Sue McCormack elected as Chancellor of University of Canterbury

By Sarah Manning, Partner

Sue McCormack, was elected as Chancellor of the University of Canterbury on 1 January 2019, and retired from the firm at the end of March. Sue has had a long and distinguished career as a lawyer for nearly 35 years and will be missed by us all. However, the opportunity to head the University of Canterbury is a fantastic honour, and Sue will excel in that role just as she has with the firm for so many years.

Sue was previously the University of Canterbury’s Pro Chancellor and she is currently a director of KiwiRail. Sue has also been a director of the Lyttelton Port Company, the New Zealand Symphony Orchestra and the Public Trust. Sue was heavily involved in the University’s $1.2 billion post-earthquake construction programme, and she is looking forward to leading the University into its next stage, with the assistance of the new Vice Chancellor, Professor Cheryl de la Rey. For the first time, the University will be led by two women.

Sue has always been a trailblazer – 25 years ago she set up the first female law firm in Christchurch along with Fiona Wakefield and has had a very large and successful practice with many loyal clients. Sue merged her firm with Simon Mortlock’s firm 13 years ago, and many of the staff at Mortlock McCormack Law have worked with Sue for over 20 years. I know how much she cares about all the people she works with at Mortlock McCormack Law.

Sue’s practice has focused largely on commercial, company, property and construction law and she worked closely with many of her clients as they rebuilt their property portfolios after the earthquakes. One example of this is The Terrace – Sue worked with Antony Gough, both as a lawyer and as a strategic advisor, as Antony and his family built The Terrace, navigating through the various challenges raised by such a large rebuild project. The Terrace is a huge success, and an important part of rebuilding our city – and is testament to the skill and foresight of all involved.

Sue truly is more than just a lawyer – to her clients, and to those of us fortunate enough to work with her, she is a trusted advisor, mentor and friend, and we wish Sue all the very best for the next exciting chapter in her career.
President’s Column

By Grant Tyrrell

Welcome Tiana

Tiana Epati became the 31st elected President of the Law Society on 10 April 2019. There are many notable ‘stats’ – fourth woman President since 1897, at 43 one of the youngest Presidents, first Pacific President, but above all Tiana has the talent, drive and ambition to bring our profession forward. It is a daunting challenge but I have no doubt that Tiana can continue the good work of Kathryn Beck over her three-year term.

There was a large turnout of Judges from every jurisdiction (including the outgoing and new Chief Justices), Ministers, former Presidents, Vice and Branch Presidents and Law Society staff at Te Papa to thank Kathryn Beck for her three years of service and welcome Tiana to her new role. To borrow, and paraphrase, from Justice Williams the evening was a mix of Pakeha, Māori and Pacific tradition making it, in my view, a uniquely New Zealand celebration. Importantly, the families of our Presidents were acknowledged – much of the burden and sacrifice of the Presidency falls to them.

Thank you Kathryn

Diplomatically put, the last 18 months has seen significant “disruption” for the Law Society. More accurately the Law Society and the profession as a whole came under sustained attack – some, but not all, the product of actions from a minority of our colleagues. Kathryn stood up for our profession and lead the changes that have been needed. Often hamstrung by statutory confidentiality – and that broad allegations are easier to make than rebut or contextualise and with a profession stung by the public criticism day after day, Kathryn fronted in public and supported colleagues in private. Kathryn’s leadership, and strength of character, not only helped guide the Law Society through that crisis but put in place the foundations to address the challenges and grasp the opportunities to come.

Retirement of Associate Judge Matthews

Associate Judge Matthews’ retirement was marked with a ceremonial sitting in the High Court. A highly respected Judge, his sound judgement and calm, yet effective, management of proceedings will be missed. We wish him, and his family, all the best in his retirement from the bench.

No repeat of the Precinct experiment

The perception, at least, of an erosion of the separation of powers in the Christchurch ‘Justice Precinct’ experiment is something that continues to exercise the branch. It is also fair to acknowledge that the integrated complex has challenged police too and that we all operate in a building and policy structure not of our making. I suspect the only solution in Christchurch is one of eternal vigilance, however it was pleasing to hear Justice Minister Andrew Little tell RNZ’s Checkpoint programme that the housing of police and courts together is “an inappropriate arrangement” and that a similar function being built in another city will not occur on “[his] watch”.

Val McTurk celebrates 30 years

A morning tea was held to celebrate Val’s 30 years of working at the Law Society. I was (just) at Primary School when Val started – a big thank you and congratulations to Val for her decades of service.
Library News

By Julia Wartmann

Farewell to Theresa

Theresa Graham, until recently Assistant Librarian at the NZ Law Society Library has been appointed as Senior Librarian, Judicial Libraries (Southern Region) based in Christchurch.

Theresa worked for the Law Society Library since February 2010 and while a great loss to the Library team, it’s some consolation she hasn’t gone too far – just across to the Justice Building in the Precinct.

We congratulate Theresa and wish her all the very best in her new role.

Young Lawyers & Cambridge Partners Seminar

By Johanna King

On Wednesday 10 April the Canterbury Westland Young Lawyers Committee were delighted to invite fellow junior practitioners to a seminar with Cambridge Partners. Pip Kean and James Howard took the attendees through their financial paces during an interactive lunch hour presentation. The session was a great taster to financial management through the lens of professional advisors who are familiar with the ins and outs of the legal profession. Highlights included identifying your money strengths and weaknesses, and introductions to borrowing and investment. James and Pip also gave a couple of pointers of how to avoid common financial challenges lawyers face throughout their careers. Thanks again to Pip and James for giving up their time, and also thank you to Andrew Nuttall for putting the Committee in touch with Pip and James.

Keep an eye out on the Canterbury Notices for more upcoming events for junior lawyers.

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.

MDS Law – We have moved offices (from 25 March 2019) and our location is now Level 1, 153 High Street, Christchurch 8011. All other contact details remain the same.

Lindsay Lloyd has retired from MDS Law, effective from Friday, 29 March 2019.

Lisa Hermon is no longer employed by MDS Law, effective from Friday, 22 March 2019.

The partners at Young Hunter are pleased to welcome Daniel Weatherley to the partnership from 1 April 2019. Daniel joined Young Hunter in 2008 after graduation from the University of Canterbury. He specialises in civil litigation and insurance law and has successfully appeared at all levels of the New Zealand Court system.

DISSOLUTION OF PARTNERSHIP

Following the recent dissolution of their partnership Grant Cameron and Maurice Walker wish to advise the profession that from 1 April 2019 they will each continue to practise as follows:

Grant Cameron with GCA Lawyers

grant@gcalawyers.com
03 365 1347
027 432 3066

Maurice Walker with Trollope & Co

maurice@tc.legal
03 595 0710
027 435 9002

Canterbury tales

Canterbury tales is the official newsletter of the Canterbury-Westland Branch of the New Zealand Law Society and is published 11 times per year.

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Advertising

$35 per column/cm exclusive GST.

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Fear and greed: the enemies of good investing

By Andrew Nuttall

Recently we presented another financial planning workshop for young lawyers and of interest was a concept illustrated by Carl Richards, who writes a weekly column in the New York Times.

Over the years I have seen how important it is for people to first develop an investment strategy and then maintain it because of the conundrum between fear and greed, risk and return.

Humans have a natural bias towards fear and greed. Sometimes they are great attributes for survival, but they can be a real hindrance when dealing with money and investing. We humans, it seems, are not necessarily hard-wired to be good investors.

The media have figured this out and play on it by focusing on bad news. When sharemarkets fall 3% headlines threatening world recession, Global Financial Crisis II and looming economic disaster appear, but when markets increase by 3% we don’t read about it. The media loves to appeal to our worries and anxieties, chiefly because they know it will sell advertising space, sadly better than positive news would.

This playing on our emotions by the media can cause us to overweight recent events, which is like driving while looking in the rear vision mirror. When we couple overweighting recent information with over-analysis of the past, we can begin to look for patterns that may not persist or have never been there in the first place. If we then apply them to the future to predict what might happen next, we can make poor decisions.

We need to replace predictive comments such as “markets are going up with markets have risen recently”. We should also heed Warren Buffet’s advice and “be fearful where others are greedy and greedy when others are fearful”.

Buffet and Richards are reminding us to:

» take care before switching your KiwiSaver fund to last year’s winning fund manager or portfolio,

» do your homework before buying a rental property as your brother-in-law’s success will not guarantee yours,

» to remain invested or keep adding to your investment portfolio when markets are poor and the media is pessimistic.

I encourage readers to take time to plan and develop their investment strategy. Consider pros and cons. Turn off the financial media with its short-term focus and stick to your strategy despite the emotions you may be feeling.

Andrew Nuttall is an Authorised Financial Adviser with Cambridge Partners, an independent and fee only financial advisory practice based in Christchurch. Andrew has worked with members of the legal profession for over 25 years. His disclosure statement is available on demand and free of charge. Phone 364-9119. www.cambridgepartners.co.nz
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On 1 July 2018 many lawyers became reporting entities under the Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) Act 2009. Reporting entities are those who undertake ‘captured activities’ which includes activities listed in the definition of “designated non-financial business or profession” in section 5 of the Act.

If you are a reporting entity, at an organisational level, you are required to appoint an AML/CFT compliance officer, undertake assessment of the risk of money laundering and the financing of terrorism that the entity may reasonably expect to face in the course of its business, develop an AML/CFT programme, implement and follow that programme, file annual reports with the regulator/supervisor, periodically review your risk assessment and AML/CFT programme, and conduct an independent audit of your risk assessment and AML/CFT programme every two years. You must also vet all staff and give AML/CFT related training to all your partners, senior managers and the AML/CFT compliance officer.

At activity level, your obligations include, but are not limited to, risk assessment of client matters, understanding your customers, carrying out appropriate customer due diligence (CDD), to conduct ongoing CDD, maintain records, and file suspicious activity reports (SAR) with the Financial Intelligence Unit (FIU) of the New Zealand Police, subject to legal professional privilege: see section 42(2).

The New Zealand Law Society (NZLS) has published on its website AML/CFT compliance templates that reporting entities can adapt. Some of those documents have a disclaimer saying it is a sample document only which has been produced for NZLS to assist lawyers with AML/CFT compliance requirements; it is intended as a guide only and should be adapted to take into account a law firm’s particular circumstances including internal policies and procedures specific to the law firm; and it should not be relied on as definitive statement of AML/CFT legal requirements. To put this in context, I note two underlying aspects of the legislative framework: (i) there is no one-size-fits-all approach, and (ii) a “set and forget” approach is not appropriate. I discuss these aspects below.

There is no one-size-fit-all approach

NZLS templates are helpful and could make it easier for some law firms to develop their AML/CFT documents. While those templates have been drafted as general guidance documents, for a busy sole practitioner or an under-resourced SME sized law firm, there may be a tendency to adopt those templates without appropriately customising them for their own practice. This may be inappropriate.

Section 58 states that before conducting CDD or establishing an AML/CFT programme, a reporting entity must first undertake an assessment of the risk of money laundering and the financing of terrorism that it may reasonably expect to face in the course of its business. The section does not require a reporting entity to consider factors related to its entire practice. The review will be in the context of the practice’s activities that fall within the provisions of the Act.

Full article can be found online at http://www.lawsociety.org.nz/practice-resources/practice-areas/aml-cft/amlcft-compliance-emerging-practical-issues
Education Programme

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Reaching those who can’t reach out

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- Anglican Care, South Canterbury

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Phone 03 348 6960
Email reception@anglicanlife.org.nz

Christchurch

May
- 9 May – Webinar – Caveat Update
- 9-11 May – Stepping Up – Foundation for Practising on own Account
- 14 May – Webinar – Separation – Property division & Parenting Arrangements
- 15 May – Webinar – Insurance Law Update
- 21 May – Webinar – Mortgagee Sales

June
- 11 June – Webinar – AML/CFT year 1 lessons
- 13 June – Webinar Employment Fundamentals – managing the relationship
- 17 June – Oranga Tamariki Act – Changes
- 27 June – Webinar – Relationship Property Issues for Older Clients

July
- 3 July – Webinar – Family Violence Legislation – phase two
- 15-16 July – Residential Property Transactions
- 24 July – How to run a Jury Trial

Out of Christchurch
- 6-7 May – Wgtn – Intro to Criminal Law Practice
- 6 May – Wgtn 7 May Auck – Education Law Conference
- 7 May – Wgtn, 8 May Auck – Human Rights Law New Frontiers

» 13-14 May – Dun, 27-28 May Auck – Intro to Civil Litigation Skills
» 16 May – Auck – Employment – Redundancy
» 29 May – Wgtn, 30 May Auck – Intensive Elder Law
» 6 June – Auck – Criminal Appellate Advocacy
» 10 June – Auck – Mental capacity
» 12 June – Wgtn, 13 June Auck – Deception in Commercial Dealings Masterclass
» 20 June – Auck – Business Shares – Sales and Purchase
» 23-27 – Wgtn – Advanced Litigation Skills
» 24 June – Wgtn, 25 June Auck – Kua Te Ra Maori Cultural Development For Lawyers
» 24 June – Wgtn, 25 June Auck – Creating Great Workplaces for Lawyers
» 19-20 July – Wgtn – Mediation Principles and Process
» 23 July – Auck – s 15 PRA revisited
» 25-27 July – Auck Stepping Up
» 30 July – Auck – Construction Law Update

Canterbury Westland Branch Seminars
- 16 May – Property Seminar – Strata Issues- Look out for info in weekly notices
- 30 May – Trust Seminar – Look out for info in weekly notices
- Save the date: 29 August – Employment Law Conference

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

D A Wood M A (Hons) Llb (Hons)
PON – Mediation (Harvard)
Barrister and Mediator has extended his litigation practice to include mediation services and is available to assist in a wide range of issues especially those arising from property and earthquakes disputes.

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CONTINUING LEGAL EDUCATION
NEW ZEALAND LAW SOCIETY
Are you in this profession photo? We require your name.

All names are going to be listed in alphabetical order at the bottom of a framed photo that will hang in the Canterbury Westland Branch seminar room.

Please look at the list of names that was sent out in the weekly notices on Tuesday 7th May to check if your name is on the list.

If it is not then please go to our book-when site at the link below and register your name and position in photo by progressing through the ticket booking process. There is of course no charge as it is only your name and position in photo we are collating.

The deadline for registration will be Friday 7th June 2019: https://bookwhen.com/nzlscanterburywestland

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.

Dementia Canterbury

The Hon. Nicholas Davidson QC, Fellow (Arbitration) AMINZ is practising as an arbitrator and mediator

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