COUNCIL BRIEF

The monthly newspaper of the WELLINGTON BRANCH NEW ZEALAND LAW SOCIETY

ISSUE 402 APRIL 2011

❑ President's Column

Reflecting on changing law practice

By Nerissa Barber

RECENTLY I viewed a work by leading New Zealand photographer, Laurence Aberhart. This was part of a series called *A Portrait of Law* commissioned as part of Law Week 1987, in association with Buddle Findlay and the Arts Council.

'Files, Wanganui' by Laurence Aberhart.

Files, Wanganui, taken in July 1986, encapsulates to me how law has changed, even over the last few decades from when I started legal practice.

The files on the floor seem to evoke an era past. The emptiness is eerie. The photograph gives the sense of the end of a long established legal practice. Where has everyone gone? The legal practitioners and their clients are no longer there. I can envisage the long established trust and confidence the clients, who were the subjects of those files, had in their legal advisers.

It seems not so long ago that I was working on files in a similar form to these. Some Wellington practitioners still do.

When I started practising law in 1990, there were few personal computers, no internet, no email, no online research tools.

Today, legal practice would be almost impossible without any of these.

Nowadays, running a law practice requires business management skills as well as being a legal practitioner.

Many of us work in open plan offices. There is no such thing as a morning or afternoon tea (nor lunch for that matter). Some of us 'hot desk', or work through remote access. Many of us type our own documents, and work without secretarial support.

For me, *Files, Wanganui* is both a memorial to the past, and a reminder that how we practise law continually evolves. We have to constantly adapt and change.

Practitioner survey

The recent survey conducted by our Branch identifies the needs of our Wellington legal profession in this changing world. A report is in this *Council Brief*. Thank you to everyone who participated and to Anne Molineux of Kensington Swan and a member of our Wellington Council, for instigating this survey and providing the most helpful report.

Branch practitioner survey

By Anne Molineux

IN December 2010 the Wellington Branch undertook a survey of Wellington practitioners to ascertain their attitudes toward and opinions of the services provided by the Branch.

The Branch received 413 responses to its survey, representing 16 percent of practitioners in the Wellington Region.

The survey showed that, on average, Wellington lawyers have accessed 2.9 of a possible seven services provided by the Branch in the past six months. The most popular services are *Council Brief* and *e-brief*.

The Branch also sought feedback on a number of proposed initiatives, including a charity dinner, law awards, more socialising/networking opportunities and a discount card. There was considerable support for a discount card and more socialising/networking opportunities. Practitioners were also asked to suggest other initiatives for the Branch to consider. Popular suggestions included best practice seminars, mentoring, and advocacy on behalf of members.

The Branch is looking at how it can turn these initiatives into reality.

A key theme arising from the survey is the need for the Branch to pay greater attention to practising certificate holders who do not work in law firms. Nearly half of Wellington practitioners work as in-house counsel. The Branch intends to focus on providing more services to these practitioners, starting with a function in the next couple of months.

We are grateful to practitioners who took the time to complete the survey. The results generated will assist the Branch to be more effective in advocating for, and servicing its members.

Council meets with Family Law Section reps

AS part of Council's ongoing meetings with key stakeholder groups, in March our Council met with Catriona Doyle and Kath Moran, representatives of the Family Law Section.

The Family Law Section provides a tremendous and much valued service to its members. Our current Wellington Council is very fortunate to have as its members several members who are members of the Family Law Section.

It was a great pleasure to meet Catriona Doyle and Kath Moran, who are pivotal in the success of the Family Law Section.

We hope to provide more events with the Family Law Section in the future.

Mr Liu Deyi, executive vice-president of the law society of Jianxi province and leader of a delegation from the China Law Society, presents a gift to Wellington Branch president Nerissa Barber, during a visit to the Branch recently. The Chinese delegation met local practitioners and other representatives and discussed matters of legal practice in both countries. The Wellington group who met with the delegation were practitioners Dr George Barton QC, Paul Logan, Penny Liu, Rocky Meng, Bernard Banks, John Steel, Rowland Woods, and Hock Lee, and Ruping Ye from the Council on Legal Education and Charles Finny from Saunders Unsworth.

Former mayor's entertaining account earns money for Christchurch

Kerry Prendergast, second from left, with Kylie Panckhurst, Rachel Burt and Colleen Singleton.

FORMER Wellington mayor, Kerry Prendergast, spoke to a capacity audience on 22 March about her journey from "Midwife to Mayor" and beyond.

Kerry's address was refreshingly frank, insightful and inspiring (stay tuned for a summary in an upcoming *Council Brief*).

The address was a joint event from the Wellington Women-in-Law Committee and IPENZ to celebrate the 100-year centenary of International Women's Day and to raise funds for the Christchurch earthquake relief efforts.

Every cent from the $10 admission fee went towards the cause with a total of $500 donated to the Christchurch Women's Refuge. Following the September 2010 earthquake there was a 53 percent increase in domestic violence incidents reported to the police and in the 30 days after, Christchurch Women's Refuge statistics increased by 30 percent (source: Women's Refuge CEO Heather Henare). After the February 2011 earthquake the refuge has been run off its feet and resources strapped, but doing a brilliant job.

Thanks to those who attended and many thanks to Kerry Prendergast for being so generous with her time.

We were saddened to learn that Kerry Prendergast's son Andrew passed away last week. We extend our deepest sympathy to Kerry and her family.

In this issue:

Lawyers on the Inside

The WWLA and Women in Law Committee invite you to join them to get the *inside scope on the inner workings of Parliament*

Debra Angus
Deputy Clerk of the House of Representatives

Rebecca Kitteridge
Secretary to the Cabinet/Clerk of the Executive Council

Catherine Rodgers
Legislative Counsel & Legal Adviser to the Regulations Review Committee

Wednesday 20 April 2011, 12:30-1:30pm
Level 8, New Zealand Law Society Building, 26 Waring Taylor Street

Free event – bring your lunch and relax.
RSVP to: claudia.downey@lawsociety.org.nz

Wellington Branch Diary April

Tuesday 5 April
Successful Delegation – the Key to a Profitable Business.
NZLS CLE Workshop. Terrace Convention Centre, 8.30am-1.00pm

Wednesday 6 April
Doing Business in Australia.
NZLS CLE Seminar. Wellington Convention Centre, 1pm-5pm

Wednesday 13 April
Christian Lawyers Association practice management lunch seminar, 1pm, Wellesley Boutique Hotel, Maginnity Street. Cost $15 (incl. light lunch) info@christianlawyers,org.nz

Valuation and Expert Financial Evidence in Relationship Property Matters.
NZLS CLE Seminar. Spectrum Theatre, 1-5pm

Thursday 14 April
Public Law Committee. Level 8 board room, 26 Waring Taylor Street. 1.00pm

Courts and Tribunals (Inc ADR) Committee. Level 8 meeting room, 26 Waring Taylor Street. 1.00pm

Wednesday 20 April
Lawyers on the Inside. Insight into the workings of Parliament.
WWLS and WIL. Level 8, 26 Waring Taylor Street. 12.30-1.30pm.

Wellington Branch Council meeting

Thursday 21 April
Immigraion and Refugee Law Committee. Meeting with Nigel Bickle, deputy CE Immigration, Dept of Labour. 1.30pm, Level 8 meeting room, 26 Waring Taylor Street.

Deadline for May issue of *Council Brief*

Thursday 28 April
Employment Law Committee. Level 3, 26 Waring Taylor Street. 1.00pm

LINX
New Zealand's legal research tool

Case summaries based on those written for LINX database. Copies of the judgments are available from the NZLS High Court Library: wellington@nzlslibrary.org.nz 64 4 473-6202 o 0800 FORLAW– 0800 36 75 29

Commerce Commission v Air New Zealand Ltd and Elmsly, Gregg and Turner – 10 March 2011 – Glazebrook, Arnold and Harrison JJ – CA 714-2009

COMMERCE COMMISSION
successful appeal by Commerce Commission – appeal related to the powers of the Commerce Commission under s100 Commerce Act 1986 (the Act) – HCJ had held s100 of the Act allowed the Commission, for the period it was carrying out its investigation, to make s100 orders prohibiting disclosure of any information or evidence given to the Commission in an interview under s98(c) of the Act. Air New Zealand (Air NZ) cross-appealed that conclusion and said s100 was intended to protect confidential information provided to the Commission – Air NZ submitted s100 did not empower the Commission to make blanket gagging orders, having the effect of preventing an interviewee from disclosing what was said at the interview. HCJ had also held that s100 orders were limited to information, documents, and answers given by a witness, and did not protect the questions giving rise to the answers or other materials put to the witness – Commission appealed that finding. HCJ had further held that the filing of proceedings in the High Court meant that any s100 orders ceased to have effect – Commission appealed against that finding, submitting that the orders could survive the filing of proceedings if the Commission was still investigating a matter – issues before the Court: – (a) whether s100 covered only confidential information provided to the Commission; – (b) if so, whether s100 orders could cover questions posed, and other material put, to a witness; and – (c) whether s100 orders could survive the issuing of proceedings – HELD: contrary to Air NZ's submissions, s100 was not limited to the protection of confidential information – the only limit in s100 was that any orders must be made for purposes related to the functions of the Commission under the Act – nevertheless, there was a difference between having a wide power and exercising that power – before any exercise of the wide powers in s100, the Commission must be satisfied that the order was necessary in the context of the particular investigation and the orders must be kept under review – powers contained in s100 were justifiable in terms of s5 New Zealand Bill of Rights Act 1990 – s100 orders could legitimately include questions as well as answers – they could also survive the issuing of proceedings, provided an investigation was still continuing – appeal allowed – cross-appeal dismissed.

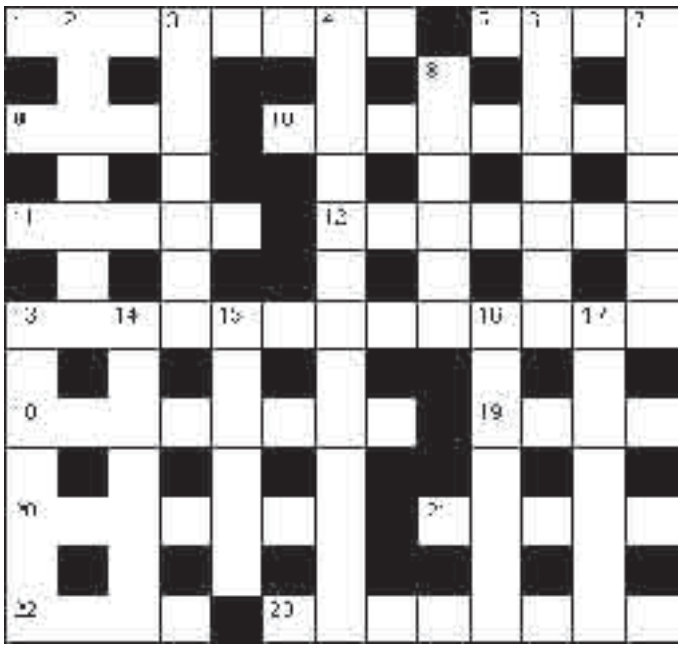
COUNCIL BRIEF CROSSWORD

You can use this diagram for either the Quick or Cryptic Clues, but the answers in each case are different. This month's solutions are on page 7.

Cryptic Clues

ACROSS
1. It's no good, being despondent (8)
5. Customs applications (4)
9. Thought I'd get an early start (4)
10. A greedy animal in many a wood (8)
11. Cheap cuts? (5)
12. Result of heavenly intervention? (7)
13. If they work, they help the rest (8,5)
18. Surprise shots in a melee (8)
19. Ridicules the tent supports (4)
20. Such twins were once inseparable (7)
21. Non-clerical people have a song about it (5)
22. Call for a napkin? (4)
23. Moneylender's overtures? (8)

DOWN
2. It could be first or second (7)
3. Model, formerly fat? (7)
4. Disagree in a capital way (5,4,4)
6. Knife that is a brave trophy to the Spanish (7)
7. It's shown by a person who's retiring (7)
8. Put away the chart and attend (4,2)
13. Possibly spares around Rumania's capital are more scarce (7)
14. Board transport in the middle of a violent rainstorm (7)
15. Written in captivity (6)
16. It's inherent in cereal (7)
17. Worn in early life, yet late perhaps (7)



Quick Clues

ACROSS
1. Finished (8)
5. Deeds (4)
9. Labyrinth (4)
10. Estrange (8)
11. Polite (5)
12. Reviling (7)
13. On purpose (13)
18. In company (8)
19. Cheek (4)
20. Result (7)
21. Odd (5)
22. Air (4)
23. Amaze (8)

DOWN
2. Speech (7)
3. Exact (7)
4. Garrulity (13)
6. Of the skull (7)
7. Landscape (7)
8. Come back (6)
13. Opening anthem (7)
14. Screw up (7)
15. Idea (6)
16. Postpone (7)
17. Unruly (7)

Legal Situations Vacant page 8

❑ **Library News**

Legaltrac database available through libraries and my.lawsociety

By Robin Anderson, Wellington Branch Librarian

IN my article last month I wrote about EPIC databases available through your my.lawsociety pages. This month I want to look at the **Legaltrac** database available to you in the libraries and through my.lawsociety pages.

Legaltrac indexes a large number of legal journals from around the world and includes some New Zealand journals. It indexes law reviews, bar association journals and legal newspapers. Some of these are available in full text as well or even as spoken files that you can either download or listen to. The indexing starts in 1980 and has more than 1.6 million items indexed!

On the database front page you will see a simple search box with buttons underneath that allow you to limit the words you enter to subject headings only, keywords or the entire document (the default option). There are also three tick boxes that give you some preset limits. Underneath those, the database highlights new articles on selected topics for your interest.

Use the box on the front page for most searching. I would recommend limiting searches to keywords first off to see how many results you get. Results come back to you with the most recent first. They are organised by article type – academic, magazines, books, news and multimedia. It is always worth looking at all categories. The orange bar at the top of the page also gives you other search options including browsing by subject, browsing by publication and advanced search, which gives you many possible search options to try.

Ticking the box to the right of the item saves it to a result list. After you have looked at all the results and selected ones you are interested in, you can go to this list by clicking *marked items* in the orange bar at the top of the page. You then tick which ones you want to keep and those results can be printed, downloaded or emailed to you.

Internet resources

New Zealand Gazette

The Department of Internal Affairs runs the New Zealand Gazette and offers it online. There are pdfs of issues since 2000 and you can search gazette notices from 1993 onwards too. Go to http://www.dia.govt.nz/Services-New-Zealand-Gazette-Index to access both of these options. If you want to search the Gazette prior to 2000 you can do so at the Wellington and Auckland libraries where we have access to a pdf version of the New Zealand Gazette from the beginnings in 1841 onwards. This service also has many of the provincial gazettes and the ordinances. The ability to search all of this wonderful resource is however limited because we can only use the searching provided by Adobe Acrobat, which is not as flexible as Google!

Canterbury update

The NZLS Library Canterbury will be operating from temporary premises together with the NZLS Canterbury-Westland Branch offices in Burnside from early April. Currently staff are working from home. Resources in paper will be limited, but all of the online resources will be available.

New books

Administrative Law – the Public Law Scene in 2011, NZLS. KM31.L1 NEW

Drafting Trusts and Will Trusts in New Zealand, Thomson Reuters. KN210.L1.Z3 KES

Limitation Periods, London: Sweet and Maxwell. KN355.A1 MAC

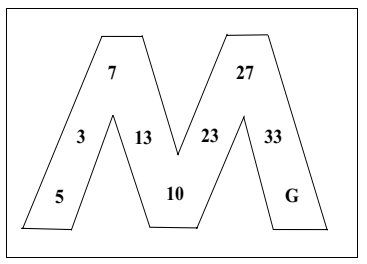
RMA for Property and Commercial Lawyers – Helping your Clients Navigate the Labyrinth, NZLS. KN94.L1 NEW

Securities Law in New Zealand, LexisNexis NZ. KN304.1.L1 STA

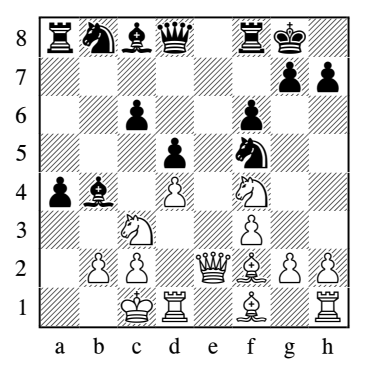
MADESIGN^m

Answers: See page 4

1 Replace the **G** with a number that completes the pattern of numbers found in the **M**:



2 Black has just played … Bxb4. What should white do?



BILL GAZLEY

Tribute to the late William Vernon Gazley

By Gary Turkington

DURING the last weekend in February, while in his ninetieth year, William Vernon Gazley slipped away quietly. He was mourned by his close family without fuss or public ceremony. He was a quintessentially private person and devoted family man.

Was it then that his professional life was sequestered from debate, fondness for respite, and aversion to the long travail of chambers? Oh, some of his opponents surely wished it so. But those that stayed the journey were usually left to marvel at his craft; and his clients the result. Let me explain.

This remarkable lawyer dominated the legal scene a generation or so ago in a way that few could have done (or dared). He was resolute and more; he was utterly fearless. It is entirely possible that the profession will never see another like him.

I first met "WV" or "Bill" as a law clerk around 1970-71. He and Gordon Black then occupied rooms in Bowen House, long since demolished in favour of a Parliamentary wing (they were never in partnership, despite their mutual occupation of an elliptical letterhead).

I had to serve a document upon him. Previous attempts by others had failed. Bill had a reputation for being "difficult" and even if his presence could be detected, his last bastion of defence was the inscrutable Chinese staff of Sadie and Percy Leong. On this occasion I trapped him in his rooms.

"What do you want?" he barked.

"I've come to serve a document," I said.

"Well, you'd better get on with it, then," he replied, "and while you're at it, sit down and I'll get you a cup of tea."

Bill and I never looked back. It was a warm relationship that I feel privileged to treasure.

When I returned from overseas in 1975 I rang him. "You wouldn't be interested in employing somebody, would you, Bill?" I inquired.

He laughed. "No, but I might be able to do something better than that. If you set up on your own, I'll send you some work."

And that is what I did. And he was true to his word. From time to time he would ring. I should meet him, he said, and have morning tea. It was always in his rooms, by now at the top end of Molesworth Street. It always consisted of a cup of tea and the largest sponge cake that you ever could imagine. He must have thought that married life and four young children were wearing me thin. For he pressed me with slice after slice until I could take no more. None for him mind: "Eat up now – I don't eat the stuff". Then he shuffled some files across, each with a handwritten note as to how the case should be handled.

During the sixties and seventies (and I am sure before then), and well before the introduction of the internet and online research, Bill researched every imaginable legal resource. He kept the references fully indexed at his home in Karori. All I had to do was ask, and a handwritten note would be provided, usually the next day, of every authority on the point.

Superlative cross-examination

Bill had a way with him in cross-examination that few could attain. He showed me that there was no short route home. Everything was in the preparation. In a long flowing hand, often with different colours, and on strips of paper taped end on end, Bill would pen a series of topics and questions. They formed a scroll that tumbled from one section to another. That way it could be carried into court or tucked into the middle of the file. At precisely the right moment the scroll was unravelled and questions then fired in a volley.

I have been cross-examined by Bill and I have seen him cross-examine others. It was not an experience that many enjoyed. Not because it was an harangue: it was downright pinpoint questioning borne of splendid preparation.

I remember a solicitor ringing me about a tenancy case where Bill was acting for the tenant and the solicitor for the landlord.

"This is a clear-cut case," explained the solicitor. "While the terms are disputed, I was there when everything was agreed and I have it noted – at least, most of it. Gazley's client won't remember a thing. All you have to do is turn up and I will give the evidence."

Those were the days when a ruck of cases was called in the civil list in the Magistrates Court at 10 am. Counsel took their place in the queue of three or four or more that were to be heard that day; each requiring a rough estimate of the number of witnesses only; totally unburdened with briefs of evidence, bundles of documents and all the flotsam of procedure that has become the expensive lot of the modern civil case. The case was duly called before Wicks SM in the old Arbitration Court where now stands the new Supreme Court (and before then a park). Bill cross-examined the solicitor, patiently and by reference to the typical scroll of notes that he had prepared.

"When did you take that note" (later when I got back to my office); "so did it not enter your professional mind to enter such an important term there and then" (well no but I remember it); "and have it signed" (well yes now I suppose I should have); and the term is not even recorded" (but I remember it); "witness (the errant were usually reminded in this way) answer the question, there is no record of it" (no). The solicitor withered and an oral judgment followed, (as was the custom). Judgment for the tenant with costs; "Call the next case Mr Registrar" intoned Wicks SM. So less one, the clutter of the daily list rolled on.

Nakhla v McCarthy

It was not only solicitors who needed to be concerned about Bill's tack. In the somewhat notorious case of *Nakhla v McCarthy*[1] Bill unsuccessfully sued the President of the Court of Appeal for damages for

Bill and Myra Gazley.

abuse of process and false imprisonment. It was alleged that he, in delivering the judgment for the Court, failed to address a point in a criminal appeal that Bill later took to the Privy Council and won. The Court of Appeal had omitted to deal with the issue of "frequenting" a public place with felonious intent.[2] Bill argued that a single brief visit to Oriental Bay by Nakhla, (who had underworld connections and had been set up by the police), to purchase some stolen jewellery amounted to no such thing. It may be noted that Nakhla called the whole thing off anyway. The gold rings offered him did not match his taste for diamond rings.

The police, hoping for a receiving, were left to struggle with something else and decided on the ill suited charge. At any rate, Nakhla's appeal against conviction and sentence of imprisonment were dismissed. Nahkla, who had been on bail meanwhile, was required to surrender and serve his sentence. But this perdition should not have happened. The judgment was there for the pricking. It had overlooked counsel's point. Writ and motion were now to follow. Bill moved that it had been given *per incuriam*.

A missing page was then delivered to his junior, Des Deacon [3] in Chambers by the President. It dealt with and rejected the frequenting point as had the Chief Justice in the Court below. The President said it had been inadvertently omitted from the judgment. Bill refused to accept it. He submitted the Court was now *functus officio*.

He briefed Paul Temm QC for the journey to the Privy Council. Bill never did appear there – it was too far from home and family. The result was a first for a criminal case from New Zealand. Their Lordships were untroubled by the point, observing that, "frequenting" embraced a "continuous or repeated" presence absent in the present case.[4] Had the argument been accepted by the Court of Appeal, Nakhla would have been free.

Polemics now followed including the unsuccessful foray for damages from the President. The audacity of some of the barbs in the suit was too much for the Wellington District Law Society and to this day there are some who felt its eventually successful disciplinary action against Bill should never have been mounted.[5] Bill was totally resolute and completely unmoved by all that followed. It dampened not a jot his appetite for suit against all comers.

He was jealous of any curbing of a barrister's "absolute" right of retainer by anyone, and the quixotic litigation (some would say) against various members of the Court of Appeal who denied him the right to act against a former client must be mentioned for its zeal, careful argument and profound occupation of a place in the law reports.[6] Or freedom to practise his own forthright style in family litigation when "guidance" was offered by the Wellington District Law Society to practitioners that appeared to rein him in: that too resulted in a writ against it that was withdrawn under an uneasy truce between them.

When I look back on his career, it would be a mistake to assume that those cases which attracted notoriety were all that marked the man. Not one bit. But the rich tapestry of his career would remain without all its panels should mention be made only of those that had such a marked impact on the development of the law, especially in matrimonial litigation. I include the status of separate property when used in business after marriage;[7] the equality of division in a share once acquired in the matrimonial home;[8] equal division of the matrimonial home regardless of contribution;[9] adjustment for dissipated assets;[10] and so many others.

Further fields also occupied his argument and included the then wholly new development in this country of the Anton Piller order;[11] the duty of disclosure when acting for both parties;[12] informed consent when borrowing from a client;[13] libel, constructive trust, copyright, criminal of all sorts – in the end I find the cases too numerous and their reporting in the New Zealand Law Reports so extensive that this tribute would be overtaxed by further mention of them.

❑ **Continued page 4**

❑ Letters

William Vernon Gazley

Dear Editor

Practitioners may have noted Bill's recent passing.

Doubtless there will be many and varied reminiscences about Bill and his impact on the law. For me, as a young practitioner in the seventies, the lines between fear, awe and respect whenever I picked up the phone and heard Bill's roar, ("*Gazley here*"), or received a letter from Bill, were initially difficult to perceive. Once I had succeeded in a case against Bill that changed.

Communicating with Bill taught me a number of things that I never forgot. Firstly, never to initiate any communication with him until I was at least 100 percent sure of my facts and the relevant law.

However, his greater legacy for me is his love of language and the importance of words. I cannot recall ever receiving a letter from Bill which did not contain a word with which I was not familiar. The first and most memorable example of this was in a matrimonial property dispute, probably under the 1963 legislation, where achieving equality for a wife was something of a struggle. The letter from Bill, acting for the husband, where I was acting for the wife, contained a counter-offer from Bill's client nowhere near 50 percent. Bill's letter expressed the view, in his inimitable, copacetic, succinct, but mordant manner, that this was as good as it was going to get; that if the offer wasn't accepted forthwith it would be withdrawn; and indeed I should convey to my client that "***it was a benison that the offer was made at all"***.

I have always looked for benisons ever since.

None would gainsay that Bill was no lickspittle – he feared no other advocate, nor judge, nor Law Society, and advanced his clients' claims fearlessly and in a nonpareil style, usually, but not always, with success.

Requiescat in pace Bill.

Alastair Sherriff, Buddle Findlay

ADMISSIONS

Debbie McClachlan, Anna Moughan, admittee Iain McLachlan, John McClachlan and Wellington Branch President Nerissa Barber.

Admittee Janette Andrews, James Andrews (front), Geoff Andrews and Aleece Andrews.

Admitted to the Bar

These candidates were admitted to the Bar at the Wellington High Court on 1 April 2011.

Samuel Francis Anderson
Janette Leonie Andrews
Layla Isho Eshow
Timothy Derek Grimwood
Jennifer Lauren Gwilliam
Nicholas John Law
Dirk Henning Lenz
Anita Vaseegaran
Iain Bruce McLachlan
Kiran Paima
Leonie Jane Short
David Michael Tonks Turner
Nicola Verbokkem
Nicholas James Wightman
Imogene Francis Bell
Roseanna Swee Hua Blakely
Britta Kristen Fromow
Laura Amy Goulter
Jennyfer Carolyn Jewell
Anita Leena Manga
Stacey Anne Naylor
Anthony Josef Pietras
Natasha Lyn Pollard
Julia Mary Robertson
Nyenyezi Marley Turner Siameja
Raymond John Wilson

Admittee Anita Vaseegaran, her husband Callum Hey, and her parents Vaseegaran and Amayavalli.

Moving counsel Miranda Grange, admittee Jen Jewell, Sam Jewell, Noreen Jewell and Richard Jewell.

These pictures were taken at a Law Society social event following the admission ceremonies on 1 April 2011.

Jo Hart and admittee Dirk Lenz, George in front.

Ester Verbokkem, Stephen Geuze, John Verbokkem, admittee Nicola Verbokkem, and her moving counsel Christine Baird.

Naina Manga, Nagin Manga, Anita Manga (admittee), Geeta Manga, and Anita's moving counsel Meena Parbhu.

CVs available at Wellington Branch

THE Wellington Branch NZLS holds the CVs of lawyers and people preparing for admission who are looking for employment. If you are looking for a researcher or a new employee (part time or full time) contact the Branch to see whether we can match up a candidate with the skills you are looking for.

BILL GAZLEY

❑ Continued from page 3

Tribute to Bill Gazley – Gary Turkington

Correspondence with practitioners

His correspondence with practitioners had style and he enjoyed others who he considered had the knack of expression. From time to time he showed me correspondence and affidavits drawn by George Kent, senior litigation partner of the then Buddle Anderson Kent.

"Look at the way George employs his language. You will do worse than to take note. There are few like him. His work is a pleasure to read. " And it was.

Bill admitted he was a practitioner who came to the point and sometimes quickly. You knew where you stood. In *Gordon v Treadwell Stacey Smith*[14] the Court of Appeal reproduced the following passage as capturing the "flavour" of the exchange from one of his letters against a solicitor who had, it was alleged, improperly lodged a caveat against his client and whose cheque for $2,000 to make amends was returned with:

> "Rather than submit to payment of $3,185 you have adopted an aggressive and inflammatory course of conduct that has already increased the damages and heads of damage against (nominally) Cancian. If you wish proceedings to continue and escalate, you can be so accommodated. If, on the other hand, you are willing to proffer a figure to reflect Cancian's nominal liability for damages, it will be considered. Already, Cancian is made liable for registration of the order ($55) a figure that I had been minded to overlook. Not now. There has been caused, through your activities, the expense of preparing a statement of claim and the agent's disbursements for filing and serving it $121.50.
> Battle or settle. The choice is yours,"

Trouble loomed when a rejoinder pronounced the last letter received as "adumbrated with a farrago unworthy of response" or advised "such gallimaufry has quite unnecessarily detained me". Famously, painstaking correspondence crafting a proposal was not always, but sometimes, crucified on the point of settlement by the economic answer that required no dictionary:

> "Dear Partners
> No.
> Yours faithfully
> W V Gazley."

Such was the success of his practice, particularly in relation to matrimonial property matters, that it was not unknown for one spouse to rush to Bill's rooms on the eve of separation only to be greeted with the dismaying news that Bill had already accepted instructions from the other. That spouse should look elsewhere.

In his twilight years, Bill withdrew from the hurly-burly and his practice devolved to his equally capable son, Dr M G Gazley. It continues to thrive today from the same rooms in upper Molesworth Street that he spent so many years.

During this time Bill devoted himself to his home and garden in Karori, not to mention the wonderful garden and retreat he cherished at Pukawa at Lake Taupo. So much so that the surrounding bush reserve is now administered by a trust set up by his son.

All the while, and even with a busy practice, Bill made a point of trekking up Johnston's Hill, nestled behind his home. He used to boast he never missed a day (until recently). My wife and I often met him on his journey.

"I hope you're keeping out of trouble," he'd say, and with a smile and wave of hand, he'd travel on, another walk done; another moment in nature spent.

Then in the last year or so, Bill gave the walk away. As his son explained, "He'd love to, but he just wasn't up to it anymore." Then, on his last day, Bill retrieved the morning paper, sat down in his chair at home, and passed away. That is how the family found him – a quietus to be cherished after such a fulsome journey. And in that voyage his late wife Myra was his rock and his five children including the late Paul, their partners and grandchildren were the foundation of his soul.

He was generous to me. And to many others, this I know. I shall remember him.

Footnotes

[1] [1978] 1 NZLR 291 (CA).
[2] S 52(1)(j) of the Police Offences Act 1927.
[3] I have omitted reference to his contemporaries as "late" in the interests of tiresome repetition – sadly most have passed on.
[4] *R v Nakhla* [1975] 1 NZLR 393 (PC); [1976] AC 1.
[5] *Gazley v Wellington District Law Society* [1976] 1 NZLR 452.
[6] *Gazley v Lord Cooke of Thorndon* [1999] 2 NZLR 668 (CA) et al.
[7] *Reid v Reid* [1982] 1 NZLR 147 (PC).
[8] *Dahya v Dahya* [1991] 2 NZLR 150 (CA).
[9] *Martin v Martin* [1979] 1 NZLR 97 (CA).
[10] *Johnston v Johnston* [1998] NZFLR 601 (CA).
[11] *Busby v Thorn EMI Video Programmes Ltd* [1984] 1 NZLR 461 (CA).
[12] *Farrington v Rowe McBride & Partners* [1985] 1 NZLR 83 (CA).
[13] *Sims v Craig Bell & Bond* [1991] 3 NZLR 535 (CA).
[14] [1996] 3 NZLR 281, 284 (CA).

MADESIGN[m]

Answers for puzzles from page 2

1. **G = 60**. The total of the numbers in each successive leg of the M is double the total of the numbers in the preceding leg: 15, 30, 60, 120.

2. White gains a piece via two forks: **1 Ne6** (forking black's Q and R)
2…BxNe6 2 QxBe6+ (forking black's K and N)
2…Kh8 (or 2…Rf7)
3 QxNf5

KAPITI PRACTITIONERS' BARBECUE

Trish Amor-Davy and Nikki Coulston.

Rachael Dewar, Jane Stevenson and Alfred Fairbairn.

Helen and Don Breaden – gracious hosts.

Stephen Burnett, Nikki Coulston and Helen Breaden.

Nigel Hughes and Rt Hon Sir Thomas Eichelbaum.

Kelly Jamieson and Emily O'Donovan.

Working hard in the 'engine room' chef Stephen Chubb.

Susie Mills and Daryl Strachan.

Claudia Downey and Colleen Singleton enjoy the facilities.

Alethea Lombard and Peter Quinn.

Changes to ERA practice note

THE Employment Relations Authority has updated its practice note *Steps to be taken in proceedings* to reflect the amendments to the Employment Relations Act which came into effect on Friday 1 April 2011.

There are three changes to the practice note:

- After the Authority has fully examined a witness, parties are permitted to cross examine a witness. Questions must be relevant, necessary, courteous and not repetitive.
- On the request of the parties the Authority may provide a recommendation to resolve their problem.
- Notes that Authority determinations are generally public documents and are published on the Department of Labour Employment Law database, which can be accessed through the Authority's website.

The updated practice note is now available in full online at www.era.govt.nz

COMMUNITY LAW CENTRE

Using restorative justice in schools

Felicity McNeill
Wellington Community Law Centre Lawyer

The Wellington Community Law Centre operates the Parents Legal Information Line for School Issues (PLINFO: 0800 499 488), which parents, caregivers and students around the country call for information about education law. We have recently released the fifth edition of PLINFO's partner publication 'Schools and the Right to Discipline'*, produced with the assistance of the Office of the Children's Commissioner. As well as having chapters on uniforms, schools fees, school rules, school searches, Boards of Trustees, school discipline, and all the other common education law issues,* 'Schools and the Right to Discipline' *includes a chapter on restorative practices in schools, an approach we endorse with its aims of keeping more students in school, for longer, and of addressing problems underlying the events which lead to disciplinary attention.*

The restorative approach

Restorative justice, and its associated practices, originated in the criminal justice system. In schools, a restorative approach is an alternative way to manage school relationships. One of its aims is to reduce the number of stand-downs, suspensions and expulsions in schools. It involves a paradigm shift, encouraging communities to recognise that children belong in school, and that student disaffection, under-achievement, non-attendance and exclusion are problems that the school community shares, and can therefore address together.

Restorative practices focus on repairing harm and restoring relationships. A key restorative principle is that the whole school community develops the rules together and is involved in finding ways forward when these rules are broken. Restorative processes can include restorative conferences, which are similar to youth justice conferences. Restorative conferences can involve the offender, the victim, school staff, whanau, community members if appropriate and, if necessary, the police. The purpose of the conference is to establish harm caused, why the harm was done, the wider emotional context, what is needed to put things right, and how the situation can be avoided in the future. The conference allows all involved to meet, and gain better understanding of the impact of the incident, the reasons for it and the preferred outcomes.

How would restorative justice deal with bullying?

Bullying problems in schools are front of mind for boards of trustees at the moment. Boards acknowledge the problem, but are frustrated with traditional approaches to dealing with it: victims feel unsafe as the process drags, and bullies often end up further disengaged from the education system, and on a negative track. Carefully-managed, properly-resourced restorative practices should empower victims by allowing early intervention and flexible steps to be taken to try to put things right.

Victims can have the opportunity to confront the bully in a safe way,, express their anger, and have the bullying student held to account for the harm done, in front of peers, family, and other community members who matter to the bullying student and who have influence over them.

The approach to bullying in a restorative school will depend on the model that school has developed for implementing restorative practices. A model can mean that low-level misbehaviour is addressed immediately and constructively by peer-led or teacher-led restorative conversations. More serious or recurrent misbehaviour leads to the involvement of counsellors, more senior staff, family members, other community members, possibly the police, and ultimately the board of trustees.

Key differences between traditional and restorative approaches to discipline

The use of traditional school discipline processes involving stand-downs, suspensions and expulsions, can be disruptive, and students who are suspended, excluded or expelled also often face re-enrolment difficulties, making continued engagement with the education system extremely difficult.

Traditional approaches to school discipline are generally punitive, and are based on the assumption that punishment will and can change behaviour and act as a deterrent. It does not take into account the needs of those who have been harmed by the wrongdoing, or the benefit of repairing relationships between people who are still likely to see each other regularly at school.

In contrast, the idea behind a restorative approach is that people need to take responsibility for the impact of their behaviour on other people. Often, the consequence of harmful, upsetting, disruptive or destructive behaviour is disconnection and damaged relationships. Connectedness, on the other hand, is important to young people, and can be a major factor in preventing destructive and anti-social behaviour.

Does restorative justice work?

It certainly can. In Christchurch, St Thomas of Canterbury College adopted a restorative justice programme in 2003 and has seen the number of suspensions and expulsions at the school significantly reduced. In 2010, no student was stood-down, suspended or expelled.

Implementing restorative justice in schools

Implementing restorative justice in a school requires a whole-school cultural change, involving on-going staff training and regular evaluation. Schools which have made the change suggest that it is worth the effort. While the restorative approach has a reputation as being in some ways a 'soft option' which involves a 'lighter sentence', in more significant ways this approach is often more challenging, because the process requires participants to be held accountable to people who matter to them. The restorative approach enables a school community to intervene at a turning point in a student's life, where they might otherwise face suspension or exclusion and their engagement with the education system may end. Arguably that result is worth the effort.

❑ *Schools and the Right to Discipline* is free to be downloaded from www.communitylaw.org.nz. Hard copies cost $20 for schools and other agencies. If you would like a copy, order by emailing the Wellington Community Law Centre info@wclc.org.nz.

Schools and the Right to Discipline provides links to other sources, including www.restorativeschools.org.nz

CONFIDENTIAL LISTENER

Someone to talk to when things get tough


Julia Coleman

THE Wellington Branch of the New Zealand Law Society wishes to introduce Julia Coleman who has agreed to provide services to members as a Chaplain on a voluntary basis.

Julia, who may already be known to many as Julia Black, practised law first in Christchurch at Duncan Cotterill in 1989. She then spent five years as a senior solicitor at the Wellington branch of Russell McVeagh in its litigation department, and then worked for five years as a Crown Counsel at the Crown Law Office in Wellington.

Julia is married to local barrister James Coleman and they have two boys, Jacob 13 and Sam 10.

In 2004 Julia left law to pursue a calling in Ministry and is now an ordained priest in the Anglican Church. She is licensed to the Karori Anglican Churches as an Associate Priest with responsibilities primarily for Outreach, providing service on a strictly confidential basis to the community. However, her ties to the law remain. Julia is a committee member and Chaplain for the Christian Lawyers Association in Wellington and has recently taken out a practising certificate as a barrister to help out her husband on an infrequent basis in the overflow of work from his practice as a barrister sole.

Both Julia and the Wellington Branch of the Society see the role of Chaplain as an evolving one. The recent Branch satisfaction survey showed that there is work to be done in engaging more practitioners with the Branch and one of the requests made was for support for practitioners facing the disciplinary process or other stressful factors in practice.

It is anticipated that Julia would provide a listening and confidential ear to any practitioner who felt that they were struggling for whatever reason. The Branch has agreed that anything said or disclosed to Julia will be in complete confidence and will not be reported back to the Branch or Society. Julia has said that she is very keen to help provide pastoral support to any members of the Branch and does so on the basis of someone who has practised law and understands how stressful it can be at times and how hard it can sometimes be to admit that we might not be coping as well as we'd like to.

Although Julia is an Anglican priest the service would be available to any practitioner regardless of their beliefs or convictions. Julia says it is her desire to just be useful and provide perhaps the safety valve we all need at times, for someone just to listen or to walk with us, in a non-judgemental way, if things are getting a bit tough. If there are health issues and practitioners want someone to visit them in hospital Julia says she would be more than happy to do this too.

At present, it is proposed that anyone wishing to speak with Julia do so by contacting the Branch office on a strictly confidential basis (phone 04 427 8978 or email wellington@lawsociety.org.nz) and requesting Julia to make contact.

Applications to Council

4 April 2011

The Council of the Law Society considers it appropriate that names should be published to the profession of applicants seeking to practise on their own account, seeking a Practising Certificate pursuant to s41 of the Act, or a candidate seeking admission.

If you have any comments to make concerning conduct on the part of any applicant listed below that you consider would have a bearing on that person's application please write, in confidence, to PO Box 494, Wellington by **21 April 2011**. If no comments have been received by that date, the applications will be referred to Council for consideration.

Applicants to Practise on Own Account

Pursuant to section 30(1)(a) of the Lawyers and Conveyancers Act 2006, applicants seeking to practise on their own account are required to satisfy the Council that they are a suitable person to practise on their own account. To assist in this assessment, the Society seeks references from persons, including previous employer(s), nominated by the applicant and conducts an interview with the applicant.

Batt, Christine Dorothea **Foster**, Peter **Gaines**, Simon
Hucker, Jeremy Leigh **Grant,** Lesley Anne

Candidates for admission as a barrister and solicitor

Candidates for admission as a barrister and solicitor are required to produce to the Court evidence to establish that they are of good character and that they are fit and proper persons for admission. The Law Society is required to certify that it has made full enquiry and is satisfied that the candidate is of good character and that the Society's Council knows of no objections to the granting of the application for admission. To assist in this assessment, the Society seeks references from persons nominated by the applicant and also a certificate of standing from the Dean of the law school attended.

Nguyen, Chi Mai
Cawthorn, Isabella Guinevere Frances
Foster, Darren Edward
Papuni-Iles, Roimata-O-Te-Ora Maureen Ura
Lui, Tina
Guy-Meakin, Esther Maren
Harris, Tracy Arianna Hinerangi

SHIRLEY SMITH ADDRESS

'The prisoners' dilemma and political systems'

2010 Shirley Smith address by Professor Nicola Lacey

A summary prepared by the Women-in-Law Committee

ON Wednesday 8 December a capacity crowd packed into Rutherford House to hear the 2010 Shirley Smith Address. The Address was made possible with the generous support of Thorndon Chambers, the New Zealand Law Foundation, and the Wellington Branch of the NZLS.

Esteemed University of Oxford based Professor Nicola Lacey presented the 2010 Address: "The Politics of Punishment". Below is a summary of parts of the Address:

Professor Lacey spoke of the latter part of Shirley Smith's career and how it was concerned primarily with the effects of poverty and ethnicity in shaping her fellow New Zealanders' lives.

In a previous Address, Dame Sian Elias gave a predictably astute and impressively passionate account of the ways in which criminal justice policy in this country had increasingly turned its back on the key question which Shirley Smith repeatedly posed: "how do 'blameless babes' turn into offenders, and what can be done about it".

In her lecture, Professor Lacey asked a somewhat different question, one in which she knew that Shirley Smith was intensely interested: Why has New Zealand attached itself to increasingly punitive criminal justice policies over the last 25 years, and, in particular, how far does this have to do with the shape of New Zealand's political system?

As Shirley Smith herself put it, "to provide only a prison at the bottom of the cliff is not a solution. Criminals will just go on falling into it, at great cost to the community". Eleven years on, and notwithstanding those huge social and economic costs, ever greater numbers of offenders are falling into the pit of imprisonment in this country. Why is this?

The Prisoners' Dilemma: the political logic of criminal justice policy

Professor Lacey spoke about recent scholarship on criminal justice in developed countries, saying that it has been preoccupied with sharp politicisation of criminal justice policy and a consequent increase in the degree of penal severity. The salience of law and order in electoral politics sits, in the view of this literature, alongside rising crime, economic forces and cultural factors in explaining the rising imprisonment rates and punitive penal climate of many Western countries since the 1970s. Yet, notwithstanding the obvious status of punishment as a product of political action, and the general acknowledgement that punishment has been moving up the political agenda, research shows different levels of punishment in different societies has tended to focus more closely on cultural, demographic and economic variables than on political ones. How, if at all, do factors like the electoral system, the availability of citizen-initiated referenda, the relationship between executive, legislature, judiciary, the status of the expert civil service bureaucracy, federal structures or the distribution of veto points around the political system, affect the formation of criminal policy?

Professor Lacey has a special interest in this issue, in particular the question of how political structures which facilitate consensus-oriented politics affect criminal justice.

Her starting point was the striking fact that, though most advanced countries saw proportionately comparable rises in crime from the early 1970s to the mid 1990s (since when most countries have similarly experienced a modest drop in crime), their reactions in terms of punishment had been markedly different. Looking at the trajectory of punishment over time and space, she noted that we could see a number of patterns: countries with lower levels of inequality, more generous welfare states, higher levels of unionisation and higher levels of social trust, for

example, showed consistently lower levels of imprisonment.

Professor Lacey spoke of her book, in which she argued that these differences could best be understood within the framework of an argument in comparative political economy known as 'varieties of capitalism'. Typically, the interlocking and diffused co-ordinated market economies institutions of co-ordination conduce to an environment of relatively extensive informal social controls, and this in turn supports the cultural mentalities which underpin and help to stabilise a moderated approach to formal punishment.

Professor Lacey discussed politics and gave an analysis of the political history of New Zealand and how politics fit into punishment. She spoke of the different electoral systems, with the co-ordinated market economies featuring, without exception, proportionally representative electoral systems, and the liberal market economies, with a small number of exceptions, first-past-the-post systems. She argued that it makes a substantial difference to criminal justice in a number of ways. Of indirect but real importance to punishment, the structure of the political system affects the capacity to build coalitions capable of providing stable support for long-term investment in institutions such as the welfare state, the education system and, crucially, the more welfarist versions of criminal justice intervention whose benefits are hard to quantify and are realised only in the medium or long term. More directly, the shape of the political system affects the ways in which perceived anxiety about crime or insecurity register in the electoral process.

Professor Lacey spoke about the two key lessons to be learnt from this literature. The first is that the move to proportional representation (PR) has had much less impact on the efficiency, decisiveness and stability of government than might have been expected, and that in particular the adversarial nature of Westminster-style first-past-the-post politics has largely survived. The second is that the move to an electoral system which facilitates the parliamentary representation of smaller parties, and which makes minority and hence coalition government a virtual certainty, has somewhat increased the number of parties which win seats, but to a relatively moderate degree. This means that it is in the interests of the two large parties to form coalitions which leave their hands free to pursue their traditional agenda on socio-economic measures. And this in turn implies that they are likely to be relatively relaxed about compromising on particular issues such as law and order, where a small, populist party makes specific policies a condition of coalition or a confidence and supply agreement.

Professor Lacey discussed the formation of the Sensible Sentencing Trust in 2001 and its impact with legislation – the Sentencing, Parole and Victims' Rights Act – encouraging judges to make more use of maximum penalties, placing restrictions on parole; making provision for victims of crime to have a 'say' in sentencing and parole proceedings; and extending the application of preventive detention as a possible sentence to first offenders over the age of 17.

The small parties in this country have been strongly shaped by single issues or constellations of issues, becoming the potential voice of the 'floating' or reluctant voters, disaffected with the two main parties, which were a feature of the pre-existing first-past-the-post system. These issues include crime and immigration. Given the salience of 'law and order' to the pre-existing majoritarian political system and the relatively polarized social and economic relations, and levels of inequality, typical of liberal market economies, we might have expected that some of these parties would be tempted to focus on criminal justice interests such as victims' rights. Add to this equation the additional salience given to criminal justice by the referendum system, and the fact that single issue parties are attractive coalition partners for larger parties, in that they do not place policy constraints in relation to economic issues which are those parties' key electoral platform; and it begins to become clear why PR, instead of moderating 'law and order politics', had in New Zealand the potential to give them a new spin.

Professor Lacey asked where this proposition leaves those who share Shirley Smith's view that 'prisons at the bottom of the cliff' are not a solution to crime? Professor Lacey said her argument may be seen as a recipe for despair about the prospects for a return to a more moderated prisons policy in this country, but she wanted to end on a more optimistic note. First, it must surely be possible to interpret – or to amend – electoral law to prevent any future *de facto* evasion of the 5% threshold which is key to the design of PR in this country. Second, there are several features of the PR system which should, over time, militate towards a moderation of punitiveness.

Professor Lacey spoke of the challenge to look closely at just how political action can counter existing institutional tendencies – and to consider how to reshape institutions to temper the unreflective responsiveness invited by a simple 'yes/no' voting structure or the recording of unconsidered views, whether at a sentencing hearing, in a referendum vote, or in an opinion poll. Research on public attitudes to crime and punishment in a number of countries show that these attitudes are highly contextual, and that the punitive reactions regularly reported in key parts of the news media are not the whole story. The future, it seems, lies in the construction of policy-making institutions which are accountable to the popular will in the medium term, but not reactive in the short term; which are transparent in their operations yet protected from external pressures; and which operate through reasoned deliberation rather than through simple voting.

Professor Lacey concluded that it is time to apply some of the inspiring energy and commitment which characterised Shirley Smith's life and to work towards institutional reforms which will inject greater reason and humanity, more evidence, less anger, and less short term political advantage into criminal justice policy-making.

If you are interested in reading Professor Lacey's Address in full, check out the Victoria Law Journal later this year.

COUNCIL BRIEF

The monthly newspaper of the WELLINGTON BRANCH NEW ZEALAND LAW SOCIETY

Advertising Rates: casual or contract rates on application. Telephone Robin Reynolds, Reynolds Advertising, Kapiti Coast (04) 902 5544, e-mail: adman@paradise.net.nz. Rates quoted *exclude* GST.

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ABC

Crossword Solutions

From page 2

Cryptic Solutions

Across: 1 Hopeless; 5 Uses; 9 Idea; 10 Mahogany; 11 Snips; 12 Eclipse; 13 Sleeping pills; 18 Astonish; 19 Guys; 20 Siamese; 21 Laity; 22 Ring; 23 Advances.

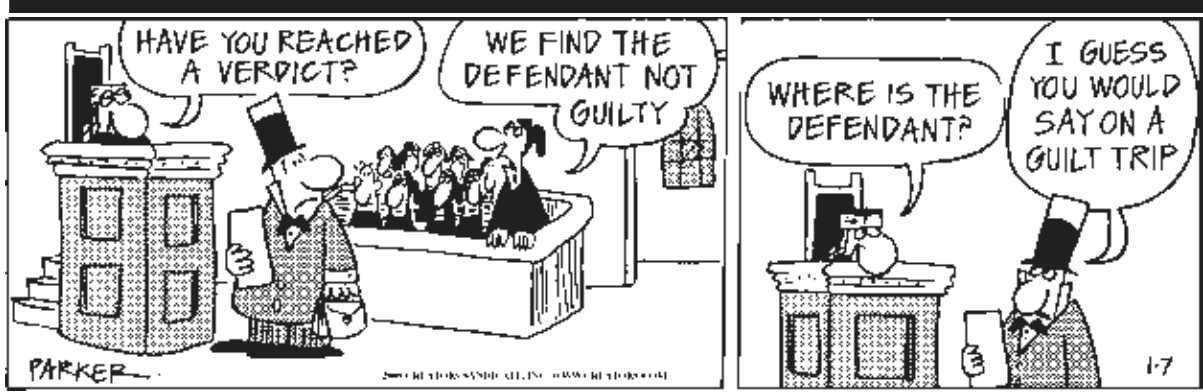
Down: 2 Ordinal; 3 Example; 4 Shake one's head; 6 Scalpel; 7 Shyness; 8 Roll up; 13 Sparser; 14 Entrain; 15 Penned; 16 Ingrain; 17 Layette.

Quick Solutions

Across: 1 Complete; 5 Acts; 9 Maze; 10 Alienate; 11 Civil; 12 Abusive; 13 Intentionally; 18 Together; 19 Jowl; 20 Outcome; 21 Queer; 22 Tune; 23 Astonish.

Down: 2 Oration; 3 Precise; 4 Talkativeness; 6 Cranial; 7 Scenery; 8 Return; 13 Introit; 14 Tighten; 15 Notion; 16 Adjourn; 17 Lawless.

THE WIZARD OF ID



SITUATIONS VACANT

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Martin Lenart
Email: martin@maloo.co.nz
Tel: 021-2489452

PROFESSIONAL DEVELOPMENT

FACTS ARE SACROSANCT

The third of the NZBA Professional Development Seminars for litigators at every level – Tuesday 3 May 2011

The New Zealand Bar Association is launching the third of its series of seminars for litigators – *Facts are Sacrosanct.* It is trite that more often than not if a litigator looks after the facts, then the law will often look after itself. Facts will therefore be the central focus of the seminar in **Wellington on Tuesday, 3 May 2011**.

The seminar focuses on the interaction between legal principles and facts both in the civil/regulatory and criminal areas. Litigators will learn about:

- Discovering and pursuing the relevant facts (including the various tools available for that purpose)
- Pleading/denying facts
- Case theory
- Preparing briefs of evidence.

Presenters include: Gerard Curry, Mary Scholtens QC, Tim Castle, Sandy Baigent, Grant Burston, Les Taylor, Ken Johnston, Rebecca Scott and Richard Thompson.

Attendees should also look out for a short 'test' on their fallibility of memory/observation.

The seminar will be at Chapman Tripp, Level 17, Maritime Tower, 10 Customhouse Quay, Wellington from 1.15pm - 5.15pm. There will be an opportunity for drinks at the conclusion of the seminar.

Facts are determinative and this is a seminar that should not be missed by any litigator. Places will be limited.

Details are available from the New Zealand Bar Association's administrator, **Lisa Mills**, at **nzbar@nzbar.org.nz** or **(09) 303 4515**.

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Public Defence Service comes to Wellington

THE first Public Defence Service office outside Auckland opened for business in Wellington on 28 February 2011.

The Wellington PDS is dealing with cases in the Wellington, Lower Hutt and Porirua district courts and in the Wellington High Court. The service is expected to employ around 15 lawyers.

A Wellington-based barrister, Sandy Baigent, has been appointed Public Defender Southern. Sandy has practised as defence counsel in all courts and various tribunals, and her career focus has been on criminal defence litigation.

She began practice as a barrister in 1989, and most recently was a member of Capital Chambers. She holds all Legal Services Agency criminal legal aid provider listings, up to and including category 4, and duty solicitor, mental health, PDLA and civil provider approvals.

The LSA says PDS lawyers need to meet the same requirements as private lawyers and PDS senior lawyers manage and supervise their junior staff to ensure that they provide a high quality service for defendants and that continue to develop their skills. They are required to adhere to Agency policies in relation to this, so are subject to the same rules and restrictions as private lawyers.

The PDS has received enthusiastic support from others operating within the wider criminal justice environment – judges, courts staff and prosecutors. Feedback from the judges, court staff and others indicate that the quality of the service continues to be very high and provides a benchmark for other legal aid services.

As in a number of other courts, leadership of the duty lawyer service in Wellington will be provided through specialist duty lawyer supervisors to be appointed within the PDS. This will offer improved oversight and leadership of the day-to-day operation of the duty lawyer rosters. PDS lawyers will provide approximately a third of the duty lawyer requirements.

The leadership of the PDS takes a particular interest in training and professional development, and lawyers at all levels are supported to develop their abilities with a focus on maintaining a high quality service for defendants. This approach has attracted high calibre lawyers at all levels of seniority into the service.

A formal independent evaluation found that the PDS achieved cost savings with no difference in outcome for the clients as measured by overall conviction rates. It also found that the PDS maintained or improved the quality of legal services.

Since its commencement, the PDS has benefited from attracting staff who reflect the diversity of the legal aid client base including Maori, Pacific Island, Asian and Pakeha lawyers and administrators.

❑ **This article on the Public Defence Service was provided by the LSA**

Law student Rebekah Tutty, Claudia Downey, Liz Medford and Colleen Singleton at the Law Society stand.

At the Duncan Cotterill stand, the firm's human resources manager Kirsty Allott, left, and Associate Jonathan Scragg, with Colleen Singleton and a law student.

Society attends VUW jobs expo

THE Wellington Branch was represented at the Commerce and Law Careers Expo at Victoria University recenty.

Manager Colleen Singleton said she and administrator Claudia Downey spoke to around 75 students and were able to inform them about the role of the Society.

Several law firms had stalls, though in smaller numbers than accountancy firms, corporates, government departments and the like, and there were correspondingly fewer law students attending.

Jonathan Spragg, an associate at Duncan Cotterill, said his firm had not previously attended the expo and found it to be useful. He had spoken to number of students who may be of interest to the firm, though more would have been better. "It would have been nice to have seen more law students there … and it would be better to have more law firms."

Kelly Doyle, national human resources manager with DLA Phillips Fox, says career fairs are an excellent way to reach students. "It gives them a chance to speak to staff and find out what a career at DLA would be like – it's more personal than viewing websites."

While her firm would have liked to meet more law students, the quality of those they met was excellent.

Liz Medford, Victoria's manager of career development and employment, says that this careers expo is one of a series held during the year. Holding a specifically law event was difficult, in part because it could not be held in the Law Faculty because of DoC restrictions on the building's use, though using Rutherford House was a possibility.

She says that in recent years law firms have not been so keen to attend careers events. "People have become busier, there's more reliance on online contacts, and many law firms are involved in other university activities such as mooting and think that students will already know of them."

"We would love more law firms to come. Students find value in meeting people from different firms – they can clarify different options, some they have not thought of, and find out if a particular firm is a good cultural fit for them – you just have to talk to people from firms to discover these points.

She said it was useful that the Law Society had been present. "The earlier students learn about professional associations and the training, career and networking opportunities, the better," she said.

WILL ENQUIRIES FOR URGENT ACTION

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

BAKER, Bruce Ian
Late of 6 Maldive Street, Khandallah, Wellington. Also owning a property at 86 Hedges Street, Sandson.
Died in Wellington
on or about 24 March 2011.
Macalister Mazengarb (Mike Pope)
PO Box 927, Wellington
DX SP26502
Tel 04 472 5131 Fax 04 473 3509
mike.pope@macalistermazengarb.com

ELESONI, Masiu Taulaiki
Late of 261 Adelaide Road, Newtown, Wellington.
Joiner. Aged 52.
Date of birth 13 April 1958.
Died at Wellington on 10 January 2007.
Public Trust (Daniel Monaghan)
PO Box 31542, Lower Hutt
DX RP42038
Tel 04 978 4860 Fax 04 978 4931
Daniel.Monaghan@publictrust.co.nz

ELESONI, Vivali Sifahetoa
Late of 261 Adelaide Road, Newtown, Wellington.
Retired. Aged 75.
Died at Makefu, Niue Island, on 16 August 1996.
Public Trust (Daniel Monaghan)
PO Box 31542, Lower Hutt
DX RP42038
Tel 04 978 4860 Fax 04 978 4931
Daniel.Monaghan@publictrust.co.nz

RAMEKA, Amiria Ngarino
Late of 18A Rotokaura Street, Taupo.
Widow. Died 12 December 2006.
Paino & Robinson (Brenda Auckram)
PO Box 40955, Upper Hutt
DX RP44015
Tel 04 527 8585 Fax 04 527 8557
brenda@paino-robinson.co.nz

- **The charge for publishing a will notice is now $57.50 including 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.**