tea and allowing your mind to wander. These micro-pauses help calm the amygdala (the brain’s threat detector) which is easily activated in a profession built around stressed clients and high stakes.



JK: Boredom is counterintuitive yet powerful. It creates space for creativity, problem-solving, and self-referential thinking: processing what matters, where you fit, and what comes next.

Daily care beats weekend recovery

FC: The importance of rhythms with consistent sleep, routines, and genuine breaks. Lawyers cannot serve clients, colleagues, or the justice system if they are depleted. Take your lunch break. You deserve it.

JK: Preventative mental health is a daily activity, and not just the preserve of weekends. When I talk about looking after myself by being bored, I'm talking every day. Put a daily plan in. Your minutes are precious, but don't forget that it doesn't take long to look after yourself. Go for a cup of tea and don't take your phone. Also consider habit-stacking: small, repeatable actions that anchor the day. A morning shower followed by coffee. A daily check-in: what emotion might show up today – and how will I move through it?

Reclaiming value, purpose and progress

FC: Lawyers may feel judged, misunderstood, or worn down by expectations, and stereotypes about the profession. Get good at saying what you are good at. If you are not

going to be valued by your workplace, value yourself and be good at knowing what you are good at.”

Celebrating small wins and connect to your values. Remember how you reassured a client, clarified a process, helped someone feel less alone. Small celebratory moments are profoundly protective. Think about how in the day we are serving people. Why did you choose this work? Helping people? Making sense of complexity? Serving fairness? When daily actions align with these values, even in small ways, wellbeing improves.

JK: Start making a daily “to done” list. This flips imposter syndrome on its head by capturing what you *have* achieved, not just what remains to be done.

Tiny things, lasting impact

FC: Go tech-free for moments in the day as a way to centre yourself when you feel overwhelmed. Have the coffee and notice the coffee. Get up and move, even for a few minutes. Share a Wordle result with somebody else. Do one small thing that centres you.

JK: The six pillars of wellbeing – Chill, Do, Connect, Move Celebrate, Enjoy – are all strategies that do not require more time but a different way of using the time you already have. You don't have to overhaul your life but choose one or two small shifts and make them daily. ■

JK's six pillars of wellbeing

- ▶ **Chill.** Allow yourself to be bored. Boredom creates space for creativity, problem-solving, and self-referential thinking.
- ▶ **Do.** Do one thing. Employ some simple practices such as going for a walk without your phone. Sit with a cup of tea and just notice your surroundings, allow your mind to wander. These micro-pauses help calm the amygdala – the brain's threat detector. Standing that response down requires intention. Don't wait to solve your wellbeing in the weekend, do it daily.
- ▶ **Connect.** Connect to your purpose and values: remember why you chose this work, celebrate small wins. Know what you are good at. Foster meaningful relationships with loved ones, your community or with nature.
- ▶ **Move.** Prioritise physical activity in a way that feels good to you.
- ▶ **Celebrate.** Celebrate the small wins and acknowledge your progress.
- ▶ **Enjoy.** Make time for fun and laughter. Give yourself something to look forward to each day.

BOOK REVIEW

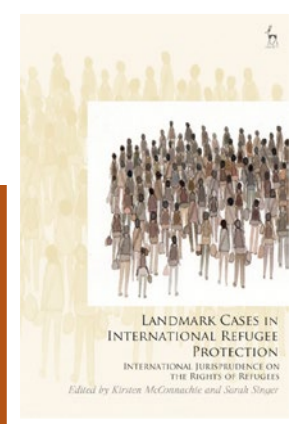
Tracing the contours of refugee protection

A new book explores the landmark decisions that have shaped international refugee law

BY **SHARELLE AITCHISON**

Landmark Cases in International Refugee Protection – International Jurisprudence on the Rights of Refugees

Editors: Kirsten McCannachie and Sarah Singer **Publisher:** Hart Publishing, 2026 **Format:** Print **Law Library:** Auckland



A striking feature of *Landmark Cases in International Refugee Protection – International Jurisprudence on the Rights of Refugees* is its strong spatial perspective. At the centre of each of its 15 chapters is a landmark decision, positioned in its wider social, political, legal and policy landscape. Of enduring significance, these decisions emanate from national, regional, supranational and UN treaty bodies; feature diverse actors (from judges, counsel, the UNHCR, strategic litigation groups and civil society); and span multiple jurisdictional scales, transcending any single jurisdiction. One seminal example is the case of *Teitiota*, which began its journey at New Zealand's Immigration and Protection Tribunal before travelling to the United Nations Human Rights Committee.

Throughout these chapters, the development of fundamental

concepts of refugee law are closely studied and situated within the broader constellation of international law that includes international human rights law, international humanitarian law and national constitutional law, amongst others. Historically a doctrine-centric discipline, the collection gives even treatment to the refugee definition, refugee rights (such as, the principles of non-penalisation of illegal or irregular entry and of non-refoulement) and to different aspects of refugee conditions and protection (encompassing maritime governance, interdiction at sea, and securitisation). Its contextual clarity, focus and short story-like character (where chapters may be consumed on the bus, the space of a lunch break, or just before bed) transforms the potential for a static, textbook read into a dynamic living system – as akin to the law.

If any critique could be made, it is simply that there are not enough chapters to reflect upon. A lingering question is how does one qualify a “landmark” and for how long. As the opening author Hugo Storey (a landmark judge and scholar in his own right) remarks, “sooner or later all landmark cases become ruined temples”. ■

Sharelle Aitchison is a senior member of the Immigration and Protection Tribunal. She has a background in international criminal law, working on the International Criminal Tribunal for the former Yugoslavia and the Special Court for Sierra Leone. She has also worked for the United Nations in Kosovo and for the Norwegian Refugee Council in Kosovo and Sri Lanka. Sharelle has published widely on topics that include gender, international humanitarian law, refugee and immigration law.

OFF THE SHELF

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The New Zealand Law Society Library is proud to be giving away to one lucky winner a copy of *Sentencing Law in New Zealand* by Jeremy Finn and Debra Wilson. 2nd ed, 2026. Kindly supplied by Thomson Reuters.

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Read the Information Handling Policy.

New titles at the Law Society Library



Legal Research in Aotearoa New Zealand, 2nd ed

Editor: Mary-Rose Russell

Publisher: LexisNexis, 2026 **Format:** Print

Law Library: Auckland, Canterbury, Wellington

A thoroughly updated edition addressing the dramatic changes in legal information since first publication, including the rise of open access and artificial intelligence. Covering research methodology, legal information sources, and specialist areas including Kaupapa Māori and Pacific legal research, this is an indispensable resource for any New Zealand legal practice.



Owning up to mistakes

Author: Pearl Moses

Publisher: The Law Society UK, 2026

Format: Print **Law Library:** Wellington

Mistakes happen, even in legal practice and how you respond to them makes all the difference. Written by UK compliance expert Pearl Moses, this practical and reassuring guide covers the legal, ethical, and professional dimensions of errors, offering strategies for admitting, rectifying, and learning from mistakes. While grounded in UK regulation, its insights on professional accountability, workplace culture, transparency, and wellbeing translate directly to New Zealand legal practice. Essential reading for lawyers at every career stage. ■

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