News from the New Zealand Institute of Legal Executives

Canterbury Westland Branch

By Jill Forde, President

Graduation

A graduation ceremony for the Canterbury Westland graduates of the NZLS Legal Executive Diploma was held at the Lone Star Riccarton, Christchurch on 24 May. This year marked the final year of the diploma being awarded by the Law Society. With over 100 people attending, the evening was a fitting end to an era, with the usual entertaining speakers.

All of this year’s 22 graduates attended the graduation, with family, friends and work colleagues joining them to celebrate their success.

The event began with drinks and hors d’oeuvres before the MC, Malcolm Ellis, welcomed everyone to the ceremony and offered his congratulations to the graduates.

Craig Ruane, the outgoing NZLS Canterbury Westland Branch president, was the first speaker. Craig shared a few of his experiences in the legal profession and as a barrister. He emphasised the need to not be afraid to ask for help and guidance if you are unsure what to do and not to put the tough files to the side, but to tackle them head on.

Andrew Logan, a partner at Mortlock McCormack, past Chair of the Property Law Section and current South Island Vice President of the NZ Law Society, spoke about the value of legal executives within a law firm. He also talked about...continued on page 3
**President’s Column**

By Grant Tyrrell

It is somewhat surreal to be writing my first President’s Column. Thank you to those who have nominated and offered nominations and support. It is appreciated.

In my first year of practice I was encouraged to stand for the Junior Practitioners’ Committee as it was “a lot of fun and not much work”. There was indeed a degree of fun along with education and building relationships with colleagues – something that Canterbury has, and continues, to pride itself on throughout the profession.

At some point I was informed that I was standing for the then Canterbury District Law Society and duly obtained the nominations. With perhaps more years passing than I care to acknowledge it would seem that in the finest Canterbury/Westland tradition my ‘turn’ has come.

**Vote of thanks**

No doubt most readers of Canterbury Tales will have attended the BGM (many thanks to Mortlock McCormack for the quorum) and therefore have heard my vote of thanks to Craig Ruane but for those few that did not can I record my thanks for Craig’s service. Not only for the over two years he has been Branch President but also for the 34 years he has contributed through the Law Society to his colleagues. I have no doubt he will continue to contribute. Craig’s commitment, hard work, OIA requests and good humour all contributed to a successful presidency.

**Disruption**

We have all received a letter from Kathryn Beck regarding sexual harassment and bullying. The issues are serious and the impact on our profession, particularly in the age of sound bites and “clickbait”, is very real. It is an issue that has generated debate throughout the profession and the wider public. It is challenging, complex and nuanced but it can only be hoped that honest and open debate of difficult issues will make the profession stronger.

**150th celebrations**

We are extremely fortunate that a number of Canterbury law firms have agreed to support the celebrations without which we would be unable to mark the occasion in the style that it will be. The dates to be noted are: Thursday, October 25 for the photo of the profession and law dinner, and Saturday, 27 October for the gala ball to be held at Wigram. Lana Paul, Susie Tait, Zylpha Kovacs, Sarah Holder, James Pullar, Emily Nind, and Rachel Walsh are all part of the hard-working Special Events Committee which has been planning this occasion for the best part of two years and that will, no doubt, be reflected in a celebration to be remembered.

**Minister of Justice**

The Minister, Andrew Little, met with members of the Canterbury Westland NZLS Branch Council and the profession. It was to Mr Little’s credit that he is clearly prepared to engage with the profession. Although understandably short of “instant fixes”, concerns raised by the profession were noted.

The Family Court crisis where cases involving our most vulnerable children are unable to be heard for months, and even years, was highlighted. Access to justice issues across the board, including in the civil jurisdiction and the lack of legal aid support were discussed and, on a local note, the Minister was asked to consider naming the Courthouse at the Justice Precinct exactly that to differentiate it from the Police station.

Mr Little also shared his thoughts on criminal justice reform and the aim to reduce the prison population.

**Court security**

Concerns raised by the profession about the risk of serious harm if someone was to go over, or be “helped” over, the balustrades particularly from the third floor where the Family Courts are has resulted in a commitment from court security to have a security presence on level 3. The safety of our colleagues and court users is paramount and if there are further issues please contact the Law Society.
Comings & Goings

Information for this column must be sent directly to the Canterbury-Westland branch due to privacy issues. We assume that by the firm supplying the information that the individual people have agreed to their names being published. Please send information regarding changes to firms or practitioners to canterbury-westland@lawsociety.org.nz or susan.newman@lawsociety.org.nz.

Please note the new postal address for Karen Feltham, Barrister, is PO Box 936, Christchurch.

Geddes and Maciaszek has changed its name to Maciaszek Brown Law. The office has also relocated to Level 4, 6 Hazeldean Road, Addington, Christchurch 8024. PO Box, telephone and fax numbers remain the same being: - PO Box 42059 Christchurch 8149 Tel: (03) 366 1681, Fax: (03) 366 6207

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, Beatrick 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. P 03 366-9184 F 03 366-9977 E canterbury-westland@lawsociety.org.nz

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Continued from page 1... the opportunities for legal executives to take leadership roles in their firms in relation to compliance with the imminent AML/CFT requirements, given that the majority of legal executives work in property, which can be a target for criminals.

Mr Logan was followed by Allister Davis, a partner at Clark Boyce, who spoke about the legal executives in his firm. He also stressed the importance of not being afraid to ask for help at any stage and to not put the hard files at the bottom of the pile. In true Allister style, his speech concluded with a joke from his vast repertoire, which left the audience in fits of laughter.

Pam Harliwich, a Registered Legal Executive at Ryman Healthcare in Christchurch and former national president of the New Zealand Institute of Legal Executives, told how she became a legal executive and her rewarding career since.

Jo Buckton, the Executive Officer of the New Zealand Institute of Legal Executives, gave a brief history of the institute and updated those present about changes to the diploma.

Malcolm Ellis and Craig Ruane presented the graduates with their diplomas, and Jo Buckton presented Joanne Columbus with a prize from the Institute and certificate from the NZLS for being the top New Zealand graduate.

The graduates who received their diplomas at the graduation were:

Olivia Amos
Claire McNicholas
Joanne Columbus
Katy Mayhew
Leanne Sadler
Carolyn Skerrett
Bonnie Smithies
Shirley Stewart
Ashleigh Tawhara
Michaela Watts

Congratulations to all the graduates on their success.

Save the date: The Christchurch legal executive’s mid-winter dinner will be held on Thursday 19 July. Details will follow shortly.

Comings and Goings continued...

Better Lawyers Limited are now practising as Prime Legal (as of June 1). All other details remain the same.

Cameron & Co

The Upper Riccarton branch, Ilam Branch and Leslie Hills Drive office are now all in new premises at 322 Riccarton Road. The Barrington office will continue to practice from 20 Athelstan Street Barrington. All contact details remain the same.

Carolyn Browne, Barrister, has changed contact details:
PO Box 331, Christchurch 8140; telephone: 027 845 2866
Email is unchanged: cb@carolynbrowne.co.nz

Ian Robertson & Co 2018 are now located at 245 Clyde Road, Christchurch, (as of 11 June) telephone number, fax number and PO Box number remain the same.
Sleep Should Be Prescribed: what those late nights could be costing you

By Andrew Nuttall

My last two articles about being healthier, happier and more productive have struck a chord. A number of lawyers have mentioned that they have found it helpful to structure their work days by undertaking analytical tasks in the morning, administrative functions in the afternoon, and more creative tasks in the evening, as outlined in my previous article. They have also found it very helpful to take five minute walks outside during their work hours to freshen up.

In response to these articles, Barrister John Hardie recently forwarded an article written by Rachel Cook from The Guardian about Matthew Walker’s book “Why We Sleep”. Walker is the director of the Center of Human Sleep Science at the University of California. Walker believes that “we are in the midst of a catastrophic sleep loss epidemic, the consequences of which are far greater than any of us can imagine.” He says that no aspect of our biology is left unscathed by sleep deprivation. He references scientific evidence that links poor sleep to:

» increased risk of Alzheimer’s,
» reduced control of blood sugar and our response to insulin,
» increased weight and risk of heart attacks,
» reduced energy and mood swings which can trigger anger and rage, and
» cancers of the bowel, prostate and breast. (after one night of just four or five hours sleep, our natural “killer cells”, the ones that attack the cancer cells that appear in our bodies every day, reduce by 70%). Walker suggests there are a number of reasons why sleep deprivation has increased markedly over the last 80 years:

» electrification of the hours of darkness,
» increased working hours and longer commuter times,
» a lonelier and more depressed society with associated anxiety, and
» the availability of caffeine and alcohol. Walker believes, that in the developed world sleep has also become stigmatised and associated with weakness and laziness. We want to be seen to be busy and tend to wear our short nights as a badge of honour. How often do you hear of lawyers not leaving the office until the early hours and being back in the office by 7am. Should employers be encouraging this?

Walker makes a number of recommendations worthy of consideration and suggests the following:

» Adults need eight hours of sleep. It is a myth that only children need lots of sleep.
» Go to bed and rise at the same time,
» Avoid “all-nighters” at the desk and on the dancefloor, (after being awake for 19 hours our cognitive abilities are reduced to the level as when we are drunk),
» Outlaw mobiles and computers from the bedroom as they inhibit the sleep inducing hormone, melatonin and
» Prioritise sleep. If you set an alarm to get up why not also set an alarm to tell you to go to bed?

It seems that the phrase “early to bed, early to rise, makes a man healthy, wealthy and wise” has some scientific evidence behind it.

Andrew Nuttall is Authorised Financial Adviser with Cambridge Partners, an independent wealth management firm based in Christchurch. Andrew has worked with members of the legal fraternity for over 25 years and his disclosure statement is available on demand and free of charge. Ph. 364-9119 www.cambridgepartners.co.nz
150-year celebration of the Canterbury Law Society

By Lana Paul, Committee Convenor

Dates to remember:

» Profession photo – Thursday, 25 October 2018 at 1pm
» Law Dinner – Thursday, 25 October 2018
» Gala Ball – Saturday, 27 October 2018

In preparation for the Canterbury-Westland Law Society’s 150th anniversary, a small team of local lawyers on the special events committee have been working away to make sure that this significant anniversary does not go by unmarked and that the celebrations are remembered for years to come.

A quarter of a century ago, the 125th anniversary was marked with celebrations including dinner, a Gala Ball and a photograph of all available local members of the profession.

This year, plans have been made to ensure that our celebrations live up to the occasion. Venues have been booked, lighting and cameras sourced and, after much arduous research and deliberation, a wine list chosen and entertainers booked.

This year’s revelry is divided across two events:

The Law Dinner – the formal occasion, for lawyers with a current practising certificate, to recognise the profession and its achievements.

The Gala Ball – a festive affair, this is an opportunity for past and present judiciary, lawyers, law lecturers, court staff and their significant others to regale, celebrate and enjoy being part of our esteemed profession. No speeches and non-stop entertainment.

To put on upmarket events but keep attendance costs reasonable, sponsorship packages were sent out to numerous contacts associated with the law. In the current times sponsorship is harder and harder to get. At the beginning of this year, the celebrations were in jeopardy with no firm offers of sponsorship. Considerations therefore were given to combining the evening events into a single evening.

However, Wynn Williams initiated a sea change, pledging a fixed sponsorship amount and Jared Ormsby threw down the gauntlet to a number of other law firms, challenging them to do the same. We now have 14 law firms who have generously agreed to match the amount, with one particular firm (you know who you are), not to be outdone pledging just that little bit more and enabling what will be a number of nights that we won’t forget.

Thanks to this phenomenal effort, both evening functions are now able to go full steam ahead, bigger and better than we had planned before. So get ready to celebrate.

A huge thank you to the following firms, listed in order of those quickest to check their emails and respond:

» Wynn Williams
» Anthony Harper
» SRB
» Cavell Leitch
» Malley & Co
» Buddle Findlay
» Young Hunter
» Cunningham Taylor
» Harmans
» Duncan Cotterill
» Corcoran French
» Chapman Tripp
» Lane Neave
» Anderson Lloyd
» Clark Boyce
» Tavendale and Partners

Mark Russell now practises as a commercial barrister at Canterbury Chambers. Mark is available to provide independent, expert advice in:

• company law issues
• shareholder disputes
• corporate governance
• banking and financing law
• company insolvency
• corporate structuring
• joint ventures
• securities law
• commercial contracts and disputes

Mark is also available to accept appointments as a commercial mediator and arbitrator.

Phone: (03) 260 3100
Cell: 021 499 231
Email: mark.russell@canterburychambers.co.nz
Nigel Hampton QC is among a group of legal professionals to be recognised for their work in the Queen’s Birthday Honours List.

He has been made a Companion of the New Zealand Order of Merit for services to the law.

Mr Hampton was previously appointed an Officer of the Order of the British Empire in 1988.

His promise was evident while at Canterbury University, winning the 1964 Canterbury District Law Society Gold Medal for top graduate.

As one of New Zealand’s leading defence lawyers he has been involved with some of the country’s most high profile and controversial criminal cases. More recently, he has played a leading role as counsel in relation to the Pike River Royal Commission and related litigation, and various inquiries into the collapse of the CTV building.

Two cases which helped make Mr Hampton’s name as a criminal barrister were a West Coast murder trial and a case against a Labour MP.

In the first case, Ronald David Bailey was charged with murdering his wife by drowning her in the Grey River. Bailey was acquitted.

Island Bay’s Labour MP Gerald O’Brien was charged in 1976 with indecencies on young males.

Mr Hampton acted for Mr O’Brien and at a depositions hearing, Mr Hampton persuaded the Magistrate that there was no case to answer.

He was Chief Justice of Tonga from 1995 until 1997. He is a judicial officer for World Rugby, SANZAAR and New Zealand Rugby.

Mr Hampton, who was appointed Queen’s Counsel in May 1989, became the first Disciplinary Commissioner of Counsel before the International Criminal Court (ICC) in 2007. In 2014 he was elected as an alternate member of the Disciplinary Appeals Board for ICC Counsel.

He currently chairs the Law Society’s National Standards Committee.

Mr Hampton is one of five lawyers to be recognised. Rodger Haines has been made an Officer of the New Zealand Order of Merit for his services to refugee and human rights law, while legal researcher and writer Professor Elisabeth McDonald gains the title of Member of the New Zealand Order of Merit for services to law and education. Alexandra lawyer Gordon Rayner has been made a Member of the New Zealand Order of Merit for services to kayaking. Cambridge lawyer Jocelyn Cooney has been awarded the Queen’s Service Medal for services to the community.
Adequate compensation

By John Burn

Our ACC scheme was, as everyone knows, established by the Woodhouse Commission in 1967. It was bruited as an enquiry into Workers’ Compensation, and barely acknowledged was the fact that that system was thought to be excessively expensive (42% went on the costs of administration, which is why the government established the Commission).

But when Sir Owen Woodhouse and his commissioners wrote their findings the enquiry seemed to morph into an attack on actions for negligence – “the negligence action is a form of lottery”, and continued to lay out the present scheme (described by a member of the Victoria University Law School, who helped prepare a submission on its behalf, as “The Compensation Scheme No One Asked For”).

Prior to this report, New Zealand had always had the common law action for damages, with road accident claims funded by a pooled scheme of motor insurance companies (“The Third Party Pool”, which I and the wonderful Barrie Atkinson tried to protect for years), plus businesses, councils and building owners covered by Public Liability policies. Then there was the Workers’ Compensation Act – intended to be the true topic of the enquiry – where basic wages loss was available to injured workers; the Social Security Act, for those who can establish negligence – mainly employers, motorists, owners of premises open to the public or councils or occupiers who have been careless as to the safety of the public.

It could be thus said that a philosophical decision has been made to spread the jam more thinly so that more people get a scraping – or that some whose lives have been ruined will now have to put up with a low income for life – less than they were earning before their injury. But the insurers are now doing pretty well – lower premiums, of course, but all blue sky ahead.

Having practised at the Sydney Bar in common law cases for much of the last 20 years, my attention has always been attracted by our ACC, but never more than at the moment. In recent weeks we have seen the loss of an eye for a young man due to hospital carelessness (his ACC I would think only medical costs) and the consequences of the collapse of the CTV building in Christchurch – due to negligence in design, construction and several issues of council approval, the last even after the first dangerous shock when unqualified council staff put a “safe” sticker on, just before it collapsed and killed 180 people. A big fuss followed about no criminal prosecution being available (because the election-obsessed legislators were not keeping the Crimes Act up to date) but I can only think of the remedies, available at common law everywhere else in the world, to the grieving families – at the very least $2 million per family. And for the ‘lad with one eye – the best part of $1 million.

And in every other injury situation which occurs every day throughout the country our people go uncompensated and uncomplaining. But the real reason which strikes me so sharply at the moment is the laissez faire attitude of the institutions who should be caring for their clients or visitors. Last month the Christchurch City Council scattered earth full of asbestos fibres along a beach path – can it not be painfully clear that the council, like the hospital board and the CTV developers, are coasting blithely along without thought of their actions ever causing injury or death? I can assure you that were there still a common law action available in our courts, those bodies would be acting with much more care, if only because their negligence insurers would increase their premiums with the constant vigilance which they exercise in other countries. And we would have less deaths and injuries – that is undeniable.

But as taxpayers we now fund such compensation as Sir Owen has left to us – with some contribution from industry groups, the organisations and individuals who cause the injuries contribute no more than the rest of us. No longer any financial cause to be careful. We are certainly an uncomplaining race.

Reaching those who can’t reach out

Anglican Care provides critical social services in the Canterbury area:

- The City Mission
- Anglican Living (Care of the Aged)
- Community Development
- Anglican Care, South Canterbury

We do this vital non-denominational work with financial support from the community. This includes bequests. Can your clients help us to help others and leave a lasting legacy?

Email or call us for more details.
Phone 03 348 6960
Email reception@anglicanlife.org.nz
MND fundraiser in honour of Peter O’Donnell

By Carolyn Browne

The Motor Neurone Disease Association promoted its 2018 awareness week with the slogan “A Cuppa Tea for MND”, inviting people to host a morning tea to fundraise and promote awareness of the disease and the support provided by the association. Christchurch lawyer Diana Shirtcliff committed to the promotion in honour of colleague Peter O’Donnell, who was a victim of this dreadful disease in 2016. Diana decided that, rather than tea, it was more appropriate to honour Peter with a pint of Guinness at his favourite pub The Bog, and she organised an evening fundraiser on 16 May.

Support was provided by The Bog management and staff, and contributions of raffle prizes were made by a number of local businesses. The event was attended by 50 of Peter’s colleagues and friends, including a number of members of the judiciary. Music was provided by The Black Velvet Band, and dancers from the Swarbick School of Irish Dance performed.

Peter’s son Luke sent a message from Ireland, thanking the participants for their support for the association and acknowledging the work that Heather and the team at MND Canterbury do, stating that “one of MND Canterbury’s foremost priorities is in guiding both sufferers and their families through the degeneration of the human body, and minimising where possible any damage to the soul.”

It was an opportunity to reminisce about Peter and sample the Guinness in his memory. The event raised about $2,000 for MND Canterbury, with some donations made online by people who were not able to attend. For information on MND, including how to donate or volunteer, see www.mnd.org.nz.
The final, final sitting of the No. 1 High Court, Durham Street: Trial by Jury by Gilbert & Sullivan and performed by the NZ Opera

By Jonathan Eaton QC

Courtesy of the New Zealand Opera there is one very special and final opportunity to bare witness to a live ‘trial’ in the formidable and historic surrounds of our old No. 1 High Court in Durham Street. And yes, I am assured that the Court remains resplendent with dais, canopy et al. Between Friday, 24 and Sunday, 26 August the New Zealand Opera will present five performances of Gilbert & Sullivan’s classic Trial by Jury. I am reliably informed that one or two performers might well be familiar to readers.

We are very fortunate to have NZ Opera staging this Gilbert & Sullivan classic in our old High Court. This is a one-act opera with a running time of about 40 minutes. It features the glamorous Angelina who has brought proceedings against her intended husband Edwin who has jilted her after coming to the realisation that she bores him intensely. But, for poor Edwin, the trial takes an unfortunate twist when it becomes apparent that all the members of the jury, and even the presiding judge, have fallen for Angelina themselves.

The plot is undoubtedly ludicrous, a fact to which the characters are utterly oblivious. The judge is corrupt. The defendant is devoid of morals. The plaintiff is a rapacious gold digger and her counsel is as mealy-mouthed as only the English can be. But from a legal perspective the production touches on a number of issues of interest in 2018 – judicial bias, corruption, prosecutorial misconduct, self-represented litigants, inadmissible opinion, demeanour reasoning, and active jury participation to name but a few. Regrettably, no CPD points.

The production is directed by Stuart Maunder, General Director of the New Zealand Opera. Stuart is a highly respected musical theatre and opera director with over 30 years’ experience in Australia, the UK and New Zealand and has directed countless Gilbert & Sullivan productions including Trial by Jury in five different courtrooms (Bow Street Magistrates Court, Royal Courts of Justice London, Supreme Court of Western Australian, Central Police Court Sydney, and the County Court of Victoria).

How fitting that the production will mark the final, final sitting of the former Christchurch No. 1 High Court. It promises to be hugely entertaining evening. Tickets are necessarily limited. The support of the profession is encouraged.

TRIAL BY JURY
Gilbert & Sullivan’s hilarious courtroom farce

Friday 24 August to Sunday 26 August
High Court Number 1
Old Court Building
Durham Street

5 performances only!
BOOK NOW 0800 696 737
Getting Started with Twitter
Part One

Twitter is an online social networking service. Users send and receive text-based messages of up to 140 characters. Twitter began in 2006 and is now one of the 10 most-visited sites on the internet.

Like all social networking services, Twitter can be used by businesses and organisations, to promote awareness of their presence, to make announcements and to comment on news, and to point clients or others to information which may be of use to them.

The information in this Practice Briefing is based on the New Zealand Law Society’s experience in setting up and operating a Twitter account.

How Big Is Twitter?
Data statistic shows that, as of the first quarter of 2017, the microblogging service averaged 328 million monthly active users. At the beginning of 2016, Twitter had reached 310 monthly active users per quarter, according to Statista.

The United States has the most Twitter users, followed by the United Kingdom, Canada and Australia.

The most popular accounts in May 2017 were Katy Perry (99 million followers), Justin Bieber (95.7 million), Barack Obama (89.2 million), Taylor Swift (84.3 million), Rihanna (73.3 million). In case you are wondering, the busy account of one Donald J. Trump is ‘only’ ranked No.34 with 31 million followers.

The United States is ‘only’ ranked No.34 with 31 million followers.

According to the Pew Research Center, 24% of online adults in the United States use Twitter, a proportion that is statistically unchanged from a survey conducted in 2015.

Some 36% of online adults in the US aged 18-29 are on the social network, more than triple the share among online adults aged 65 and older (just 10% of whom are Twitter users).

Twitter is also somewhat more popular among the highly educated: 29% of internet users with college degrees use Twitter, compared with 20% of those with high school degrees or less.

New Zealand statistics show that 44% of local businesses use Twitter regularly or sometimes, with a further 44% not using the platform at all. This compares to 88% of New Zealand businesses using Facebook regularly or sometimes and 63% for LinkedIn (New Zealand Business Social Media Survey Report 2016).

Why Use Twitter?
Twitter has become a popular tool for networking, brand promotion and yes, entertaining rants.

For lawyers it is a chance to interact with colleagues and potential clients (in a public domain, of course), hear about breaking news and recent developments in their field, discuss various issues and topics, and to promote themselves or their firm or employing organisation. It allows someone to talk about their profession in a more laid-back manner.

It is also a good way to keep informed about organisations that use Twitter to promote press releases and updates.

THE 140-CHARACTER LIMIT
While 140 characters sounds small, a lot of information can be communicated within the limit.

Prolific tweeter Stephen Fry once said that tweeting was a better form of communication because you actually have to think about what you are writing.

The Hashtag Thing
Hashtags act as a metadata tag – a way of linking your tweet to a certain Twitter trend. For instance, if you were to include #ABs during an All Blacks game, your tweet would appear in that trend if someone was to search the hashtag.

Any Negatives?
Be careful about what you tweet. Anyone in the world can see your postings (unless you have it with a private setting) and one wrong tweet could create a wave of bad attention.

Most professionals will include in their profile a blurb like ‘views are my own, not that of my employer’ to avoid any embarrassment.

How To Get Started
Go to https://twitter.com/account/new. Enter your name, email address, choose a password, and decide on your username. Read the “terms of service” or at least try to, and click on the “Create my account” button. You’re now licensed to tweet.

The username you choose is worth a bit of thought. How do you want your audience to think of you? If you work for a law firm or employer with a long name, how can you shorten it and remain identifiable?

Part Two will appear in Canterbury Tales 24-7
Education Programme

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

Christchurch

July
» 16-17 July – Residential Property Transactions
» 26 July – Webinar – Conflicts of Interest
» 31 July – High Court Rules

August
» 8 Aug – Sentencing
» 15-16 Aug – Smart Business Writing
» 26 Aug – 1 Sept – Litigations Skills
» 27 Aug – Why Zebras don’t get ulcers and Humans do – The Resilient Lawyer

September
» 26 Sept – Webinar – Trustees – Professional Liability

Out of Christchurch

» 2 July – Auck – Advocacy Ethics
» 5-7 July – Auck – Stepping Up
» 23 July Wgtn, 24 July – Auck – Maori Cultural Development for Lawyers
» 24 July – Auck - Costs in Civil Litigation
» 9 August – Auck - Property Transactions – GST
» 16 Aug – Auck – Employment – Health and Safety Regime
» 24-26 Aug – Wgtn – Mediation part B – Education Disputes
» 27-28 Aug – Auck – Youth Advocates Conference
» 1 Sept – Auck – 8 Sept Wgtn – Evidence and Trial Preparation
» 6 Sept – Auck – Tax Conference
» 20 Sept – Auck – The Future of Family Law
» 20-22 Sept – Wgtn – Stepping Up
» 21 Sept – Auck – An Inspirational Career – Keynote Lady Hale

Canterbury Westland Seminars

» 13 July – Commerce Commission – Please look out for Flyer
» 26 July – Arbitration – Please look out for Flyer
» 23 August – Young Lawyers – Andrew Nuttall Speaking – please look out for flyer
Xu v IAG New Zealand Ltd

INSURANCE – ASSIGNMENT – SALE OF EARTHQUAKE DAMAGED HOME – INDEMNITY OR REINSTATEMENT

Unsuccessful appeal against decision assignees were not entitled to claim replacement benefit under insurance policy – sale of earthquake damaged home by insured home owners – HC had found fact that insured owners did not restore home prior to sale and would not do so, prevented appellant purchasers from recovering replacement benefit – former owners (Barlows) were registered owners of house at time it was damaged in Christchurch earthquakes – insurance policy underwritten by respondent IAG New Zealand Ltd provided for claims to be settled on basis of either indemnity payment or reinstatement costs in event insured elected to restore the home – Barlows made claim under policy but sold property before claim settled without restoring the home – Barlows assigned their rights in respect of claim under the policy to appellants – no dispute that right to receive indemnity payment was accrued at time of sale and validly assigned – issue whether appellants could now reinstate and claim replacement benefit under policy – appellants challenged decision of Bryant v Primary Industries Insurance which held assignment could not make purchasers retrospectively insured at time of insured event and right to reinstatement was

to provide cover – insurer’s vulnerability increased when policy allowed recovery of more than indemnity value of damaged property (Tower Insurance v Skyward Aviation 2008); – (iv) if insured did not suffer loss and could be shown it would never suffer loss, no right to payment under policy (accrued or contingent) and no payment right to assign.

HELD: not persuaded analysis in Bryant was wrong – not right to overrule Bryant given judgment history of nearly 30 years and correctness of decision had not been questioned in any subsequent decision – not one of those rare cases where appropriate for CA to overrule one of its earlier decisions – Bryant not distinguishable – HCJ correct to find that condition 2 intended to provide cover to purchaser for loss suffered after contract for sale and purchase entered into and before settlement – interpretation supported by heading of condition – appellants as strangers to the policy were not entitled to claim replacement benefit – appeal dismissed – appellants to pay costs for standard appeal on band A basis and usual disbursements – second counsel certified.