

# LawNews

adls.org.nz

## YOUNG LAWYERS

### Sir Anand's words of wisdom to student prizewinners

*Law News* recently had the opportunity to attend the University of Auckland Law School's Law Student Awards evening on Tuesday 2 May 2017.

Dean Andrew Stockley welcomed everyone to this year's celebration of what the Law School's "best and brightest" have achieved, and thanked those who have sponsored prizes to enable the students' accomplishments be recognised in this setting.

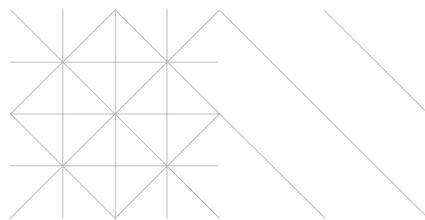
He commended the commitment and perseverance of the prizewinners who have lived up to what they have learnt at the Law School, truly understanding the meaning of hard work, application and the importance of giving of their time to different sectors of the community.

Prizes were given out to student leaders and the winners of academic subject prizes at both undergraduate and postgraduate level. Dean Stockley noted that Auckland Law School offers the largest number of undergraduate electives out of all of the country's law schools, and also has the largest LLM programme in New Zealand (and more LLM students than all of the other universities combined).

The premier award of the evening, given to the best law student of the graduating class, was the "ADLS Prize for the Top Law Undergraduate". This year's prize was taken out by Linda Sullivan, who also received a Faculty of Law Dean's Academic Excellence Award and a Senior Scholar Award.



*Linda Sullivan (pictured at centre, with Deputy Dean Susan Watson and Dean Andrew Stockley) receives the ADLS Prize for the top law undergraduate at the recent University of Auckland Law School's Law Student Awards evening.*



The winners of a wide range of competitions (both local and international) were also applauded, with moot and commercial mediation teams from Auckland Law School once again featuring particularly strongly overseas, and in several instances achieving top rankings against stiff competition from other countries.

This year's student prizewinners were fortunate to hear insights from "one of the Law School's most notable alumni", the guest speaker for the evening, Sir Anand Satyanand. Highlights of Sir Anand's long career of service to the law in New Zealand include his time as a District Court judge, his 10-

year term as Ombudsman for New Zealand, and his service as Governor-General from 2006 to 2011.

But Dean Stockley also commented on Sir Anand's commitment to the Law School as a Distinguished Fellow – "He hasn't just taken the title, but he has lived it" – coming in every month and speaking to students, judging competitions and taking part in initiatives such as the Equal Justice Project (or EJP).

Sir Anand told the assembled students that he had almost finished writing what he described as "an orthodox speech by a senior member of the legal profession", which would have included the usual messages to young graduates about making the most of what they had learned while at law school, keeping in contact with their peers, etc.

However, while writing the peroration, he said that he was inspired to go beyond what might usually be said in such situations, and to rewrite his speech in light of a book he had been reading by American

**Continued on page 2**

# Sir Anand's words of wisdom to student prizewinners

*Continued from page 1*

surgeon, writer, and public health researcher, Atul Gawande (*Being Mortal: Medicine and What Matters in the End*).

Sir Anand took five challenges posed by Dr Gawande to graduating medical students, and decided to reframe them in the context of giving food for thought to law students beginning their journey into the legal profession.

The first challenge posed by Sir Anand was, "Ask an unscripted question." "Lawyers should never lose the ability to ask questions, nor the faculty of being inquisitive," Sir Anand said. "Asking questions and being inquisitive can only lead to trouble in very limited circumstances."

"Don't complain," was the second suggested piece of advice. "As lawyers and law students, you have acquired the skills to identify flaws and mistakes," Sir Anand told the assembled crowd. But he reminded them that they have also acquired skills which will help them resolve such issues. "Instead of complaining, do something about securing redress," he suggested.

"Count something," was his next recommendation, describing this as "shorthand for observing and recording" issues that arise, and considering the appropriate action to take if they recur.

Next was, "Write something." At law school, students acquire skills in legal writing and will find many opportunities to write formally (briefs, submissions, correspondence, etc.) as they progress through the profession. But Sir Anand encouraged them also to consider "writing for journals and blogs", as the essential legal skills of writing and documenting "benefit from continued polishing and improving".

Finally, "Change." "The world in front of all of you is one where you will apply your skills in a number of ways," Sir Anand said. "Do not feel hidebound by the choices you have made to date. Be willing to back yourself and make change resolutely if it is warranted."

In closing, Sir Anand quoted two other inspirational



Sir Anand Satyanand

✦  
The world in front of all of you is one where you will apply your skills in a number of ways. Do not feel hidebound by the choices you have made to date. Be willing to back yourself and make change resolutely if it is warranted.

✦  
Sir Anand Satyanand

figures who had words of wisdom on making the most of the opportunities that lie ahead.

First, champion New Zealand motor racing driver, the late Bruce McLaren, who said:

"It would be a waste of life to do nothing with one's ability, for I feel that life is measured in achievement, not in years alone."

Secondly, he echoed the words of the late Steve Jobs, co-founder of Apple:

"Your time is limited, so don't waste it living someone else's life. Don't be trapped by dogma – which is living with the results of other people's thinking. Don't let the noise of other's opinions drown out your own inner voice. And most important, have the courage to follow your heart and intuition. They somehow already know what you truly want to become." ✦

## LawNews

LawNews is an official publication of Auckland District Law Society Inc. (ADLS).

**Editor:**  
Lisa Clark

**Publisher:**  
ADLS

**Editorial and contributor enquiries to:**  
Lisa Clark, phone (09) 303 5270  
or email [lisa.clark@adls.org.nz](mailto:lisa.clark@adls.org.nz)

**Advertising enquiries to:**  
Chris Merlini, phone 021 371 302  
or email [chris@mediacell.co.nz](mailto:chris@mediacell.co.nz)

**All mail and editorial departments to:**  
ADLS  
Level 4, Chancery Chambers,  
2 Chancery Street, Auckland 1010  
PO Box 58, Shortland Street DX CP24001,  
Auckland 1140. [adls.org.nz](mailto:adls.org.nz)

LawNews is published weekly (with the exception of a small period over the Christmas holiday break) and is available free of charge to members of ADLS, and available by subscription to non-members

for \$133 plus GST per year. If you wish to subscribe please email [reception@adls.org.nz](mailto:reception@adls.org.nz).

©COPYRIGHT. Material from this newsletter must not be reproduced in whole or part without permission. LawNews is published by Auckland District Law Society Inc., 2 Chancery Street, Auckland.

## UPDATE FROM ADLS' CRIMINAL LAW COMMITTEE

# Defence counsel beware when speaking to the complainant

By John Hickey and Anthony Rogers on behalf of the Committee, with the assistance of Ella Stolwerk of Auckland Law School's Equal Justice Project

There are cases (for example, involving a charge of male assaults female or similar) where the defendant arrives at Court accompanied by the complainant, and both approach defence counsel.

In some instances, the complainant will tell defence counsel that he or she no longer wants to give evidence against the defendant, and does not want the defendant convicted. Sometimes, the complainant will make comments indicating that the Police allegations about what happened are incorrect or that they are a fabrication.

Defence counsel should be aware of the risks of choosing to discuss the charges with the complainant. Allegations of inappropriate influence by counsel can be made that may taint their client's defence or bring themselves within the purview of disciplinary complaint.

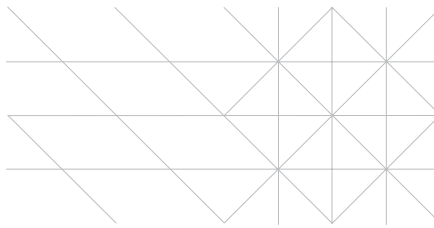
On this topic, we note an item in a past edition of *LawTalk* (Issue 886, 22 April 2016, at pages 41 and 42), which discussed an instance of a lawyer being censured and fined by a Lawyers Standards Committee for his conduct in taking a "retraction statement" from the complainant. From the article, it appears that this was because defence counsel acted where there was a conflict of interest and failed to provide independent legal advice to the complainant. The article noted that:

- ♦ the Police do not have to withdraw even if the complainant retracts;
- ♦ the complainant may be subject to a charge of attempting to pervert the course of justice or perjury;
- ♦ the complainant might put his or her status as a reliable person and well-being at risk by such a retraction; and
- ♦ on reviewing the case, the Legal Complaints Review Officer (LCRO) upheld the Standards Committee's findings of a fine and publication of the facts.

The ADLS Criminal Law Committee also notes that, where a complainant has retracted his or her allegations, the Police might not process such a complaint as seriously on a subsequent occasion.

Another reported instance where defence counsel spoke to the complainant is *Harold v Legal Complaints Review Officer and Auckland Lawyers Standards Committee* [2012] HC 145. Initially, the

❖ The Committee agrees that it is best practice for defence counsel not to speak to the complainant. This is particularly true for more novice defence counsel who may get themselves into strife while believing that they are helping their client. ❖



Auckland Lawyers Standards Committee and LCRO upheld a complaint against counsel, but on appeal, those decisions were declared to be invalid and were set aside by Asher J.

The substance of the *Harold* complaint was with regard to the conduct of defence counsel in discussing matters with the complainant. The claim was that defence counsel had breached a convention that defence counsel should notify the Crown before interviewing a person when counsel is aware that person is a Crown or police witness.

Asher J found that the complaint was not proven on the basis that:

- ♦ Both the Standards Committee and the LCRO had erred in law. Instead of engaging correctly with the relevant Rules of Professional Conduct for Barristers and Solicitors (the Rules of Professional Conduct) under the *Law Practitioners Act 1982*, the Standards Committee had imposed its own perception of good practice and found that there was a convention requiring that the Police or Crown should be notified before speaking to the complainant. His Honour found this finding untenable.
- ♦ The LCRO was found to have made a further error in law by giving primacy to alternative guidelines utilised by the Waitakere Family

Violence Courts. The Rules of Professional Conduct were applicable.

Both Rules 8.05 and 10.08 (of the then Rules of Professional Conduct (7th Edition)) set out the proposition that no practitioner had the sole right to call a witness or discuss the case with a witness (see *Harold*, para [37]). Prior to a preliminary hearing, counsel is not prohibited from speaking to a Crown witness without giving notice. However, counsel should have given notice to the Crown after a preliminary hearing of an indictable matter (para [38]).

Asher J also referred to Rule 13.10.04 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (the 2008 Rules), which were not in force at that time. His Honour took the view that the Standards Committee failed to take into account the Rules because it took the view that a convention existed that had the effect of overriding the Rules (see para [45]).

We note the footnote to Rule 13.10.4 of the 2008 Rules states:

"Where a lawyer proposes to interview a witness for the other side, it is prudent to inform the lawyer representing the other side of this fact, especially in respect of sensitive criminal matters where it is important to take steps to avoid any suggestion of it interfering with the course of justice."

Further, Rule 13.10.6 states:

"A lawyer must not discourage a witness or potential witness from discussing the case with the lawyer acting for the other party ... a lawyer is however entitled to inform a witness or potential witness of the right to decline to be interviewed by the other party and of any relevant legal obligations."

A footnote to Rule 13.10.6 also states that:

"... a lawyer may discuss matters with the witness at any stage up to the commencement of cross examination. A witness may however simply volunteer information to a lawyer."

The Committee emphasises that, as noted by Asher J, there are risks for defence counsel in speaking to the complainant. Members of the Committee were divided about whether defence counsel should speak to the complainant at all, but overall, the Committee agrees that it is best practice not to do so. This is particularly true for more novice defence counsel who may get themselves into strife while believing that they are helping their client.

The Committee would encourage defence counsel to instead refer the complainant to an independent lawyer, court victim advisor or the Police prosecutor. ❖

# Microsoft Word – an important office workhorse

By **Carlene O'Meagher**, Senior Business Analyst, Chapman Tripp

"Oh my gosh, I wish I'd known that two weeks ago!"

If I had a dollar for every time I heard that, I could have retired from training Microsoft Word a long time ago.

Partly, it breaks my heart hearing people say that, because I can relate to the frustration they must have experienced – stuck in the office late at night, manually fixing up the formatting in a long document when they should be proof-reading the content.

But hearing that also underscores the importance of Microsoft Word in most offices in New Zealand – not just law firms – and how crucial it is to know how to use it.

Part of my role at Chapman Tripp is to train our new staff on our office IT systems, and I never have to tell them what Microsoft Word is. In the last ten years, Google has made moves into the Office Apps space with Google Docs used by many students (school and tertiary). But in the corporate world, Microsoft Word has enjoyed enormous market share for years.

This month, TechnoLawyer (a US Legal Technology resource) published statistics indicating that 86% of its members use Microsoft Word. My experience is that, after Microsoft Outlook, Word is the second-most used PC application in New Zealand law firms.

So, for such a widely-used tool in the legal sector, there is value in making sure your team knows how to use it properly. Over the years, Microsoft has released different versions of Word but, fundamentally, the product still does the same thing as it always did – produces pieces of A4 with your drafting on them.

Legal documents tend to be long. Late at night, a tired solicitor can fix up a three-page document with a bunch of manual fixes. But when you are



Carlene O'Meagher

talking about a 200-plus page agreement, fixing up the numbering manually will not only take a huge amount of time but it also starts to affect the quality of your product. Those are the hours you should be proof-reading the content, not fixing up the format.

## Where can it go wrong?

When lawyers have spent time carefully drafting their documents – and when it is time to send them to clients or other firms – they want the finished product to look as professional as possible. The following mistakes can reflect on the overall quality of your legal product:

- ♦ incorrectly applied paragraph numbering;
- ♦ headings sitting abandoned at the bottom of page 10, while the relevant passage sits, decapitated, at the top of page 11;
- ♦ page numbering strangely re-starting mid-document;
- ♦ inconsistent indenting; and
- ♦ different fonts appearing in the document, especially where text has been copied and pasted from other sources.

## Some quick and easy tips

When I deliver training on Microsoft Word, I encourage people to understand the concepts behind it – styles, headers and footers, cross-referencing – so they can understand which tool to use and what it will deliver.

In addition, I always throw in some quick shortcuts which is usually when the "I wish I knew that last week" moments happen, for example:

- ♦ *To move a row in a table up or down:* Highlight the row you wish to move, and with your left hand, hold down the "Ctrl" and "Alt" keys on the keyboard. Now use the "up" or "down" cursor keys to move the row. This allows you to watch the row moving up or down your table until it's in exactly the right place.
- ♦ *Shortcut to apply formatting:* Highlight a paragraph or piece of text that has the correct formatting, then press and hold "Ctrl+Shift+C" to store that formatting. Carry on typing or doing other tasks. When you are ready to apply that formatting, highlight the text you wish to format and press "Ctrl+Shift+V".

As well as being able to turn out a quality product, training on Microsoft Word will also equip your staff to work efficiently and with confidence on your documents, to meet deadlines and to spend their time proof-reading for accuracy, not fiddling with numbering.

**For readers feeling the need for a bit of upskilling on Microsoft Word, ADLS has an upcoming webinar entitled "More Word for Lawyers" taking place on Wednesday 14 June 2017. Picking up from our previous and very successful webinar, "Word for Lawyers", presenter Carlene O'Meagher (Senior Business Analyst, Chapman Tripp) will look at other functions and facilities offered by Word 2010 which will be of use to lawyers in their practices on a daily basis. For more information and to register, please visit [www.adls.org.nz/cpd](http://www.adls.org.nz/cpd) or see page 8.** ❖

## Member Benefits Programme

A range of offers, available to ADLS members, from carefully selected suppliers.

ADLS



To view the latest offers visit [adls.org.nz](http://adls.org.nz)

## TAX LAW

# Sharing information to combat global tax evasion

Further to the recent series of items in *LawNews* on automatic exchange of information (see *LawNews* Issues 11, 12 and 15 of 2017), Inland Revenue has issued further advice in relation to sharing information to combat global tax evasion.

Inland Revenue advises as follows:

*"The Government has signed up to the global automatic exchange of information (AEOI) initiative led by the OECD. We're one of 100 countries that will automatically share some financial account information about foreign tax residents. All countries will use the Common Reporting Standard (CRS) to identify and report on financial accounts held or controlled by foreign tax residents."*

*"The countdown is now on for 1 July 2017 when the CRS requires reporting New Zealand financial institutions to commence due diligence to identify accounts held or controlled by foreign tax residents. They will also have to collect prescribed identity and financial account information about the identified accounts, and report this information to Inland Revenue annually by 30 June."*

*"There is a broad definition of a 'financial institution'. Apart from more obvious entities such as banks, this can also include non-bank deposit takers, collective investment entities, mutual funds, private equity funds, hedge funds, discretionary investment managers, certain brokers and trusts (including some managed family trusts)."*

## How to prepare for the CRS

Inland Revenue advises that the new CRS section on its website is now live (visit [www.ird.govt.nz/international/exchange/crs](http://www.ird.govt.nz/international/exchange/crs)).

Inland Revenue will be running a targeted public awareness campaign during June and July 2017 to highlight the changes and impacts. Information sessions will be held in June, the key focus of which will be a general implementation update. Sessions will be held as follows:

- ♦ in **Wellington** on Wednesday 7 June 2017 from 10am to 12pm, in the Grand Dining Room at the Wellesley Hotel;
- ♦ in **Auckland** on Thursday 8 June 2017, from 1pm to 3pm, at 2 Takutai Square, Britomart (hosted by Ernst & Young);
- ♦ by **teleconference** in the week beginning 15 June from 10am to 12pm (dial-in details to follow).

For more information, the following may be useful:

- ♦ Special Report on automatic exchange of information (<http://taxpolicy.ird.govt.nz/publications/2017-sr-aeoi/overview>); and
- ♦ Draft guidance on the automatic exchange of information (<http://taxpolicy.ird.govt.nz/publications/2016-other-aeoi-guidance-draft/overview>).

You can also go to the OECD's Automatic Exchange Portal (<http://www.oecd.org/tax/automatic-exchange/>) and refer to the following:

- ♦ Standard for Automatic Exchange of Financial Account Information in Tax Matters, Second edition;
- ♦ Standard for Automatic Exchange of Financial Account Information in Tax Matters: Implementation Handbook; and
- ♦ CRS-related Frequently Asked Questions.

***Inland Revenue welcomes questions and feedback, and readers can sign up to implementation updates via [global.aeoi@ird.govt.nz](mailto:global.aeoi@ird.govt.nz). Readers can also let Inland Revenue know what CRS topics they would like to hear about by emailing [global.aeoi@ird.govt.nz](mailto:global.aeoi@ird.govt.nz).*** ❌



## Looking for a Legal Professional?

# ADLS New Zealand Lawyers Directory May - Oct 2017

## OUT NOW!

Keep up-to-date with the *ADLS New Zealand Lawyers Directory*.

Updated twice a year, the *ADLS New Zealand Lawyers Directory* uses information from the ADLS database, making it the most comprehensive directory of practitioners, legal executives and law firms in the market.

### The directory includes sections with:

- ♦ ASB Bank account holders
- ♦ Barristers
- ♦ Firms by area
- ♦ Firms' details and bank account numbers
- ♦ Associated organisations
- ♦ Practitioners in alphabetical order
- ♦ Practitioners – corporate, nationwide
- ♦ Legal Executives

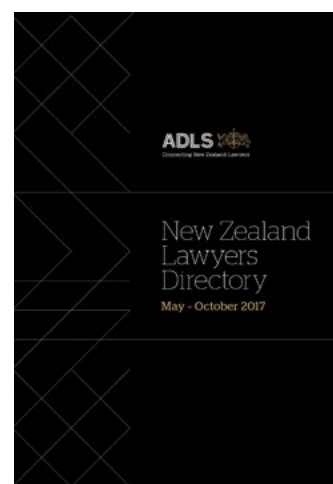
### Other useful information includes:

- ♦ LINZ
- ♦ QVNZ
- ♦ Inland Revenue
- ♦ Notaries Public
- ♦ Government Departments
- ♦ Legal Aid
- ♦ Statutory Bodies
- ♦ Courts and Tribunals
- ♦ Crown Law Office
- ♦ Community Corrections Offices

**Price for non-member lawyers:** \$80.00 plus GST (\$92.00 incl. GST)\*

**Price for ADLS Members:** \$65.22 plus GST (\$75.00 incl. GST)\*

(\* + Postage and packaging)



**To purchase the Directory, please visit [www.adls.org.nz](http://www.adls.org.nz); alternatively, contact the ADLS bookstore by phone: (09) 306 5740, fax: (09) 306 5741 or email: [thestore@adls.org.nz](mailto:thestore@adls.org.nz).**

# 88% of New Zealand businesses unprepared for a cyber attack

Eighty-eight percent of New Zealand business owners are unaware that they can insure their businesses against cyber attacks, which can put their livelihoods and businesses' reputation at risk.

NZI's research\* of 200 New Zealand business leaders showed that, while they are becoming increasingly concerned about connectivity, they are doing little to protect their businesses should they be hit by a ransomware attack.

Ryan Clark, NZI's National Manager Liability, says that, as a country, we are lagging behind in terms of the uptake of cyber insurance, and that businesses (including law firms) really need to think beyond insuring just "bricks and mortar".

"Our research has found that connectivity and data protection is what is increasingly keeping business owners awake at night, but few are taking steps to ensure their businesses could survive a cyber attack. Of greater concern, smaller businesses that are less likely to bounce back from an attack are the least likely to insure against them."

Only 6% of SMEs in New Zealand have cyber insurance, compared with 14% in Australia – leaving many New Zealand companies vulnerable to the devastating impacts of an attack. This is despite the Symantec Cyber Security Survey revealing that virtually the same percentage of small businesses (19% in Australia versus 18% in New Zealand) have experienced a cyber attack.

"It is very concerning that such a small proportion of SMEs are insured for a cyber attack when the threat is clearly imminent. Doing business



Ryan Clark

❖ When we analysed search engine trends last year, we literally saw only a few hundred searches on key terms, even given the emerging issues and publicity in relation to cyber threats in New Zealand. ❖

online exposes companies to risks they may not have even considered. When these risks become a reality, the damage can have devastating consequences for their business," Mr Clark says.

"There is a clear disconnect between New Zealand businesses (and law firms) and cyber attacks being seen as a relevant threat. When we analysed search engine trends last year, we literally saw only a few hundred searches on key terms, even given the emerging issues and publicity in relation to cyber threats in New Zealand."

"When a crisis strikes, companies and firms need support to get back up and running, which is why cyber insurance is so crucial in the world we live in today. Gone are the days where businesses only need to consider fire, flood, theft, and health and safety."

Mr Clark says the current global cyber attack – believed to be the biggest online extortion scheme ever recorded – proves that cyber risk is a very real threat no matter where in the world you are.

"This is a reminder to us all about the importance of having the right cyber insurance protection. Businesses and law firms can protect themselves from a number of cyber exposures from hacking attacks, viruses, privacy breaches and theft of data," he said.

\* IAG Business Insurance – decision maker tracker is a quarterly survey carried out by Kantar TNS. Information included in this media release was sourced from the April 2017 survey, which included 200 businesses all over New Zealand. For further information on cyber security, visit [www.nzicyber.co.nz](http://www.nzicyber.co.nz). ❖

## LETTER TO THE EDITOR

### Advice re incorporated societies strikes a chord

"When do we have to act?" asked Craig Fisher and Wayne Tukiri in a recent article on the proposed timeline for overhauling the Incorporated Societies Act 1908 (*LawNews* Issue 13, 5 May 2017).

Here, a reader responds with his views that, despite possible concerns about the new requirements, well-run societies should have little to fear once the new statute is in force.

"Dear Editor

I agree entirely with the opinions expressed in the lead article in *LawNews* Issue 13, 5 May

2017, "Incorporated societies – when do we have to act?". My experience with drafting society constitutions that will, I believe, comply with provisions in the Exposure Draft of the current Incorporated Societies Bill is, first, that a compliant society Constitution is likely to extend to at least 20 pages (in a readable font), and, second, that spelling out the requirements for compliance with the likely new law does make society committees question whether their society should be incorporated and whether they are, personally, prepared to serve on a committee subject to such requirements.

Professionals advising societies need to be able to respond to those concerns, and we can point out that many of the obligations that will need to be

addressed in society constitutions already exist (even if not stated in the 1908 statute), and that well-run societies should have little to fear once the new statute is in force. In addition, having a clear framework for dealing with society grievances and complaints will avoid a lot of the unnecessary angst, confusion and costs when such issues arise.

I totally endorse the approach to this issue set out at the end of Craig Fisher's and Wayne Tukiri's article.

Kind regards

**Mark von Dadelszen**

Partner, Bannister & von Dadelszen, Hastings"

## ADLS EVENT

## “Meet the QCs” evening

ADLS is excited to announce a new event for young lawyers, “Meet the QCs”.

This inaugural event aims to further the relationship between junior and senior members of the profession.

The event will be held initially in Auckland on **Thursday 15 June 2017**, followed by a second event in Christchurch later in the year.

Do not miss this opportunity to interact with some of the country's leading lawyers in a relaxed and social environment over refreshments.

We look forward to young lawyers coming along and supporting this important new event.

**Time & date:** 5.30pm, Thursday 15 June 2017

**Venue:** Norman Shieff Room, Level 6, Chancery Chambers, 2 Chancery Street, Auckland

*There is no charge to attend this event, but it is essential to RSVP by **Friday 9 June 2017** to secure your spot as spaces are limited. You can register online at [www.adls.org.nz](http://www.adls.org.nz) or by contacting [events@adls.org.nz](mailto:events@adls.org.nz) or (09) 303 5287. ❖*

## ADLS EVENT

## Central Auckland Lawyers' Lunch

ADLS is holding the Central Auckland Lawyers' Lunch on Tuesday 30 May 2017 at Meat Fish Wine in Auckland.

Practitioners from Central Auckland are invited to meet and network with fellow local lawyers, and to provide feedback to ADLS on ways in which we can further support you in your professional career.

We hope you can join us at this event. The lunch will be \$30.00 (incl. GST) from a set menu, and we are pleased to offer ADLS members an exclusive rate of \$22.00 (incl. GST). Numbers are limited, so register now to avoid missing out.

**Time & date:** 12.30pm, Tuesday 30 May 2017

**Venue:** Meat Fish Wine, 2 Chancery Street, Auckland CBD

**Registration:** \$19.13 + GST (\$22.00 incl. GST)\* per person for ADLS members; \$26.08 + GST (\$30.00 incl. GST)\* per person for non-members

(\* Includes a glass of wine on arrival. Sides can be ordered as an extra, to be paid on the day.)

Register before **Friday 26 May 2017** to secure your spot, subject to availability. Visit [www.adls.org.nz](http://www.adls.org.nz) to register and pay online; alternatively, contact [events@adls.org.nz](mailto:events@adls.org.nz) or phone (09) 978 3970. ADLS' standard cancellation policy applies for this event.

**ADLS' Central Auckland Lawyers' Lunch is proudly sponsored by JLT.**



## JUDICIARY

## Special retirement sitting for Chief Judge Graeme Colgan

Chief Judge Graeme Colgan is retiring after more than 28 years as a Judge of the Employment Court and, before that, of the Labour Court.

There will be a special sitting of the Court to farewell the Chief Judge on **Friday 7 July 2017** at the Employment Court in Auckland.

Her Honour Judge Christina Inglis invites all members of ADLS to attend this

occasion, which will take place at 4pm in Courtroom 2.01 on Level 2, 41 Federal Street, Auckland.

Counsel are invited to wear gowns if they wish. The farewell sitting will be followed by refreshments.

*If you are intending to attend, please let Barbara Sokolich know by emailing her at [barbara.sokolich@justice.govt.nz](mailto:barbara.sokolich@justice.govt.nz) or by phoning (09) 916 6358. ❖*

## Online magazine version of LawNews now available to subscribers.

LawNews subscribers who prefer to read LawNews online, can now switch their weekly subscription from the printed format, to the new, online magazine format.

Simply email [membership@adls.org.nz](mailto:membership@adls.org.nz) and let us know you'd like to switch your weekly print subscription to online, and we'll arrange to send you an email every Friday with a link to the latest issue of LawNews.

If you'd like to start a subscription to LawNews, it's free for ADLS Members and \$133+GST per year for non-members. To enquire about subscribing, email [info@adls.org.nz](mailto:info@adls.org.nz) or visit [adls.org.nz/adls-store](http://adls.org.nz/adls-store).



## Featured CPD

### Lawyers for Subject Persons – FINAL NOTICE

Acting for Subject Persons is a fast-growing area of law. This is the result of an aging population and the fact that a larger number of young people are requiring the assistance of lawyers.

#### Learning Outcomes:

- Understand better the requirements of section 65, the application process for the lawyer for Subject Person, when it is appropriate to appoint a lawyer to assist and from a practical perspective how best to deal with historic issues of incompetence, self-litigants and the duties to keep the Court informed.
- Learn more about the central issue of capacity and the role of the psychiatrist/specialist in assessing it, the definition of thresholds, wholly and partially diminished capacity, and the traps and red flags to be aware of in interviews with clients.
- Gain insights into the role of property managers and welfare guardians, the powers that come with the appointment and the difficulties that often arise.

#### Who should attend?

All lawyers who act for Subject Persons and those who wish to expand their practices to include this area of law. Family and mental health lawyers may also find the seminar useful.

### Commercial Law Series: Company Constitutions 101 – FINAL NOTICE

This webinar will provide practical guidance on when and why a company should adopt a constitution, what to include in a constitution and the consequences of breaching a constitution.

#### Learning Outcomes:

- Understand when having a company constitution is recommended, with a focus on the needs of privately-held companies.
- Understand common provisions to include in a constitution and why to include them.
- Gain insights into the interface between constitutions and shareholders' agreements.
- Understand the consequences of breaching a constitution.
- Be better equipped for drafting and updating constitutions that meet the client's intentions and are fit for purpose.

#### Who should attend?

Junior corporate/commercial lawyers. General practitioners at all levels, as well as those who provide governance advice to companies and shareholders, are likely to find this topic of interest.

### Judicature Modernisation: What's New, What's Not

The judicature modernisation legislation made changes to the law regarding New Zealand's courts and court procedure, and most took effect on 1 March 2017. This seminar will focus specifically on:

- The Senior Courts Act 2016 which replaces both the Judicature Act 1908 and the Supreme Court Act 2003, including new provisions in respect of jury trials in civil proceedings and vexatious litigants;
- The District Court Act 2016 which amongst other changes increases the limit of a claim to \$350,000; and
- The Electronic Courts and Tribunals Act 2016 which makes provision for the use of electronic communications systems for the filing and handling of documents and will apply to Courts and Tribunals nominated by the Governor-General.

#### Learning Outcomes:

- Learn more about the changes and the impact of the Senior Courts Act 2016.
- Gain a better understanding of how the District Courts will be affected by the new legislation.
- Learn more about the Electronic Courts and Tribunals Act 2016 and what to expect once the applicable Courts and Tribunals have been specified.

#### Who should attend?

All litigators and lawyers who may have dealings with the Courts.

### More Word for Lawyers

Picking up from the very successful webinar, Word for Lawyers, this session will look at other functions and facilities offered by Word 2010 which will be of use to lawyers in their practices on a daily basis.

#### Learning Outcomes:

- Learn more about the intricacies of track changes, document comparison and cross-referencing.
- Gain a better understanding of how to create tables, use mail merge and deal with printing woes.
- Develop skills to enable the confident use of headers, footers, section breaks and the like.


#### Who should attend?

Lawyers and legal executives with a working knowledge of Word 2010 who are wanting to get the most out of the software. Practice managers may also benefit from attending. (Attendance at the previous webinar on Word is not essential.)

#### Related activity: Word for Lawyers


This On Demand webinar will help make your work life that bit easier and enhance your legal documents. The following areas are included: document security and storage; formatting; tracked changes and document comparison; and maximising your use of tools.


 **Seminar**  **Livestream**  
CPD 2 hrs

 **Tue, 30 May**  
4pm – 6.15pm

#### **Presenters**

**Dr Jane Casey**,  
Consultant Psychiatrist  
  
**Alan Gluestein**, Barrister,  
Wyndham Chambers  
  
**Kieran Nally**, Principal,  
Kieran J Nally  
  
**Andrew Finnie**, Barrister,  
Ponsonby Chambers


 **Webinar**  
CPD 1 hr

 **Thur, 1 Jun**  
12pm – 1pm

#### **Presenters**

**Andrew Simmonds**, Partner,  
Simmonds Stewart  
  
**Julie Fowler**, Partner,  
Simmonds Stewart

 **Seminar**  **Livestream**  
CPD 2 hrs


 **Tue, 13 Jun**  
4pm – 6.15pm


#### **Presenters**

**Dr David Harvey**, Faculty of Law,  
Auckland University  
  
**Peter Twist**, Barrister

#### **Chair**

**The Honourable Justice Venning**,  
Chief High Court Judge

 **Webinar**  
CPD 1.25 hrs

 **Wed, 14 Jun**  
12pm – 1.15pm

#### **Presenter**



**Carlene O'Meagher**,  
Senior Business Analyst,  
Chapman Tripp


## CPD in Brief

### Practical Commentary on Running Employment Cases

Running employment cases requires a range of litigation skills given that practitioners may appear in both the Employment Relations Authority and the Employment Court and that each of these has their own rules and approaches. This seminar, presented by an Employment Court Judge, Chief of the Authority and a barrister specialising in employment law, will provide practical insights and advice on representing your client in both the Authority and the Court and tips on the advocacy skills necessary to obtain the best outcome for them.

**Presenters:** Her Honour Judge Inglis, Employment Court; **James Crichton**, Chief of the Employment Relations Authority; **Catherine Stewart**, Barrister **Chair:** Kate Ashcroft, Partner, Copeland Ashcroft Law

 **Seminar**  
 **Livestream**  
CPD 2 hrs


 **Thu, 15 Jun**  
4pm – 6:15pm

### Contractual Damages: Righting the Wrongs

This webinar will focus on these aspects of contractual damages, looking at the Supreme Court's judgment in *Marlborough District Council v Altmarloch Joint Venture Ltd* [2012] NZSC 11 and subsequent developments, and provide advice on how to get the best outcome for a client.

**Presenter:** Martin Smith, Partner, Gilbert Walker


 **Webinar**  
CPD 1 hr


 **Wed, 21 Jun**  
12pm – 1pm

### Probate and Letters of Administration: Getting them Right

Applications for Probate and Letters of Administration are commonplace for many lawyers. However, there are numerous traps with both which can trip up even the most conscientious practitioner. This webinar will provide lawyers with a useful refresher on getting applications right the first time, with an emphasis on practical matters commonly arising today.

**Presenters:** Alison Gilbert, Partner, Brookfields; **Samuel Ames**, Senior Solicitor, Brookfields

 **Webinar**  
CPD 1.25 hrs

 **Wed, 28 Jun**  
12pm – 1:15pm

## CPD On Demand

### Enduring Powers of Attorney

Enduring Powers of Attorney are a very useful tool to address issues of management of property and capacity. Yet all too often they do not deliver the anticipated result. This On Demand webinar, looking at recent legislative changes and the implications of case law, will provide tips on drafting effective EPAs and insights into the briefing of both the donor and attorney on expectations and behaviour.

**Presenters:** Mary Joy Simpson, Partner, Hesketh Henry; **Israel Vaealiki**, Partner, Jackson Russell

 **On Demand**  
CPD 1 hr

### Cradle to Grave Papers – No Need to Miss Out!

Each of the presenters provided high quality, comprehensive papers to support their presentations at the Cradle to Grave Conference 2017.

For those who were unable to attend the conference, a complete set of Conference papers is now available from the ADLS Bookstore.





**Price:** \$175.00 plus GST\* (\$201.25 incl. GST)\*

**Price for ADLS Members:** \$130.00 plus GST\* (\$149.50 incl. GST)\*

(\* + Postage and Packaging)

**To purchase, please visit [www.adls.org.nz](http://www.adls.org.nz) or contact the ADLS Bookstore by phone 09 306 5740, fax 09 306 5741 or email: [thestore@adls.org.nz](mailto:thestore@adls.org.nz)**

## CPD Pricing

	Delivery Method	Member Pricing	Non-Member Pricing
	Webinar (1 hr)	\$75 + GST (= \$86.25 incl. GST)	\$105 + GST (= \$120.75 incl. GST)
	Seminar (in person)	\$125 + GST (= \$143.75 incl. GST)	\$180 + GST (= \$207.00 incl. GST)
	Seminar (livestream)	\$125 + GST (= \$143.75 incl. GST)	\$180 + GST (= \$207.00 incl. GST)
	On Demand (1-hour recording)	\$85 + GST (= \$97.75 incl. GST)	\$120 + GST (= \$138.00 incl. GST)
	On Demand (2-hour recording)	\$140 + GST (= \$161.00 incl. GST)	\$200 + GST (= \$230.00 incl. GST)

For group bookings for webinars, seminars & On Demand, see the ADLS website at: [adls.org.nz/cpd-pricing](http://adls.org.nz/cpd-pricing).

**ADLS**  
Connecting New Zealand Lawyers

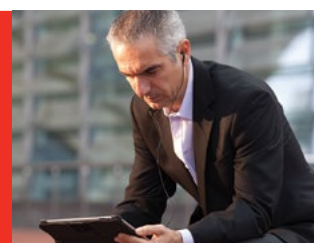
 **airpoints™**

ADLS members, non-member lawyers and law firms who have registered their Airpoints™ membership details with ADLS can earn Airpoints Dollars™ on eligible ADLS CPD purchases. Visit [adls.org.nz](http://adls.org.nz) for full details. *Terms and conditions apply.*

## CPD On Demand

Compliant, convenient and cost effective.

Visit [adls.org.nz/cpd](http://adls.org.nz/cpd) for more information.



## ADLS COUNCIL

# Contact details for ADLS Council

Here are the contact details for your ADLS Council. They welcome your queries and suggestions.

### Joanna Pidgeon (President)

Ph. (09) 337 0826 E. joanna@pidgeonlaw.co.nz

### Marie Dyhrberg QC (Vice President)

Ph. (09) 360 4550 E. maried@mariedyhrberg.co.nz

### Tony Bouchier

Ph. (09) 623 1772 E. bouch@xtra.co.nz

### Vikki Brannagan

E. vikki.atack@gmail.com

### Craig Fisher

Ph. (09) 367 1654 E. craig.fisher@rsmnz.co.nz

### Tony Herring

Ph. (03) 377 2900 E. tony@mmlaw.co.nz

### Stephanie Nicolson

Ph. (09) 309 2500 E. sjn@lojo.co.nz

### Mary Anne Shanahan

Ph. (09) 827 6106 or (09) 827 2783 E. mary@shanahanslaw.co.nz

### Bernard Smith

Ph. (09) 355 0088 E. bernard.smith@dawsonharford.com

## PROPERTY LAWYER



The Property Law Centre is seeking a property lawyer to join its busy and friendly offices in Greenlane, Auckland.

Our work covers residential and commercial property, trusts, wills, business sales and relationship property. The role involves frequent client contact and requires good skills in communication, decision making and time management.

The position would suit a young person wishing to advance his or her career. It may also suit an experienced practitioner wishing to work reduced hours.

Please apply with your CV and covering letter to richard@plcentre.co.nz

Professional Services Nationwide +64 27 653 4561

## RESEARCH ON DEMAND

all jurisdictions  
**When you  
need it  
now!**  
timely and cost effective

Dr Bernhard Kreber  
Ph.d, MSc, LLB

bernhard.kreber@gmail.com  
www.bernhardkreber.wixsite.com/home

## WILL INQUIRIES LawNews

The no-hassle way to source missing wills for  
\$80.50 (GST Included)

Email to: reception@adls.org.nz

Post to: ADLS

PO Box 58, Shortland Street, DX CP24001, Auckland 1140

Fax to: (09) 309 3726

For enquiries phone: (09) 303 5270

## Wills

Please refer to deeds clerk. Please check your records and advise ADLS if you hold a will or testamentary disposition for any of the following persons. If you do not reply within three weeks it will be assumed that you do not hold or have never held such a document.

Marcus Barry GREER, Late of Hain Avenue, Mangere East, Auckland, Aged 38 (Died 8'04'17)

Leigh Burnett McCREA, Late of 6B Ranui Station Road, Ranui, Auckland, Retired, Aged 65 (Died 26'04'17)

Francis Michael McERLANE, Late of Whitianga Continuing Care, 6 Halligan Road, Whitianga, Production Manager, Aged 88 (Died 23'03'17)

Geoffrey Logan PALMER, Late of 187 Gillies Avenue, Epsom, Auckland, School Teacher, Aged 67 (Died between 06'03'17 and 07'03'17)

Ronald James RODGER, Late of 45 Ranui Avenue, Ranui, Auckland, Retired, Aged 73 (Died 08'05'17)

Manapi SEVITA, Late of 38 Leslie Avenue, Sandringham, Auckland, Retired, Aged 75 (Died 28'07'2015)

Clinton Blake SMITH, Late of 821 Te Ahu Ahu Road, Waimate North, Kerikeri, Aged 26 (Died 06'04'17)

Gerrit Jan TREEP, Late of Beach Haven Hospital, 249 Birkdale Road, Beach Haven, Auckland, Retired Builder, Aged 84 (Died 24'04'17)

# ADLS



## LawNews

Get your message  
in front of 5500 legal  
professionals.

Booking deadline is  
12pm Thursday, 6 working days  
prior to publication date.

Email chris@mediacell.co.nz  
or call 021 371 302 to book your  
advertisement.

## CHAMBERS OPPORTUNITY

A prime position is available in  
the well established, serviced  
Southern Cross Chambers.

Excellent location for all  
courts, corner Victoria and  
High Streets.

Enquiries to: Chris Merlini  
c/- ADLS  
PO Box 58, Shortland Street  
Auckland 1140  
DX CP 24001  
email: chris@mediacell.co.nz



### MANAGING SENIOR LAWYER

We are seeking a dynamic senior lawyer (minimum of four years' PQE), eligible to practice on their own account, and with management experience. This new role is ideal for someone wanting a challenge in a collaborative working environment.

You will:

- Manage staff and lead the legal team
- Provide practical legal advice at a senior level
- Work with the governance board to implement the strategic direction
- Build strong relationships with the community
- Be committed to providing access to justice

General legal experience including family, employment and tenancy.

Email [louise@waitematalaw.org.nz](mailto:louise@waitematalaw.org.nz) for the Job Description & an Application Form.

## MURDOCH PRICE

Barristers & Solicitors

### COMMERCIAL PROPERTY LAWYERS – MANUKAU/EASTERN SUBURBS

LIVE LOCAL, WORK LOCAL

What we can offer you;

- Career Progression
- Competitive Salary
- Wide Variety of Work
- Opportunity to develop and make 'Your Mark'
- Free Parking

We have vacancies for Commercial Property Solicitors of varying experience levels to deal with a wide range of work for established clients and burgeoning new client based created by the rapidly growing local area.

We are a well-established and fast growing multicultural firm with a strong sense of history identity and collegiality, serving South Auckland and the Eastern Suburbs.

Flexible working arrangements will be considered for the right candidates.

Please apply with CV and a covering letter to [claire@shadesofblue.co.nz](mailto:claire@shadesofblue.co.nz)

Applicants must have the right to live and work in NZ.

## WACKROW WILLIAMS & DAVIES LIMITED

BARRISTERS AND SOLICITORS

[www.wwandd.co.nz](http://www.wwandd.co.nz)

### (SENIOR) SOLICITOR WANTED

Wackrow Williams & Davies Limited is an eight lawyer general practice offering high quality interesting and varied work. It was a 2016 Law Awards finalist in the boutique law firm category.

We have a vacancy for a general practitioner in our Auckland CBD office who will be involved in a variety of work. This will include Treaty of Waitangi related matters (which will involve some travel out of Auckland) as well as a variety of property, litigation, trusts, estates and commercial work. For a suitable candidate we would look to accommodate other legal interests.

We would prefer someone at a Senior Solicitor level but do not have a fixed view. Some years of legal experience and an existing Legal Aid Provider status would be an advantage.

We are looking for someone who is hardworking, with excellent analytical, time management and communication skills who is able to work both independently and as part of a team.

Please submit your CV to Don Wackrow/Te Kani Williams

PO Box 461, Shortland Street, Auckland 1140. Ph: (09) 379 5026, Fax (09) 377 6553

E mail: [don@wwandd.co.nz](mailto:don@wwandd.co.nz) and [tekani@wwandd.co.nz](mailto:tekani@wwandd.co.nz)

## Insolvency is our Specialty ...and Litigation Support too!

John, Paul, Matt and Simon have decades of experience in Insolvency and Litigation Support. For expert and impartial advice on Restructures Liquidations, Receiverships, Share Valuations, Fraud Analysis and Expert Witness work, call the team at Gerry Rea Partners.

Tel 0800 343 343 · Fax 09 377 3098 · [www.gerryrea.co.nz](http://www.gerryrea.co.nz)



Titirangi Law Centre (Ray Ganda) and Thomas & Co Lawyers Limited have merged their practices with effect from 1 April 2017.

**The combined practice will operate from premises at  
Level 2, 3 Totara Ave (DX DP95036) New Lynn.  
Ph.(09) 827 5907**

The directors of the combined practice are Don Thomas (Managing Director), Ray Ganda, Michael Richardson and John Gandy. Alison Jones continues in the practice as Senior Solicitor.

[www.thomas.co.nz](http://www.thomas.co.nz)



**Thomas & Co**  
INCORPORATING  
TITIRANGI LAW CENTRE  
LAWYERS LTD  
+ NOTARY PUBLIC

## BARRISTERIAL OFFICE AVAILABLE

Durham West offices operates in refurbished premises in Queen Street (close to the District Court) sharing a floor (with separate areas) with Hussey & Co., a forensic and general accounting firm.

The offices are presently occupied by four legal firms/barristers and a personnel recruitment firm. Two further lawyers/barristers are sought. The eight tenants share a separate dedicated meeting room. If required, internet access, telephone, photocopier and other services are also available.

The rooms available include a room of approximately 14m<sup>2</sup> at a cost of \$260 per week and a 16m<sup>2</sup> room at a cost of \$280 per week (furnished or unfurnished) plus overheads of approximately \$100 per month, plus GST, with no long term commitment required.

Photographs of the chambers can be viewed at [www.hco.co.nz/gallery](http://www.hco.co.nz/gallery)

Contact: Shane Hussey for further details

[shane@hco.co.nz](mailto:shane@hco.co.nz)

tel. (09)300 5481

*Anthony Harper*

### Join one of the top employment practices in New Zealand

- Award winning employer of choice
- Top 10 NZ law firm
- Quality career move

Anthony Harper is an award winning, internationally ranked national law firm. The firm has an exceptional workplace culture, interesting, challenging 'big ticket' work and an innovative fresh approach to legal practice. If you are an outstanding employment lawyer who wants to be in the thick of the action – then look no further.

Anthony Harper has an exciting opportunity for a lawyer to join their high performing employment specialist practice. Led by a Partner renowned for the quality of her work and her exceptional client service, this role will quickly become an integral part of her dedicated team. The team is experiencing significant growth which has driven the need for another team member.

- Employment/Litigation Associate or Senior Associate – your 4+ years PQE will ideally encompass broader litigation matters, including general civil litigation, employment law and possibly some criminal litigation. The role will be fast paced and you will enjoy high calibre work from top corporate clients.

With Anthony Harper, your career is firmly on track. You will enjoy working in a firm which is an award-winning Employer of Choice and is recognised internationally as one of the top 10 law firms in New Zealand. Ensure your future success and enjoy maximum job satisfaction as a highly-valued member of this exceptional firm.

For further information, please contact Kathryn Cross

[kathryn.cross@artemisnz.com](mailto:kathryn.cross@artemisnz.com), 09 354 3543.

Applications close: Wednesday 31 May 2017



INTERNATIONAL CONVENTION CENTRE (ICC SYDNEY)

# IBA 2017 Sydney

8-13 OCTOBER

ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION



The 2017 IBA Annual Conference will be held in Sydney, Australia's leading global city. Recognised internationally as a future-focused and innovative business centre, Sydney provides headquarters for almost 40 per cent of the top 500 Australian corporations.

The city combines natural beauty with buzzing urban villages and a city centre that's home to some of the world's most recognisable and iconic structures such as the Opera House and Sydney Harbour Bridge.

As one of the world's most multicultural and connected cities, Sydney will be an ideal location for the largest and most prestigious event for international lawyers, providing an abundance of business and networking opportunities, as well as the chance to explore one of the most beautiful cities on Earth.



## What will Sydney 2017 offer you?

- Gain up-to-date knowledge of the key developments in your area of law which you can put into practice straight away
- Access to the world's best networking and business development event for lawyers – attracting over 6,000 individuals in 2016 representing over 2,700 law firms, corporations, governments and regulators from over 130 jurisdictions
- Build invaluable international connections with leading practitioners worldwide, enabling you to win more work and referrals
- Increase your profile in the international legal world
- Hear from leading international figures, including officials from the government and multilateral institutions, general counsel and experts from across all practice areas and continents
- Acquire a greater knowledge of the role of law in society
- Be part of the debate on the future of the law



**To register:**

Visit: [www.ibanet.org/Conferences/Sydney2017.aspx](http://www.ibanet.org/Conferences/Sydney2017.aspx)

To receive details of all advertising, exhibiting and sponsorship opportunities for the IBA Annual Conference in Sydney email [andrew.webster-dunn@int-bar.org](mailto:andrew.webster-dunn@int-bar.org)

OFFICIAL CORPORATE SUPPORTER

