From the Dean

2010 will be remembered forever more as the year of the earthquake. The University of Canterbury came through the emergency very well. The university’s buildings proved themselves structurally sound, there were no injuries suffered and the only damage was to internal fittings and equipment. In the end we lost only one week of the timetable and staff ensured that students were not prejudiced by the shortening of term four. The School of Law building fared well although staff had a great mess to clean up in their offices. The tiles in the foyer that were dislodged were promptly replaced and we hope that it will not be long and the damage to the plasterwork in the stair-wells will be repaired. The School of Law has been functioning normally since the students returned for the fourth term.

Over the course of the year the university has undergone a substantial overhaul of its administrative structure. This has extended to the university library. Following the restructuring, Gail Pattié, the University Librarian, is retiring from the university and Margaret Greville, the Law Librarian is moving to a different post in the library. I should like to take this opportunity of acknowledging the contribution both Gail and Margaret have made to the School of Law and wider university during the terms of their offices here. Gail was Margaret’s predecessor as Law Librarian and laid the groundwork for the outstanding work undertaken by Margaret in building our Law Library into the great repository of materials it is today. Gail takes with her the best wishes and gratitude of all the staff of the School of Law, as she goes into retirement. We look forward to continuing to work with Margaret as she embarks on her new role.

At the beginning of 2010 Jeremy Finn published his history of the first one hundred years of the teaching of law at the University of Canterbury: “Educating for the Profession”. I commend this work to all readers of this Newsletter. It covers the years 1873 – 1973 and brings to life the history of law teaching in this university, with its many colourful characters. It is published by the Canterbury University Press.

2010 marks the end of an era for Law teaching at Canterbury. All readers of this Newsletter will have begun their legal education grappling with LAWS 101 The Legal System. For many years success in this course has been a key determinant in whether or not a student would be permitted to progress to the next year of the degree. From next year, students will be confronted with two Legal System courses: LAWS 101 and LAWS 110. This is a consequence of the university moving to “common course sizes”, pursuant to which all degree courses must have a value of 15 points or multiples thereof. The LLB is a 480 point degree and, currently, LAWS 101 is worth 36 points. Next year LAWS 101 will be worth 30 points and LAWS 110, 15 points. For some years now we, the staff, have been conscious of an ever increasing gap between the level of attainment reached by school leavers in their last year of school and what is required of them in their first year of university. We have taken the opportunity afforded by the adoption of common course sizes to introduce at first year level, and for credit to the point value of the degree, required training in the skills of legal research and legal writing. Both LAWS 101 and LAWS 110 will be compulsory core courses for the LLB and students must perform well in both of them to be eligible to be considered to be allowed to advance in the degree.

As ever, members of staff have been busy with a wide range of activities over the year. Staff have maintained their enviable reputation for research and publication. Many members have presented papers at conferences right around the world. Staff have also been engaged in the public arena, as is clear from the “Staff News” section of the Newsletter. Debbie Wilson, who joined us last year, achieved great distinction when she was awarded the 2009 Mollie Holman Doctoral Medal from Monash University in Melbourne for her PhD thesis. Our staffing has remained stable over the year although we were sorry to see John Hughes retire at the end of the first semester and Duncan Webb resign to pursue a career in legal practice. We wish both John and Duncan well for the years ahead.

At the end of last year Bev Pearson and Jo-anne Morgan joined us as administrators and they were followed by Joyce Heywood early this year. This gives us a full complement in our administrative team.

The students’ organisations continued to serve their members well over the year. LAW SOC’s President was Guy Carter and Ariana Te Momo was Tumuaki of Te Putaikiri. The Pacific PASS Team assisted Pacific Island students with their studies.

The Canterbury-Westland Branch of the New Zealand Law Society has been very supportive throughout the year as have its individual members. I wish to express my thanks to all those practitioners who have assisted in various ways here at the School of Law over the year. We look forward to their continued support in the year ahead.

On behalf of the School of Law I send best wishes to all of our alumni. Over the year we have heard from many of you and I encourage you all to keep in touch with us. We are proud of you and are always pleased to learn of your achievements.

Richard Scragg

From the Editors

This 17th edition of the University of Canterbury School of Law Newsletter is late, for a very shaky reason. In September, Christchurch suffered a 7.1 magnitude earthquake. Fortunately no one was killed and the University structural damage was largely superficial. However, the University was closed for two weeks and this affected all activities at Canterbury.

Nonetheless, we managed to complete the year’s teaching and to get through an exam period which was somewhat more stressful than usual. However, the prioritizing of other matters meant that the Newsletter has really had to be the last off the rank.

We therefore apologise for the delay.

In spite of these challenges, once again, staff at the Law School have continued to excel at what they do best – teaching, research and administration.

Your Newsletter this year follows the familiar format, with reportage of continuing achievements by alumni, students and staff, both in New Zealand and overseas. We also bring you news of further publications, conferences, seminars, consultations, and the continuing efforts of staff to fulfill their roles as critic and conscience of society. There are the usual gossip, comedy and reminiscences!

The cover this year is a photograph taken of a picture of Lord Parker of Waddington, Lord Chief Justice, which hangs in the Staff room of the Law School. The picture was hanging on this angle on the Friday after the earthquake when law school staff were able to re-enter the building. Inside this edition, Richard Scragg describes in more detail how the earthquake affected the School of Law.

Once again, we are extremely grateful for the many fascinating contributions you, our alumni, have made to this publication.

Inevitably, we seek contributions from you all for next year’s edition. Tell us about yourselves and your continuing careers and lives, whether in New Zealand, or offshore.

Contact Ursula at email: Ursula.Cheer@canterbury.ac.nz or Editor School of Law Newsletter University of Canterbury Faculty of Law Private Bag 4500 CHRISTCHURCH Fax: 03 364 2757 Visit the Law School Website at: www.laws.canterbury.ac.nz/
Three members of staff were awarded their PhDs in the last year. Debbie Wilson’s thesis was entitled: The legality of human cloning: an analysis of the legal arguments for and against a ban on reproductive cloning from a eugenics/human rights viewpoint (2010) and was awarded by Monash University. Ursula Cheer’s thesis was entitled: Reality and Myth: The New Zealand media and the chilling effect of defamation law (2009). Cynthia Hawes’ thesis was entitled: Tortsious Interference with Goods in New Zealand (2010). Both of these doctorates were awarded by Canterbury University.

During the first half of 2010 Karen Scott co-organised a panel and presented a paper at the 5th Global Conference on Oceans, Coasts and Islands: Ensuring Survival, Preserving Life, Improving Governance, UNESCO, Paris, 3 – 7 May 2010. She is also the co-convener of a project entitled “Contemporary Threats and Challenges to Antarctic Security: Legal and Policy Perspectives” (with Alan Hemmings, Gateway Antarctica and Donald Rothwell, ANU) and co-organised the second workshop for the project in Canberra, 28 – 29 June 2010 (the first workshop was held at the University of Canterbury in July 2009). The project will culminate in an edited collection (Editors: Hemmings, Rothwell and Scott) to be published by Routledge in 2012. Karen served on the organising committee for the Australia New Zealand Society of International Law’s (ANZSIL) 18th Annual Conference held at the ANU, 24 – 26 June 2010 and (with Wendy Lacey, Adelaide) she also co-organised the ANZSIL postgraduate workshop, which preceded the conference. Karen was elected to the ANZSIL Council in June of this year for a two year term. In February 2010 Karen took over as Editor of the New Zealand Yearbook of International Law. During the first half of 2010 Karen presented three papers at international conferences on topics ranging from marine geo-engineering to scientific research in Antarctica. During the same period she has written articles on maritime safety in the Southern Ocean (2010 International Journal of Maritime Law 21 – 44) and sovereignty in the Antarctic (2009 Yearbook of International Environmental Law, forthcoming). She also presented an article on globalisation and international environmental law at the Four Societies Conference, Awaji, Japan in August 2010. Karen was one of four ANZSIL members to be selected to present a paper at this event.

Stephen Todd has written new chapters on “The Duty of Care” and “Remoteness of Damage” for the 12th edition of Charlesworth and Percy on Negligence. He has written a chapter on “Actions Arising from Birth” for the new edition of Principles of Medical Law, edited by Professor Andrew Grubb, Professor Jean McHale and Dr Judith Laing, and due to be published in December 2010, and a review of recent developments in tort – “Tort” [2009] New Zealand Law Review 743-772. He has also written “Donoghue v Stevenson: The Opera”, published in three parts in [2009] NLJ 1261-2, 1297-8, 1329-30. Stephen gave two seminars to members of the legal profession in Christchurch, on “The Birth Torts” and “Excluding Liability” in August 2009 and a presentation to the Crown Law Office and its clients (ie government departments) on “Torts in 2010” in March 2010. Stephen was awarded the University of Canterbury Students’ Association 2009 Lecturer of the Year Award for the School of Law.....and again in 2010!

Neil Boister has taken on a number of community service roles. He acted as an Expert Consultant to the New Zealand Drug Foundation on their submission in response to the New Zealand Law Commission’s proposal on reform of the Misuse of Drugs Act. He continued to act as a pro bono consultant to the largest international anti-tobacco NGO, the Framework Convention Alliance on Tobacco Control. In this capacity he attended the fourth round of negotiations for a treaty to suppress the illicit trade in tobacco held in March 2010 in Geneva. Prior to this he was an invited participant in two meetings of a Drafting Group in October and the November 2009 held in Geneva to work on the drafting of the provisions in the draft Protocol relating to crimes and penalties and international procedural cooperation.

Neil has given a number of papers at international conferences during this period. He was invited to give a paper at a Conference on the Control of Demand and Supply of Tobacco and International Trade held jointly by the Taiwan Bureau of Health Promotion, Department of Health and Asian Center for WTO and International Health Law and Policy at the College of Law, National Taiwan University, Taipei, in August 2009. In October and November of 2009 he was fortunate enough to be able to take up a six week Canterbury Cambridge Fellowship and a Lauterpacht Fellowship (jointly) at the University of Cambridge’s Lauterpacht Centre for International Law. During this period he gave papers at the Queens University, Belfast, Irish Centre for Human Rights, National University of Ireland, Galway and the Visiting Fellows Roundtable at the Lauterpacht Research Centre. He was also very pleased to be able to deliver a paper by invitation at a conference celebrating the sixtieth anniversary of the Nuremberg Trials held at the Nuremberg Documents Centre in Nuremberg. Neil has recently attended and spoken at the 23rd Annual Conference of the International Society for the Reform of the Criminal Law held in June 2010 at the Catholic University of Portugal, Lisbon.

At the School he completed his three year tenure as editor of the New Zealand Yearbook of International Law with the publication of Neil Boister and Karen Scott (eds), New Zealand Yearbook of International Law 2008 (International Law Group: Christchurch, 2010), 438pp. He also organised a colloquium at the School in July 2009 on ‘International Aggression as Crime:
Implications for International and Domestic Criminal Law, which was opened by the Attorney General Chris Finlayson and included keynote speakers from the United States. He also participated in a Panel Discussion here at the University on the New Zealand Law Commission’s Review of the Misuse of Drugs Act in March 2010.

Dr John Hopkins has been involved in a number of successful grant applications this year. He was part of the major New Zealand-wide European Union Centres Network project which received European Commission approval last year. He is also a lead researcher on the KEENZ project on “The European Union as an Exporter of Norms and Values” jointly funded by the European Commission and the Ministry of Research Science and Technology. This will allow students and staff to develop projects and participate in staff-student exchanges to partners in the United Kingdom, Sweden and Slovenia. As part of this project, Dr Hopkins has been awarded a fellowship to the University in Primorska, Slovenia.

In 2010 Dr Hopkins and Annick Masselot (of ACIS) were awarded a grant to host a symposium of identity and supra-national governance as part of the Comparative Regional Integration Project, the results of which will be published in the Canterbury Law Review.

Dr Hopkins has recently returned from Washington DC where he was one of the New Zealand national rapporteurs at the Eighteenth International Congress of Comparative Law.


She was the organizer of the Trans-Tasman Law and Legal Practice Conference held at the School of Law in August 2010. External funding from both the New Zealand Law Foundation and Minter Ellison enabled the conference to attract a number of Australian presenters including the Hon Michael Kirby and Chief Justice Diana Bryant. In 2010 she introduced a new course into the undergraduate curriculum: “Selected issues in the Resource Management Act 1991”

She has continued to advise the Law Commission on the new Land Transfer Bill, and to undertake consultancy work for the profession. She is a member of the Environmental Law Reform Committee, a member of the Legal Aid Review Panel, an adjudicator in the Residential Tenancies Tribunal and plays an active role in the wider university environment.

Ursula Cheer’s thesis ‘Reality and Myth: the New Zealand Media and the Chilling Effect of Defamation Law’ has now been published as a book by Lambert Academic Publishing. Ursula published her regular two articles in the Media & Arts Law Review, for the Centre for Media and Communications Law, Melbourne Law School, University of Melbourne. She is an international contributing editor and is on the editorial board for this publication. She also published an article on ‘Compelling Journalists to Disclose Sources’ in the UK Journal of Media Law. However, most of 2010 was devoted to preparing a 6th edition of ‘Media Law in New Zealand’ co-authored with Professor John Burrows QC, published by LexisNexis in December. The draft manuscript was completed the day before the earthquake struck Christchurch, while proofs were completed in the aftershock period, the worst event measuring over -5 magnitude at 10.20pm one night.

Ursula continued her media law commentaries on Radio New Zealand’s Nine to Noon programme, and appeared on television, including TVNZ’s News at 8 discussing the blogger breach of suppression case in January. She presented a paper on access to court records at the CMCL 2010 Media Law Conference in Melbourne in November and chaired a panel session at the conference. Ursula was awarded a Canterbury Teaching Fellowship at Oxford University, UK, for April 2011.

She was also awarded a Visitorship at the Centre for Socio-Legal Studies at Oxford. In October, Ursula was asked by the Law Commission to take part in its review of the laws regulating new media.

Ursula is a continuing member of the Joint Board of Studies in Journalism, the University Discipline Committee, the University Equity and Diversity Committee, and the College of Education Human Ethics Committee. Ursula was also invited to present two lectures to different U3A groups on suppression and the reporting of criminal trials. She continued her work as Independent Chair of the Complaints Committee of the Public Relations Institute of New Zealand. Extra-curricular activities in the past year have included two acting roles, as Vi, a dead mother in the play ‘Memory of Water’, and Kate, the eldest sister in ‘Dancing at Lughnasa’.

David Round has written about high country pastoral lease issues in the Canterbury Law Review, a gloomy article on the future of Environmental Law, and on Magna Carta and early English statutes in the Canterbury University Library. He is now researching two areas: endangered species law and Treaty issues. David continues to contribute regularly to the NZ Centre for Political research on Maori & Treaty issues and is busy preparing two new Environmental Law courses for next year. He has also been appointed to the Canterbury/Aoraki Conservation Board. (David shares his diary at p. 10 below).

Administration team

At the end of 2009 Bev Pearson and Jo-anne Morgan joined us as administrators and they were followed by Joyce Heywood early in 2010. This gives us a full complement in our administrative team.

Joyce Heywood

Bev Pearson

Jo-anne Morgan
Visitors

In July 2009, the School of Law hosted Dr Duncan French, Reader in International Law, University of Sheffield Law School, who gave a seminar on ‘Liberalising Investment in EU-ACP Economic Partnership Agreements: EU Priorities, Regional Agendas and Developmental Hegemony’. In August, Professor Berthold Rittberger, University of Mannheim presented a seminar titled: ‘Cure or Placebo? The Lisbon Treaty and the EU’s Democratic Deficit,’ and Grant Liddell, Director and Chief Executive of the Serious Fraud Office spoke on the ‘Response to serious financial crime: some international perspectives’.

Professor Dame Hazel Genn DBE was the 2009 NZ Law Foundation Distinguished Visiting Fellow and gave two lectures in September, the first on ‘Civil Justice Reform and the Role of ADR,’ and the second on the topic, ‘Judicial appointment, diversity and decision-making.’

In November, Dr Claire McVor, Lecturer, University of Birmingham gave a seminar on ‘The theoretical Basis of Vicarious Liability in Tort,’ and in December, Professor Luzius Wildhaber, Former President of the European Court of Human Rights presented ‘A reappraisal of the merits, the problems and the future of the European Court of Human Rights.’

In March 2010, Robert Thompson, Department of Political Science, Trinity College, Dublin, Ireland discussed ‘The process of legislative decision-making in the European Union: Turning policy demands into decision outcomes,’ and in May, Brian Henry, from Hesketh Henry, Auckland, discussed an ongoing case, ‘Couch v Attorney General’ (under Chatham House Rules). In the same month, Professor Donald R. Rothwell of ANU College of Law, Australian National University, presented a seminar on ‘Pirates in the Southern Ocean? The Southern Ocean Clashes between the Sea Shepherd Conservation Society and the Japanese Whaling Fleet,’ and Major Steve Taylor AE, LLB, Director of Legal Training, NZ Defence College gave one on ‘The NZ Defence Force Approach to the Law of Armed Conflict.’

In July, Professor Sanjay Chaturvedi, Coordinator, Centre for the Study of Geopolitics, Department of Political Science and honorary Director, Centre for the Study of Mid-West and Central Asia, Panjab University, Chandigar, India, spoke on ‘Climate Refugees’ and Security: conceptualizations, categories and contestations; ‘Justice Baragwanath presented a guest lecture ‘On being a Judge; as did the Rt Hon Chief Justice Dame Sian Elias on ‘Sovereignty in the 21st Century. Another Spin on the merry-go-round – Revisited. To what extent can Judges play a political role in the New Zealand legal environment?’

Michael Pendleton, Professor, Faculty of Law, Chinese University of Hong Kong, Emeritus Professor, Murdoch University, Perth, Australia presented in August on ‘China – a legal system that never was anecdote and substance,’ and the Arbitrators’ and Mediators’ Institute of NZ in association with the School of Law hosted Hon Michael Kirby AC CMG who gave a lecture on ‘From the Courts to ADR: Out of the Fire and into the Frying Pan?’

August also saw the Law School hosting the Rt Hon the Lord Walker of Gestingthorpe, Justice of the Supreme Court of the United Kingdom, as the Sir Eric Hotung Visiting Fellow for 2010. Lord Walker gave a seminar on ‘Human Rights, Proportionality and Judicial Review.’ That month we also welcomed Professor Graham Zellick CBE QC as a 2010 NZ Law Foundation Distinguished Visiting Fellow, who gave two lectures.

In September, the School hosted Dean Knight, Senior Lecturer, Victoria University of Wellington, and in October, Associate Professor Graham Hassall, Victoria University of Wellington, presented a seminar on ‘Law, Democracy and Government in Papua New Guinea: a survey of current constraints.’

Book Launches

Educating the Profession: Law at Canterbury 1873-1973

In March 2010, Canterbury University Press launched a new book by Professor Jeremy Finn, entitled: Educating the Profession: Law at Canterbury 1873-1973. This is the first detailed exploration of the first 100 years of teaching and study of law at Canterbury Law School. The book is a new perspective of the often uneasy relationship between teachers and practitioners, and of the long struggle over control of examinations for the law degree. It paints a vivid picture of the development of the ‘rival’ Law Professional qualification, and examines the ebbs and flows in the popularity of law as a career choice. Professor Finn completed his research for the book by using archival material and the recollections of former staff and students. Professor Finn has been connected with Canterbury for more than 40 years, first as a student of history (MA (Hons) 1973) and then law (LLB (Hons) 1978), before joining the academic staff. The book was published with the support of the New Zealand Law Foundation.


In August 2010, the University hosted the Governor General, the Rt Hon Sir Anand Satyanand, for the launch of the Neil Williamson Memorial Trust book, A Very Special Man: The Neil Williamson Memorial Essays. The Lectures brought together in the book all probed an aspect of New Zealand’s law and constitutional arrangements or aspects of wider jurisprudence, including judicial independence, consistency in sentencing offenders, legal professional ethics, freedom of the news media, the establishment of the International Criminal Court and the role of the Office of Governor-General. The essays were originally published in the Canterbury Law Review. The Governor-General expressed the view that such books play a fundamental role in the growth and development of a distinctive New Zealand legal identity. Sir Anand praised the Neil Williamson Memorial Trust and the University of Canterbury Law School for publishing the essays, and also added thanks to the Canterbury Law Review for their original publication. He concluded: ‘In doing so, you give life to the ongoing development of our nation’s distinctive common law, and you serve well the memory of a remarkable man.’
STOP, DROP and HOLD

Instructions to UC Staff in the event of an earthquake

In all respects, the University of Canterbury stood up well to the impact of the 7.1 earthquake. The buildings performed as they should and the University’s emergency management plan proved its worth.

The School of Law building escaped structural damage but the plaster in the public spaces was badly damaged and the wall tiles suffered as well. The building was initially "locked down" and, in company with the rest of the campus, made subject to a strict security regime.

Law staff fared well in the earthquake. There were no injuries and although homes were in a terrible mess with possessions strewn all over the floor, the most serious damage suffered was to brick chimney stacks.

During the emergency all communication was by electronic means. The university’s website was a fundamental source of information and I was able to keep in touch with staff by email. Simon Dorset was a great help to me in this regard, devising a way of sending group e-mails from a laptop computer.

I attended a briefing at the university’s emergency operations centre on Monday 6 September and the following day inspected the interior of the Law building with Simon Dorset, Stephen Todd and Neil Boister. Staff offices were in a great mess but there was not a lot of damage to furniture, equipment, fittings and personal possessions.

Chris Gallavin’s seagull survived and remained suspended from the ceiling above Chris’s seat throughout the shaking.

Law was allotted Thursday 9 September as its clean-up day. The large aftershock on the Wednesday delayed this by a day. Academic and administrative staff willingly turned out on the Friday to put the inside of the building back into order.

Term four had been due to start on Monday 6 September. Obviously this was impossible. Throughout the emergency the university was closed and subject to strict security to control numbers present on site. Staff returned on 13 September and students on 15th. Classes began again on 20th. The term was to have been six weeks long but, of necessity, this was reduced to five. Staff have worked hard to ensure the integrity of their courses.

One of the great victims of the earthquake has been the Central Library, located in the James Hight Tower. Internal damage there was substantial, necessitating the relocation of collections. In the circumstances, the Law Library, situated in the School of Law building, has temporarily become the “central library”. The increased traffic through the building, as a result, has been very obvious. Law students have accepted that necessity is the mother of invention but have felt constrained to publish an article in the student newspaper “Canta” on the proper etiquette to be observed in the Law Library. The Law Library is what today is known as a “quiet library” and the law students, quite rightly, want to keep it that way.

University of Canterbury students have been described as “neighbourhood heroes” for their work in helping with the clean-up throughout the city. The person responsible for this was Law and Arts student Sam Johnson. Sam used the power of Facebook to recruit thousands of students to help in the badly affected areas of the city, particularly with shovelling up silt resulting from the liquefaction. Sam set up a Facebook page and 3,500 Canterbury and Lincoln students joined it. On 9 September about 900 students were deployed around the city and a further hundred went to Kaiapoi. At the School of Law we are all proud of Sam.

Remarkable though it may seem, there were two students in the Law building when the earthquake struck. Adjacent to the Alibi Café on the ground floor, there is an area known as the Dock. This is open to all students – not just Law students – on a 24 hour, seven day a week basis for study purposes. One of our Law students was working on an essay at 4.35 on the morning of 4 September. He tells us that the sight of the Law building moving from side to side was something beyond belief. Happily both students escaped uninjured, although shaken in all senses of the term.

All in all, the university responded outstandingly well to the emergency. Great credit must be given to Chris Hawker, the University of Canterbury Incident Controller, who played a pivotal role in coping with the emergency. The School of Law’s staff, both academic and administrative, responded selflessly to the challenges created by the earthquake and they have ensured the continued smooth running of the school.

Richard Scragg.
The Centre for Commercial and Corporate Law, Inc

It has been another busy 12 months for the Centre for Commercial and Corporate Law (the Centre) since co-hosting the August 2009 Small and Medium Enterprises and Family Business Seminar with the University of Auckland-based New Zealand Governance Centre.

Work is well underway on a publication entitled Contemporary Issues in Corporate Governance comprising papers presented at a conference run by the New Zealand Governance Centre. The publication, which has an expected release date of late 2010, is divided into three broad topic areas: Governance Issues of Listed Companies, Governance of SMEs and Family Businesses and Governance Issues of Other Entities. The editors for this work are Professor John Farrar (joint Director of the New Zealand Governance Centre) and Professor Susan Watson (University of Auckland).

The Centre was pleased to sponsor the 2010 Insolvency Academics Workshop in July held in the University of Canterbury Law School. This Workshop was attended by academics from New Zealand, Australia and Hong Kong.

Nicola Hulley was awarded the Centre’s Prize for Excellence in Legal Writing for 2009. Her piece entitled “An Idea Worth Considering – The Criminalisation of Hard-core Cartels in New Zealand” was the outstanding contender of the pieces of writing considered (which were all of an exceptionally high standard). The paper was supervised by Professor Jeremy Finn and Debra Wilson.

The Centre is also working on the second edition of the Taxation Issues in the Twenty-First Century collection of essays. The first edition was published in 2006. There has been significant interest from both academics and practitioners in this collection. The work, co-edited by Professor Adrian Sawyer and Andrew Maples, will include essays on tax policy and tax reform, international taxation, tax avoidance, Goods and Services Tax, charitable trusts, the history of the taxation of Maori authorities and a consideration of the New Zealand approach to retirement savings taxation. The target date for publication is early 2011 – watch the Centre’s website for more information.

Conference: Trans-Tasman Law and Legal Practice
Christchurch: 27-28 August 2010

On 27-28 August the School of Law and the New Zealand Australia Research Centre hosted the Trans-Tasman Law and Legal Practice Conference. Sponsors comprised the New Zealand Law Foundation, Minter Ellison Rudd Watts, the School of Law, and the Canterbury Law Review trust. The Conference went very successfully and received much positive feedback.

The presenters provided the audience of 52 people (presenters, students scholars and registrants) with many stimulating addresses. The two keynote addresses – “A Trans-Tasman Federation – Is the Idea Dead? Is it Relevant?” (The Hon Michael Kirby) and “Recent Trends and Developments in Australian Family Law” (Chief Justice Diana Bryant) were very well received and created excellent platforms for some spirited discussion throughout the two days.

The sessions on Law Reform, Trans-Tasman Legal Practice and Trans-Tasman Legal Relationships Seen through a Sportsman’s Eyes provided wonderful links between academic debate and legal practice. Papers on Closer Economic Relations and the Trans-Tasman Proceedings Acts were very timely and stimulated lively debate.

The students who won scholarships to attend added an extra dimension to the conference and their vibrant presence was noted by many of the attendees. It was clear they thoroughly enjoyed the stimulating addresses and gained much from the two days. Perhaps one of the high points was the ability of an Otago University student passionate about family law to chat about her future with both Judge Boshier and Chief Justice Diana Bryant.

The Conference dinner that was very generously sponsored by Minter Ellison Rudd Watts was held at Hinton Estate Vineyard on the outskirts of Christchurch and was a most enjoyable night. The fact that everyone stayed long after the formalities and dessert spoke for itself.

Conference papers will be in a special edition of the Canterbury Law Review that will be released in February 2011.

A number of photos were taken throughout the two days and the funded speakers produced some wonderful smiles!

Liz Toomey

Hon Michael Kirby, Chief Justice Diana Bryant, John Burrows QC, Associate Professor Liz Toomey, Associate Professor John Caldwell.
Hamish Bolland details some of his adventures in Dubai

Time has flown since I left law school at the end of 2005. I originally took a job with Minter Ellison Rudd Watts in the Auckland office. I began in that office in 2006 in the litigation team and did a lot of debt recovery work. In about mid 2006, a construction team was formed (which sat within the real estate division). My work there involved construction litigation (Auckland was/is rife with “leaky building syndrome”) and there were a number of High Court appearances. I was also exposed to front end work and drafting construction contracts. I was promoted to Senior Solicitor in October 2008.

It was during 2008 that I started talking to legal recruiters. As you will know, the traditional passage for a corporate kiwi lawyer is to seek experience in the UK (London). By the time I came to look at the market in the UK, it had crashed following Lehmans. A number of my friends were in London and I was pretty sad I couldn’t get over there (I mean I could have but not with the type of job and career advancement that I was looking for). It just so happened that the Middle East has not yet crashed. The same firms saying no in London were saying yes in Dubai.

So I took a job with Allen & Overy LLP in the Banking team and became a Projects lawyer. I still get to use my construction experience but there is more of a lender/sponsor focus on the work I am doing. It has been a fantastic experience. A&O has a big presence in the region. The Dubai office is 30 years old. Along with offices in Abu Dhabi and Riyadh, we have 20 partners in the region and 100 fee earners.

You will have no doubt seen the news about Dubai and the restructuring of Government owned entities. This, if anything, has created more work opportunities, particularly for our finance lawyers who are acting for creditors.

Life in the Gulf has been good to me. I have travelled to 9 different countries in 2009 (including Hong Kong. It gets very hot here – 50 degrees in the summer. In winter, I find 24 degrees a bit chilly. I settled in Dubai, am learning Arabic and made loads of friends. The expats really make the place.

Hamish Bolland

Jemma Lala (2010) writes of her experience interning at the International Criminal Tribunal for the former Yugoslavia

It is a surprisingly small courtroom. One bench for the judges, dressed in racy red satin-fronted robes. Another bench in front of the judges is reserved for various court officials. A raised booth is set aside for interpreters, jumping between three languages. A large but unobtrusive public gallery sits at the back, obscured by tinted, bulletproof glass. On either side of the courtroom, angled toward each other and the judges, the Defence and the Prosecution are housed. Finally, behind the prosecution is a miscellaneous bench, generally occupied by the court transcriber and three members of the Trial Chamber. It was from this last bench that, for a fleeting moment, I made eye contact with Dr Radovan Karadzic, former leader of the Bosnian Serbs.

Let’s rewind a little. The United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY), where Karadzic is now on trial, was set up by a United Nations Security Council Resolution in order to prosecute the alleged war crimes that occurred in the Balkans conflict of the early 1990s. The ICTY has indicted 161 people, 40 of whom are still subject to proceedings. Both the efficacy of international criminal law in theory and its practical capacity to deliver just results in a politically charged environment remain controversial matters.

Nonetheless, the ICTY has, since its establishment in 1993, attempted to streamline its unique, self-supporting legal system in a concerted effort to ensure that there is some gravity attached to the decisions that it hands down.

Thanks to the combined forces of the School of Law, the Canterbury Branch of the New Zealand Federation of Graduate Women and the proceeds from the sale of my beloved Nissan Sunny, I had the good fortune to be able to undertake an internship at the ICTY, working for the Trial Chamber in the lead-up to the recommencement of Karadzic’s trial. As a result, I spent the first few months of this year living and breathing international criminal law in The Hague, the Netherlands.

At any one time, the Tribunal has around 60 interns from around the world, some working for the Prosecution and others working for Chambers. In addition to this, a number of interns provide their assistance to the legal teams of the Defendants. While I can’t speak for the Prosecution or the Defence interns, it is clear that both the amount and the substantive quality of work given to any one intern are wholly dependent on which team the intern works for. I was placed with the Trial Chamber team working under South Korean Judge O-Gon Kwon on the Karadzic case, which, fortunately, was one of the teams keen to hand out a range of work to its interns. While this could be put down in part to the superbly generous personalities on the trial team, it was also due to the fact that both the Prosecution and Defence had been filing staggering amounts of motions. It is the responsibility of the Trial Chamber to consider and offer a decision on each of these motions, often a labourious and time-consuming process, depending on the content of the motion in

Overseas Alumni

Erik Blomberg (1998) has left Baker & McKenzie after eight good years to go in-house. Since the end of 2009, he has worked as General Counsel for Addici (an exciting Swedish company within the facility management sector) with an assignment to start their legal department.

Martin Lohmeyer (2008) stays in touch and sent us photos of his new apartment in the 1972 Olympic village in Munich, on Straßbergerstraße. He works for Knorr Bremse, a 15,000-employee company.


Juliet Hay

Foreign Correspondents

Hamish Bolland details some of his adventures in Dubai

Time has flown since I left law school at the end of 2005. I originally took a job with Minter Ellison Rudd Watts in the Auckland office. I began in that office in 2006 in the litigation team and did a lot of debt recovery work. In about mid 2006, a construction team was formed (which sat within the real estate division). My work there involved construction litigation (Auckland was/is rife with “leaky building syndrome”) and there were a number of High Court appearances. I was also exposed to front end work and drafting construction contracts. I was promoted to Senior Solicitor in October 2008.

It was during 2008 that I started talking to legal recruiters. As you will know, the traditional passage for a corporate kiwi lawyer is to seek experience in the UK (London). By the time I came to look at the market in the UK, it had crashed following Lehmans. A number of my friends were in London and I was pretty sad I couldn’t get over there (I mean I could have but not with the type of job and career advancement that I was looking for). It just so happened that the Middle East has not yet crashed. The same firms saying no in London were saying yes in Dubai.

So I took a job with Allen & Overy LLP in the Banking team and became a Projects lawyer. I still get to use my construction experience but there is more of a lender/sponsor focus on the sort of work I am doing. It has been a fantastic experience. A&O has a big presence in the region. The Dubai office is 30 years old. Along with offices in Abu Dhabi and Riyadh, we have 20 partners in the region and 100 fee earners.

You will have no doubt seen the news about Dubai and the restructuring of Government owned entities. This, if anything, has created more work opportunities, particularly for our finance lawyers who are acting for creditors.

Life in the Gulf has been good to me. I have travelled to 9 different countries in 2009 (including Hong Kong. It gets very hot here – 50 degrees in the summer. In winter, I find 24 degrees a bit chilly. I settled in Dubai, am learning Arabic and made loads of friends. The expats really make the place.

Hamish Bolland

Jemma Lala (2010) writes of her experience interning at the International Criminal Tribunal for the former Yugoslavia

It is a surprisingly small courtroom. One bench for the judges, dressed in racy red satin-fronted robes. Another bench in front of the judges is reserved for various court officials. A raised booth is set aside for interpreters, jumping between three languages. A large but unobtrusive public gallery sits at the back, obscured by tinted, bulletproof glass. On either side of the courtroom, angled toward each other and the judges, the Defence and the Prosecution are housed. Finally, behind the prosecution is a miscellaneous bench, generally occupied by the court transcriber and three members of the Trial Chamber. It was from this last bench that, for a fleeting moment, I made eye contact with Dr Radovan Karadzic, former leader of the Bosnian Serbs.

Let’s rewind a little. The United Nations International Criminal Tribunal for the Former Yugoslavia (ICTY), where Karadzic is now on trial, was set up by a United Nations Security Council Resolution in order to prosecute the alleged war crimes that occurred in the Balkans conflict of the early 1990s. The ICTY has indicted 161 people, 40 of whom are still subject to proceedings. Both the efficacy of international criminal law in theory and its practical capacity to deliver just results in a politically charged environment remain controversial matters.

Nonetheless, the ICTY has, since its establishment in 1993, attempted to streamline its unique, self-supporting legal system in a concerted effort to ensure that there is some gravity attached to the decisions that it hands down.

Thanks to the combined forces of the School of Law, the Canterbury Branch of the New Zealand Federation of Graduate Women and the proceeds from the sale of my beloved Nissan Sunny, I had the good fortune to be able to undertake an internship at the ICTY, working for the Trial Chamber in the lead-up to the recommencement of Karadzic’s trial. As a result, I spent the first few months of this year living and breathing international criminal law in The Hague, the Netherlands.

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question. With the recommencement of the trial looming, there was plenty of work to be handed around and, due to the high-profile nature of the trial, plenty of willing hands to take the work on. While I was always busy, I received a lot of guidance in my research and responses to motions (which dealt with the admission of evidence), so never felt out of my depth.

Of course, the work took something of a sideline role next to the spectacle of the trial itself. I particularly enjoyed watching Karadzic present his opening statement, a bit of a mammoth effort stretched over two days and canvassing a range of topics, some of which were more relevant than others. The first thing that struck me about the man was his age; he is no spring chicken. His sweeping grey hair, at first glance seeming to defy to rules of gravity, was on closer analysis clearly thinning, the man seemed to be troubled by dandruff and his face was a little thin and marked. The penitentiary housing those facing trial at the ICTY is faced with issues that few other prisons around the world must deal with; as the vast majority of its inmate population are men over the age of 50, health complaints such as cancer, heart disease and cholesterol issues, as well as death of natural causes, are not uncommon. Despite being troubled by old age and in all likelihood no small degree of stress, Karadzic clearly relished the opportunity to espouse his views on an international stage. The politician within is still clearly upbeat and flourishing; the statement itself was well-prepared and raised a few valid arguments in addition to a few which were possibly not quite so valid. He had established an easy rapport with those in the immediate vicinity, joking with the security guards and chatting to his legal advisors. He even prepared something of a slideshow to complement his verbal presentation, which included some images of a disturbingly graphic nature.

Of course, in the course of the various trials that have been heard before the ICTY, the presentation of evidence of a fairly graphic and disturbing nature has been commonplace. After all, the function of the Tribunal is to bring about ‘justice’ through apportioning blame for the various atrocities of the war. Exposure to this material, to constant reference to callous and brutal murders, rapes, mass executions, the idea of genocide, is part of the job description for the legal staff at the Tribunal, and by extension for the interns. And it is not necessarily in the abstract: while some of the testimony presented in written form, there is also live testimony from victims of the alleged crimes, speaking with graphic detail about the events they have witnessed. Sitting in the public gallery, or even on the Chambers bench, of a courtroom while such testimony is being given can be an emotionally draining experience.

While the material can certainly be disturbing, what is perhaps equally as difficult to come to terms with is the rapidity with which the ideas become commonplace. ‘Genocide’ becomes a term casually discussed over morning coffee, ‘Srebrenica’ something to work on in the afternoon, if you have enough time. This is to be expected; after all, these people work with these ideas and events as a necessary part of their job. It is just notable how easy it is to normalise ideas that are, by their very nature, monstrously abnormal things. In passing, it was also interesting to see that women dominated all but the upper echelons of legal staff in the ICTY. Additionally, there seemed to be more than a representative amount of New Zealanders floating around the Tribunal. In my team of four permanent staff two were New Zealand citizens, which meant that team meetings were generally assaulted with the butchering of vowels, perhaps an unexpected situation amongst a group of people charged with ensuring that a man who used to lead the Bosnian Serbs and later grew his beard in an attempt to disguise himself as a provider of alternative medicine gets a fair trial. Additionally, a very cheerful former Kiwi cop working for the Prosecution gifted me a bike for my entire stay (indispensable for life in the Netherlands) and at one point the New Zealand embassy handed out free food and drinks which is always welcome when you’re operating on a low budget. Getting by as a New Zealander in The Hague, then, is not really all that difficult. The intern experience, aside from the work itself, has much to recommend it. For starters, The Hague is packed with international bodies. The International Criminal Court, the Special Tribunal for Lebanon, the Appeals section of the International Criminal Tribunal for Rwanda, the Permanent Court of Arbitration and the International Court of Justice all call the city home, so interns for the various organizations make up a fairly sizeable chunk of the population there at any time. This, of course, means a heap of people from all over the world to flat with, to socialize with, to bike away from Thursday night drinks in the wee hours of Friday morning in the snow with, to spend weekends in Amsterdam with, and to accompany you on your post-internship European travels. Despite the fact that I managed to carefully coincide my internship with the coldest European winter for several decades, I would guess that in a reasonable winter the outdoor temperature of The Hague would not be unlike the indoor temperature that many Christchurch student flats hit around July. However, Europe has the added bonus of ensuring that flats get heated, so no matter how mired in poverty your student years may have left you, you are unlikely to freeze over there. Summers in the Netherlands are reportedly beautiful as well.

The ICTY’s ambitious slogan indicates that it is “bringing war criminals to justice; bringing justice to the victims.” Unfortunately, things are never quite so simple. Unfortunately all of the international criminal courts swirls an ominous cloud of competing political considerations and agendas that the courts, if they wish to continue with the necessary support of a variety of states, must take into account. As a result, one would have to be quite an idealist to say that ‘justice’ in the strict, fair and unbiased sense was handed down at every opportunity, and even more of an idealist to suggest, even if this was the case, that such an outcome would bring the desired closure for the victims. However, it is my opinion that the mere existence of these tribunals is at least a step in the right direction, even if achieving true and lasting justice remains something of a work in progress. Thanks to Associate Professor Neil Boister for his guidance and advice, and also to Richard Scrapp and the School of Law, and the Canterbury Branch of the New Zealand Federation of Graduate Women for providing me with the financial assistance that made this eye-opening experience possible.

Jemma Lala

Grace Lee (2008) writes about her time at Cambridge

I completed a Master of Law at the University of Cambridge over the 2009-2010 academic year. Prior to embarking on my post-graduate studies, I had been working in private practice at a specialist corporate and finance law firm, so a LLM was a great opportunity for me to take a break from the busy-ness of the corporate world to invest in my academic advancement. The focus of my LLM studies was on international law, a subject that I have always had a keen interest in from my undergraduate years.

Cambridge is based on a collegiate system, meaning that the University is an association of several colleges. It is more accurate to think of it as being formed from colleges rather than divided into colleges. Each student is a member of a college, and also of one or more departments or faculties. The college is responsible for the students’ welfare and residence, and directs and supervises their studies. At Cambridge I joined Jesus College which turned out to be a great place for studying international law as we had a number of distinguished international law academics and fellows. It is also located very close to the centre of town, though slightly off the tourist trail, giving students both the benefit of being right by the excitement of the city centre without being constantly invaded by tourists as tends to happen in other central colleges. Cambridge is a wonderfully picturesque place to live and study. The first time I walked along the cobblestone pavement of King’s parade, with the magnificent architecture of King’s College and the River Cam to my right, I felt as if I had been
transported back in time (or to a movie set!). I was impressed at how bicycle-friendly the city is – there were cyclists and bicycles everywhere! I knew that my Cambridge experience would not be complete without one so I quickly invested on a bike within a few days of my arrival.

As to the academic side of things, I enjoyed every (challenging) moment of it. I found the LLM course to be very much a self-teaching programme. Contact time with the professors and lecturers was limited to weekly two hour lectures for each of the four papers that made up my LLM degree. I took a selection of international law papers, ranging from trade law to environmental law to human rights. It was possible to choose to do a research dissertation in lieu of a final exam for one of the papers – so I opted to do a thesis on the interplay between trade law and climate change. In essence, my thesis evaluated the permissibility of various national climate policy proposals under WTO law, and explored ways in which the international trade regime could respond to perceived conflicts in such a way as to maximise the success of climate mitigation whilst upholding the core principles of the world trading system.

During the academic terms, I took the opportunity to attend a wide range of lectures and seminars (open to all students) held by colleges and faculties. In fact, the law faculty and the Lauterpacht Centre for International Law, a research centre which is part of the Cambridge law faculty, organises a fascinating and broad series of lectures and seminars by visiting legal scholars and practitioners every Friday. These weekly seminars effectively created a forum in which academics and postgraduate law students alike could test and refined their ideas. Faculty members and students come from diverse backgrounds and varied careers histories that makes for an exciting and enriching intellectual and social collaboration.

Another important aspect of a student’s life at Cambridge is involvement in the University’s clubs and societies. During Fresher’s Week (aka orientation week), I joined the Cambridge Union Society and enjoyed attending the wide and interesting range of debates given by some fascinating characters, as well as the special talks by high-profile speakers, including former prime ministers John Howard and (our own) Mike Moore. I was also a member of the Cambridge University Australia and New Zealand Society (to keep in touch with my NZ roots), Cambridge Law Society, Cambridge University Asia Law & Business Association, Cambridge University TaekwonDo society (despite being an ethnic Korean, a sport I only picked up in Cambridge) and Cambridge Lawyers Without Borders (LWOB). Despite having worked in private practice prior to coming to Cambridge, I have always had a sense of commitment to public service. So during my time in Cambridge, I was most involved in LWOB, attending many speaker events (the most memorable being the one given by John Wadham in relation to his involvement in the Shayler case, and his critique of the Metropolitan police with regards to the shooting of the Brazilian wrongly identified as a suicide bomber). My involvement in LWOB gave me the opportunity to meet pro-bono human rights lawyers, NGO representatives and other like-minded people.

In short, Cambridge certainly exceeded my expectations and became a central part of my life in the most fulfilling way. It is hard to believe that in such a short time I had made a close circle of friends and pushed the boundaries of my intellectual, social and cultural understanding.

Grace Lee
Quarter past five: Dreaming I am being licked by dog. Awake to find I am in fact being licked by large hairy attractive animal...Nothing criminal, don’t worry, my friends, but this is a family magazine.

Quarter to six: Scamp down to lake for icy plunge. Three times across and back. Ah, Dick Hanny, thou shouldst be living at this hour! Except that Sir Richard did not ‘scamp’. Bring feeling back to extremities by vigorous towelling. It is cold and crisp. Hear snapping sound. Check to see that nothing vital has snapped off. All well.

Five to six: Drive Daisy to cowshed. ‘Drive’ as in ‘force her before me’, not as in ‘put her into the Landrover beside me’. In fact I don’t even force her, she just ambles along beside me. Wonderful creatures, cows. You love them, they give you milk, you get tired of them and kill them. Ah, the natural order! Discuss my lecture on Part VIA of the Resource Management Act with her. Daisy seems to approve; adds one or two good points. Fall asleep with head up against warm flank. Awake to find I am being licked by large warm animal...

Ten past six: A piping hot shower, dress, put some wood in the burner, then a nice pot of tea. Chapter Ten past six: A piping hot shower, dress, put some wood in the burner, then a nice pot of tea. Chapter of the Bible, translate a page of Vergil, then improving environmental and spiritual works, round it all off with a little mediaeval history. Ah, the good old days!

Seven: Move bowls, read encyclopaedia.

Quarter past seven: The computer. I quite enjoy this. Similar to the feeling of excitement you get going down to the letter-box and seeing what the postie has left; but more reliably exciting, in fact, because there’s always something there. What will it be? Semper aliquid novi...And now my Law School e-mails...Ah, yes, a few more meetings, of course, at which most of us sit and listen and never say a word, just like most people at most meetings, ‘counting out our lives in coffee-spoons’...a seminar! Quite an interesting topic, so I’ll go to that one, might be able to make the lunch provided beforehand, my main protein meal for the day, just cabbage and fruit in the evening...Further information on how we are being turned into a world-class centre of excellence in teaching & research, a worthy aim, we are being turned into a world-class centre of excellence and let me keep my job? I wonder...here’s a conference on the other side of the world at a really inconvenient time, which would certainly assist in PBRF ratings if one could present a paper there, but would make me a hypocrite given everything I say about changing the way we live....

Eight: Breakfast. Stewed fruit from my own trees, home-made yoghurt, home-made muesli. What does Horace say? Happy the man whose wish and care! A few paternal acres bound/Content to breathe his native air/On his own ground – Whose herds with milk, Whose fields with bread, Whose flocks supply him with attire Whose trees in summer yield him shade: in winter, fire. Wonderful feeling. Books forbidden with food; might read New York Review of Books or any number of print-outs and ephemera. Here’s the Akaroa Mail. I used to joke that you really knew that you were a local when you read the local papers before you read the Press, but the way the Press is going now why would anyone read it first? Thinner, more ads, less intelligence, more populist and like a tabloid every day. Why do I continue to subscribe? Handy to know what’s on at the flickers, I suppose, and for lighting fires; but otherwise...The Press! I’ve had a life-long love affair with it, was a very regular correspondent once – those were exciting times – it was a good solid decent paper then – I was a columnist too, more recently – no hard feelings, it was good while it lasted – but now, looking at it, I feel like someone watching an old friend, now a drunken derviel, shambling down the street, and turning away thinking ‘He wouldn’t want me to see him like this’.

Half past eight: Wax moustache, lock up, go to garage, check oil – get into motor-car, drive to varsity. Listen to wireless. Shout at allegedly professional news presenters slowly drip-feeding their soft liberal poison into the minds of the nation. They take no notice. Turn to Concert Programme. Full of tuneless modern junk by alleged ‘composers’ who are still alive. Turn to the Rock. Young people jolly fun, such naughty scallywags, but perhaps I begin to feel my age....

Stuck behind old codger on winding road where passing is impossible. Tail-gating – in a safe, caring kind of way – is the only option in this situation. If you don’t sit behind them looking as if you want to overtake how will they ever know that you do? No point in sitting 100 yards back and creeping along at the same snail’s pace. Turn on headlights. Are they deliberately being discourteous, or do they just not know how to use the rear-view mirror? Day-dream about shooting their tyres out. Am about to resort to extreme measures when a brief window of opportunity presents itself. Stroke Bob.

Ten o’clock. Legal History. Tell the class how incredibly interesting it is, but always conscious that in the common law world legal history occupies the position known in cricket as silly mid-off. How many centuries shall I cover this morning? Have only four lectures these days to give the complete history of everything, so no time to waste. Ah, the long-lost days of yore! Once it was a week on the Anglo-Saxons, a week on the Normans, a fortnight on Henry I...Still, today I do get to mention mutilation, peine forte et dure and the ordeal, which everyone enjoys.

Eleven o’clock. Do the same again. Try to sound as if I have not said this before.

Mid-day. Pop upstairs. See Heather about exams, Fiona about a form, Jo about some envelopes, Joyce to ask why the printer down below isn’t working. Exchange jests with David Rowe. Since the advent of e-mail the practice of actually telling jokes to other people has almost entirely disappeared. In the good old days people would come up to you and say ‘Have you heard the one about...?’ No-one does now. We all just send them by e-mail. The back pages of my diary, wherein I used to jot down brief outlines of jokes, are now completely unsullied. The joke-teller is going the way of the bard singing in the hall. So thank you David. The old ways are best. Richard passes by, but just tells us to ‘carry on’.

One o’clock. Right. Last minute check of Resource Management Act lecture. Actually, much simpler than last year. Parliament has seen fit to amend or replace the crucial sections, so all that silly old case law doesn’t count for much. The slowly-accumulated knowledge of years relegated to the back of the folder. Lecture much simplified, although not quite so interesting, when we just have to read the sections together. There’s a paradox here, isn’t there? Environmental issues jolly important, yet lectures concentrating on procedural details of a much-amended statute less than gripping. Still, it keeps you on your toes. Nibble wizened apples with cheese and bread.

Two o’clock. Ready, slogger?

Three. Let us write a little. There’s a chapter on Magna Carta, and something on endangered species, and someone wants my views on the...
As Arnold Wall writes. Where was I? Ah yes. I slept, and dreamt that life was beauty. I woke, and saw that life was duty. No necessary contradiction, perhaps…Boring things. Right. What are we doing tonight? A meeting for a worthy cause? Plenty of those. Very important; we conscientious meeting-goers keep the country going. If we weren’t there, quite seriously, running school committees and conservation organisations and sports clubs and the rest, so many good things about our country would disappear. We’ve all spent many evenings sitting on hard chairs, paying attention, frowning, taking notes, saying something thoughtful, being voted on to the committee… No, not tonight Josephine. An opening, I see. There’ll be wine, and perhaps quite a bit of food, and then I might go the flickers...

Half past five. Listening to Radio National Drive–Time News. Nothing has happened since yesterday. Still crime, crime, something in Auckland, the compulsory Maori item, crime, some utterly trivial political gossip, something foreign and exotic and then the jolly up-beat item at the end about the kitten and the pony. Heaven help us. Stroke Bob.

Six. This is better. A glass of wine, a warm hum of conversation… my only fear is that someone may ask me what I think of the art. People pay good money for these crude daubs? Heaven help us. Bob, where are you when I need you? Get into deep conversation with dear old friends I haven’t spoken to for a year at least. What is happening to us? How do our lives just so speed up that the next time we think of our old friends, whose lives and interests and occupations admittedly are no longer quite the same as ours, a year has gone by? Feel deep sadness but also joy at our wonderful courage as we stare into the darkness. Accept invitation to dinner.

Half past ten. Very good dinner. Just organised at a moment’s notice, of course, only two courses, but delicious and generous nibbles beforehand and some wonderful cheese with a kick like a mule afterwards, and a very nice liqueur I hadn’t had before. Many hilarious moments, but I spent much of the time explaining how widespread world famine and the death of billions is inevitable, and there is, sadly, nothing we can do about it. Slightly uneasy feeling, possibly caused by the salmon. Will the future price of our own survival be nothing less than our inhumanity to our fellows? Heaven indeed help us.

Half past eleven. Some wood on the burner, cocoa, slippers, a good novel with lions and savages. Fall into arms of drowsy god. Ah, blessed sleep! Vastly under-rated. Believe me, on the whole, we need more. Other large mammals sleep a lot. They know. How terrible to be alienated from one’s natural rhythms. Not me! Slow food? That’s good, but we need more than that, we need slow lives. Very dull, I know; but necessary, and it is no less than our duty to set an example. If not us, who? It is a terrible responsibility….Head touches pillow, I fall into deep refreshing slumber, and I am stroke Bob.

Sir John Marshall

Treaty. Ah, the old Treaty, eh? We hear a lot more of it these days. To think that when I spent an entire year lecturing on the legal history of England and New Zealand, it merited no more than five minutes at the beginning of the New Zealand section. Ah, the good old days! How does that question go in the questionnaire in the New Zealand Class Book, the one that tells you whether you’re lower, middle or upper? Ah, nostalgia. How you wish they’d bring back:

The birch

Trams

I see them far off in the magical distance
With bloom like a ripe plum, so fresh and so tender;
They beckon and woo me and call with insistence,
The big shining Alps in their pomp and their splendour.

Rustic cooking

David Round
An extended tour of France

Margaret Ricketts muses on the trip of a lifetime

Last year, I became eligible for long service leave. This enabled my husband, Simon, and me to undertake an extended tour of France. We enjoy long walks and in addition, we were keen to visit the battlefields of WWI and WWII in France and Belgium. Simon’s great uncle – killed on a relatively quiet day on the Western Front, aged just 19 – lies in a small Commonwealth War Graves cemetery at Mametz – one of Brooke’s “corner(s) of a foreign field”, of which there are so many in that part of the world. The trip then, was part tour, part pilgrimage, and, like Chaucer’s pilgrims, we set out in April.

After several very enjoyable days in the tropical warmth of that endlessly fascinating, dynamic, cultural and social melting pot of Hong Kong, we landed in Paris on a mild Spring morning. Our hotel was located in one of the 19C “passages” (arcades running off the main street, and away from the traffic), full of fascinating shops and, of course, being Paris, plenty of places to eat and drink.

After Paris we spent a day in the attractive, riverside city of Bordeaux. The French celebrate seasonal produce and all the markets were full of asparagus – green; white; purple and the diminutive oserge sauvage, a wild variety which has the appearance of tiny ears of wheat. Turning a corner, we came upon the remnants of a Roman amphitheatre – partially demolished, intentionally, in the 18C, but now preserved. After Bordeaux we spent a week in the Dordogne, run by two charming Americans who spend the summer running this B & B and return to California for winter. We spent our time walking, cycling and taking some guided tours of prehistoric caves, troglodyte dwellings and castles. There was a tiny, excellent, restaurant within walking distance from our B & B and it was delightful to walk back in the twilight, hearing cuckoos, and, for a whole day, walking through woods full of young lime-green oak leaves; seeing banks dotted with wild blue bells; the heather, with an insouciant flick of the tail. Other highlights of this walk were passing through woods full of young lime-green oak leaves; seeing banks dotted with wild blue bells; hearing cuckoos, and, for a whole day, walking with the sound of the Atlantic Ocean in our ears, now a low “sigh”, then a roar like distant thunder, but always in the background. A tiny 15C chapel en route was dedicated to the Patron Saint of headaches. It seems that the saint, and his father, were beheaded. One imagines that cured their headaches. A sign close by pointed to the site of the shipwreck victims were buried, a poignant reminder of that formidable ocean over the hill. Normally “snaaake” to your walking companions.

We then travelled to Quimper, Brittany, where the first of our walking trips was to commence. Visiting the impressive Cathedral the next day, I was fascinated to discover a statue of St Yves (or St Ives), indicating that he was the patron saint of barristers. He is normally portrayed (in sculpture) with a pauper on one side of him and a rich man on the other. There are strong Celtic links with Brittany and this is reflected in the Breton language and also in their music – there is a Breton version of bagpipes.

Simon had booked our first walk (5 days) around the coast of Brittany from Pont l’Abbe to Pointe du Raz. The walks included pre-booked accommodation, evening meals and breakfasts and the luggage was taken ahead to our hotels each night. We were therefore able to walk with just a daypack. The sectors varied from 19 k to 24 k (26 k when we took a wrong turn!) and, being on the coast, the walking was mostly flat.

It was good to be walking, seeing the small details – flowers, birds, skinks and – not to be overlooked – a snake. As an Australian, an ancient race-memory takes over when you see a snake – your foot freezes in mid-air and you yell out “snaaake” to your walking companions. Normally the hapless reptile, similarly affrighted – “pleepple!” will flee. Some don’t. This attractively-marked little adder just calmly slithered into the heather, with an insouciant flick of the tail. Other highlights of this walk were passing through woods full of young lime-green oak leaves; seeing banks dotted with wild blue bells; hearing cuckoos, and, for a whole day, walking with the sound of the Atlantic Ocean in our ears, now a low “sigh”, then a roar like distant thunder, but always in the background. A tiny 15C chapel en route was dedicated to the Patron Saint of headaches. It seems that the saint, and his father, were beheaded. One imagines that cured their headaches. A sign close by pointed to the site of the shipwreck victims were buried, a poignant reminder of that formidable ocean over the hill. Another reminder of the perils of the sea were the phares or lighthouses that dot the coast. One in particular, the impressive Phare d’Eckmuhl, was visible throughout the walk – a needle on the horizon by day and a winking beacon at night when seen from our hotels.

We visited the fascinating, Ile de Seine – a tiny island, just 2km long and only 100m wide in places. Home to some 358 inhabitants, there are no cars permitted and islanders use a sort of supermarket trolley to transport everything from shopping to children. The island was awarded the Croix de la Liberation by General de Gaulle in 1946, in recognition of the fact that all of the men enlisted to fight in WWII, leaving only women and children on the island.

After a break at beautiful St Malo – where the fascinating Musee de Cap Horniers is dedicated to those sailors who rounded Cape Horn in sailing ships – our next walk (4 days) took us around Brittany’s famed Cote de Granite Rose – the coast of red granite. Sculpted into all sorts of fabulous shapes by wind and sea, the granite is indeed marvellous. We viewed (from a boat) the Reserve des Sept illes, a 40ha. island which is home to more than 18,000 pairs of birds and has been a protected site since 1912.

The coast is home to many ancient, tiny, chapels – which reflect both its seafaring history and religious beliefs. In one dim corner, I found another patron saint: France is full of them. A plaque indicated that for centuries, parishioners had taken a pinch of dust from the window sill beneath her statue in order to prevent bruises. I took the pinch of dust tale with a “pinch of salt” but regretted this when I subsequently sprained my ankle in Ypres. (I fell over a ramp for the disabled.)

The walk meandered through “tunnels” of blossoming hawthorne that met across the track.
and wild dog roses exuded a powerful fragrance against the hot rock walls. We sipped Kir Bretognes – kir made with cider instead of white wine – whilst watching the sun set across a tranquil bay, and gazed at the distant hills over which the walk would take us on the final day.

The next part of our journey took us to Bayeux, home of the famous tapestry, cider, and the nearby Normandy Landing beaches of WWII. The tapestry, believed to have been created between 1070 and 1080 for Bishop Odo of Bayeux, has stood the test of time well, with the colours looking remarkably fresh. Interestingly, the inscription at the British war museum in Bayeux translates thus, “We who were conquered by William have liberated the homeland of the conquerer”.

We were joined by friends from Australia, and our first battlefield tour focused on the American involvement. Highlights included: the small town of St Mere Eglise where a mannequin of a parachutist is suspended from the tower of the church – a poor soldier ended up in exactly that position when a parachute drop went badly wrong; a 12C church that was used by two American medics as a field hospital – they treated soldiers from both sides provided they were unarmed, whilst the battle raged around the church – and Point de Hoc, where US Rangers scaled what appears to be impossibly steep cliffs, burdened with heavy packs, whilst under fire. Our tour guide was excellent: WWII history was his passion and his encyclopaedic knowledge made the landscape come alive.

We visited Omaha Beach – peaceful today, with children playing – and a US Omaha veteran (and later prisoner-of-war) who was also on the tour said that he was pleased to see families relaxing on those wide sands – a far cry from the hell that the landings entailed. Observing the enormous German 88” gun that still remains on those wide sands – a far cry from the hell that the landings entailed. Apparently this occurs each year around the D-Day Anniversary but this year, being the 65th Anniversary, there was much more activity than usual. There were also lots of veterans about. They were present at most of the museums and visitors were encouraged to speak with them. One sprightly British chap said to us that he had survived the War and had never had a day’s sickness since. Yet another, reminiscing, laughed sadly about an incident and shook his head, mumuring, “la guerre....” and looked away into the distance, no doubt seeing long-departed faces and scenes.

From Bayeux, we travelled to the Somme, pausing en route to find my aunt’s ancestors’ graves in a tiny cemetry in Falaise, the birthplace of William the Conqueror. We visited the spot (now a grain field) where our Australian friend’s grandfather had been stationed during WWI and in Peronne (which the Australians liberated after a particularly difficult battle) we were moved to see “Rue de Kanga” and beneath it a sign, “we will never forget Australia”. The pretty city of Ypres in Belgium was to be our base for the next week or so. Ypres was completely destroyed in the War. Its mediaeval Cloth Hall was razed to the ground and remarkably (the original plans were found) rebuilt from scratch. Looking at it today, it is difficult to believe that it is only 90-odd years old.

The tours of the Somme were full of information and the history was respectfully presented. Our guide was an expert in the field, and together with his partner, they made enormous efforts to personalise the tours, as well as providing delicious picnic lunches. They sourced extra material about the men whose graves we wished to visit from the Imperial War Museum in London – information that we didn’t have – and presented it to us, together with small red poppy wreaths to leave on the graves. We visited Simon’s great uncle’s grave; and two graves of relatives of Lyttelton folk – one a young man from the Otago Regiment, who died within a month of Simon’s great uncle. His headstone simply said that he was “known to be buried in this cemetery”, indicating that the exact location of the remains is unknown. This happened often, so great was the devastation wreaked by artillery and bombs. The huge numbers of casualties are difficult to comprehend. And it is not only humans that remain below the soil – a dairy farm near Messines sits (very carefully one imagines) on some 50,000 pounds of explosives to this day.

The Commonwealth War Graves Commission does a wonderful job in looking after its cemeteries: these tend to be light and airy places today, bright with flowers and beautifully tended lawns, and there is an air of incredible peace there. Indeed someone – a local? – had written in the visitors’ book at one, “in the evenings, we hear their laughter”. When exploring the sites and hearing the stories of the enormous suffering and incredible bravery, on both sides, one feels that, although nearly 100 years have passed, and the erstwhile crater-pocked and mud-sodden landscape is now green and peopled with gentle-eyed cattle, the conflict is still comparatively recent. I was reminded of the words of one of Joseph Conrad’s characters, “the darkness was here yesterday”.

The German cemeteries are also beautifully maintained, yet they have a more sombre ambience than the Commonwealth ones. This appears to be partially due to the fact that they are surrounded by trees – normally oaks – resulting in deep shade in summer, and the gravestones tend to be of black stone, as opposed to the white Commonwealth ones. The wreaths left at these cemeteries are often made of the mosses, and pine cones that would be found in a German forest – souvenirs of home for those who did not return. In the German cemetery at Vladslo, we saw one of the most moving sculptures that we have ever encountered. The sculptor, Kathe Kollwitz, lost her son in the war and created this piece, The Mourning Parents, which looks down upon his grave. The figures exude an overwhelming, ineffable grief. She lost another son in the Second World War.

Every evening there is a memorial ceremony at the Menin Gate in Ypres, in honour of over 250,000 troops of the then British Empire, who were killed in the Ypres Salient between 1914 and 1918. The vast columns of the gate are inscribed with 54,896 names of those with no known grave.
representing only those who died prior to August 1917) and it is very moving to hear the haunting notes of The Last Post on the evening air.

Memories that stand out include the following: an Australian soldier’s “slouch” hat, that was dipped in bronze and made part of a memorial; the bronze caribou Newfoundland memorial; the kangaroo and other Australian symbols and place names incorporated by the French into so many of the towns on the front, especially at Villers-Bretonneux, where the primary school to this day has a relationship with a primary school in Victoria, Australia; the New Zealand memorials, beautiful in their simplicity, and engraved, “From the Uttermost Ends of the Earth.” Our guide remarked that this sentiment so moves him that he takes all visitors—of whatever nationality—to the New Zealand memorials. We also saw embroidered kneelers in St George’s Memorial Church, Ypres, that incorporated the Australian and New Zealand Army badges; a map of New Zealand inlaid into the pavement, and a street, Place du Featherstone, at the town of Messines.

The incredible youth of the casualties is brought home by the inscriptions on graves: so many of the men who died were in their late teens; one Australian casualty—thought to be the youngest Australian to die on the Western front—was only 16.

A particularly striking memorial, is the one at Thiepval, designed by the English architect Sir Edwin Lutyens. This 45m high structure is so firmly rooted to the ground, as if weighed down by the names of 73,367 missing men engraved into its walls, yet, owing to a band of pale brick around the middle of the structure, on a cloudy day, and when seen from a distance, it appears to float in the sky. This contrast between lightness and earth-bound heaviness is striking.

Simon had planned an excellent combination of walking and other touring, and our final walk was in the beautiful Alsace Region of France. Bordering Germany, the region changed nationality several times since 1871 and the German influence—in wines, food, place names and architecture—is strongly evident. We began our walk from the delightful “fairytale” village of Eguisheim, with its twisting streets, gingerbread houses and ... storks. These elegant birds were endangered but re-introduction programmes have restored the populations. It is wonderful to see their enormous nests sitting precariously on very steep rooftops.

Our 5 day walk saw us traversing some substantial hills—more like walking in New Zealand—and walking through forests of oak and conifers in dappled light, as well as exploring 12C and 14C ruins and walking through gentle vineyard country. On the walk to Munster, we climbed through forest tracks for several hours before emerging into an alpine meadow high above the town, with marvellous views down the valley. So reminiscent was it of “Sound of Music” scenery that we half expected to see Julie Andrews emerge, but seeing that she didn’t, I gave a Simon and our walking companions a brief rendition of “High on Hill”, much to their dismay.

On this walk we feasted on wild blueberries and wild strawberries—they were delicious! We also stumbled on a series of WWI trenches and bunkers, and a moving WWII memorial to a Canadian Lancaster crew—the plane’s twisted propeller formed the memorial. Although remote from the nearest town, a poppy wreath had been laid there.

The mountain range where we walked—the Ballon des Voges—is dotted with fermes auberges—farms that normally run a small number of cattle and provide food and accommodation to walkers. After a particularly long, steep walk, we arrived at one of these delightful abodes where we enjoyed panaches (shandies) amid wonderful vistas of valleys and mountains. All around there was the sound of cowbells and the fields were resplendent with wild dianthus; foxgloves and heartsease.

We had a pleasant chat about the region with a retired couple who, it appeared, regularly visited the area to photograph wildflowers and bird watch.

Our final day’s walk was an easy 15k, through quaint villages on the Alsatian wine route; we had a splendid lunch in a tiny restaurant: a group of local women were lunching there and each one politely wished us a good day and a good meal. En route back to Eguisheim, we enjoyed the summer heat, but could not help reflecting that very soon we would be back in the depths of winter. Perhaps that knowledge made the sun seem doubly warm, as we bade farewell to the Alsatian alps and turned our thoughts towards the Southern Alps.

Margaret Ricketts
Competitions

The competitions held in Terms Two and Three of this year in the School of Law were a resounding success once again, with higher numbers of participants than previous years, and consequently a higher standard of competitors. The finalists went to the Australian Nationals in Adelaide and then to the New Zealand Nationals in September in Dunedin.

Each student who competed deserves credit, however a few deserve special mention. The 2010 Canterbury finalists for the Bell Gully Mooting Competition were Guy Carter, Seamus Woods and Andy Luck. Guy won the mooting cup for best overall mooter and Andy won the cup for best first-time mooter in the competition. Sarah Keast was also placed highly in the mooting competition, although Sarah gained first place in the Minter Ellison Rudd Watts Witness Examination Competition, after an excellent and closely fought battle against co-finalist John Luke-Day. Janelle Cooke and Jeremy Bell-Connell took out first place in the Russell McVeagh Client Interviewing Competition, after employing some excellent teamwork and communication methods whilst dealing with a disgruntled and dramatic Seb Boyle as their client; it was an extremely entertaining final round. Stewart Daley and Richard Kahn were successful in taking out the first place in the Buddle Findlay Negotiation competition after a closely fought final against Alex Millen and Sarah Clinch in Buddle Findlay’s Christchurch offices.

Further Success for the School of Law in the Paul Trisley Award, Australia and New Zealand Sports Law Association

In 2009 Alex Campbell, a student from the Law and Sport course, won the Paul Trisley Essay competition.

At its annual conference every year, the Australian and New Zealand Sports Law Association (ANZSLA) makes an award in memory of Paul Trisley who was a well respected sports lawyer and an original member of ANZSLA. For the award, entrants must submit a written research paper with a recommended maximum of 7,500 words. The award is made to the person who, in the opinion of the eminent panel of judges, has produced the best paper. The paper is judged on its accuracy, originality, practical value to sports administrators and lawyers, and its academic quality.

Alex’s paper, “With specific regard to New Zealand, what actions have been taken to restrain sportspersons from competing with countries in breach of international jus cogens norms?” will be published in the 2010 peer-reviewed Australian and New Zealand Sports Law Journal. Alex was awarded his prize at the Conference Gala Dinner in Canberra. He received free return air travel, free registration and accommodation; and a year’s membership of ANZSLA.

His success is a huge accolade for the School of Law and follows a long line of former successes dating back to 1998.

E Toomey

Mooting 2010

The Mooting Competition final was held on the evening of 12 May 2010. The Moot Room was full to overflowing and the audience watched one of the most tightly contested moot finals in several years. Justice Chisholm (High Court) presided and was joined on the bench by Allister Davis (Law Society), Ian Gault (Bell Gully) and Associate Professor Ursula Cheer (representing the Dean of Law). We are most grateful to all the judges and to Bell Gully who continue to be a most generous sponsor of mooting not only at Canterbury but nationwide.

The finalists were Guy Carter, Andy Luck, Sarah Keast and Seamus Woods. Bell Gully set the topic for the final which involved issues of defamation and in particular the doctrine of effective repetition and the principle of innocent dissemination.

The mooters all held their own under some sustained questioning from the bench and the judges took a long time in their deliberations before announcing Guy Carter as this year’s mooting champion. Guy was presented with the Judges’ Cup by Justice Chisholm. Sarah Keast and Seamus Woods were placed 2nd – Andy Luck was this year’s best first time mooter and was presented with the Law Faculty Cup for Junior Mooting by Allister Davis.

LAWSOC announced at the post-moot function that Guy Carter, Seamus Woods and Andy Luck would be representing Canterbury at the Australasian Law Students Association Moot Competition. Ordinarily Sarah Keast would have taken a place in the team as she was in the top three but Sarah won the Witness Examination competition and under NZ Law Students Association rules she could only compete in one competition. The judges were unanimous in the view that the moot was of the highest standard and that differentiating between the mooters was extremely difficult.

Forty-eight students contested the preliminary round and sixteen went through to the semi-finals. The School of Law wishes to thank the many faculty members and practitioners who acted as judges and to the students who acted as court clerks for the rounds. In particular the School would like to acknowledge the contributions of Jo Appleyard (Chapman Tripp), Sarah Templeton (Hatherly Loughnan) and Dr Chris Gallavin (Faculty) for judging the semi-finals.

The LAWSOC Competitions Officers responsible for mooting were Jono Boyce and Josh Morgan. They did a superb job in catering for judges, setting up court rooms and arranging the clerks of court.

Simon Dorset Master of Moots

The annual Family Law Moot was won by Sarah Keast & Lyndon Rogers.

The competitions could not have been the success they were without the help of the judges, some of whom were School of Law faculty, and all of whom gave up in some cases numerous evenings to come and judge the rounds and give excellent feedback and positive advice to the competitors. Thanks must go especially to Simon Dorset, the Moot Master who was instrumental in bringing the Mooting Competition to fruition, as well as much positive guidance in the other three competitions; Chris Gallavin who ran the mooting tutorials and judged all of the mooting semi-finals; and Heather Couch whose intimate knowledge of the university’s room-booking procedure was invaluable to us in organising the competition rounds from an early stage.

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Mooters:
Prizes and Scholarships

David Turner was awarded the Gold Medal in Law and Philip Ascroft was awarded the University Prize. The LEADR Dispute Resolution Prize went to James Godfrey. Other prizes were: The Thomson Reuters Prize in Legal System was won by Andrew Pullar, and the Anderson Lloyd Prize in Contract by Seamus Woods. The Raymond Donnelly Prize in Criminal Law was won by Jessica Davies and the Wynn Williams & Co Prize in Torts also went to Jessica, as did the Ross and Valerie Penlington Prize in Public Law. Claire Brighton was also a three-time winner, being awarded the Anderson Lloyd Prize in Land Law, the Duncan Cotterill Award in Law (a joint Prize with Aimee Bryant), and the Duncan Cotterill Prize in Equity and Succession. The Wynn Williams & Co Prize in Resource Management Law went to Vanessa Brierley, the Macarthur Prize in Law to Philip Ascroft and the Iain Johnston Memorial Prize in Family Law to Tim Cone. The Ewart Hay Prize in Public International Law was won by Matthew Winter, the Russell McVeagh Award for Excellence in Intellectual Property by Kate Inglis and the Raymond Donnelly Prize in Criminal Justice by James Heard. The Canterbury Law Review Prize was awarded to Natasha Caldwell.

Rhodes Scholarship

Ryan Manton, who recently completed a Bachelor of Arts with First Class Honours and a Bachelor of Laws with First Class Honours, was awarded a prestigious Rhodes Scholarship in November 2010, one of three awarded. Rhodes Scholarships allow university graduates to pursue postgraduate study at Oxford University. The scholarship covers fees at Oxford and a living allowance of $25,000 for up to three years. Ryan intends to study towards a Bachelor of Civil Law (BCL), a one-year degree with four selected courses with lectures and tutorials. He then intends to complete a one-year Master of Philosophy degree in law (MPhil) by thesis. Ryan is interested in the intersection between criminal law and international law, and the international framework for bringing to justice the world’s worst criminals such as torturers, war criminals, and traffickers of people, drugs, and diamonds. Ryan has been Judge’s Clerk at the Court of Appeal in Wellington, and found the variety of the work stimulating. His undergraduate degree was coupled with a BA in classics and an honours year in ancient history. Ryan also served as a member of the Editorial Board for the New Zealand Law Students’ Journal.

The Sir Timothy Cleary Memorial Prize

In 2009, this prize was awarded jointly to two Canterbury graduates, Colin Fife and Jeremy Johnson. The prize, awarded by the New Zealand Law Foundation, is open to any barrister and/or solicitor of the High Court of New Zealand who has been admitted during the period of three years ending on 31 August of the year of the award. The prize is given to the person adjudged as giving the most promise of service to and through the profession having regard to personal character; qualities of leadership as shown by achievement and service at school and at university; reliability, progress and enthusiasm displayed in practical training in preparation for the practice of law; academic attainments; and interest and participation in general activities. Colin graduated from Canterbury University with an LLB (1st Class Hons); BA (Pols) and was admitted to the Bar in November 2007. He is a solicitor in the corporate and commercial law field, and was a former Judge’s Clerk at the Court of Appeal. Jeremy graduated from Canterbury University with a LLB (1st Class Hons), BA and was admitted to the Bar in 2008. Jeremy currently works as a solicitor in Wynn Williams & Co., Christchurch and was nominated for the Prize by senior partner, Peter Whiteside.

Dorothy Thompson Memorial Scholarship

The Canterbury Women’s Legal Association presented the Dorothy Thompson Memorial Scholarship to Vivienne Tuck, the top female student at the Institute of Professional Legal Studies. Vivienne is employed at Buddle Findlay.
Homefront

Sean Hughes (1989) is the new chief executive of the Financial Markets Authority (FMA), which has taken over the regulatory functions of the Securities Commission. The regulator intends to send a strong message to the market about misconduct and investor confidence.

Adam Feeley (1986) is now the very busy Chief Executive and Director of the Serious Fraud Office and is facing the challenge of re-energising it. Adam has been a solicitor for the Department of Trade and Industry in London, and in the Department of Justice in New Zealand and in practice for Bell Gully.

He was also general manager at Baycorp Holdings Ltd, and national manager business (registries) at the Ministry of Commerce. Other previous appointments include group manager, crown minerals, at the Ministry of Economic Development, and chief executive of the Eden Park Redevelopment Board.

Royden Hindle (1982) has been reappointed as chairperson of the Human Rights Review Tribunal. The tribunal hears and determines proceedings lodged regarding the Human Rights Act, the Privacy Act 1993 and the Health and Disability Commissioner Act 1994, after complaints have first been dealt with at a more informal level. Royden has 20 years litigation experience, principally in civil litigation. He is an accredited LEADR mediator, and is a Fellow of the Arbitrators and Mediators’ Institute. He received the Sir Ronald Davidson Arbitration Award in 2001 and was counsel assisting the Cervical Screening Inquiry.

Tom Weston (1985) has been a justice of the Cook Islands High Court for four and a half years, and in 2010 was named by Chief Justice David Williams as his successor to the office of Chief Justice. Tom is also a practising QC in New Zealand and a published poet.

President of the Court of Appeal, Sir William Young (1974) was appointed a Judge of the Supreme Court. Sir William practised in Christchurch with RA Young Hunter from 1978-1988 until he became a barrister. He was appointed a QC in 1991, a High Court judge in 1997 and a judge of the Court of Appeal in 2003, becoming President of that Court in 2006.

Raymond Marshall (1979) has been appointed a District Court Judge in Hamilton. Judge Marshall was a barrister in Hamilton, and was appointed a member of the Crown Prosecutors Panel in Hamilton in 1994. He was also a youth advocate, senior prosecutor and Crown prosecutor for Tasman and a partner in Nelson.

Retired District Court Judge Michael Hobbs (1959) has been appointed Chair of the new Real Estate Agents Disciplinary Tribunal. Judge Hobbs was appointed a District Court Judge in 1980 and retired in 1988, but has held several acting warrants since that time.

Sacha McMeeking (2003, 2007 (LLM)) has been appointed to the Infrastructure technical Advisory Group to support the Government’s programme of Resource management reforms. She has also been appointed to the Council of the University of Canterbury.

Katrina Crooks (1998) joined the litigation team at James & Wells Intellectual Property, Auckland, having been an IP litigator in Dublin. She specialises in the enforcement of intellectual property rights and resolution of intellectual property disputes.

Scott Grieve (1996) has become a partner in Reeves Middleton Young in New Plymouth. He practises in commercial law, building and construction, resource management law and local government.

Stuart Stevens (2000) has been promoted to associate in the financial markets team at Kensington Swan, Wellington. James Murphy (2004) has been appointed an associate at Checketts McKay Law Ltd, Cromwell, specialising in property, commercial and trusts.

Rebecca Scott (1997) has been made an associate at McElroy’s, Auckland. She specialises in insurance and professional liability litigation, and practised in London for five years.

A unique partnership

Sandy Callanan describes the establishment and ongoing practice in the first all-female New Zealand partnership

We opened the practice on the 25th of March 1985 as Lewis Callanan, Solicitors in Browns Bay, Auckland. The partners are myself, Sandra Joan Callanan and Rowena Margaret Lewis. I graduated from Canterbury Law School in 1978 and Rowena graduated from Auckland Law School in 1978, we were both admitted in 1979. In March 2010 we celebrated 25 years of legal partnership and Lewis Callanan today still remains with the two originating partners.

In the early years, we attracted a lot of new business as the first all female legal partnership in New Zealand. We had the whole spectrum of reactions from outright hostility from the male fraternity, including a number of gender-based attacks such as being called a partnership of lesbians, discourteously and deliberately written to as “Dear Sirs” time after time, but for the most part the attention we received from our clients was positive. A lot of women on the
North Shore were seeking to be represented by women and our timing of our partnership was, therefore, fortuitous. We have gone from having no clients in 1985 to having a client base in the thousands today.

We were both 28 and single when we started the practice and have both subsequently married (men:) and I have had three children during the partnership and Rowena has had two children. Both myself and Rowena had ‘office births’ working until the day before our respective children were born and returning to work six weeks later. To our credit, we have taken our own counsel regarding the pitfalls of divorce and halving one’s wealth and we both remain married to our first and only (at this stage) husbands.

We are no ordinary law firm, it is common practice for staff to bring children into work on sick days. Our mission statement has always been “Family First” because that is the ultimate joy and reward for working in a stressful profession. So much so, that mixing infants with full-time legal work has had its amusing moments. One day I was involved in a long hearing and was, at the time breastfeeding my second son. He was overdue for a feed and I asked my husband to bring him to Court. The Judge, to his credit, did not miss a beat when I stood before him in Court with a tiny baby over my shoulder (as if this was an everyday occurrence) who then promptly projectile vomited onto a neighbouring Counsel’s chair.

What has worked for us is that we have both recognized the other’s strengths in different areas of the law, so that one partner can develop that skill set and the other partner can develop another skill set. We never look over each other’s shoulders and meddle in each other’s work. This allows the partnership to flourish. My skill set is in litigation, relationship property and employment areas and Rowena has developed a large commercial practice. We have invested in creating the right workspace and environment for ourselves and our staff. We have made sure that coming into the office for us all is a pleasurable experience, rather than becoming drudgery. We are a family at work as well as a family at our homes. More recently, a staff member confided in me that her husband’s first question after arriving back from work in the evening is, “How was your day at Piranha Law?” To me, this is a compliment, rather than a derogatory comment, as it denotes the underlying philosophy of the firm that the client’s needs are paramount and that we will fight ‘tooth and nail’ for them.

Our interests outside the office are varied. I am a passionate gardener growing organic vegetables and flowers of every description. I enjoy running at least three times a week. I am also a member of the Council of the New Zealand Law Society, Auckland branch. Rowena has been involved in the local Pony Club and is more latterly a member of the Breast Cancer Aotea Ora Coalition Inc (BCAC). In the early days, we were the Honorary solicitors for the Women’s Refuge and participated in many community focussed legal services on the North Shore such as the CAB and Duty Solicitors etc.

Sandy Callanan
As far as the Law Library is concerned, the future is uncertain. Information Librarians (aka Liaison Librarians) will be managed by an invisible puppet-master outside the Law Library, who will also be responsible for services to Commerce. Other staff in the Law Library will report to yet another external person called “Manager Branch Libraries & Learning Hubs”. How this will pan out in practice is an ineffable question for the future...

On a positive note, we have almost stitched up a really excellent programme along with Faculty designed to ensure that law students’ research skills develop and become entrenched as they progress through the LLB curriculum. This has included the addition of two new papers, one mandatory at first year level, and another that will be mandatory for students proceeding to Honours, each comprising elements of legal research and writing skills.

And our detective fiction collection continues to grow and flourish thanks to the increasing number of donations from members of the university community.

Margaret Greville

The College of Law

The College of Law New Zealand is an accredited provider of the Professional Legal Studies Course (PLSC), the post-graduate practical legal training course required for the purposes of admission as a barrister and solicitor of the High Court of New Zealand. The College awards a Certificate in Professional Legal Studies upon successful completion.

The College is a part of a not-for-profit Australasian group, which provides pre-admission and post admission training for the legal profession through Colleges of Law established in New South Wales (1978), New Zealand (2004), Victoria (2005), Queensland (2006) and Western Australia (2006). The College group was founded by the Law Society of New South Wales in 1978 and has charitable legal education purposes.

The College is part of the College of Law Alliance, in association with the Colleges of Law in Australia and England & Wales, which are two of the oldest and most respected providers in the common law world. The College of Law is the largest provider of practical legal training in each country.

The aims of the PLSC are set out in New Zealand Council of Legal Education regulations. It aims to provide law graduates with practical legal training on matters about which, in addition to a law degree, the public interest requires them to have sufficient familiarity, before being admitted to the profession and commence practice as a barrister and solicitor. Specifically, the course aims to –

- bridge the gap between your academic study of law and its practice
- prepare you for supervised practice, or for practice as a barrister sole
- provide you with skills which, when developed through practice, will equip you to reach the level of professional competence required to represent a client without supervision
- develop a sense of the professional role and responsibilities required of a practitioner and an officer of the court
- prepare you for legal practice in a culturally diverse society and the need to be sensitive to cultural and gender issues
- provide you with a foundation for the lifelong learning of the practice of law and to encourage you to take responsibility for your ongoing professional development.

The course is required to cover Professional Conduct and eleven skills: advising, advocacy, drafting, fact investigation and analysis, interviewing, mediation, negotiation, office and personal management, practical legal research and analysis, problem solving and writing.

The PLSC teaches these skills in the context of legal transactions that are commonly required of a newly-admitted lawyer. In developing its PLSC, the College has drawn on the experience its Australian parent has gained through teaching practical legal skills for over 30 years, and through pioneering online practical legal training courses in 2002.

The PLSC has the same structure and teaching methodologies as the online pre-admission practical legal training courses taught by the College in all the Australian state jurisdictions, and it is benchmarked against these courses. The PLSC also integrates the Australian competency

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presented with an alarming-looking set of documents heralding a complete dismantling of the current structure, and the imposition of a new one. Most of us were aghast. The proposed organization appeared to offer few if any improvements over the status quo, bore little relation to the requirements of a New Zealand university, and had no regard for local conditions. It did however propose the termination of c. 35 library positions (all senior, professional roles), with the creation of c.18 others.

The academic community as a whole rose up in outrage, to the delight and gratitude of library staff. The Law Faculty and the law students were magnificent. LawSoc and Te Putairiki each made submissions, as did the Faculty.

The end result on the whole – that is, library-wide – is very much better than what was first proposed. But it does signal the end of the Law Library as we know it. There will be no Law Librarian in charge. That position has been downgraded (or “re-mapped”, to use current jargon) to the level of an Information Services (or Reference) Librarian. Those positions are to be renamed “Liaison Librarians”, and they will report to a new position called “Academic Liaison Manager”, who in turn will report to the “Associate University Librarian”, who in turn will report to the new Pro-Vice-Chancellor (Learning Resources) who is also adopting the style & title of University Librarian.

Baffled? Confused? So are we.

In the end, if we can squint through the fog and gun-smoke, the structure of the organisation should be much better in the long run. But if we leave off admiring the chess-board, and look at the people on it, there are some good people who are there no longer.
requirements in a manner compatible with New Zealand requirements, to provide graduates with a unique trans-Tasman approach.

The PLSC combines face-to-face teaching at onsites with interactive web-based tuition. The face-to-face components comprise 30% of the total course time. The course is two dimensional – comprising professional skills seminars and practice areas. Throughout the course, you will be engaged in skills development and the learning of procedures in specific areas of practice. The content of the PLSC falls into three broad areas:

**Core Practice Areas**
- Commercial and Corporate Practice
- Civil Litigation Practice
- Property Practice
- Elective Practice Areas
- Acting for the Corporate Client or
- Acting for the Private Client
- Professional Areas
- Professional skills
- Trust and Office Accounting
- Professional Responsibility

Students are provided with all the information needed to complete the course through the website and are also provided, at no additional cost, with a print volume of the College of Law Practice Papers, an invaluable “how to” guide for their first years of practice as a newly admitted lawyer.

The PLSC is 18 weeks long and is taught in two discrete nine-week modules (Modules A and B). The modules are interchangeable between courses, allowing students to create a course timetable to suit their needs. Each module has a seven-week online phase and concludes with an onsite held during the final two weeks. The College also offers an alternative course structure that splits the onsites and assessments and spreads them throughout the course.

Courses are offered year round, with frequent commencement dates throughout the year. For details, including dates for course onsite programmes, go to [http://www.collaw.ac.nz/plsc](http://www.collaw.ac.nz/plsc)

While you can undertake the online phases of each module from anywhere in the World, the onsite programme must be undertaken in New Zealand. All our courses offer onsite programmes in Auckland and Wellington, because these cities have larger enrolment number. A lesser number of onsites are offered in Christchurch, Dunedin and Hamilton. In 2011, our onsite programme will be offered in Christchurch in courses commencing on 13 December 2010, 7 March 2011, 23 May 2011, 8 August 2011 and 12 December 2011. We use a central city hotel as our teaching venue.

Since the College first offered the PLSC in 2004, the choices available to law graduates wishing to be admitted to practise law have improved considerably. Students now have a wide choice of course start dates, an elective choice chosen on the basis of the type of client for whom they will work, and the ability to undertake the course in two discrete modules and flexibility on the programming of onsites.

**Te Putairiki**

Te Putairiki is the Maori Law Students Society that provides a supportive network primarily for Maori law students on campus. Completely student operated, Te Putairiki functions through voluntary contributions encouraging whakawhanaungatanga (togetherness), whilst working to advance and facilitate individual academic success. Te Putairiki provide academic resources and students further along in study to provide help or guidance to those earlier in their studies. In a wider capacity Te Putairiki look to promote Maori law students within the faculty, campus, Maori and legal communities.

Te Putairiki operates in accordance with Tikanga Maori and also looks to promote Te Ao Maori in the wider University setting. We seek to create an informal, supportive whanau (family) environment. This includes our own room, being Room 119 on the ground floor of the law school, an oasis we can call home during the long days on campus. Here our students are encouraged to study or indulge in a cup of coffee, participate in tutorials or meet with peers, have lunch or relax in between lectures. At Te Putairiki we take pride in providing a home away from home to our members and accordingly extend to you a warm invitation to join our whanau.
Obituaries

Brian Harman died in May 2010 and was described by Gerald Lascelles in a eulogy as having intelligence, loyalty, kindness and bravery. Harman was a Gold Medallist in 1956, and a champion debater. He served on the Riccarton Borough Council, received the MNZM, and was an exemplary lawyer whose word was his bond. He retired in 2008 having practised in Christchurch for 52 years. Brian Harman was also very active in church affairs and the Christchurch Diocesan Synod. Friends and colleagues describe him as a man of integrity and tolerance, compassion and good humour. The School of Law and Professor Jeremy Finn are most grateful for the time he took to share reminiscences for the book on the history of the school, ‘Educatiiong the Profession: Law at Canterbury 1873-1973’. (Source: Canterbury Tales, 16(4), 2010).

Shaun O’Neill practising as the Mairehau Law Centre, died on the 10th of September 2010. Shaun was born and bred in Christchurch and was admitted to the Bar in 1987. After serving his time working for a local firm he set up his own practice where he was based in Clarendon Tower in Worcester Street for 12 years, before moving out to Mairehau.

Christchurch Careers


Blake Cescon (1994) and Kelly Foley (2003) have been appointed senior associates at Buddle Findlay. Blake deals with local government and banking and Kelly specialises in commercial litigation. Rose Endean (2009) has joined resource management firm Adderley Head, as a solicitor.

Karen Welsford (1996) has joined the disputes resolution team at Lane Neave as an associate. She has particular expertise in insurance law. Dean Kilpatrick (2001) has joined Anthony Harper Lawyers as an associate. Dean specialises in employment law. Vaughn Taylor (2000) has become a partner at MDS Law after two years as an associate. His focus is corporate and commercial work.

Academic Gossip

Dr Chris Gallavin was among 10 New Zealand researchers to receive senior scholar awards from Fulbright New Zealand for 2011. He will teach a course on New Zealand’s constitutional structure and international relations at Georgetown University and will conduct research. Chris also received a teaching award in 2010.

The 14th annual Quiz Night of the CDLS was held at the Dickson Room, Canterbury Centre on 22nd July 2010. Twenty-two participated this year, five more than last year. The evening was compered by Judge Raoul Neave. The general knowledge quiz was again won by the University of Canterbury team The Ivory Towers with a total of 42.5 points out of a possible 55. The team comprised Jeremy Finn, Lynne Taylor, Simon Dorset, and Cynthia Hawes.

STOP PRESS!

Founded in 1873, the Canterbury School of Law has never had a female professor – until now! On 1 January 2011, Liz Toomey became the Law School’s first woman professor. The School extends its hearty congratulations to Liz. We will feature our new Professor in the next edition of this Newsletter.
The 2010 Gerry Orchard Memorial Staff versus Student cricket match was an action replay of each year in which the match has been played: complete and utter Staff domination! The cricketing abilities of the amazing law lecturing staff at Canterbury continued to amaze the students, spectators and general throng of adoring and amazed members of the public that gathered on the sideline. Gerry would have expected nothing less from his team of academic boffins and he would have been particularly proud of a few stand-out performances. At this point special mention needs to be made of Margaret Rickett’s husband Simon who committed himself so eagerly to the first run of the entire match that he pulled up lame with a nasty hamstring injury (since operated on, requiring 6 weeks at home!). After being dragged from the field of play his replacement was quickly dispatched to the crease.

Professor Ursula Cheer was accompanied by the smallest dog in existence, Milo, who became match mascot. A masterful ruse that distracted the students sufficiently for Professor Cheer to score a quick 36. Later in the day, she proceeded to bowl out Will Taffs, who was lighting a cigarette at the time. Although looking remarkably like the 11 year old son of Finance Manager Ann Kilgour, our next weapon was in fact the very short and incredibly young looking Professor ummm Russell from ummm the University of Mofmyre in ummm Wales. He belted a quick 30 before going to play in an under 12 Canterbury rep game across town. Chris Morel, a local solicitor, anchored the staff team with an amazing innings of 25. Professor Todd made a quick 30, dumbfounding the students with the tortious conundrum about defective piles, again a masterful stroke which saw all students frantically note-taking rather than concentrating on the game at hand.

Unfortunately Adjunct Professor Dr Gerard McCoy QC could not make it to the annual event. A close friend of both Gerry Orchard and the law faculty, Dr McCoy QC is usually good for the scalps of 3 or 4 students and at least 40 runs. There were many a worried head on the staff side as news of his nonappearance swam like a devouring barracuda around the team, chomping at the confidence that years of triumphed success had garnered. But all was not lost. Gerard had sent his very competent secretary Lucy to fill his shoes. Armed with a “Dolls House” hat from one of Gerard’s more interesting clients, Lucy charged out to the pitch. The young male students were stunned. Words left them and so too their cricketing skills, both of which were already woefully lacking. Lucy proceeded to dispatch ball after ball to the boundaries of the Ilam Fields oval, one of which was caught by Mr Rabindra Roy, an ex-student who happened to be passing on his bicycle.

Upon Lucy’s untimely and dubious stumping, it was time for the Staff captain Chris Gallavin to make his mark; and mark did he make! Never have the students been so put in their place as when Gallavin proceeded to exact his fury on the soft yellow ball glibly bowled from each end. Yes, soft and yellow was the ball provided by the students. In the words of student President Guy Carter ‘we are scared of a real cricket ball’. So in awe were the students that they had absolutely no answer to the flow of jibs and jabs that continually proceeded from the staff team like an unstoppable gushing of a broken oil pipe, filling the air with a hanging inevitability of staff success that coated the fluffy down of the tender young students so completely, that within minutes of the game starting not even the technical support of BP could save them.

So the Gerry Orchard Memorial Wine Cask sits proudly in the Staffroom for another year safe in the knowledge that the cardinal rule ‘the staff must always win’ has been honoured for another year. (And that’s quite enough from you, Gallavin. Eds)