The 18th of May marked the first social event on the 2018 Young Lawyers’ Committee calendar, with a race night at Addington Raceway. The night served as an opportunity for recently admitted lawyers (0-7 years’ PQE) to mix, mingle and chance their arms with a few bets if it took their fancy.

Thirteen firms stretching from Ashburton to Oxford were represented at the event by 27 participants, attesting to the value of placing practitioners of similar experience together to trade their thoughts, support one another and generally keep the collegial spirit alive.

The committee’s social and educational events are posted regularly on the Canterbury Westland branch notices for those who are interested in attending in the future.

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Each month we have a photo caption competition where we invite you to submit a caption. The winner will receive two bottles of wine sponsored by Vino Fino (www.vinifino.co.nz, 188 Durham Street). Send your entry to the Canterbury Westland Branch New Zealand Law Society, P. O. Box 565, Christchurch. Or email to canterbury-westland@lawsociety.org.nz. All entries must be received by June 11 2018. The winner will be announced in the next edition of Canterbury Tales.

President’s Column

By Craig Ruane

Biennial General Meeting – Canterbury Westland branch – NZLS

The biennial general meeting of the branch will be held on Tuesday, 19 June at 4pm at the branch offices on Durham Street. At the close of nominations there were exactly the number of nominees for vacant places. Although no formal election will be required, I urge you to attend the BGM.

My term as branch president will come to an end at that meeting, and this will be my last President’s Column.

I would like to pay tribute to the staff at the branch office for the huge amount of work they do behind-the-scenes, not only for the local branch but for the New Zealand Law Society as a whole. We are very fortunate to have such a hard-working and experienced team in Malcolm Ellis, Val McTerk, Sandy Hopkins, Susan Newman and Zylpha Kovacs. The professionalism of the Canterbury office is recognised by NZLS as being an essential part of the administration of the New Zealand Law Society.

I would like to pay particular praise to Susan Newman, who is largely responsible for processing the applications for certificates of character for those who wish to be admitted to practice as barristers and solicitors of the High Court of New Zealand. This is not a simple task and her enthusiasm and meticulous attention to detail serves the applicants well.

Christchurch courthouse (NOT the Christchurch Justice and Emergency Services Precinct)

The major activity over my time as president has probably been the move from the Durham Street court buildings to the new Christchurch courthouse on Lichfield Street. The move certainly had its challenges, with the Ministry of Justice’s initial plans making no provision at all for a library, and little or no provision for private facilities for lawyers.

Various committees were established and consulted by the ministry. The end result was that the ministry was able to find space for the library, although in the adjacent police building, and a lawyers’ room can now be found “inside the wire”, on level 2 of the building. The lawyers’ room has library terminals and printing facilities and is a very useful space for those whose offices are not within easy walking distance of the court.

Julia Wartmann (de Friez) and her team of librarians have worked extremely hard to make the move into a much more limited space such a successful one, and on your behalf, I would like to thank them all.

The building itself has its teething problems but they are slowly being worked through. There are constitutional issues about the close physical proximity between the Police station and the courts, and the apparent lack of separation between the two. I, for one, will be referring to the western end of the building as the Christchurch courthouse, and not the Christchurch Justice and Emergency Services Precinct.

The minor teething difficulties aside (and unfortunately Mr Tyrrell, your President-elect, seems doomed to be unable to source toasted sandwiches in the building), the building is a magnificent facility and I think it will serve the city well for a long time to come.

150th celebrations

The other major activity during my time as president has ...continued on the next page
been the preparation and planning for the celebrations to mark the 150th anniversary of the establishment of the Law Society in Canterbury. The celebrations will take place between 25 and 27 October and if you have not already done so I invite you to mark your diaries. The dinner on the 25th, and gala ball on the 27th will both be well worth while attending. Arrangements have been made to have a photograph of the profession taken on the afternoon of the 25th, and details of the time and location will be available shortly.

Shana McClelland Employer Lawyer has moved premises to:
Above Your Space Billens, Suite 4, Level 2, 177 High Street, Christchurch 8011
Shana’s new PO Box address is: PO Box 22656, Christchurch 8140
All other details remain the same.

Kieran Heenan has become a partner at Meares Williams effective 1 April 2018.

Canterbury tales
Canterbury tales is the official newsletter of the Canterbury-Westland Branch New Zealand Law Society. Publications Committee: Zylpha Kovacs (convenor), Simon Shamy (editor), Carolyn Browne, Ann Maria Buckley, Daniel Weatherley, Beatrix Chin. All correspondence and photographs should be forwarded to: The Branch Manager, Canterbury-Westland Branch New Zealand Law Society, Level 1, 307 Durham Street, Christchurch. PO Box 565 Christchurch, DX WX 10074.
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Hunter Cup
By Brendan Callaghan

Take 2 of the annual Hunter Cup golf day took place at Harewood Golf Club on 18 April the original date having been washed out. Numbers were down as a result of having to reschedule but those that took the opportunity to get out were rewarded with a great day out. The weather gods were smiling down on those Practitioners, Sponsors and our accounting friends who played.

As always the golf was somewhat suspect but Matt Munro from Corcoran French was the deserved winner as he blitzed the field to walk away with the Hunter Cup for 2018. Matt, is pictured here receiving the Hunter Cup from Andrew Nuttall of Cambridge Partners, who were the principal sponsor of the event.

A huge vote of thanks to those who played in the event, to the organisers, the team at Harewood who ensured we were all well fed and watered and to the sponsors who ensured a bountiful prize table was available. In addition to Cambridge Partners, other sponsors on the day were ANZ, Eliot Sinclair, and Konica Minolta.

Continued from the previous page...
been the preparation and planning for the celebrations to mark the 150th anniversary of the establishment of the Law Society in Canterbury. The celebrations will take place between 25 and 27 October and if you have not already done so I invite you to mark your diaries. The dinner on the 25th, and gala ball on the 27th will both be well worth while attending. Arrangements have been made to have a photograph of the profession taken on the afternoon of the 25th, and details of the time and location will be available shortly.

The organising committee has been bea...
How to be Healthier, Happier and More Productive.

Part Two

By Andrew Nuttall

In last month’s article I wrote about how people’s goals and desires typically centre on being healthier, happier and more productive at work. My article noted how circadian rhythms, i.e. our sleep/wake cycles, affect our productivity and capability during our waking hours.

Our light receptors can create peaks during the late morning followed by troughs and then in turn rebounds. This means that it is better for us to undertake analytical tasks in the morning, administrative tasks, such as returning phone calls, filing and answering emails in the afternoon and the more creative tasks late afternoon/early evening when we tend to be happier as well.

Most people’s goals also include being fitter and more healthy. But when is it best to exercise?

In most cases if you want to lose weight you are better off to exercise in the morning because exercising before eating uses fat stored in body tissues to supply the energy we need. In addition, workouts such as swimming, running and walking the dog, are more likely to elevate mood and we can enjoy these effects during the day. Personally, I find it easier to stick to a morning routine rather than other times of the day and to exercise with other people.

In examining how to be happier and more productive, Daniel Pink’s book When: The Scientific Secrets of Perfect Timing suggest that we should recast our daily routines and take more breaks. Pink refers to a 2016 study published by the International Journal of Behavioural Nutrition and Physical Activity which showed that five minute walking breaks boosted energy, sharpened focus and improved moods throughout the day and reduced feelings of fatigue particularly in the late afternoon. In addition, these shorter and more frequent bursts of activity are more valuable than a single 30 minute walking break and a short walk outdoors is more effective than similar time spent indoors.

Daniel Pink suggests that perhaps the wisest thing we can do after we have rearranged our work schedules in order to take advantage of peaks, troughs and rebounds, is to exercise in the morning with others and make a daily five minute walking break schedule. Not only should your daily “to do list”, include meetings and tasks it should also include your five minute outdoor walking breaks.

As with many things in life it is easier said than done but try taking some five minute breaks outside. I am sure you will notice a difference.

Andrew Nuttall is an Authorised Financial Adviser with Cambridge Partners and has worked with members of the legal profession for over 25 years. His disclosure statement is available on demand and free of charge 364-9119 www.cambridgepartners.co.nz

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Andrew Nuttall.

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Andrew Nuttall.
Book review
Towards Democratic Renewal – Ideas for
Constitutional Change in New Zealand
by Geoffrey Palmer & Andrew Butler

By Todd Nicholls

Geoffrey Palmer and Andrew Butler have recently published *Towards Democratic Renewal – Ideas for Constitutional Change in New Zealand* (Victoria University Press), an updated version of their 2016 published document, *A Constitution for Aotearoa New Zealand*. The authors canvassed widely in their year-long consultation, receiving 440 submissions and holding meetings up and down New Zealand, including at the Canterbury Westland branch of the NZLS last year.

The writers say that in an age of constant attacks on liberal democracies around the world, it is more important than ever that New Zealand needs a written constitution backed by judicial powers. Sir Geoffrey says: “It’s not a very good outlook for liberal democracy. We don’t want the tendencies in other countries seeping in here – they haven’t so far, but the risk is they will. The trends in other countries come to New Zealand, they just come a little later.”

I must acknowledge an interest here: late last year I submitted questions to 10 prominent New Zealanders as to whether New Zealand needed a constitution and, most prominently, whether the country should become a republic and, if so, what a New Zealand Republic should look like. The views differed, although the majority believed that New Zealand did not need a constitution but that it should become a republic.

With respect to the constitution, Palmer and Butler remain convinced that New Zealand needs one. They say that while their views have not substantially changed, the submission process led to many useful alterations.

Palmer and Butler still, thankfully, support a New Zealand Republic, although in my view the name ‘guardian’ or ‘kaitiaki’ is wishy-washy and should instead be simply called ‘president’. Critics might say it encourages images of the American president, although I think more of the Irish president, who seems to be an ambassador for Ireland internationally and symbolic of civic values internally. Can you imagine a foreign dignitary introducing the ‘New Zealand kaitiaki’ when travelling abroad? Confusing. Everyone knows what a president is.

Geoffrey Palmer says that other changes made to the initial discussion document included a clearer definition to the Head of State’s role and introductory sections explaining the principles of government and broad limits on public power.

While there is great value to this document, the onus is now on someone, or someones, to take up the challenge and run with these recommendations. “We don’t have a monopoly on wisdom, there are other good ideas out there,” says Sir Geoffrey. “We just think there should be serious attention given to this. One of the problems is that New Zealanders are a bit complacent because we are removed from those areas of the world that are in serious trouble.”

Time will tell which of Palmer’s and Butler’s recommendations wins the hearts and minds of the New Zealand public in the short and long-term.

Todd Nicholls has practised law in Christchurch specialising in criminal law and sports law. His MA dissertation, published in 1999 at the University of Canterbury, focused on why New Zealand had not become a republic.
Family Law Section dinner

I, along with a number of other people, were privileged to attend the Family Law Section’s 20th Birthday Dinner. This was not the only dinner to mark the anniversary – several were held in the North Island. Reports and photographs a plenty in the Family Advocate have been gratefully received by me. Some amazing truths have emerged:

We had the best speakers, a Colonel Ruane (AKA Kathryn Beck), Stephen van Bohemen, and the incredible Judge Gary Collins, all spoke interestingly, mostly sensibly, and we all benefitted from their sage mutterings.

Unlike the entertainment which appears to have been provided at the North Island dinners, we had proper entertainment ... a professionally trained choir who could deliver secure and meaningful music.

The last point which craves to be mentioned is that we had greater cause to celebrate than any of our colleagues north of the Clarence River. It was clearly identified that all problems relating to the current workings of the Family Court, and family law generally, have been instigated by those north of that river. By contrast the solutions have been provided and the necessary battles were supported from Canterbury. We have been kept from the chaos that otherwise would have occurred. Well done everyone.

Sports events

I meant to comment earlier about issues relating to the Winter Olympics. We have since then had the Commonwealth Games in Australia, the most notable and regretful matter that arises is that some members of the beach volleyball team are clearly not being adequately funded. The whole volleyball team had to be clothed with only one square metre of fabric, I think some improvements are required.

Of recent games the most impressive was the curling competition at the Winter Olympics in South Korea. I took special note was the curling competition at the Winter Olympics in South Korea. I took special note of it. Possibly it’s because it was the only sport my observational powers could keep up with. Although there was no physical trait apparent among the teamsters (thick and thinies all included), it seemed that pelvic agility was mandatory, getting up off the ice at the finish of a throw with one knee stuck in your ear and the other absorbed unseen into some other part of your anatomy.

The American team were by far the loudest, you could not get on that team unless you had a mega-toned voice. Like some other Americans these days their most secret strategies are shouted to the audience and most interestingly there is a profound belief that if you verbally communicate with stone you will influence it to change speed and direction... yet another prevalent trait. The sweepers – goodness don’t they go for it – you never see that in our kitchen because we don’t want a shiny slippery floor upon which our loved ones could skid, slip and have a nasty bang, our rule is one stroke only, baked on dirt is the safest.

Literature that troubles

I have recently read a review of a book written by Dr Doug Wilson, Aging for Beginners: Getting Older in Today’s World. If there is any book that I am not prepared to read it has to be this one, even reading the title I thought that I should buy as many copies as possible and burn them publicly and in space occupied by freedom campers. The book is apparently full of the usual advice of stop doing anything that you really like. Pretend that you are desperate to become like all the people, that for most of your life, you have criticised. By that I mean the people whose food can be equally enjoyed birdlife. Doing strenuous exercises so you can fit into the smallest lyca size available and being totally charming and well-man-nered in every situation.

Having said that my wife and I was surprised one day to be invited to our neighbours. They are a centre for aged musicians. The woman of the house runs a ukulele orchestra I have been told of a vast number. The participants are people who have clearly had a long life to enjoy without the help of Dr Wilson’s book. As they arrived, either wheeled or hobbled into the address, they held tightly to their chest of a beloved ukulele or some other stringed instrument. When things were settled most of them gathered on a spacious terrace and began their charming renditions of songs that I can barely remember (I was however reminded of a Seekers’ song about a train and at the appropriate times parps and whistles were produced). Whatever criticism might be made, these were people having a whole-hearted good time. As my wife and I retreated (probably the first to leave) I could not remember having had such an enjoyable time with a bunch of old pluckers.

Taxation and plucking

The plucking theme is something that is not confined to musicians, Jean Baptiste Colbert (1619-83) says this, “The art of taxation consists of plucking the goose so as to obtain the most feathers with the least amount of hissing.”

Well we know that taxation is successful by having as many pluckers as can be mustered. It is unfortunate for the geese however. Most geese, particularly if it’s not in the moulting season, might quite enjoy a light plucking, but what if the goose who, through age and infirmity or that seasonal shredding of feathers, gets entrapped by the pluckers. It might be fair to say that goose might feel that it has been totally plucked. Until next time.

Obiter by Eason

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Book review

New Zealand Gallantry Awards 1940-1975 by James Sutherland

James Sutherland, the long-serving Trust Manager at Weston Ward and Lascelles – who is generally known as Jim – has recently had his book New Zealand Gallantry Awards 1940-1975 (Military Memorabilia) published.

This project took nearly eight years to complete and records over 3,500 awards to New Zealand men and women, primarily for World War II but also for post-war campaigns such as Malaya, Korea, Borneo and Vietnam.

This work is a completely expanded version of an earlier, modest effort which Jim completed some 30 years ago. Modern awards and much additional information has meant that this book has grown to 514 pages and weighs in at almost 1.5kg.

Recipients from all three services are included and recorded alphabetically and a selection of photographs are included at the end of each chapter. In addition there are 10 pages of colour plates of selections of medal groups. A large bibliography is included and relationships between recipients are also recorded.

The entries vary and as well as giving biographical details such as dates and places of births and deaths, the gazette dates of the awards are included. Some of the recipients are well known and include one Governor General, two Deputy Prime Ministers, Cabinet Ministers and MPs, a Chief Justice, Judges of the High and Supreme Courts, businessmen, professional men and well-known sportsmen, including All Blacks.

Some, by virtue of their wartime experiences went on to become valued community leaders. A number were killed during the war, while others died post-war. It is sad to record that some died in aircraft or motor accidents, one died in the Ballantynes department store fire in 1947 and another in the Tangiwai rail disaster of 1953.

As always, there were the quiet heroes whose exploits were not known even to their families. Then there are always the characters, including one who lived the life of ‘Robinson Crusoe’ by himself for some months on a deserted island off the coast of Costa Rica.

Two others considered themselves the world’s first air hijackers after they overpowered their Italian guards and flew the Italian’s captors plane to Malta.

Jim’s interest in military history evolved from having both his parents serve overseas in World War II. While his main interest has always been New Zealand’s participation in that conflict, his interests also extend to the South African War, World War I, and the Korean and Vietnam wars.

Jim is no stranger to compiling lengthy works. In 2009 he completed a similar project after nine years research. This book The Distinguished Service Order 1924-2008 contains 4,800 worldwide entries with details of recipients of this decoration.

Earlier in 2000 he published a biography of Ray Hesselyn, a legendary New Zealand fighter ace, who had considerable success, firstly on Malta, and later over north-west Europe. He is currently researching his next book – a biography of a New Zealand Fleet Air Arm Pilot.
LinkedIn – Boosting Your Client Base and Employability

By Leonie Queree, Leo Recruitment Ltd

LinkedIn is the number one place to show off your legal career successes and expertise to prospective clients and employers. It is “the” place people go to see what you’ve accomplished, where you’ve worked, and which parts of the industry you are most interested in and engaged with.

As a specialist legal recruiter, I get to view many LinkedIn accounts, but sadly most miss key steps when setting up a new account. As such they fail to get noticed by potential new clients and employers.

According to LinkedIn, users with 100% profile completeness are 40 times more likely to receive opportunities. To have a complete profile you need to provide the following information: Your industry and location, current position with description, two past positions, education, a minimum of three skills, profile and cover photo, and at least 50 connections. The connections may take a few months to build up, but the effort is well worth it. Request two or three connections a day, starting with your current clients.

Phew! However, for a quick fix, the areas where improvements to your profile will get you the most bang for your buck are – photos, headline and client recommendations.

Photos
A professional profile image is very important. Try to ensure your head fills the thumbnail as smaller versions are used throughout the different features in LinkedIn. LinkedIn also offers the option to include a larger cover photo. This is where you can show more of your personality. A great way to display your competence is to use a photo of yourself, in your work environment.

Update your headline
Your LinkedIn headline is valuable real estate and may be the only part of your profile that a potential client or an employer actually looks at. You only have 120 characters to get your message across, so choose your words wisely. A well-crafted professional headline plays a critical role in convincing potential employers and clients to click through to your full LinkedIn profile to learn more about you. Don’t do what everyone else does and just use your title/employer for your LinkedIn headline. Instead, say WHAT you are, WHO you help, HOW you make their life/work better and give PROOF that you are credible.

For example: “Commercial IP Lawyer helping start-ups in the IT and Healthcare industries protect their commercially valuable products and services. Six years’ PQE. Experienced in helping over 20 start-ups.”

Connections and recommendations
In an ideal world a happy colleague or boss would just automatically post a raving recommendation on LinkedIn. But the reality is that it is unlikely that you will get many unsolicited recommendations. The key here is to slowly build up your connections – then send a personal message to those clients you feel that you provided an excellent service to, requesting a LinkedIn recommendation.

The effort you put into LinkedIn now will greatly enhance both your career prospects and client base in the long run.

Leonie Queree can be contacted at leonie@leorecruitment.co.nz or phone 021 205 7342.
Library news

By Julia Wartmann (de Friez)

It is hard to be believe we’ve been working from our new library location for nearly six months now. As some of you will know, we have had a few teething problems with our information technology, however these should all be sorted by the time you read this edition of Canterbury Tales. Lawyers who have been inconvenienced by our computers misbehaving have been incredibly understanding, so thank you all for your patience. Apart from our IT niggles, our new location is working out very well.

Two sites

Just a reminder that the New Zealand Law Society has two sites available for lawyers’ use at the Justice Precinct - the Library in the Emergency Services building at street level on Tuam Street (with after-hours access) and the Lawyers’ Room on Level 3 of the Justice Building, next to Courtroom 18. Lawyers are making very good use of the facilities in the conveniently-located Lawyers’ Room. Library subscription databases are accessible at both sites. If you have yet to make your way to the Library, look for the large B2 plinth sign on Tuam Street which is right outside the Library entrance. If you don’t yet have a JESP access card you can use an intercom at the Library entrance, just inside the Emergency Services Building lobby.

Chester Street door cards

When the courts relocated at the end of 2017, all Chester Street West door cards were automatically replaced with JESP access cards in the name of card holder. So if you held a Chester Street West card and don’t yet have a JESP card, your new card is waiting for you to collect it from the Library. However, time is running out. Chester Street replacement cards which have not been collected by the end of July 2018 will be cancelled and recycled. So if the scenario above applies to you, make sure you come to the Library to collect your replacement access card soon.

New JESP access cards

If you haven’t held a Library access card previously, you will need to complete a Lawyers’ access card (JESP) application form, available on the Library website or at the Library. Allow five working days for processing by Ministry of Justice Security staff, after which your card will be ready to collect from the Library.

New books

Our recent acquisitions for the Library include:

» Intellectual Property and the regulation of the internet by Susy Frankel & Daniel Gervais;
» Intellectual property law: principles in practice by Paul Sumpter, 3rd edition (2017);
» Law of consumer credit by Barry Allan (2017);
» New Zealand land law by Elizabeth Toomey, 3rd edition (2017);
» Practical guide to the Land Transfer Act by Thomas Gibbons (2018);
» Quantification of delay and disruption in construction and engineering projects by Robert Gemmell (2017);
» Relationship property in New Zealand by Bill Atkins, 3rd edition (2018);
» Tensions and traumas in health law by Ian Freckelton & Kerry Peterson, editors (2017);
» The wheels of justice: understanding the pace of civil High Court cases by Bridgette Toy-Cronin et al., (2017);
» This realm of New Zealand: the sovereign, the Governor-General, the Crown by Alison Quentin-Baxter & Janet McLean (2017);
» Varieties of restitution by Ian Jackman, 2nd edition (2017);

See more details on the Library catalogue on our website.

Contact Library

For further information or for any research or document delivery requests, email canterbury@nzlslibrary.org.nz or phone 377 1852.

PHOTO OF THE PROFESSION

Canterbury Westland 150th year Celebration

Thursday 25 October 1pm

venue to be confirmed

All practitioners in Canterbury Westland that hold a practicing certificate are invited to save the time and date to attend the Profession Photo.

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Thursday 25 October 1pm

venue to be confirmed

Bigger and better for 150 years
The Canterbury Women’s Legal Association (CWLA) held its 2018 AGM on 8 May. It was another rewarding and busy year for the Association.

The meeting was held at the offices of Chapman Tripp on Cashel Street, and the CWLA thanks Chapman Tripp for its support. The CWLA also thanks Kendons Scott MacDonald Ltd for their continued support in providing accounting services.

We completed our formalities first which included voting in the committee for the year. The committee consists of Vivienne Wilson (Convener), Chantal Morkel (Treasurer), Cheryl Clausen (Secretary), Emily Whiteside, Anne McMurtie, Angela Searle, Melanie Russell, Natasha Razak, Lisa Taylor, Harriet Daley, Philippa Moran, Sirena Blair and Stephanie Woods. A special thank you was made to Roz Burnside, Diana Jeong, and Stephanie Blake. Roz has stepped down from the committee, after having held a number of roles including convener and treasurer. Diana held the secretarial position for a number of years, and Stephanie has been a hard working committee member for the last couple of years.

Rhonda Powell was our special guest speaker and spoke about the outstanding book Feminist Judgments of Aotearoa New Zealand: Te Rino: a Two-Stranded Rope. The book is published by Hart Publishing, and is edited by Elisabeth McDonald, Dr Powell, Māmari Stephens and Rosemary Hunter. The aim of the project and subsequently the collection of judgments in the book was to ask how key New Zealand judgments might read if they were written by a feminist judge. Dr Powell spoke to the thinking behind the project, and the challenges involved. Thanks to Dr Powell for her thought-provoking presentation.

The final event was the presentation of the Lady Dorothy Thompson Scholarship to the top female IPLS graduates for 2017 who are practising in Canterbury. This year, the first prize-winner was Rachel Pfahlert, joint second prize-winners were Caroline Edwards and Holly Jamieson. The scholarship is in memory of Lady Dorothy Thompson who was the first woman to study law at the University of Canterbury and one of the first to work in the region. She was admitted to the Bar in 1939 and the next female graduate was not admitted until 1952. Thank you to the Thompson family for their continued presentation of this scholarship, and a special thank you to Garry Thompson for making the presentations at the AGM.

With the 2018 AGM concluded, we have another busy year ahead for the CWLA. Upcoming annual events are the midwinter dinner scheduled for 28 June, and the Professional Women’s Conference on 30 August at the Rydges Latimer Square. We have been privileged to secure the following speakers at our conference: Justice Ellen France, Joanna Norris, Simon Challies, Nikki Kaye and Nadia Lim. Professor Ursula Cheer, Dean of the School of Law at the University of Canterbury will chair the conference and the Governor-General Dame, Patsy Reddy, will open it.

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We completed our formalities first which included voting in the committee for the year. The committee consists of Vivienne Wilson (Convener), Chantal Morkel (Treasurer), Cheryl Clausen (Secretary), Emily Whiteside, Anne McMurtie, Angela Searle, Melanie Russell, Natasha Razak, Lisa Taylor, Harriet Daley, Philippa Moran, Sirena Blair and Stephanie Woods. A special thank you was made to Roz Burnside, Diana Jeong, and Stephanie Blake. Roz has stepped down from the committee, after having held a number of roles including convener and treasurer. Diana held the secretarial position for a number of years, and Stephanie has been a hard working committee member for the last couple of years.

Rhonda Powell was our special guest speaker and spoke about the outstanding book Feminist Judgments of Aotearoa New Zealand: Te Rino: a Two-Stranded Rope. The book is published by Hart Publishing, and is edited by Elisabeth McDonald, Dr Powell, Māmari Stephens and Rosemary Hunter. The aim of the project and subsequently the collection of judgments in the book was to ask how key New Zealand judgments might read if they were written by a feminist judge. Dr Powell spoke to the thinking behind the project, and the challenges involved. Thanks to Dr Powell for her thought-provoking presentation.

The final event was the presentation of the Lady Dorothy Thompson Scholarship to the top female IPLS graduates for 2017 who are practising in Canterbury. This year, the first prize-winner was Rachel Pfahlert, joint second prize-winners were Caroline Edwards and Holly Jamieson. The scholarship is in memory of Lady Dorothy Thompson who was the first woman to study law at the University of Canterbury and one of the first to work in the region. She was admitted to the Bar in 1939 and the next female graduate was not admitted until 1952. Thank you to the Thompson family for their continued presentation of this scholarship, and a special thank you to Garry Thompson for making the presentations at the AGM.

With the 2018 AGM concluded, we have another busy year ahead for the CWLA. Upcoming annual events are the midwinter dinner scheduled for 28 June, and the Professional Women’s Conference on 30 August at the Rydges Latimer Square. We have been privileged to secure the following speakers at our conference: Justice Ellen France, Joanna Norris, Simon Challies, Nikki Kaye and Nadia Lim. Professor Ursula Cheer, Dean of the School of Law at the University of Canterbury will chair the conference and the Governor-General Dame, Patsy Reddy, will open it.

Update from the New Zealand Institute of Legal Executives, Canterbury Westland Branch

By Jill Forde

Seminar news

The next seminar is on 13 June, which Andrew Logan from Mortlock McCormack Law has kindly offered to present. Andrew will be speaking on AML/CFT compliance and the impact on legal executives. Information regarding this was sent to members in May and, as always, non-members are welcome to attend.

Social

May was a busy month social-wise for Christchurch members, with the Escape Room evening being held on 17 May and the Legal Executive Graduation on 24 May. Photos and commentary on the graduation will be in July’s issue of Canterbury Tales.

The branch committee held a strategic planning meeting in early May with liaison officers attending from Ashburton, Timaru, Queenstown and Dunedin. We worked on areas of focus for the branch over the next 12 months and a plan for the next three years.
**Education Programme**

**NZLS Continuing Legal Education (CLE Limited)** To register and for other information check the CLE website, www.lawyerseducation.co.nz.

**Christchurch**

**June**
- 6 June – Webinar Wills and Estate
- 7 June – Webinar – Auditing – things you need to know
- 13 June – Webinar - AML/CFT Compliance – are you ready
- 26 June – Webinar – Arbitration 2 – moving beyond ad hoc arbitration clauses

**July**
- 16-17 July – Residential Property Transactions
- 26 July – Webinar – Conflicts of Interest
- 27 Aug – Why Zebras don’t get ulcers and Humans do – The Resilient Lawyer

**Out of Christchurch**
- 18-19 June Auck Property Law – Change its inevitable
- 20 June Auck PRA Intensive
- 20-21 June Auck Intro to Criminal Law
- 21-22 June Wgttn – Expert Witness
- 26 June – Auck – Evidence – hostile & difficult Witnesses
- 27 June Wgttn Maori Business Conference
- 28 June Auck – Professional Indemnity Insurance
- 2 July Auck Advocacy Ethics
- 5-7 July Auck – Stepping Up
- 20 June Auck PRA Intensive
- 22-23 July – Auck Property Law – Change its inevitable
- 27-28 Aug – Auck – Youth Advocates Conference
- 27-28 Aug – Auck – Costs in Civil Litigation
- 9 August – Auck - Property Transactions – GST
- 27-28 Aug – Auck – Youth Advocates Conference

**CANZLERS CANTEPERC**
- 19 June – Auck – Litigation Skills
- 27 Aug – Why Zebras don’t get ulcers and Humans do – The Resilient Lawyer

**August**
- 26 Aug – 1 Sept – Litigations Skills
- 27 Aug – Why Zebras don’t get ulcers and Humans do – The Resilient Lawyer

**Dementia Canterbury Inc**
- Alzheimer’s Canterbury Inc has recently changed its name to Dementia Canterbury Inc.
- Lawyers in Canterbury or the West Coast who become aware of any bequests to be distributed to Alzheimer’s Canterbury Inc can ring Dementia Canterbury Inc at 0800 444 776 or write to PO Box 20567, Bishopdale, Christchurch 8543.

**CAR PARKS FOR RENT**
- Te Pōhue Chambers have some extra off-street car parks that are available on either a monthly or quarterly rental.
- The car parks are at 164 St Asaph Street and are about a three minute walk from the Courthouse.
- If interested in renting contact either Craig Ruane at 027-3721731 or Karen Feltham at 021-805088.

**Dementia Canterbury Inc**
- Has your client considered including a charity in their will?
- Please give them the opportunity to leave a legacy to St John that will provide a vital service to benefit their community.
- Email fundraising@stjohn.org.nz or call the Legacy Coordinator South Island Region for further information: 03 353 7110 ext 3238

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**PROBATE FOR FOREIGN ESTATES & RE-SEALING FOREIGN PROBATES**
- Jenny Lowe specialises in obtaining grants of probate/letters of administration for foreign estates and re-seals for foreign probates/letters of administration.
- Email: jenny@johnlaw.co.nz
- DDI: 04 916 0153
- Mob: 021 155 373
- Jenny Lowe
McKay v Sandman

Successful appeal against decision declining summary judgment – claim against appellant law firm for dishonest assistance in drafting and executing will – alleged accessory liability on the part of firm – primary proceeding sought recall of probate based on lack of testamentary capacity and undue influence – under 2005 will testatrix S left residual estate to surviving children (respondent and V) in equal shares – in 2007 S executed enduring Powers of Attorney in favour of V for purposes of part IX Protection of Personal and Property Rights Act 1988 – Mar 2010 testatrix assessed as having mild cognitive impairment – Dec 2010 following V’s diagnosis with cancer, testatrix executed new will providing that in event either child pre-deceased her, share of S’s residual estate which that child would have received was to be distributed among various other persons instead of to surviving child (2010 Will) – respondent also to inherit mother’s apartment in central Auckland which he had occupied rent-free for many years – appellant firm responsible for drafting and executing 2010 Will – senior associate of firm (P) acted for S in receiving instructions and preparing and executing Will – P gave evidence that S had testamentary capacity, received independent legal advice and signed statutory declaration as to reasons for will change – S also executed two new POAs in favour of V with Mr and Mrs G, as successor attorneys – V died in 2011 having disclaimed POAs – S died in 2013 – probate obtained by appellant firm and estate administered by M and G, as executors – proceeding alleged: – (a) (against executors) lack of testamentary capacity; – (b) want of knowledge and approval; – (c) undue influence by V and G; – (d) (against appellants) knowing assistance – allegation that throughout 2010 appellants knowingly assisted V and or G to obtain control of affairs and execution of Will that significantly reduced benefits otherwise flowing to respondent and affected V’s own intentions regarding disposition of estate – probate sought of 2005 will under which respondent would inherit entire residual estate – appellants argued elements of action for knowing assistance not present at any time during relevant period, claim disclosed no reasonably arguable cause of action and could not succeed – Associate Judge found: – (i) allegation of dishonesty could succeed in circumstances where solicitor had acted carefully to procure procedural oversight in administration of change of will; – (ii) issues whether sufficient effort made by appellants and whether firm held position of trust to person it was aware was subject of significant will changes were matters best left for trial – on appeal appellants challenged each of four components of dishonest assistance cause of action and argued existence of trust or fiduciary duty required that respondent be beneficiary of the trust/duty – CA considered: – (i) principles of dishonest assistance in Royal Brunei Airlines Sdn v Tan [1995] 2 AC 378 – formulation of cause of action based on US international Marketing the National Bank of New Zealand – formulation differed from tripartite analysis of Duffy J in Eden Refuge Trust v Haopea; – (ii) principles relating to dishonesty – contest between objective and subjective approaches resolved in England by Privy Council decision in Barlow Clowes International v Eurotrust International considered in Westpac New Zealand v MAP – New Zealand approach summarised in Fletcher v Eden Refuge Trust; – (iii) elements of dishonest assistance in relation to appellants’ actions; – (iv) breach by holder of power of attorney, of fiduciary duty owed to donor in course of exercising power that resulted in loss, would suffice to satisfy first and second components of dishonest assistance cause of action; – (v) fact firm acted for both testatrix and V and for both donor and holder of POAs not itself indicative of dishonesty.

HELD: respondent could not establish dishonest state of mind of nature explained in Westpac New Zealand Ltd v MAP and summarised in Fletcher v Eden Refuge Trust – satisfied P acted as an honest legal advisor and would have acted in providing advice to S and in steps taken to give effect to her testamentary wishes – respondent could not establish at trial that appellants’ actions, assuming they amounted to assistance in breach of fiduciary duty owed by others to S, were undertaken dishonestly – appellants entitled to summary judgment – not necessary to consider review of decision declining strike out – appeal allowed – summary judgment granted to appellants – respondent to pay costs for standard appeal band A basis, usual disbursements.

If you think it’s expensive to hire a professional…
wait until you hire an amateur

You should always use a professional interpreter whenever you are dealing with non-English speakers.