

Professionalism and responsibility



From the President

Looking back on the last few months, I want to start by thanking NZLS President, Kathryn Beck, for attending the Wellington Branch annual general meeting in June and for her thoughtful address. Those who attended appreciated the opportunity to discuss the issues and the New Zealand Law Society Board's response. This sort of personal contact is vital.

Committee convenors at Council

At Council's July meeting we were delighted to have eight Council committee convenors attend. Council's committees play a vital part in the collegiality and shared learning in the Branch and this was an opportunity to hear about issues concerning the committees and how the Council can continue to support them.

At the same meeting, the Council agreed to establish a new committee: a Māori Legal Issues Committee.

I thank our convenors for all the work they and the members of their committees undertake to support the work of the Branch and our profession. The work convenors and committees lead is essential in our creating the "first line of belonging" for lawyers, and the importance of being part of a profession.

Gender Equality Charter

Looking ahead, we hope to announce shortly a local Branch event to launch the Gender Equality Charter and I'm excited about the potential for that within the Branch. However,

things clearly won't stop there, for the Council and the Branch, as we collectively face up to questions of bullying and harassment.

These issues pose questions for us all. How can we respond to questionable behaviours? What will we do, not just to lift our awareness, but to call it out and, if necessary, intervene? What role can men play as champions of change?

The legal profession in New Zealand has an array of sources directed to how we conduct ourselves as practitioners and as a profession. Fundamentally, we are bound by the oaths made upon admittance as barristers and solicitors of the High Court. At the heart of it all is the New Zealand Law Society, an organisation that is both the profession's regulator and its representative. As much by default, as by design, the Society both regulates and represents us.

What are we ... prepared to take responsibility for? How are standards set, and by whom?

What do we expect from our regulatory body and what do we expect of ourselves?

One striking difference between the legal profession and many other regulated professions in New Zealand lies in the central role of the New Zealand Law Society and the absence of an independent professional association. By contrast, the medical profession, not significantly larger than the legal profession, has a number of sector voices for the profession; the New Zealand Medical Association, the Association of Salaried Medical Specialists, the Resident Doctors Association,

numerous Colleges and a range of special interest groups. While the Medical Council has a clear statutory mandate to set minimum standards of ethical conduct and clinical competence, and to enforce them, the medical profession plays a key role in promoting high standards of professionalism. An example that I have cited before is the work undertaken by the Royal Australasian College of Surgeons to identify and address bullying and harassment within its membership.

So, where does the balance lie in the profession of law? What are we, as practitioners and as a profession, prepared to take responsibility for? How are standards set, and by whom? What do we expect from our regulatory body and what do we expect of ourselves?

Council vacancy – Yemo Guo

As I write this, some of you may have seen an advertisement to fill a vacancy on the Wellington Branch Council. This is to replace Yemo Guo, who shortly takes up a great opportunity outside Wellington. Yemo has been a member of Council for three years, first as the Young Lawyer Committee representative on Council and then as an elected member. We will miss Yemo's energy, wisdom and commitment to the work of the Council, and wish him every success.

The rules provide for Council to appoint a local member for the remainder of Yemo's term (that is, until June 2019) and I strongly encourage expressions of interest. It will be a busy year ahead.

Annual Dinner

Finally, a reminder of the annual Branch dinner on Friday 26 October. Further details will come shortly but I'm delighted to announce that His Honour, Justice Peter Churchman has agreed to address us.

Nominations sought for Council vacancy

THE NZLS Wellington Branch Council is seeking nominations from practitioners who would be interested in joining the Council to fill a newly-created vacancy.

As this is a "casual" appointment in terms of the Branch's rules and regulations, the term would be until 30 June 2019.

For more information please email wellington@lawsociety.org.nz

Māori legal issues committee mooted

THE Wellington Branch Council is considering the formation of a Māori Legal Issues Committee. The Branch's special interest Committees play an extremely important part in the life of the Wellington Branch.

It is envisaged that the Committee would provide a forum within the legal profession in Wellington to discuss matters relating to Māori legal issues; one that is available for all practitioners who engage or wish to engage with Māori in relation to Māori legal issues. The Committee would be of utility for a diverse group of practitioners, including:

- lawyers working in areas in which the terms and principles of the Treaty of Waitangi/Te Tiriti o Waitangi are particularly pertinent, such as in-house lawyers (especially those working in government departments) and lawyers who represent claimants before the Waitangi Tribunal
- lawyers assisting large natural groupings during settlement negotiations
- lawyers involved in the rapidly growing Māori economy
- other lawyers hoping to increase their understanding of Māori legal issues in today's society.

The Committee would focus on increasing understanding and dialogue among members of the legal profession about:

- the terms and principles of the Treaty and their application and usage
- negotiation and settlement of Treaty claims
- other issues relating to Māori legal issues generally.

If you are interested in forming and belonging to a Māori Legal Issues Committee, please email wellington@lawsociety.org.nz

Family Court 'craft' seminar

By Nisha Dahya

HIS Honour Judge Black kindly agreed to run a lunchtime seminar for local counsel about Court craft on 16 August 2018.

With around 50 attendees, the seminar attracted counsel from Hutt Valley, Wellington and Porirua. Although the seminar was designed for Family Court practitioners, it was good to have a varied group of practitioners including those who practise in-house and those who practise criminal and employment law. Lawyers of all levels of experience were present.

The seminar was a helpful reminder to all attendees about the importance of careful drafting and thoughtful cross examination and the rules of evidence. We were reminded to consider, refer to and apply our theory of the case throughout the course of the proceeding. His Honour also provided insight into how he prepares for a hearing, how he reaches his decision and what we as lawyers can do to assist him with his analysis of a particular case.

His Honour entertained us with a few stories and in a short space of time, attendees learnt valuable information to apply to their own cases.

We hope to hold more lunch time seminars and I invite lawyers to email me with their suggestions for topics. Nisha Dahya, Hutt Valley Representative, Family Law Section: nisha.dahya@arl-lawyers.co.nz

The Solicitors' Benevolent Fund – ways to donate

Donations to the Solicitors Benevolent Fund can be made through:

- "Give a Little" <http://www.givealittle.co.nz/org/Solicitors>, which will be automatically received, or
- by Direct debit: Bank of New Zealand: 02-0506-0101108-097

All donations go directly to the capital reserve. The Solicitors' Benevolent Fund Trust is registered as a charitable trust (number CC48709) and has tax deductible status.

If a receipt is required when making a direct debit, please email wellington@lawsociety.org.nz with your name, the amount deposited and a contact number to ensure a receipt is issued and sent to the correct place.



Save the date!!

NZLS Wellington Branch
Annual Lawyers' Dinner
Friday 26 October 2018

Library News

News from NZLS High Court Library

By Robin Anderson

Lexis Advance training

There will be more training for Lexis Advance offered in September, both one-on-one sessions with a LexisNexis trainer and also some small group sessions. Please keep an eye on *e-brief* for announcements on this.

New Westlaw databases coming soon

We have subscribed to all the New Zealand A-Zs on Westlaw and also to most of the subject-based case law databases – such as Tenancy, Health, Insurance, Legal Aid and Alcohol Cases to name just a few. This will give library users access to a much broader range of cases with all the Westlaw searching capabilities to let you hone your searches.

Matrimonial Property Cases – MPC

These hard-to-find cases are now on NZLII. The five volumes of cases can be found at <http://www.nzlii.org/nz/cases/NZMPC/>

The front page of NZLII also gives you instructions on how to donate to help the work continue.

New books

Guest on the law of assignment

London : Sweet & Maxwell 3rd edition 2018 KN104.2.A1 GUE

Judicial review : a New Zealand perspective

Wellington : LexisNexis NZ 4th edition 2018 KM306.L1 TAY

McGregor on damages

London : Sweet & Maxwell 20th edition 2018

Plundering beauty : a history of art crime during war

London : Lund Humphries 2018 KC1357.2 TOM

Unit Titles/Bodies Corporate Half-Day Conference

Thursday 21 September 2017, Ellerslie Events Centre, Auckland : Auckland District Law Society 2017 KN72.6.L1 AUC

Wellington Branch Diary September

Monday 3 September

Young Lawyers Committee

Thursday 6 September

Tax Conference, Auckland. www.lawyerseducation.co.nz

Saturday 8 September

Evidence and Trial Preparation, Worksop. www.lawyerseducation.co.nz

Monday 10 September

Criminal Law Committee

Tuesday 11 September

AML/CFT – Wire Transfers, SARs, Privilege and Confidentiality, Webinar. www.lawyerseducation.co.nz

Wednesday 12 September

Criminal Law – Discharge Without Conviction, In Short + Live Web Stream. www.lawyerseducation.co.nz

Thursday 13 September

Parole Law Committee

Courts, Tribunals and ADR Committee

Trust Account Supervisor Training Programme, www.lawyerseducation.co.nz

Monday 17 September

Trusts and Estates Committee

Tuesday 18 September

Family Law Committee

Gender Equality Charter Launch, 5.30pm, Level 8, NZLS Building, 26 Waring Taylor Street. Numbers limited – register: bookwhen.com/wellington-branch

Wednesday 19 September

Wellington Branch Council meeting

Thursday 20 September

The Future of Family Law, Conference, Auckland. Keynote Address – Lady Hale, President UK Supreme Court. www.lawyerseducation.co.nz

Thurs-Sat 20-22 September

Stepping Up – Foundation for Practising on Own Account, Workshop. www.lawyerseducation.co.nz

Friday 21 September

An Inspirational Career, Conference, Auckland. Keynote Address – Lady Hale, President UK Supreme Court. www.lawyerseducation.co.nz

Wednesday 26 September

Legal Assistance Committee

Trustees – Professional Liability, Webinar. www.lawyerseducation.co.nz

Thursday 27 September

Immigration & Refugee Law Committee

Friday 28 September

Women in Law Committee

NB Please confirm the dates of committee meetings with convenors.

New chair of NZ Parole Board

FORMER High Court Judge Sir Ronald Young has been appointed the next chair of the New Zealand Parole Board, Attorney-General David Parker announced recently.

Sir Ronald took over as head of the Board from Hon Warwick Gendall QC on 13 August 2018. Mr Gendall has served as chair of the Parole Board since 2012.

Sir Ronald retired as a Judge of the High Court in 2015 after a total of more than 27 years as a judge including 14 years' service on the High Court Bench. Before that he had been the Chief District Court Judge and was highly regarded as an administrator as well as a very experienced and effective Judge.

Sir Ronald also has extensive management and leadership experience, not only as Chief District Court Judge but as the



Sir Ronald Young.

list Judge for many years in the High Court Wellington and as President of the Electoral Commission from 2000 to 2003.

David Parker said he was very pleased to have someone with the legal acumen and administrative experience of Sir Ronald to take the demanding role of chairperson of the Parole Board.

Mr Parker also paid tribute to the very able leadership Mr Gendall has provided in his six years as chairperson.

The Board is established by section 108 of the Parole Act 2002. It is an independent statutory body that as its principal role considers offenders eligible for release on parole and determines the conditions to be imposed on offenders on release, and in some cases monitors compliance with conditions. It has three levels of responsibility. The Chairperson must be a current or former High Court Judge or a current or former District Court Judge. Panel convenors must be District Court Judges, or barristers or solicitors. In addition, there are a number of other non-judicial or lay members.

What to do about...millennials in law firms

THERE'S a new generation in town and they are steadily becoming your employees. But, contrary to popular belief, millennials don't overtly want to be treated differently, and instead, are looking to assimilate into your workplace with as little fuss as possible, says Christina Kruger, director at legal recruitment firm McLeod Duminy.

Characteristics associated with this generation include different ways of communicating and differing expectations from life and employment, therefore it is important to have specific strategies for incorporating millennials to help build a loyal and integrated workforce.

According to Statistics New Zealand, millennials (those born between 1980 and 1997) comprise the single largest age group in the labour force. McLeod Duminy sees that in practice, with more than 50 percent of candidates placed by the company in the past year coming from this group.

These candidates are confident, know what they want and aren't afraid to ask for it. "Lawyers with around 3-8 years of post-qualification experience

are generally the most profitable to law firms, creating demand for these individuals. They are increasingly aware of this and therefore seek to negotiate multiple aspects of their employment. Having said that most candidates are quite realistic in their expectations," Kruger says.

That can include the practice areas they'll be involved in, salary, relocation packages, prospects and flexibility.

While cautioning against treating millennials (or any other generation) as homogenous, she nevertheless says there are commonalities to look out and cater for. They include:

- Millennials generally don't like hierarchy and enjoy 'reverse mentoring'.
- They are team players/collaborators and don't want to be pigeonholed.
- They communicate instantly – instant chat services are preferred to email.
- They want, indeed expect, technology in the workplace which matches what they use at home.
- Corporate social responsibility is important, as is company vision and inclusiveness to that vision.
- Transparency is valued, as is work/life balance, in some cases above income.
- Millennials are explorers and will move on to another employer if they aren't stimulated.

Kruger says firms should take these factors into account when employing millennials, while also being cognisant that the workforce includes people from

other generations, typically spanning everything from baby boomers to Generation Z.

Her top tips for welcoming millennials into the workplace include:

- Be open minded to tailoring what can be offered.
- Commit to individuals and examine ways to personalise roles.
- Have open and honest conversations and help everyone put together realistic plans outlining the skills required to meet their goals.
- Plan the way forward with them.
- Commit to individual development.
- If they leave, that is okay. When individuals leave, view it as an opportunity. If employment ends on a positive note, the person might come back with additional skills.
- Be open to flexibility. Take personal and professional needs into account to establish work/life balance.
- Maintain balance between responsibility/autonomy and mentoring/training.
- Make room for involvement in social good and diversity initiatives.

Kruger points out that work today is unlike any other period in recent history. Individuals have options and aren't bound by the conventions of the past. "It's no longer about being a slave to the grind. Whether millennials or not, professionals today have choices; being a better workplace means more people will seek out your firm and choose to stay."

MADESIGN™

Answers for puzzles from page 4

- 1 7: each row, column, and diagonal adds up to 18
- 2 1 Qc4+ Kh8 2 Nf7+ Kg8 3 Nh6++ Kh8 4 Qg8+ RxQg8 5 Nf7#
[Timman v Short Tilburg 1990]

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Council Brief October 2018 Deadline
Monday 24 September 2018

New tenancy legal advice service needs volunteer

By Ione Gill, Community Lawyer/Roia Hapori

THE housing climate in Wellington has become a challenging one for many residential tenants. With the housing crisis of the past few years compounding other problems faced by tenants, including a worsening in housing quality and difficulties enforcing their legal rights, Community Law Wellington and Hutt Valley (CLWHV) has seen an increasing number of renters seeking advice.

CLWHV provides advice for tenants through our general advice sessions, which include issues such as evictions, bond disputes, repairs and maintenance, and preparing for Tenancy Tribunal hearings. In 2017-18 we have assisted with over 350 tenancy matters, compared with 220 in 2010-11. We also support clients in disputes with social housing providers or who are struggling to access accommodation, but the above figures do not include these issues.

Based on our experience, large numbers of Wellington tenants are living in cold, damp and unsafe rental properties, but do not feel equipped or able to demand that their landlord remedies this. With a shortage of available rental properties, it can also be an extremely daunting prospect for tenants to assert their rights. Many tenants feel they must accept poor conditions as a given so as not to provoke a rent increase. Most of our tenancy clients have only sought advice at the point when conditions at their property have become totally unliveable or to report serious illness in their children as a result of the state of their rental properties.

Some common recent issues that clients have required specialist support with include:

- Being let unlawful or unsafe dwellings
- Addressing serious housing quality issues, such as chronic mould and damp issues

- Challenging invasive vetting practices by landlords
- Enforcing the obligation for bonds to be lodged with MBIE
- Seeking transfers between social housing properties
- Challenging debts imposed by MSD for emergency housing grants.

In response to these challenges, on 10 September 2018 CLWHV is launching a new specialist tenancy legal advice session. This tenancy advice session will run parallel to the general advice session on Monday nights between 5.30-7pm in our Wellington office at Level 8, 203 Willis Street. This service aims to streamline our tenancy advice by upskilling a dedicated pool of lawyers and providing a space for clients to get specialist support.

Our specialist tenancy experts will provide comprehensive advice for tenants, encompassing providers not just within

the private rental market, but also issues with Housing New Zealand, Council and other social housing providers, temporary housing providers, boarding houses, and the Ministry of Social Development (who manage emergency accommodation grants and the social housing register). Our lawyers will support clients to prepare for Tribunal hearings, connect with other agencies who may be able to assist them with their housing needs, and collaborate with other social service providers.

In 2019, we aim to establish a tenancy advocacy service and develop a strong base of volunteer advocates to empower renters to advocate for one another. Widely available advocacy would equip renters to pre-empt many situations from deteriorating to the point of serious illness and safety risk by supporting tenants in discussions with their landlord. It

would also provide a safeguard against retaliatory action by the landlord. We know that tenants are generally fearful of making demands of their landlords, with most Tribunal applications filed by landlords. Many tenants are not eligible to have legal representation in the Tribunal. Even if they are, external referrals are a challenge as either legal aid is unavailable or due to the shortage of private lawyers specialising in this area. Advocates would provide much needed support for many of clients who are intimidated by the prospect of a Tenancy Tribunal hearing.

Are you a tenancy expert looking for referrals? Are you wanting to volunteer for this kaupapa at CLWHV? Do you know someone who would make a fantastic tenancy advocate?

If you have any whakaaro or feedback, or are keen to get involved, please let us know. Email: ione@wclc.org.nz

A new problem for executors and a new risk for Trusts

Anthony Grant, Trusts & Estates Litigator

SECTION 182 of the Family Proceedings Act gives Judges the power to rewrite “ante-nuptial” and “post-nuptial” settlements. For practical purposes these are Trusts that were formed by or for parties to a marriage at a time when they were married or their marriage to each other was contemplated.

Section 182 is a powerful section. It derives from an 1857 statute in England and was hardly known here until the case of *Chrystall v Chrystall* [1993] NZFLR 772 which brought the section out of obscurity into the light.

In *Thakurdas v Wadsworth & Another* [2018] NZHC 1106 Hinton J has expanded the reach of s 182.

Up till now it was thought that s 182 could only be invoked by a spouse who is alive. Hinton J says the section can be invoked after the spouse’s death by his/her Executors.

Her decision is couched with some qualifications. She says:

“It is clear... that, following a dissolution, a spouse can bring a s182 claim for the benefit of a child... It makes little sense... for the spouse’s personal representatives not to be able to do the same...[68]

... it may be, particularly if children do not stand to benefit, or if the provisions of a Will are entirely in favour of third parties, that an application by executors fails. However, that should not be a reason for a general rule

declining standing to executors of a deceased spouse” [76]

The Judge said:

“The cases will be few where a spouse dies and proceedings are still in reasonable time.” [76]

The term “a reasonable time” comes from section 182 itself. The section provides that claims are to be made “within a reasonable time” after the dissolution of a marriage or civil union. The term “reasonable time” has been interpreted generously. A delay of three and a half years was allowed in one case, and in analogous legislation, a delay of 10 years has been approved: see Fisher on Matrimonial and Relationship Property paragraph 6.7 fn 3. The prospect that the administration of an Estate might be suspended for three and a half years – let alone 10 years – is plainly ridiculous.

What are the implications of this decision?

The most obvious implication is that administrators and executors won’t know when they can safely distribute an estate.

Parliament has enacted three statutes which allow claims to be made after a person’s death and each statute imposes time limits for making claims, to allow for the orderly distribution of an estate’s assets.

The three statutes are the Family Protection Act, the Law Reform (Testamentary Promises) Act, and the Property (Relationships) Act. In general,

the first two require claims to be made within 12 months after probate has been granted and the third has a six month time limit for notifying an election to make a claim.

Parliament has in all three instances recognised the need for time limits to be imposed upon claimants so that estates can be administered within a reasonable time after a person’s death.

But Justice Hinton’s innovation has no specified time limit.

If a person dies, leaving an estate to be inherited by others, it is manifestly unfair that those people should have to wait for several years before the executors decide whether to issue a claim against trustees of a Trust. If the trustees eventually decide to sue, they may need to use the resources of the estate to fund the litigation, leaving the legatees to wonder if there will be any money for them in the years ahead.

A second consequence of the *Thakurdas* decision concerns the future of Trusts that are to be the subject of claims by deceased estates. Trustees who may be subject to a claim from a deceased estate may need to suspend distributions to beneficiaries pending knowledge of whether a claim will be made, causing substantial hardship to the beneficiaries – potentially for several years. The trustees may need to put

substantial sums aside for litigation to oppose such a claim, as well as making provision for a claim if it should succeed.

Trustees who try to avoid these delays and hardships by enquiring of representatives of a potential claimant whether a claim will be made, may empower the representatives to make a claim which would not otherwise be made, as the representatives will learn that they have substantial leverage to extort a benefit for the deceased estate.

If claims against an estate should be brought within a matter of 6 or 12 months, it is reasonable to require that claims by a deceased person’s estate should also be brought within a limited period. It is manifestly unfair that all those with rights and expectations in respect of Trusts should have to wait for as long as 10 years before it will be known if moneys can safely be distributed to beneficiaries.

Section 182 is a relic of the past, which could only be invoked in respect of couples who were married. Although the section has been expanded to cover couples who are parties to civil unions, it does not apply to couples who live in de facto unions.

We live in an era where there is general agreement that couples in a de facto relationship are to be treated in the same way financially as people who are married or who are parties to a civil union.

To expand the law for married couples (as the *Thakurdas* case does) but not for de facto unions is to prejudice couples in de facto unions in a way that Parliament these days would never allow.

This is an area where the Government is currently preparing draft legislation. The people who are drafting the new Trusts Bill should consider how section 182’s equivalent provision in England has been interpreted.

Lewin says that “property adjustment orders cannot be made after the death of the partners to the marriage” [page 380 fn 225] and Thomas & Hudson in *The Law of Trusts* second edition says much the same: see paragraph 52.20 fn 68.

The current New Zealand interpretation creates uncertainty and risks for Executors, lengthy delays in the distribution of bequests to beneficiaries, and prejudicial unfairness for co-habitees – a cocktail of consequences that is comprehensively unacceptable.

Readers may be interested to know that the Court of Appeal has given leave for Mr Thakurdas to appeal Justice Hinton’s decision.

This article was first published by ADLS in *LawNews* Issue 23, 13 July 2018, and is reprinted here, with some minor changes, with the permission of the author.

Study reveals legal professionals susceptible to mental health challenges

AS one of the more stressful of professions, the mental well-being of legal professionals is coming under the spotlight to provide lawyers and their co-workers with the help and support they might require.

And, says Kirsty Spears, legal recruitment consultant at McLeod Duminy, progress is being made, with the 2018 Salary and HR Issues Survey finding that legal staff are more open to discussing mental health issues than ever before.

“Good mental health is of obvious importance for individuals. This is also the case for a firm. Beyond the wellbeing of employees (which is typically a key consideration for most employers), good mental health drives the quality of the product being delivered to clients. Poor mental health does not encourage clear thinking, reason, emotional intelligence, insight or perception,” Ms Spears points out.

The annual ALPMA (Australasian Legal Practice Management Association) McLeod Duminy Salary and HR Issues Survey polls more than 100 firms and provides comprehensive, independent data on salaries, HR issues, benefits, bonuses, staffing profiles and recruitment intentions. This year’s research also included information on bonuses paid and parental leave.

Ms Spears points out that a discussion around mental health is crucial for lawyers because

they buck the trend in terms of risks. “For most, career success and a higher income leads to fewer mental health risks. For lawyers, it’s the other way around. Research from the University of Toronto shows the more success, the higher the stress levels and the greater the mental health risks.”

Last year, the New Zealand Law Society noted that international research suggests that people working in the legal industry experience higher rates of depression, anxiety and stress than in other careers (<https://www.lawsociety.org.nz/practice-resources/research-and-insight/practicetrends-and-statistics/how-healthy-are-newzealand-lawyers>). Ms Spears says this reinforces the necessity for employers to take note and make efforts to manage the mental health of their people.

“And the most recent survey shows that progress is being made. Managing mental health in the workplace is being recognised as a necessity, with respondents to the survey elevating its importance by four places from last year, showing an increase in focus.”

Factors which can contribute to mental health issues include inflexible work hours, particularly with many candidates concerned with work/life balance, supervision which can (depending on the personality) feel like additional pressure, merger and acquisition activity

(or any other major disruptions to the work environment), excessive expectations of perfection, excessive pressure from clients, working too long (including taking work home literally, or figuratively with connected devices), and seeking outlets for stress in drugs and alcohol.

A work hard/play hard culture is no longer aspirational, says Ms Spears, as more lawyers seek balance. “Young lawyers these days value their time and will vote with their feet. They are also less concerned about partnership, and so that carrot won’t work as well as it once did.”

Further challenges can come from unreasonable demands from clients, particularly if lawyers aren’t empowered to ‘push back’ or engage with partners.

“Leading by example is crucial,” says Ms Spears. “Partners should be demonstrating how to set and maintain realistic boundaries.”

And, while increased attention is being paid to mental health, Ms Spears says challenges remain which New Zealand’s legal firms should be sensitive to.

“Despite the gains made in general with high-profile public awareness campaigns, a stigma remains in society around mental health. It appears to be a bigger issue, still, in the legal profession. Lawyers are expected to tough it out, while

routinely being exposed to highly stressful situations and issues, so encouraging people to speak up and ask for help has never been more important.”

The same University of Toronto study identified the main reasons people do not seek help. These include:

- that seeking help is seen as a threat to career status and social stigma
- a feeling they should be able to handle it themselves
- not having time.

Ms Spears reiterates that positive approaches to better managing mental health in the legal profession start at the top.

“The right culture is essential. Balance, too, is important – people should have time to live their lives and explore their passions, including pro bono work. And within every firm, it should be clear on who their people should talk to and what level of confidentiality they can expect if they are struggling.

“But above all, it should be recognised by all in the legal fraternity that the nature of the work means a focus on mental health is important for the wellbeing of individuals – and by extension, all of the company.”

This article first appeared in *LawNews* Issue 21, 29 June 2018, published by ADLS, and is reproduced here with permission.

YLC panel event looks at ‘starting out’

THE Young Lawyers’ Committee ran an informative panel discussion on 20 August which examined some of the challenges for new entrants to the legal profession.

Around 50 attendees heard panel members Sally McKechnie, partner at Simpson Grierson, Jane Foster, General Counsel at the Office of the Privacy Commissioner, Mark McGinn, consultant and HR expert, and Oscar Upperton, Assistant Crown Counsel, Crown Law, draw on their wide experience from varied backgrounds to offer insightful comment on areas such as employer expectations, firm structure, workplace culture and self care.

Feedback from attendees of different levels indicated that they learned a lot and appreciated the realistic and honest responses.

The YLC is grateful to the panellists and to Chapman Tripp for hosting the event.



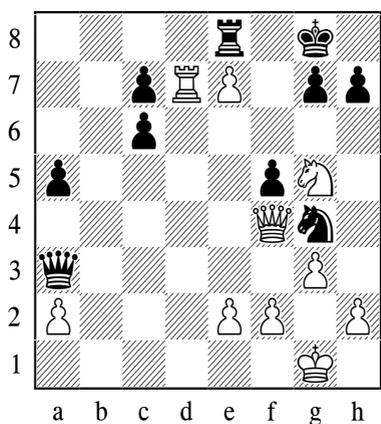
At the Young Lawyers’ Committee ‘Starting Out’ panel event, from left, were YLC member Bridget Sinclair, Sally McKechnie, partner at Simpson Grierson, Jane Foster, General Counsel at the Office of the Privacy Commissioner, Mark McGinn, consultant and HR expert, Oscar Upperton, Assistant Crown Counsel, Crown Law, and Tess Upperton and Charlotte Doyle both YLC members.

MADesign™
Answers: See page 2

1 What number should replace the X?

5	10	3
4	6	8
9	2	X

2 It is white’s turn to move. What should white do?



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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 the secretary:

Holly.Hedley@buddlefindlay.com

WILL ENQUIRIES

FOR URGENT ACTION

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

HEPI, William

Late of Upper Hutt. Retired. Died on 28 May 2018.

If you hold a will for the deceased, please contact:

Upper Hutt Law – Christine Reti
PO Box 40501, Upper Hutt 5140.
DX RP44501 DDI: (04) 282 0195
christine@upperhuttlaw.co.nz

HILL, Roland Francis

Late of Upper Hutt. Retired. Died on 3 August 2017.

If you hold a will for the deceased, please contact:

Upper Hutt Law – James Elliott
PO Box 40501, Upper Hutt 5140.
DX RP44501 DDI: (04) 282 0198
james@upperhuttlaw.co.nz

PUCKEY, Delta Dawn

Late of 1a Woodhouse Avenue, Karori, Wellington.

Date of birth 26 August 1975. Died on 3 February 2018.

If you hold a will for the deceased, please contact:

Parr Law Office – Luke Yaivasis
Tel: 04 476 6894
office@parrlaw.co.nz

TUNG, Kong Luen

Late of 56/320 Willis Street, Wellington.

Date of birth 2 February 1951. Died on 13 May 2018.

If you hold a will for the deceased, please contact:

Parr Law Office – Luke Yaivasis
Tel: 04 476 6894
office@parrlaw.co.nz

■ 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 494, Wellington.

Devil’s Own golf tournament

THE 84th Devil’s Own golf tournament will be held at Hokowhitu golf course, Palmerston North, from Friday 28 September to Sunday 30 September 2018.

Download the programme here:

www.devilsown.org.nz/pandr.pdf

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