Honouring ‘50-plus’ practitioners

WELLINGTON Branch practitioners who have been in practice for 50 or more years were honoured at a lunch held recently. The practitioners were accompanied by family members, colleagues and friends. Members of the group pictured at the end of the celebratory lunch are: (standing, left to right): Michael Shanahan, John Comerford, Denis Foot, Peter McKenzie QC, John Tannahill, Ed Cooke, Juliette Cooke, Jock Blathwayt, Dan Stevenson, Jonathan Crawford, Peter McLeod, Andrew Morrison, Hon Sir Douglas Kidd, Chris Corry, Sir John McGrath QC, Evan Allenmeyer, Peter Jenkins QC, Dan Forsyth, John West; (seated): Rt Hon Sir Geoffrey Palmer QC, John Hanning, Dame Alison Quentin-Baxter DNZM, QSO. More pictures on page 5.

The Wellington Branch practitioners who have been in practice for 50 or more years were honoured at an event at the Wellington Club on 14 November. Twenty one practitioners, accompanied by family members, colleagues and friends, enjoyed a convivial lunch at which their lives and times were celebrated.

Branch Vice President Annette Gray congratulated the group for their “…intellect, wisdom, dedication, and vast experience. We look up to you and you have inspired us. Through much change, you have upheld the highest standards of law and of our profession.”

Ms Gray passed on the good wishes of the Chief Justice, Dame Sian Elias, who could not be there but who noted that she admired and counted many of the practitioners present as friends. Branch President David Dunbar, also unable to be there, sent his congratulations.

Ms Gray proposed a toast to the practitioners, saying: “We are here to celebrate you, and to thank you for setting the standards so high. For enriching the law, our profession and our society.”

Sir Geoffrey Palmer, on behalf of the practitioners, thanked the Society for honouring them. “But there are of course mixed feelings when you get a message saying you have practised for 50 years – you might think that was long enough. There are problems attached to being old!”

Sir Geoffrey recalled law practice in the past, a time with no computers, no cell phones, and when you answer a client’s email they come back with more – you need a little bit of time to reflect.”

“For the law, our profession and our society.”

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“IT IS ESSENTIAL THAT WHEN YOU ARE DEALING WITH NASTY DISPUTES THAT THE CAMARADERIE AND COLLEGIATENESS ARE KEPT UP…”

As my great friend and mentor Sir Owen Dyhrberg, also congratulated the practitioners. “One thing I notice is that not one of the members of this cohort would treat you with disrespect. They might call you ‘young lady’, or open doors for you, but they would share their knowledge, give you opportunities, invite you as a junior to participate, and they would never make you feel callow or stupid.”

Thank you for all for your efforts, guidance, example, mentorship, for your courteous professional help, and for serving a higher purpose.”

John Tannahill, “a true scholar and a gentleman”, as he was introduced by Steph Dyhrberg, said he was astounded to be asked to speak, but realised that in these events being live streamed or recorded and made accessible to the regional centres. Practitioners could gather together in the same way that city practitioners do, which also ticks the collegiality box. This is something I hope to be able to set up during my time on the Council.

Wairarapa commercial firms report that things have slowed down somewhat over the last couple of months, after a big boom in the property market last year. The volume of property sales has dropped but there is lots of interest from Auckland buyers after a big push from real estate agents. It is expected that this will bring added benefits to the region and community.

The Family Bar in the Wairarapa have continued to have problems with the local Oranga Tamariki office. However, a positive and constructive meeting was held recently between Oranga Tamariki staff and local Counsel for the Child. While the willingness of the manager and senior staff to have frank discussions with stakeholders is encouraging, there is still a long and difficult road ahead and stakeholders will need to hold the Ministry to account.

The recent closure of regional legal aid offices has proved frustrating for Wairarapa practitioners but it seems that glitches are being worked through in time for transactions to be brought up to date before Christmas.

It is at last looking dryer and sunnier and there is hope for a long hot summer after a long wet year – nobody tell my farming husband I said that!
Chancellor discusses judicial independence
By Philip McCabe

Some months ago Chief District Court Judge Jan-Marie Doogue voiced concern over judicial independence in court. Judicial independence was also the theme of an address given at the VUW law school on 19 October by Sir Geoffrey Vos, a UK Lord Justice of Appeal currently serving as Chancellor of the High Court.

Sir Geoffrey began by describing the work of the European Network of Councils for the Judiciary over which he presides in 2015 and 2016. He described it as the only systemic European link between the national legislatures and executives on the one hand and the judiciary on the other. Its aim is to improve cooperation between and good mutual understanding among the various national representatives of the Judiciary. It reinforces an independent yet accountable judiciary and promotes best practices to enable the judiciary to deliver timely and effective justice for the benefit of all.

Sir Geoffrey said that judicial independence is not absolute but is an aspiration. It is dependent on government finances, policy and law reform. The rule of law is based on confidence in the justice system. Judicial independence is about high standards of reasoning, transparency and accountability. It requires adequate facilities and human resources in order to reflect a changing society.

He went on to discuss the main challenges to judicial independence, namely, inappropriate pressure, corruption and appointment processes. Recent surveys have shown a significant number of judges are unsure whether they have been pressured appropriately. Some judges believe they are not respected and valued by their governments. This reflects the many ways in which pressure can be applied (pay, pensions, leadership, employment conditions, promotion, IT and other support, media criticism and social media commentary).

Corruption is a problem in some countries but not all. Judges who regard themselves as respected, valued, adequately remunerated and accountable and are not subject to undue or improper pressure are less likely to be corrupted. It is a problem that should be grasped by the legislature and executive and involves proper training, benefits and checks and balances.

Judges should be appointed based on ability and experience rather than for political reasons and the appointment system should be open and transparent.

Law graduate CV scheme
THK scheme to assist law graduates into work is still being operated by the Wellington Branch.

Law graduates seeking work leave their CVs at the Society. These are available to potential employers needing staff who can refer to the CVs and choose appropriate graduates.

The work offered need not be permanent. Any work in a law office will give graduates experience that may be helpful next time they make job applications.

MADESIGN*
Answers for puzzles from page 7

Cryptic Solutions


Quick Solutions


Crossword Solutions
From page 7

Conference
December 6-9 2017 – The Law and Society Assoc. of Australia and NZ Annual Conference (LSAANZ), Dunedin.  www.lsaanz.org
March 1 2018 – Building and Construction Law, Stamford Plaza, Auckland, Thomson Reuter.  eventos@thomsonreuter.com

Wellington Branch Diary Dec-Feb
Tuesday 28 November
Law Health Committee

Wednesday 29 November
Legal Assistance Committee

Holding Difficult Conversations, Webinar. www.lawyerseducation.co.nz

Monday 4 December
Trusts and Estates Committee

Tuesday 5 December
Land Transactions – Tax Compliance, Webinar. www.lawyerseducation.co.nz

NZ Bar Association Xmas function, 5.15pm, Wellington Club.

Wellington Family Courts’ Association Christmas party, District Court, 5-7 pm

Wednesday 6 December
Commercial Leasing Update, Webinar. www.lawyerseducation.co.nz

Mindfulness Introductory Workshop, sponsored by Russell McVeagh, presented by Women in Law Committee. 7.30 am-9.15 am

Thursday 7 December
Human Rights Committee

Monday 11 December
Criminal Law Committee

Tuesday 19 December
Family Law Committee

Wellington Branch Council meeting

Friday 22 December
Women in Law Committee

Wednesday 14 February
CPD Top-Up Day. www.lawyerseducation.co.nz

Tuesday 20 February
Working with the new Substance Addiction Act, webinar. www.lawyerseducation.co.nz

Wednesday 21 February
Access to Court Documents, webinar. www.lawyerseducation.co.nz

Wednesday 28 February
Dealing with Difficult People, workshop. www.lawyerseducation.co.nz

Winding up a Trust, webinar. www.lawyerseducation.co.nz

NB Please confirm the dates of the committee meetings with convenors.
Body Corporate budgets and levies – what you need to know

By Alan Henwood.

NEW ZEALAND Women's Law Journal – Te Ahu Kawe Kaupapa Ture a ngā Wāhine

THE New Zealand Women's Law Journal – Te Ahu Kawe Kaupapa Ture a ngā Wāhine is the only academic publication that is solely dedicated to publishing and supporting the work of women lawyers in New Zealand.

The first edition of the Journal is being published at the end of 2017. Submissions are now being accepted for the second edition to be published in the fall of 2018.

Article Submissions

Submissions for the 2018 edition close 5pm, Sunday 1 April 2018

Articles will be accepted that relate to any domestic or international topic concerning women, gender perspectives and the law. Articles that take an intersectional approach and simultaneously examine issues of race, ethnicity, socio-economic status and sexual orientation are encouraged. The Journal is peer-reviewed and thus subject to rigorous standards of academic publication.

Articles will be considered that are up to 12,000 words in length. For longer pieces, writers are encouraged to contact the editors to discuss the submission. The journal will also be publishing shorter articles such as case notes, legislation commentaries and book reviews. Please get in touch if you would like to contribute a commentary.

To submit an article, send it to the Editors-in-Chief at editors@womenslawjournal.co.nz.

Feel free to get in touch in advance of submitting articles to discuss your ideas further. Please ensure your article complies with the New Zealand Law Style Guide.

For more information visit www.womenslawjournal.co.nz or www.facebook.com/nzwomenslawjournal

Moana Jackson to receive honorary doctorate

TREATY of Waingiawa, indigenous rights legal scholar and Māori leader Moana Jackson (Ngāti Kahungunu, Rongomaiwahine and Ngāti Porou) will receive an honorary doctorate from Victoria University of Wellington at a graduation ceremony in December.

Victoria University Chancellor Sir Neville Jordan says the honorary doctorate in law acknowledges Mr Jackson’s outstanding contribution to legal scholarship around the Treaty and to public debates about how Māori are treated by the justice system and their place in New Zealand society more broadly.

“Moana Jackson is one of Māoridom’s most important legal scholars and leaders, and his work has influenced generations of policymakers and jurists alike,” Jordan says.

“Victoria is proud to count such a distinguished scholar and activist as one of its alumni, and is honoured to confer this doctorate on Mr Jackson.”

Mr Jackson graduated with a Bachelor of Laws from Victoria University in 1969, subsequently conducting postgraduate research and teaching before co-founding Nga Kaiwhakamarama Nga Tūmatua (the Māori legal service) in 1988 and later Te Hau Tikanga (the Māori law commission).

In 1988, he undertook ground-breaking research on Māori and the criminal justice system for the then Justice Department. His investigations of the justice system and its bias against Māori led to the seminal report He Whaipaananga Hou, which has reshaped the national debate and changed understandings of Māori law.

Mr Jackson has worked extensively on international indigenous issues around the world. In 1988 he was an early member of a Māori delegation to the United Nations Working Group drafting the Declaration on the Rights of Indigenous Peoples and serving as a judge on the International Tribunal of Indigenous Rights.

He was appointed visiting fellow at Victoria University’s Faculty of Law in 1995, and has gone on to be influential in shaping the curriculum of the Māori Laws and Philosophy programme at Te Wānanga o Aotearoa, where he continues to teach.

As well-respected Māori leader, since 2011 he has co-chaired with Professor Margaret Mutu the Independent Iwi Working Group on Constitutional Transformation.

The Victoria University of Wellington Council will confer an honorary doctorate on Moana Jackson at a graduation ceremony at Victoria University’s Te Herenga Waka Marae, 9:30am, Friday 15 December.

For more information contact Sarah Boyd on 04 463 6195 or sarah.boyd@vuw.ac.nz

New Zealand Women’s Law Journal – Te Ahu Kawe Kaupapa Ture a ngā Wāhine

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To submit an article, send it to the Editors-in-Chief at editors@womenslawjournal.co.nz.

Feel free to get in touch in advance of submitting articles to discuss your ideas further. Please ensure your article complies with the New Zealand Law Style Guide.

For more information visit www.womenslawjournal.co.nz or www.facebook.com/nzwomenslawjournal.
Des Deacon Dinner

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ROBIN REYNOLDS, the advertising manager for Council Brief of many years, has a new email address.

The change comes about as a result of the demise of Vodafone email services. The new address is: nz.adman@gmail.com

Wellington Medico-Legal Society

The Wellington Medico-Legal Society is an amalgam of practising lawyers and doctors, and students with an interest in medical law. Regular meetings are held featuring speakers with particular expertise in areas that affect medical law. If you are interested in joining the Society please contact either of the below email addresses:

Jenny Gibson: jgibson@legalchambers.co.nz
Caroline Cheetham: caroline@legalchambers.co.nz


Curritting, Stephen

Late of Wellington, who died on 4 November 2017, aged 63 years. If you hold a Will for the deceased, subsequent to the current Will held dated 19 June 2002, please contact:

N J H Smith & Co
(Attn. Neville Smith)
PO Box 30-432, Lower Hutt 5040
Tel: 04 5664149, Fax 04 5694183
Email: legalsmith@xtra.co.nz

Council Brief
February 2018
Deadline
Tuesday 23 January 2018

Last Resort 2018

Next year’s Last Resort golf tournament will be held on Friday 16 February 2018. Please put it in your diary now.

Please contact the solicitors concerned if you are holding a will for the following:

The annual ‘Des Deacon’ memorial dinner was held at the Wellesley Hotel on Friday 27 October 2017.

CURRINGTON, Stephen

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The cost of will notices is now $50.00 plus GST. Please send payment with your notice. Will notices should be sent to the Branch Manager, NZ Law Society Wellington Branch, PO Box 904, Wellington.

WILL ENQUIRIES
FOR URGENT ACTION

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It was good to be able to say hello to you in person at the lunch yesterday. Would you please pass on to the appropriate officers of the Wellington Branch of the NZLS my warm thanks and appreciation for a memorable occasion. I was surprised that a number of people whom I think of as a lot younger than I am now qualify as having been admitted 50 years or more ago.

I remain proud to have been admitted to the Bar, and to have been a member of the NZLS for so long. The lunch will remain a great note to go out on. With my thanks again to the Wellington Branch.

Thank you for the great lunch and function yesterday. I appreciated the chance to catch up with some of those that I had worked with over the years and my family enjoyed the occasion as well.

We had a really enjoyable and interesting lunch yesterday, and our thanks to the Law Society for putting it on. We have seen several of our former student companions over the years, but there was one in particular, John West, who has carried on a similar country—well, not city anyway—practice to ourselves, and so of course we had a lot in common. We look forward to the sixtieth celebration—but of course I doubt that we will be eligible then!!

Many thanks for the organisation of today’s lunch. It was a wonderful chance to catch up with old colleagues and their families. It was good to be able to say hello to you in person at the lunch yesterday.

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THE Hon Rex Mason prize for legal writing was awarded at the law Society last week.

The prize is awarded every December for the best article appearing in a New Zealand legal publication in the preceeding year.

This year’s prize was awarded to Oliver Hailes and Andrew Geddis for their article “The Trans-Pacific Partnership in New Zealand’s Constitution” that appeared in the NZ Universities Law Review, Vol 27, No 2, December 2016.

Victoria Law Dean Professor Mark Hickford, one of the judges, noted the very high calibre of entries for the prize and particularly the winning entry. “The article dealt with a relatively neglected area in public law, in essence the Trans-Pacific Partnership in the context of the constitutional analysis that speaks to domestic arrangements of this jurisdiction – it was that which intrigued us the most.”

Andrew Geddis, Professor of Law at the University of Otago, said the article originated in Oliver Hailes’ honours dissertation in 2015, “...the best dissertation I ever had.” Professor Geddis suggested to Oliver that the work should be published, and both worked on it as joint authors. Oliver Hailes, at present a judge’s clerk in the Court of Appeal and who describes Professor Geddis’ role as “Godfather of the baby”, is the recipient of a Woll Fisher Trust scholarship to study for a PhD at the University of Cambridge in 2018.

The Rex Mason prize for legal writing was established in 1973 and is the oldest such prize in New Zealand. It commemorates Hon Rex Mason, a long-standing Labour member of parliament who was Minister of Justice and Attorney-General. He was elected to parliament in 1926 and retired in 1966 aged 81. The Wellington Branch is the trustee for the prize.

Comments of appreciation...

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The lunch held at the Wellington Club on 14 November to celebrate Wellington Branch practitioners who have been in practice for 50 years or more years was a warm and memorable occasion. Accompanied by family members, colleagues and friends, the practitioners enjoyed the company of their contemporaries and reflected on their long and fulfilling careers.
#metoo and the legal profession

By Ione Gill, Ropia Hapori / Community Lawyer

O ver the last month the #metoo movement went viral, providing a platform for the voices and stories of survivors of sexual violence to be heard. In the wake of the numerous Harvey Weinstein allegations, people disclosed incidents of sexual assault, abuse and harassment or simply added their voice to the chorus using the hashtag #metoo.

As the founder of the ten year old movement, Tarana Burke explained: “On one side, it’s a bold declarative statement that ‘I’m not ashamed’ and ‘I’m not alone.’ On the other side, it’s a statement from survivor that says ‘I see you, I understand and I’m a survivor that says ‘I see you, I alone.’ On the other side, it’s a bold declarative statement that explained: ‘On one side, it’s a old movement, Tarana Burke using the hashtag #metoo. Added their voice to the chorus incidents of sexual assault, allegations, people disclosed heard. In the wake of the viral, providing a platform for rape) in their lifetime. That’s distressing sexual touching and men report experiencing high—

2014 study showed that 24% of women and 6% of men report experiencing high—

Statistics in Aotearoa lights the prevalence of sexual violence, humiliation and con—

The prescribed pathway for survivors of sexual violence to access justice is the criminal justice system. Yet, as the statistics show, this system is barely dealing with the high end of the spectrum, leaving the vast majority of sexual offenders free from any accountability. We have seen an increasing number of clients at CLWHV take accountability into their own hands, naming the perpetrator on social media or disclosing the incident to people in the perpetrator’s life. Improving survivors’ access to justice requires a multifaceted approach to address sexual violence across the whole spectrum. Broad reform of the court process is needed to reduce re-traumatisation and address a range of issues including: procedural delays, inappropriate means of giving and testing evidence, a lack of specialised knowledge by decision-makers, and a lack of information and support for survivors. We also need alternative pathways for addressing harm at lower ends of the spectrum. We need better funded support services for survivors and mandatory treatment programmes for perpetrators. For broader societal change, widespread preventative education is required such as mandatory consent education in schools and campaigns to prevent online sexual harassment.

Criminal justice process

The criminal justice process itself can cause considerable additional trauma for survivors. In part this reflects inherent tensions in the adversarial process between the survivor’s interests and the defendant’s trial rights. However, much scope remains to improve the experience of survivors through—

The Law Commission’s report The Justice Response to Victims of Sexual Violence makes recommend—

Sue Triggs, Elaine Mossman, Jan Jordan and Venezia Kingi ‘Responding to Sexual Violence Attribution in the New Zealand Criminal Justice System’ (2009) Ministry for Women’s Affairs at 57—


Survivors are available to access justice and the perpetrators of gender-based and sexual violence across the spectrum are held accountable. There is no quick fix. But there are tangible steps that every individual can take.

To, what can lawyers do?

• Be an ally for survivors. Don’t accept jokes or comments that reinforce negative stereotypes and unacceptable behaviour against women.

• Be an ethical bystander in your workplace and community. Speak up and intervene safely.

• Be a role-model of respect towards women so our young people learn positive behav- iour in the workplace, in the home and in sports.

• Consider what you can do preventatively in your work—

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COUNCIL BRIEF

The monthly newspaper of the Wellington Branch NZ Law Society

ISSN 2382-2333

Wellington Women Lawyers’ Association

NELLINGTON Women Lawyers’ Association is a highly collegial organisation, open to all women in the Wellington region with an association to or interest in the law. We organise great events, facilitate networking and mentoring, make submissions on legislation and generally work to promote the interests of women in the law and the legal system. Law students can join for free.

The membership form can be downloaded from the website wwla.org.nz, or by emailing Judy.elliot@waterfront.org.nz. Like and follow us on Facebook: @wellingtonwomenlawyers
LEANZ essay competition

The Law and Economics Association of NZ (LEANZ) has established an essay competition, open to current or recent under- or post-graduate New Zealand university students of any discipline. Academic essays that approach a legal or public policy issue using an economic analysis (or specifically addresses the failings of such an analysis) are invited. The essay should recognise the significance of legal instruments and institutions in creating or moulding the incentives.

A first prize of $3,000 will be offered together with the opportunity to present the work at a LEANZ seminar event in 2018. A discretionary prize of $1,500 may be awarded to a high-quality runner up.

Entries close on Monday 7 May 2018.

Details are available at: leanz.org.nz
A Christmas gift from Counsel in Concert – Great Musical Anniversaries

Counsel in Concert is based at Crown Law and has been running since 2009. The choir and orchestra are comprised of lawyers and other legal professionals from throughout the Wellington region as well as law staff from Crown Law, augmented by members of the New Zealand Symphony Orchestra and Orchestra Wellington.

Each year Counsel in Concert performs a big charity concert at the end of the year raising funds for the Child Cancer Foundation. This year’s entertaining programme celebrates significant musical anniversaries, and features works by Monteverdi (450 years since his birth), Telemann (250 years since his death), Gershwin (80 years since his death) and the Beatles (50 years since Sergeant Pepper!). Counsel in Concert has commissioned arrangements of the Beatles songs from a young Wellington arranger specially for the event. The programme will be conducted by Owen Clarke.

Counsel in Concert has chosen the Child Cancer Foundation as the recipient charity for each of its major concerts since 2009. The organisers of the concert are proud to be associated with such a good cause bringing help to families when they really need that help. Every week more than three children in New Zealand are diagnosed with cancer. When a child is diagnosed with cancer, it is a stressful and expensive time for the whole family. Right now the Child Cancer Foundation is helping over 500 families across New Zealand.

The Child Cancer Foundation Family Support Coordinators provide one-to-one, personalised support to Kiwi children diagnosed with cancer and their families. Every family's cancer experience is different, so the support they receive helps with the specific challenges they are facing. The practical assistance provided by the Child Cancer Foundation aims to reduce the financial impact of cancer, strengthen the family unit and help with achieving the best possible outcome for a child with cancer.

The Child Cancer Foundation receives no direct funding from the government and relies on the generosity of New Zealanders. To be able to support these families, the Child Cancer Foundation must raise at least $6 million every year. The organisers of the concert are very grateful to the sponsors: Simpson Grierson, Thomson Reuters, Tripe Matthews Feist, Greg Kelly Law, Rachael Dewar Law, Lambton Chambers Barristers, Stout Street Chambers, New Zealand Law Society, Fyfe & Doherty, Sue Brown Solutions, Duncan Cotterill and WCM Legal. Thank you also to St Andrew's on the Terrace and the National Library of New Zealand. The generosity of the sponsors and other supporters means that all proceeds from the concerts will be donated to the Child Cancer Foundation.

If anyone would like to support the project but is unable to attend the concerts, donations tagged to this event can be made online at: https://createyourown.everydayhero.com.nz/counsel-in-concert. Any experienced legal singers from around the country who would like to join the choir for the performances would be very welcome, and can contact: merran.cooke@crownlaw.govt.nz

Crown Law presents: Counsel in Concert – Musical Anniversaries

Crown Law invites you to: Counsel in Concert

**MUSICAL ANNIVERSARIES**

TUESDAY 19 DECEMBER 2017
12.15 AND 5.30PM,
ST ANDREWS ON THE TERRACE

Entry by donation. All proceeds to the Child Cancer Foundation.

Featuring over 50 lawyers and law staff from legal organisations throughout the Wellington region.

Supported by players from the New Zealand Symphony Orchestra and Orchestra Wellington.

Celebrating significant anniversaries of Gershwin, The Beatles, Sergeant Pepper, Monteverdi, Telemann and more.

With grateful thanks to the sponsors:

- Simpson Grierson, Thomson Reuters, Tripe Matthews Feist, Greg Kelly Law, Rachael Dewar Law, Lambton Chambers Barristers, Stout Street Chambers, New Zealand Law Society, Fyfe & Doherty, Sue Brown Solutions, Duncan Cotterill and WCM Legal

Conducted by Owen Clarke.

Louise Elder remembered at Wairapapa country lunch

On Saturday 18 November about 30 Wairarapa and Wellington lawyers gathered at the gorgeous home and gardens of Grant and Adrienne Allan, to remember Louise Elder and help raise funds for a trust set up for Louise’s girls.

The day started out overcast and cold but the sun managed to come out at times and the outdoor fire was much appreciated at others. The trustees of the trust put on a beautiful lunch and John Porter of Porters Pinot in Martinborough very kindly donated wine to auction. A very enjoyable day with a very collegial atmosphere!