Law alumni enter Parliament

New staff welcomed

Best mooter in the world
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This year’s cover story profiles five of our alumni who have become Members of Parliament for the first time. They comprise 1.5% of the intake of new MPs and join seven other graduates of the Auckland Law School who were already MPs. As was the case in the previous government, we have alumni who sit in Cabinet, who are ministers, and who hold senior Opposition portfolios.

They and the other alumni profiled in this magazine show the wide range of careers being pursued by our graduates. Many are leaders in the law. Many others are leaders in government, business and a wide variety of other sectors. Our students find that their legal training helps them obtain and do well in a wide variety of jobs. 90% of our law graduates take conjoint degrees and many of these are interested in and find good employment outside of the law but with the benefit of the analysis, writing, and reasoning skills their law degree has taught them. There is an enormous advantage to society in having law graduates who sit in Parliament, head major banks and businesses, and lead city councils, health boards, and transport authorities.

We aim to produce outstanding lawyers who can work directly in the law and in all sorts of other fields and we have this year taken important steps towards establishing a much more substantial careers mentoring programme, as occurs in many North American law schools, so that all our students are aware of the legal and various other career opportunities that our graduates thrive in. Our new Employment Engagement Manager is profiled later in the magazine. She is already doing a lot to inform students of the career pathways pursued by our graduates, including how they can do well in large and small firms, in and outside of Auckland, overseas, and in other sectors.

It is always pleasing to hear from lawyers and other employers how well regarded our graduates are. No other law school in New Zealand has the intensive small group legal writing, research and communication programme we now offer, or has as many electives, or as extensive a mooting, community placement, and co-curricular programme. This year marked the fiftieth anniversary of the Auckland University Law Review and an article in the magazine profiles the quality of the student legal writing it publishes and the work of its student editors. There is also an article highlighting the success of our students in international mooting and other competitions. Auckland law students were named the best speaker and the third best speaker in the world at this year’s Jessup International Law Mooting Competition. This is the world’s most prestigious mooting contest and the achievements of our students were truly exceptional.

From next year we will be increasing the amount of law studied at first year by fifty percent and an article in the magazine provides more details about our new first year course, Legal Foundations, which, among other things, will ensure that all our students are introduced to the importance of dispute resolution and the impact of international and comparative law at the outset of their legal studies.

Elsewhere in the magazine you will find profiles of new members of the academic staff. As you will see, we have been able to make a number of significant new appointments. This includes more senior as well as junior Faculty hires. We have appointed our first Nga Kai Whakaaiko and Susu Faako Teaching Fellows to provide more academic support for our Māori and Pasifika students. We have also employed our first Doctoral Teaching Fellow. Two of our new hires have run clinics in two of the Part 2 courses (including working through practice exercises and answering student questions). These have been very popular and have allowed us to experiment with how to provide more assistance to students through this sort of format. A working group has been established in the Law School to re-examine teaching delivery and assessment more generally.

We are currently at the shortlisting stage for the John and Marylyn Mayo Chair in Health Law and I expect to make a number of further academic appointments during 2018. At the same time we will be continuing to farewell long-servicing staff members approaching retirement. Rosemary Tobin and Bruce Harris have retired during the course of this year and Stephen Penk will be retiring in early 2018. All three have contributed an enormous amount to the Faculty and the University and it is pleasing that they will continue to remain involved, Stephen as a Teaching Fellow, Bruce as Chair of the Fitness to Practice Committee in the Medical School, and Rosemary by teaching on the LLM programme.

We continue to provide significantly more postgraduate and undergraduate law courses than any other law school in the country. This year our Aviation Law course was taught by the world’s leading authority, Professor Paul Dempsey (former Director of the Institute of Air and Space Law at McGill University). Partners from Chapman Tripp have taught courses on Corporate Transactions and Corporate Iwi Governance for some years. This is much appreciated and I am also grateful to partners for initiating new courses in Trial Advocacy and Appellate Advocacy, and to partners from Minter Ellison for the courses being taught in Takeovers Law and Construction Law.

The advice and generosity of our alumni and friends are critical to all we do and I am very grateful for all the contributions that have supported what has been a very busy and successful year, as reflected in the pages of this magazine.

Andrew Stockley - Dean of Law
Auckland law alumni elected new MPs

A law degree is more than just a good education. Legal training equips graduates with skills that are highly desirable in a wide range of fields, including politics. Current Members of Parliament including Simon Bridges, Judith Collins, Raymond Huo, Ministers Eugenie Sage and Jenny Salesa, and Deputy Prime Minister Winston Peters all studied at Auckland Law School.

The recent General Election saw five more of our alumni enter Parliament as first-time MPs. They join the growing ranks of Auckland Law School’s eminent graduates who have helped to shape our country as Judges, Queen’s Counsel, politicians, and leaders of industry. We asked Simeon Brown, Golriz Ghahraman, Harete Hipango, Chris Penk and Chole Swarbrick about their own path to the Beehive.

Simeon Brown

New MP for Pakuranga, Simeon Brown, says a desire to serve the community has influenced his career choices. “It’s something that has guided me for many years, even before I first became involved in politics in 2013,” he says.

Born in Rotorua in 1991 and the second of five children, Simeon says his grandfather, who was involved in local government for many years, inspired him greatly.

“While there were no lawyers in my immediate family, I chose to study a conjoint law and commerce degree in order to gain a set of skills that would be useful in a wide variety of contexts. Auckland Law School was the logical place to do this because of its excellent reputation and wide variety of options,” he says.
He enjoyed his time as a student and appreciated the opportunity. "The Law School felt a long way away from the rest of the University, but this allowed me to really get to know my year group and class colleagues."

**His advice to fellow law students? 'Fiat justitia et pereat mundus – Let justice be done, though the world perish.'**

After finishing University Simeon worked as a commercial banker for the BNZ, an experience that he says gave him an insight into New Zealand’s economy. His decision to join the National Party was because their values aligned most closely with his own. "I believe in equal opportunity and individual responsibility, a hand up not a handout, and less Government in our daily lives."

His primary goal for this term lies squarely in representing the people of Pakuranga. "I want to make sure that, first and foremost, my constituents know who I am, where they can find me, and what I can do to help them. I’ll be out in Pakuranga as much as possible, building relationships with community leaders and business owners, talking to constituents about the things that matter most to them, and doing whatever I can to help the community. I grew up learning that the best way to look after those around you is to listen, and that’s a virtue I’ll bring with me as a Member of Parliament. My constituents will always come first," he says.

In his down time, the 27-year old likes to spend as much time as he can with his wife Rebecca, and his family who live close by. "I know that being an MP will be a challenge when it comes to finding time for myself, so they will always be the first port of call whenever I get the chance," he says.

Simeon enjoys gardening and playing the clarinet, finding both activities relaxing, but would also like to use his downtime as an opportunity to pick up new hobbies that might relate to his role as an MP, like the chance to get involved in local clubs or organisations.

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Golriz Ghahraman

When Green list MP Golriz Ghahraman arrived as an undergraduate student at the Auckland Law School she had no intention of practising law. The daughter of Iranian asylum seekers, Golriz, who arrived in New Zealand aged 9, was interested in studying law as an analytical field.

"I wanted to work in human rights but once I went to intern at Amnesty International, I quickly realised that I would be more effective if I knew how to enforce rights," she says.

To do this, she needed to learn how to bring human rights cases before the courts and this meant finishing her legal education through practice.

"When I studied law the focus was more towards the corporate field. I loved options like criminal, international and environmental law. Fortunately, we had some of the best academics in the country teaching those subjects at Auckland Law School," she says.

Golriz also studied history as a conjoint arts major. "I believe strongly that law students should also study the arts. My history degree complemented my legal studies because it involved a lot of writing and creative reasoning. It also allowed me to focus on international and social issues," she says.

After completing an LLM at Oxford, Golriz went on to work as a lawyer for the United Nations (UN) as well as back here in New Zealand, where she focused on human rights and holding governments to account.

The 37-year-old says her decision to trade her career as a barrister for politics was influenced by the changes she has seen in New Zealand over the last few years.

"When I moved back from working for the UN a few years ago, I found the country altered. Organisations dealing with human rights and justice - like our Commission for Children and the Human Rights Commission, Youth Law, as well as Law Centres - were experiencing cuts to their funding and threats to their mandates. Even Legal Aid was under attack," she says.

Children's rights is another area of Golriz’s expertise. She worked on the Committee of Action for Children and Youth Aotearoa, which is the organisation entrusted with presenting New Zealand’s non-governmental report to the UN Committee on Child Rights. She found child poverty statistics exceptionally troubling and realised that change needed to occur on a systemic level rather than a case by case basis.

Golriz, who had been a member of the Green Party for many years, became more involved. "I wanted to engage and be around others who were actively engaged with issues that I cared about," she says.

The Greens embodied her values - from social justice, to ecological wisdom – and were also committed to changing the tribal-style adversarial nature of politics, to one of building consensus. Although she never meant to run as New Zealand’s first MP with a refugee background, she quickly realised that her face, as an ethnic woman, and her story as a refugee meant something to many people.

"I had an outpouring of support from all over the world, including from Trump’s America. So I quickly got over my fear of tokenism. Because of my background I do feel responsible to advance human rights, democracy, and stand up for the most vulnerable. That’s what my legal career, including work with the UN and human rights NGOs has been about," she says.

When she’s not working Golriz loves to travel. "I don’t ever go very long without planning a little adventure, whether it’s overseas or like my latest trip to Milford Sound,” she says.

**Her advice to law students is to take career risks.**

"As lawyers or people with law degrees, you are very employable so you’ll never starve. It is far more frightening to wake up in 10 or 20 years-time desperately needing a change, than it is to turn down that sought after clerk job and try working for a law centre or do an internship overseas instead. You never know where that will lead," she says.
Newly elected Helensville MP Chris Penk’s family has a strong association with the Auckland Law School.

The 37-year-old says his brother Alex and father Stephen, are both alumni. “It’s a bit of a family affair. Dad has taught there for many years and I also met my wife Kim while we were both LLB students,” he says. “We even graduated together.”

Harete says studying law was difficult but rewarding. “It was a completely different way of thinking to the constructs of my Māori framework and my intellectual ability. I personally enjoyed Family, Māori Land Law, and Torts. I didn’t particularly enjoy Contract or the Socratic method of teaching and learning.”

After law school Harete worked in general practice, both public and private, in the areas of family law, mental health, youth justice, child welfare, criminal law, Māori land and mediation. Her experience working in the criminal justice and health sectors influenced her decision to move into politics. “Seeing the deprivation and disparity within society and local communities influenced my desire to make a meaningful difference and to improve people’s circumstances,” she says.

Why National? Because she says, their values align with the ones that her family raised her with – aspire, inspire, perspire. It is also her advice to law students, but she adds.

“Believe in your ability. Give service to others – make a meaningful difference to better the lives of others and of self. Money does not bring prosperity.”

He treasured people and the importance of relationships, enduring and inter-generational. Over the decades I was gently politicised to the issues of the day accompanying him and his father Hori to many meetings of the late 60s Whanganui Māori land incorporations and civic affairs through to Waitangi Tribunal Whanganui land and river claims of the 80s and beyond. I was enveloped in the kōrero and whakaaro of the old people,” she says.

She chose to study at Auckland Law School because the climate was a lot warmer than the alternatives. However, her first impressions of law school were ‘daunting and unwelcoming’. “I was told during enrolment from day one that I would fail. I would not graduate. It was a significant test in life. But I graduated law in 1991.”

The middle child of five, the National MP was born and raised in Pūtiki, Whanganui. A child of the 1960s, she says she was “raised by a village”.

Her Pakeha catholic mother Eileen, was staunch and stoic, and valued the importance of education, ethics and discipline. She instilled her love of art and opera in Harete. Her Māori Anglican father Hoani was charismatic, and enigmatic.

Harete Hipango

First-time National MP for Whanganui Harete Hipango, credits her decision to study law as being shaped and influenced by the disparities of the New Zealand legal system in its treatment of Māori concerns with justice, welfare, education, the environment, and assets.

Affiliated to Te Āti Haunui a Pāparāngi, Ngāti Apa and Nga Rāuru, Harete says she genuinely wished to learn more about how to effect change and help people in need.

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Chris Penk

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The proud ‘Westie’ attended Kelston Boys High School, before heading to the University of Auckland where he studied law as well as completing a BA majoring in English Literature and Linguistics.

“I love languages but law seemed to me an interesting way to get some practical problem-solving opportunities and Auckland Law School was an easy choice, being both the country’s top school and also an easy commute by train from West Auckland,” he says.

He concedes he’s not the average student. “I started my law degree in 1998 (yes, last century!), but only completed it in 2010 as I joined the Navy and spent quite a few of the intervening years at sea,” he says. A good deal of this time included driving submarines for the Royal Australian Navy.
He says a number of factors persuaded him to enter politics. "Perhaps the general flavour could be summarised as my fondness for problem-solving. Obviously it’s a slightly different realm to the study and practice of law but, at the same time, a natural fit in many ways. As an electorate MP I’m advocating for individual constituents in a similar manner to a lawyer representing his/her clients,” he says.

“The values of equal opportunity and personal responsibility, as emphasised by the National Party, really resonate with me. I’d like to play a role consistent with my party’s current role (Her Majesty’s Loyal Opposition) by holding the government to account in a genuinely constructive way. Outside of the capital, I’ll be focusing strongly on my electorate to ensure the good people of Helensville get the diligent representation they deserve.”

His advice to law students is to try to enjoy study. “This is something that’s not always easy. I know. I’d also add to remember that there are plenty of work and life options after law school. Studying and practising law can be very intense and so keeping perspective – in particular not being too hard on yourself – is a daily challenge”, he says.

“In summary, be kind to yourself and others.”

Chris is also a strong advocate for law students contemplating career options ‘outside of the box’.

“I was fortunate to spend a few years in submarines with the navy, choosing to study law before, during and after that phase of my life,” he says.

When he’s not working as the MP for Helensville, Chris is at home with his family. “As a new father, I’m enjoying spending time with our very young son.” And other than that? “I suspect that the concept of ‘down time’ will have been effectively replaced by him for the next 18 years or so,” he says.

Chloe Swarbrick

At 23, alumni Chloe Swarbrick is the country’s youngest Member of Parliament since Marilyn Waring was elected MP for Raglan in 1975.

But the newly elected Green list MP says with regards to being young, “that’s just a fact. I can’t change it, and I don’t mind it, except when it becomes the basis for unfounded assumptions. That’s when things need to be challenged.”

And challenge she will. She acknowledges her decision to enter politics was because she was ‘pretty p***ed off’.

“I’m not here to hold up the walls of Parliament – I’m here to knock them down (metaphorically). I think for a very long time, we’ve seen privilege and power insulate itself. That’s not inherently a nasty or malicious thing – it’s just that law is made by people, with certain people in mind, and when the House of Representatives isn’t really too representative, it leaves a lot of perspectives and life experiences overlooked almost by default,” she says.

When Chloe started at the University of Auckland in 2012, she initially studied a BA majoring in philosophy and psychology. However psychology was not the right fit, so she dropped her double major, continuing with philosophy, while also studying other Arts papers, like English and politics.

“In philosophy, I became really interested in critical theory, looking at the nuance behind social and power structures. I wanted to understand the systems I was seeking to critique, and at its most basic, that meant studying law,” she says.

She began an LLB at Auckland Law School, but admits she didn’t get to hang out much due to being so busy. She worked part-time, ran various projects and businesses with her partner Alex, and hosted a radio show on 95 bFM.

Some lecturers were heavily influential, including Khylee Quince, Julia Tolmie, Paul Sumpter and Scott Optican. Ask her what her favourite paper was at Law School and she doesn’t hesitate. “Advanced Criminology with Khylee Quince, where I investigated legal mechanisms to reduce intergenerational offending,” she says.

Dozens of hours of research led her down multiple rabbit holes, and at a certain point she stumbled upon previous Green MP, Sue Bradford’s bill to introduce mother and baby units in prison.

“Reading Hansard, discovering a politician arguing for a very unpopular portion of the population in the face of eye-watering rhetoric and the threat of personal career demise was bloody inspiring,” she says.

It was during this time that she put her hand up to run for the Mayoralty of Auckland, placing third despite being an unknown and having no real campaign funds. The swell of public support led to her decision to join the Green Party, whose values and vision align to her own.

Ultimately Chloe wants to make Parliament more accessible.

“That’s a different thing to being transparent, which is important in its own right, but doesn’t entail accountability. New Zealand is frequently held up as an example of transparent government, but so much of its goings on – from the wheelhouse of select committee to the operations and budgets of Ministries – are inaccessible because they’re entrenched in jargon, which by neglect or design locks out ‘ordinary’ people, and thus their participation,” she says.

“Whether we choose to participate in the political system or not, it governs our lives, almost frighteningly so given the ambit of possibility under parliamentary supremacy. So many people I knew, so many people I’ve read and heard about, had simultaneously become fatalistic about our exploding social, inequality and economic issues, yet gave up on requiring politicians to change things,” she says.

“I thought at the least I could try and show people that if I could do something – as the then-22, oft-ridiculed ‘protest’ candidate – they could do something too.”
Establishment of the Aotearoa New Zealand Centre for Indigenous Peoples and the Law

In an exciting development for the Law School, the Aotearoa New Zealand Centre for Indigenous Peoples and the Law was established in September this year. Building on the work of Te Tai Haruru, the Māori legal academics group, over the last two decades, our hope is that the Centre will develop into a cutting-edge and world-leading platform for research, teaching and advocacy on Indigenous peoples and the law.

The work of the Centre will focus on three main activities: research, teaching and advocacy and in all cases we will work collaboratively with other Māori and international Indigenous scholars across a wide-range of disciplines. The Centre provides us with a vehicle to build on, for example, international research collaborations we already have in place such as on Māori children in state care, Indigenous philosophies of law, Indigenous self-determination, the UN Declaration on the Rights of Indigenous Peoples, extractive industries and Māori, criminal justice and Māori and constitutional transformation to better accommodate Māori.

In our teaching we will continue to provide students with the most extensive suite of courses in Indigenous peoples and the law offered by a New Zealand law school. Through the Centre, we will enhance opportunities for our students to learn from world-renowned legal experts on Indigenous peoples’ issues and offer even more opportunities for them, for example, to study in overseas law schools where Indigenous peoples’ legal issues are a foci and participate in the work of the United Nations on the rights of Indigenous peoples. Building on the clinical programme in human rights and internships offered, and working with Māori and other Indigenous peoples, students will be able to support legal developments by providing research for cases and participating in lobbying – both in Aotearoa and abroad – to advance and protect Indigenous peoples’ rights.

While in our development phase, the Centre already has a number of exciting initiatives planned. We hosted the inaugural Nin Tomas Lecture on 5 December. Mick Dodson, a member of the Yawuru peoples, Director of the National Centre for Indigenous Studies and a Professor in the ANU College of Law at the Australian National University, presented on the 10th Anniversary of the adoption of the UN Declaration on the Rights of Indigenous Peoples. The lecture was followed by the launch of Dr Andrew Erueti’s book *Indigenous Rights in Aotearoa/New Zealand*, which also features chapters by Dr Fleur Te Aho, Tracey Whare and Associate Professor Dr Claire Charters. We hosted a hui on 18 December with lawyers, advocates and iwi representatives to brainstorm and plan the Centre’s engagement with the legal community working on Māori legal issues. And, in February 2018, we host a symposium on the Supreme Court’s decision in *Wakatu*, recognizing for the first time Crown fiduciary duties to Māori customary land owners, with some of New Zealand’s finest legal minds in this area together with Professor Dwight Newman from Canada.

A key strength of the Centre is its collaborative focus. Drawing on our close relationship with an international and domestic network of scholars, lawyers and advocates on Indigenous legal issues, we can ensure that the Centre’s work is domestically and globally relevant. We are also strengthening our ties with the Māori legal community working together with law firms, barristers, judges and advocates.

The Centre brings together a team of our people including Tumuaki Dr Andrew Erueti, Dr Fleur Te Aho, Kaiwhakako Tracey Whare, Associate Professor Amokura Kawharu, Kaiwhakako Jayden Houghton and Associate Professor Dr Claire Charters. It will also draw on the exceptional work and research of many of our colleagues within the Faculty at large, including past and present colleagues.

Claire Charters
The Auckland Law School is introducing an exciting new course as part of the first-year law programme (LLB Part I) in 2018. The new course, LAW 141 Legal Foundations, is a 15-point course that Part I students will take in the second semester, alongside LAW 131 Legal Method.

Why is the Law School introducing this course?

The Law School has reviewed its undergraduate programme, and has made a number of changes after consultation with stakeholders, including student representatives and external bodies. The two most significant changes recommended by the curriculum review were: to strengthen the teaching of legal research, writing and communication; and to increase the law content in the first year of the degree.

In 2016 a new research and writing course, LAW 298 Legal Research Writing and Communication, was introduced into LLB Part II. In 2018 LAW 141 Legal Foundations is being introduced into LLB Part I.

This will mean that LLB Part I, which presently consists of two law courses totalling 30 points plus six non-law courses totalling 90 points (120 points overall), will from 2018 consist of three law courses totalling 45 points plus five non-law courses totalling 75 points (120 points overall).

The two main reasons for increasing the law content in LLB Part I are: to have a broader base on which to measure students’ legal abilities as part of the selection process for Part II; and to better prepare those students who are admitted to Part II for their law studies beyond the first year.

How does this compare to other New Zealand law schools?

Historically there were no law courses in the first year of the law degree: students were admitted to the second year on the basis of their grades in other subjects.

From 1988, LLB Part I at this Law School included one introductory law course, LAW 101 The Legal System, as one seventh of the first year, alongside six non-law courses. Since 2006, following a restructuring of all Auckland programmes, first-year law has included two foundational law courses, LAW 121G Law & Society and LAW 131 Legal Method, alongside the six non-law courses.

From next year there will be the three law courses taken alongside five non-law courses. Typically the equivalent of either three or four law courses are taken in the first year at other New Zealand law schools. The law content varies from 33% to 50%. Here it will be 38% (three courses out of eight).

What will be covered in LAW 141?

We consulted with senior law students and graduates about what they thought should be covered in first-year law, bearing in mind our graduate attributes. They suggested a range of topics. We have been able to include most of these, but at the same time wanted the new course to be coherent.

We have taken the opportunity to review the content of our existing two courses at the same time, and will be making some adjustments, so that the three courses together will give a coherent and comprehensive introduction to the New Zealand legal system, as well as imparting and assessing legal skills.

The new content includes: an introduction to international law; an introduction to comparative law (other legal systems); sources of New Zealand law, including tikanga Māori; the differences between public law and private law; an introduction to the concepts of property and of obligations; an introduction to alternative dispute resolution (including negotiation, mediation and arbitration); different modes of legal analysis; and more emphasis on written communication skills.

What are the benefits to students of introducing LAW 141?

The main benefit will be that students will have an enhanced understanding of the sources and structure of the New Zealand legal system and of legal processes, and the necessary skills of interpretation, analysis and communication.

Through carefully-designed assessment, including coursework, they will be able to demonstrate their aptitude for further legal study across the three foundational law courses.
How many students are expected to take the course?

Each year approximately 1200-1300 students take LAW 121G Law & Society, which is not only a core course in LLB Part I but also part of the University’s General Education programme. Some 300-400 students take LAW 121G for General Education purposes, as part of some other degree. Approximately 900 students taking LAW 121G are in LLB Part I.

Students who take LAW 121G in the first semester will be required to achieve a grade of at least B- to be able to proceed to LAW 131 Legal Method and LAW 141 Legal Foundations in the second semester. It is estimated that 700-750 students will enrol in LAW 131 and LAW 141.

How will this new course affect students’ workloads?

For students taking the LLB degree, there will be no increase in the workload: the new 15-point law course simply replaces one 15-point non-law course in the first year.

For students undertaking conjoint degrees, the overall workload will increase by 15 points overall. As conjoint students are enrolled across five or six years, this is a very small percentage (approx. 2%) increase in the total workload.

Conjoint degree students often enrol in 135 points per year, rather than the standard 120 points, in order to fast-track their studies. Conjoint law students in their first year will be encouraged to limit themselves to 120 points (45 law points and 75 non-law points) because of the importance of the first-year grades for admission to LLB Part II.

Will this new course affect the way students are selected for Part II?

In considering applicants for Part II, the Law School has two criteria: general academic ability, and legal aptitude.

General academic ability is measured by the grades in the non-law courses; legal aptitude is measured by the grades in the first-year law courses.

For students applying for LLB Part II for 2019 or later years, the Law GPA calculated for selection purposes will be based on: the grades for the five non-law courses, each with a single weighting; the grade for LAW 121G, with a single weighting; the grades for LAW 131 and LAW 141, each with double weighting. In other words, the grades in all eight courses will contribute to the calculation, with the five non-law courses contributing 50% and the three law courses contributing 50% overall.

This is slightly different from current arrangements, reflecting the change in the composition of LLB Part I.

Will students who do not proceed with law be able to use the credits from this course in other study?

In most bachelors degrees, students are permitted to include up to 30 points from outside their Faculty, as well as being required to take one or two General Education courses.

For students who complete LLB Part I but do not proceed to Part II, LAW 121G will in most cases be able to count for General Education in their alternative programme. Similarly, for most alternative degrees, both LAW 131 and LAW 141 can count as the 30 points outside the Faculty.

In other words, all three first-year law courses will be able to be credited to another degree, in nearly all cases.

Stephen Penk

Sir Edmund and Lady Thomas with Dean Andrew Stockley at a function to commemorate their major gift to the Law School’s social justice programme. Among other activities, a social justice course is planned.
Celebrating 110 years of Queen’s Counsel

This year marks 110 years since the office of King’s/Queen’s Counsel was established in New Zealand. With less than 1% of New Zealand’s lawyers ‘taking silk’, it is an honour that is hard to achieve and is reflective of their place as leaders in the legal profession.

A special reception was hosted by The Rt. Hon. Paul East QC for Queen’s Counsel who are also Auckland Law School alumni. University of Auckland alumni make up a significant number of those holding the title of QC. This was a wonderful opportunity for attendees to reminisce and socialise.

Around 45 Queen’s Counsel attended the event, including a few non-Auckland Law School alumni. Bell Gully hosted the proceedings in the partner’s lounge.

Paul East welcomed everyone to the event and later reminisced about his time at the University of Auckland. He highlighted the fact that he was fortunate to attend university without the imposition of fees and mentioned the importance of giving back to the Law School.

Simon Moore gave a brief but rousing address about the significance of the event. The audience was also fortunate to hear from Sir David Williams who spoke passionately about the honour and duty involved in the work of Queen’s Counsel.

During his speech, Paul East invited our Queen’s Counsel alumni to help create the next generation of leaders. The Queen’s Counsel Fund has been established to give members a direct and impactful path to supporting the next cohort of outstanding lawyers.

We are hoping to raise enough for an endowed fund that will support our Law students to achieve their very best. The fund will also help those who face financial hardship.

To contribute to the Queen’s Counsel Fund, please contact:

Sharissa Naidoo
Development Manager – Law
sharissa.naidoo@auckland.ac.nz

For more information, visit: giving.auckland.ac.nz/qc

Donations make a difference

There have been a number of significant new donations to the Law School that will support our social justice programme, will provide scholarships and bursaries to top students and to those who need assistance to be able to study law, and will help support a wide range of other activities and programmes in the Law School. Examples of the generosity of our donors include the Morris Legal Family Property Prize and donations to the Student Hardship Fund.

Bernard Brown Literary Award

Bernard Brown is one of the University of Auckland’s best-loved and most enduring identities. Fifty five years since his appointment to the Faculty of Law, Bernard can still be found on campus most days, supervising students and chatting in the staff common room. Bernard has been widely praised for his skills as an academic lawyer, writer and peerless raconteur, and for his kindness and humanity as a person.

In recognition of Bernard’s considerable contribution to both the legal and literature communities, donations from many staff and alumni have helped establish an annual award for the best creative writing in English or Te Reo on any aspects of law or custom or their literary, philosophical or political underpinnings submitted by an Auckland law student. This is a competition organised by the Faculty of Law.

The generosity of our staff and alumni has helped us reach half our goal. If you would like to help get us to our target of a $10,000 endowed fund, please visit: giving.auckland.ac.nz/bernardbrown

To contribute to the Bernard Brown Literary Award, please contact:

Sharissa Naidoo
Development Manager – Law
sharissa.naidoo@auckland.ac.nz

For more information, visit: giving.auckland.ac.nz/bernardbrown
The Denham Shale Memorial Scholarship

The Denham Shale Memorial Scholarship has been established for a student to undertake a Masters in Law in Commercial Law. The scholarship provides up to $10,000 a year. The scholarship is funded thanks to the generous support of OceanaGold Corporation, and recognises the late Denham Shale, a board member and friend of the company.

James Denham Shale was a highly respected lawyer who graduated from the Auckland Law School in 1966. He practised law for almost 50 years. After practising as a sole practitioner for the firm Shale and Burns, he joined Kensington Swan in 1986 where he was a partner and Chairman. Denham was also a very experienced company director. He was a President of the Institute of Directors, and a director at Les Mills, Wrightson, Zespri, Power New Zealand, James Pascoe Group, Whitcoulls 2011 Ltd, Owens Group, South Canterbury Finance and Turners Group and OceanaGold Limited, among others.

Denham was 76 years old when he passed away, and is survived by his wife Gillian, three children Carla, Paul and Veronica and his three grandchildren.

The Woodhouse Family with Sir Kenneth and Lady Keith at the inaugural lecture in August

Inaugural Sir Owen Woodhouse Memorial Lecture

The Auckland Law School was proud to present the Inaugural Sir Owen Woodhouse Memorial Lecture.

Dean Andrew Stockley introduced the lecture as commemorating the life of one of our most distinguished judges and citizens. “Sir Owen’s compassion, generosity of spirit and social conscience were reflected in his work as President of the Court of Appeal, President of the Law Commission, and Chairman of the Royal Commission that recommended a no fault accident compensation scheme. He made an immense contribution to New Zealand’s law and society.”

Liang Tang, Executive Vice President, General Counsel and Company Secretary of OceanaGold, with Gillian and Carla Shale.

The Sir Owen Woodhouse Memorial Lecture will be held annually, with the intention that it be given by a New Zealander and an international visitor in turn.

The lecture will be given in Auckland and in Wellington each year and lecturers will reflect Sir Owen’s interests in the law, social justice, and social reform. The inaugural lecture was delivered by Sir Kenneth Keith, on the topic “Out of this Nettle, danger, we pluck this flower, safety: Promoting safety through law, national and international, and by other means”

Our sincere thanks to the Woodhouse family and friends who have contributed to establishing the Woodhouse Lecture.
The Auckland Law School’s postgraduate programme offers a broad, rich and flexible suite of opportunities for advanced legal research and training, ranging from the possibility of practitioners doing individual LLM or MTaxS courses to meet their continuing professional development requirements, through to the Postgraduate Certificate in Law, the LLM or MTaxS by coursework or by major or minor thesis, and doctoral study in law. The Master of Legal Studies (MLS) programme was revised in 2017 to provide greater opportunities for non-law graduates to study legal issues in 2018.

The LLM by coursework programme has been reinvigorated for 2018, with the introduction of a large number of new courses offered by leading international experts and our own staff in the Faculty of Law and the Department of Commercial Law. Thirty-five courses, covering a wide range of legal topics, will be offered in 2018.

Environmental law has always been one of the strengths of the Auckland Law School LLM. In 2018 Professor Klaus Bosselmann will teach his popular course Global Environmental Law. A new course in Food Law will be offered by Anastasia Telesetsky. Prior to joining us on the staff at the Auckland Law School, Anastasia was a Professor at the University of Idaho and spent 2016 as a Fulbright visitor at the Ministry of Primary Industries in Wellington. Later in the year, Professor Christina Voigt from the University of Oslo, a graduate of the Auckland LLM programme herself, joins us again in October to teach an intensive course on climate change law.

On the international trade and public international law front, we are offering several exciting courses in 2018. Professor Dino Kristosis will teach a course, The Uncensored History of International Law, in May. Dino is Professor of Public International Law at the University of Nottingham. Complementing Dino’s course, Treasa Dunworth will be offering an intensive course in September on contemporary issues in international law. In the second semester Professor Jane Kelsey will teach a course on the Twenty-First Century Trade Agenda.

Courses making a return in 2018 include the intensive course on Litigating Human Rights offered by Professor Paul Rishworth QC in July and the intensive course on Evidence and Criminal Procedure taught by Associate Professor Scott Optican in September.

The 2018 postgraduate prospectus and full course outlines are available on our website: law.auckland.ac.nz/Postgraduates.

If you need more information about the LLM, MLS or MTaxS courses offered by the Auckland Law School, please contact our Postgraduate Student Adviser at:

Law Student Centre
Level 2, 1-11 Short St
Auckland 1010
Phone: 0800 61 62 65 or +64 9 923 1973
Email: postgradlaw@auckland.ac.nz

If you are interested in embarking on a dissertation or thesis at LLM or PhD level, please contact me to discuss your research interests.

Chris Noonan
Associate Dean (International and Postgraduate)
## Features

### 2018 Postgraduate Timetable

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Name</th>
<th>Course Type</th>
<th>Points</th>
<th>Lecturer</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW 700</td>
<td>Legal Research Methodology and Advanced Writing</td>
<td>Intensive</td>
<td>0</td>
<td>Bronwyn Davies</td>
<td>27-23 February</td>
</tr>
<tr>
<td>LAW COMM 731</td>
<td>Special Topic: Global Commercial Contract Law</td>
<td>Intensive</td>
<td>30</td>
<td>Stefan Vogener</td>
<td>7-13 March</td>
</tr>
<tr>
<td>LAW COMM 702</td>
<td>International Arbitration</td>
<td>Intensive</td>
<td>30</td>
<td>Arnokura Kawharu, Anna Kirk</td>
<td>14-20 March</td>
</tr>
<tr>
<td>COM LAW 740A</td>
<td>The Tax Base</td>
<td>Intensive</td>
<td>15</td>
<td>Craig Elliffe</td>
<td>22-24 March</td>
</tr>
<tr>
<td>LAW COMM 736</td>
<td>Special Topic: Comparative Company Law</td>
<td>Intensive</td>
<td>30</td>
<td>John Armour</td>
<td>23-29 March</td>
</tr>
<tr>
<td>LAW GEN RL 719</td>
<td>Special Topic: Iwi Governance</td>
<td>Intensive</td>
<td>30</td>
<td>Nick Wells</td>
<td>4-10 April</td>
</tr>
<tr>
<td>LAW GEN RL 711</td>
<td>Special Topic: Media Law in the Digital World</td>
<td>Intensive</td>
<td>30</td>
<td>Rosemary Tobin, David Harvey</td>
<td>11-17 April</td>
</tr>
<tr>
<td>LAW COMM 775A</td>
<td>International Taxation</td>
<td>Intensive</td>
<td>15</td>
<td>Craig Elliffe</td>
<td>19-21 April</td>
</tr>
<tr>
<td>LAW PUB L 758</td>
<td>Special Topic: Uncensored History of International Law Intensive</td>
<td>10 days, 4-8 pm</td>
<td>30</td>
<td>Dino Kristosis</td>
<td>14-25 May</td>
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<tr>
<td>COM LAW 747</td>
<td>Goods and Services Tax (GST)</td>
<td>Intensive</td>
<td>15</td>
<td>Mark Keating (Business School), Alan Bullot (Deloitte)</td>
<td>17-19 May</td>
</tr>
<tr>
<td>LAW COMM 778</td>
<td>Special Topic: Selected Topics in Tort Law</td>
<td>Intensive</td>
<td>15</td>
<td>Stephen Todd</td>
<td>12-14 &amp; 19-21 June</td>
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<tr>
<td>LAW COMM 786</td>
<td>Tax Administration and Disputes</td>
<td>Intensive</td>
<td>15</td>
<td>Julie Cassidy, Geoff Clews, Denham Martin</td>
<td>26-30 June</td>
</tr>
<tr>
<td>LAW COMM 746</td>
<td>Special Topic: Data Privacy and the Law</td>
<td>Intensive</td>
<td>15</td>
<td>Gihan Gunasekara</td>
<td>29-30 June</td>
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<tr>
<td>LAW PUB L 751</td>
<td>Special Topic: Litigating Human Rights - Law and Practice in Comparative Perspective</td>
<td>Intensive</td>
<td>30</td>
<td>Paul Richworth</td>
<td>4-10 July</td>
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**Full/Part Semester 26 February - 1 June 2018 (Semester-long)**

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<thead>
<tr>
<th>Course Code</th>
<th>Course Name</th>
<th>Course Type</th>
<th>Points</th>
<th>Lecturer</th>
<th>Date</th>
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<tbody>
<tr>
<td>LAW 701</td>
<td>The Legal System: Sources, Structure and Method</td>
<td>30</td>
<td>Edward Willis, Anastasia Telesetsky</td>
<td>Monday 5-8 pm</td>
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<tr>
<td>LAW PUB L 720</td>
<td>Local Government Law</td>
<td>15</td>
<td>Ken Palmer</td>
<td>Tuesday 5-8 pm First half of semester</td>
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<tr>
<td>LAW GEN RL 723</td>
<td>Special Topic: Selected Topics in Law of Evidence and Criminal Procedure</td>
<td>15</td>
<td>Scott Optican</td>
<td>Tuesday 5-8 pm Second half of semester</td>
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<tr>
<td>LAW ENV IR 710</td>
<td>Global Environmental Law</td>
<td>30</td>
<td>Klaus Bosselman</td>
<td>Wednesday 5-8 pm</td>
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<tr>
<td>LAW ENV IR 719</td>
<td>Special Topic: Food Law</td>
<td>30</td>
<td>Anastasia Telesetsky</td>
<td>Thursday 5-8 pm</td>
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### Semester II 16 July - 12 November 2018

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Name</th>
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<tbody>
<tr>
<td>LAW 700</td>
<td>Legal Research Methodology and Advanced Writing</td>
<td>Intensive</td>
<td>0</td>
<td>Bronwyn Davies</td>
<td>11-13 July</td>
</tr>
<tr>
<td>LAW GEN RL 718</td>
<td>Special Topic: Employment Law - Personal Grievance</td>
<td>Intensive</td>
<td>15</td>
<td>Mark Keating</td>
<td>26-28 July</td>
</tr>
<tr>
<td>LAW PUB L 746</td>
<td>Special Topic: Waitangi Tribunal - Past, Present and Future</td>
<td>Intensive</td>
<td>15</td>
<td>David Williams</td>
<td>2-4 August</td>
</tr>
<tr>
<td>LAW COMM 755</td>
<td>Corporate Finance</td>
<td>Intensive</td>
<td>30</td>
<td>Joe McCahery</td>
<td>8-14 August</td>
</tr>
<tr>
<td>LAW COMM 780</td>
<td>Corporation and Investor Tax</td>
<td>Intensive</td>
<td>15</td>
<td>Stewart McCulloch (PwC)</td>
<td>16-18 August</td>
</tr>
<tr>
<td>LAW GEN RL 727</td>
<td>Special Topic: Health Law</td>
<td>Intensive</td>
<td>15</td>
<td>Ron Paterson</td>
<td>30 August - 1 September</td>
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<tr>
<td>LAW PUB L 752</td>
<td>Special Topic: Contemporary Issues in International Law</td>
<td>Intensive</td>
<td>30</td>
<td>Treasa Dunworth</td>
<td>19-25 September</td>
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<tr>
<td>LAW COMM 788</td>
<td>Special Topic: Australian Tax</td>
<td>Intensive</td>
<td>15</td>
<td>TBC</td>
<td>27-29 September</td>
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<tr>
<td>COM LAW 740B</td>
<td>Tax Base</td>
<td>Intensive</td>
<td>15</td>
<td>Craig Elliffe</td>
<td>11-13 October</td>
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<tr>
<td>LAW ENV IR 793</td>
<td>Climate Change Law</td>
<td>Intensive</td>
<td>30</td>
<td>Christina Voigt</td>
<td>17-23 October</td>
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<tr>
<td>LAW COMM 720</td>
<td>Law of Insurance Contracts</td>
<td>Intensive</td>
<td>30</td>
<td>Rob Merkin</td>
<td>24-30 October</td>
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<tr>
<td>LAW COMM 775B</td>
<td>International Taxation</td>
<td>Intensive</td>
<td>15</td>
<td>Craig Elliffe</td>
<td>1-3 November</td>
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<tr>
<td>LAW ENV IR 716</td>
<td>Resource Management Law</td>
<td>Intensive</td>
<td>30</td>
<td>TBC</td>
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**Part/Full Semester 16 July - 12 November 2018**

<table>
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<tr>
<th>Course Code</th>
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<th>Points</th>
<th>Lecturer</th>
<th>Date</th>
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<tbody>
<tr>
<td>LAW 701</td>
<td>Legal Systems</td>
<td>30</td>
<td>Edward Willis, Anastasia Telesetsky</td>
<td>Monday 5-8 pm</td>
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<tr>
<td>LAW COMM 713</td>
<td>Intellectual Property</td>
<td>30</td>
<td>Rob Batty</td>
<td>Tuesday 5-8 pm</td>
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<tr>
<td>LAW COMM 706</td>
<td>Competition Law</td>
<td>30</td>
<td>Chris Noonan</td>
<td>Wednesday 5-8 pm</td>
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<tr>
<td>LAW COMM 735</td>
<td>Special Topic: Artificial Intelligence - Law and Policy</td>
<td>30</td>
<td>Benjamin Liu</td>
<td>Thursday 5-8 pm</td>
<td></td>
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</tbody>
</table>

*Please note that the course dates are tentative. Please confirm the dates at the time of enrolment on Student Services Online.*
New Academic Staff

Vincent Cogliati-Bantz

Vincent has already published two monographs. The first of these, *The Legal Regime of Straits*, was co-written with H.E. Judge Hugo Caminos, former Judge at the International Tribunal for the Law of the Sea, and was published by Cambridge University Press. The second work, *Means of Transportation and Registration of Nationality: Transportation Registered by International Organizations* was published by Routledge in 2015. A third monograph, *Freedom of the High Seas: A Contemporary Appraisal*, is in preparation, once more under the imprint of Cambridge University Press.

Vincent sees his role as a researcher as providing solutions to knotty contemporary issues and is also keen to revisit long standing or neglected legal problems, some of which are as bizarre and forgotten as the crusadian Flag of Jerusalem, some of which have relevant contemporary application, like the question of ships flying the UN flag as sole maritime flag. His work has been referred to in some unexpected places including in the debate on Scottish devolution.

Vincent is no narrow law of the sea specialist. He has broad legal interests. In addition to public international law, Vincent is interested in comparative law, EU law and globalization. He has previously taught courses on all three. His academic versatility is evident from the fact that despite a Civilian background he taught the Law of Trusts for a number of years at the University of Queensland. In addition to subjects that reflect his research interests, Vincent is heavily involved in teaching first year students. This year he has taught Legal Method. Next year he will give lectures in the new Legal Foundations course as well.

Vincent is delighted to join a world-class law school and is truly impressed by the dedication and ambition of the student cohort. He already feels at home in Auckland. A tri-national, Vincent looks forward to adding the venerable New Zealand passport to his personal collection.

As befits an expert on the Law of the Sea, Vincent Cogliati-Bantz, who comes to Auckland as an Associate Professor, is well travelled. Undergraduate study at the National Institute of Political Studies in France was followed by two LLM degrees; the first, in International Law, was undertaken at the University of Geneva’s Graduate Institute of International Studies, whose alumni include Kofi Annan and the Grand Duke of Luxembourg; the second, in Ocean and Coastal Law, was awarded by the University of Miami, Florida. Vincent returned to the Geneva Institute in order to undertake his PhD, *Means of Transportation Registered by International Organizations*. He comes to us from the University of Queensland in Australia where he was based for a decade. His previous professional experience led him from the European Parliament in Luxembourg to the University of Miami, Florida where, as visiting faculty, he was fortunate to count as colleagues such luminaries as Bernard Oxman, a US negotiator of the UN Law of the Sea Convention, William Twining, and John Hart Ely, one of the most cited legal writers in US history.

Warren Swain
Anastasia Telesetsky

Anastasia Telesetsky joined the academic staff in July 2017 from the University of Idaho College of Law where she was a tenured professor. Her love of New Zealand began in 2016 when she came to Wellington, New Zealand as an Ian Axford Fellow. During her six-month fellowship, she prepared a research policy piece for the Ministry of Primary Industries exploring ideas of how to address the challenge of addressing discard practices in the fishery industry.

Anastasia received her Bachelor of Arts summa cum laude in English and Anthropology from Vanderbilt University in Nashville, Tennessee in the United States. Fascinated by the study of cultural anthropology, she finished a Master’s degree at the University of California Santa Barbara in the U.S. After a course in legal anthropology, Anastasia changed her life plans and enrolled in law school at the University of California Berkeley. There she focused on public international law and environmental law.

As a law student, she had the privilege of working in Papua New Guinea with the Centre for International Environmental Law on developing community legal capacity in environmental law.

In 2004, Anastasia returned to the United States with her husband and settled down in California. There she worked with Professor David Caron from the University of California Berkeley to represent the Government of Ethiopia before the Permanent Court of Arbitration in the Hague, Netherlands in hearings involving the conflict between Ethiopia and Eritrea. She returned to private practice for three years before eventually obtaining an LLM from the University of British Columbia and joining the University of Idaho Law School. There she taught Public International Law, Environmental Law, and Conflict of Laws.

Anastasia has three primary research areas. First, she works on the relationship between law and ecological restoration including articulating a duty for States to undertake restoration work. Her co-authored book Ecological Restoration in International Environmental Law was published by Routledge Press in December 2016. Second, she works on a variety of law of the sea topics. Her co-edited book Marine Pollution Contingency Planning: State Practice in Asia-Pacific States was published by Brill Press in 2017. She has published extensively on global fisheries management law. Finally, she is interested in food security including reduction of food waste. She looks forward to collaborating with New Zealand colleagues and contributing to strengthening environmental policy and food security within New Zealand.
Rob joined the Law Faculty in July 2017 as a senior lecturer. Rob was formerly a senior lecturer in the Department of Commercial Law at the University of Auckland Business School. He has a BA/LLB and LLM from the University of Auckland. Before joining academia, Rob worked at a commercial law firm in Auckland, specialising in intellectual property law, and at an Australian commercial law firm in Melbourne, specialising in trade mark law.

Rob’s main research interest is trade mark law. Rob’s published work has examined the role and fundamental concept of “use” in trade mark law. For example, whether a person has used a sign as a trade mark is an important question in deciding whether a trade mark has been infringed. Likewise, determining whether the activities of the trade mark owner amount to genuine use is a key question in determining whether a trade mark should remain registered. Rob’s research has also delved into the relationship between a trade mark registration system and the protection offered to unregistered trade marks under the common law. This interrelationship can often pose thorny questions, such as whether the first user of a trade mark in the marketplace should trump the first to register a trade mark.

Rob is building on his previous work in trade mark law by undertaking a PhD. Rob’s PhD research examines the utility of concepts and principles from property law as a means to better understand the operation of registered trade mark law.

Rob is looking forward to teaching a Trade Mark Law elective course in the first semester of 2018. In the second semester, Rob will be responsible for helping to introduce the new LAW 141: Legal Foundations course into Stage 1 of the law undergraduate programme.
Fleur Te Aho

Family legend has it that Fleur has wanted to be a lawyer since she was five (although her memory includes the contemplation of other options, such as chef and journalist). Actually going to law school, however, initially challenged her passion for the law. The rule based approach and references to England that characterised what she learned in the first couple of years had very little to do with why she was there. Fortunately, her conjoint arts degree kept her sane until she was sufficiently far through her degree that she had more choice in her law subjects. She majored in Māori studies and studied sociology. This allowed her to formulate the questions that she wanted to ask of the law and her law degree gave her the legal knowledge to begin to answer them.

Fleur graduated from the University of Canterbury in 2003 with first class honours and then sandwiched a Masters of Laws with Distinction at Victoria University (dealing with issues of equality for Māori) between two stints at Bell Gully. At the end of 2007 an enthusiasm for travel took her through 9 countries to London where she worked for Telefónica O2 as legal counsel, making the daily long commute to Slough (a fringe town famed for its lack of charm – it’s where the fictional character Ali G grew up and the UK’s The Office was set).

After nearly two years in London Fleur moved closer to home to commence a doctorate in international Indigenous rights law at the Australian National University, somehow landing herself in the Australian equivalent of Slough. While Canberra never grew on her, she found ANU intellectually incredibly stimulating. After completing her doctorate, she remained in Canberra for a further two years, working as a Research Associate for the ANU National Centre for Indigenous Studies and teaching into the LLM programme in the ANU College of Law on issues relating to Indigenous peoples and international law.

An obvious inspiration is her mum who began university as a solo mother and went on to complete a PhD in Indigenous education.

This year I have been privy to a little of the Te Aho tenacity and courage. Coming to Auckland meant moving into a new area – criminal law. This is a natural segue for Fleur because it provides a new angle on the issues that she is already concerned about. However, with the departure of a strong cohort of teachers and scholars in criminal law the Faculty has needed to rebuild its programme and we have thrown her straight into the deep end.

Fleur is excited to develop her knowledge of the issues facing Māori in the criminal justice system and to have the opportunity to work closely with her Te Tai Haruru colleagues. Her appointment builds on the significant strengths of the Faculty in the area of Indigenous peoples and the law and supports the establishment of the Faculty’s new Aotearoa New Zealand Centre for Indigenous Peoples and the Law.

For someone relatively new to academia Fleur has an impressive output. She has written numerous book chapters and articles exploring Indigenous rights at the national and international level and has appeared as a regional expert or academic participant in various UN forums.

Julia Tolmie
Nikki Chamberlain began her lectureship at the Faculty of Law in February 2017. She returns to Auckland Law School where she obtained her BA/LLB(Hons) degree prior to practising and teaching at Vanderbilt University Law School in the United States.

Following her BA/LLB(Hons) degree, Nikki practised for eight years as a commercial litigator at a large commercial law firm in Auckland, Minter Ellison Rudd Watts. She was a Senior Associate in the litigation team and she practised in a number of commercial law areas including contract law, tort law, company law, family law, insolvency law, trust litigation and estate litigation.

While practising, Nikki’s clients included Bank of New Zealand, Goldman Sachs, GE Money, Bank of Scotland, PricewaterhouseCoopers, Westpac New Zealand Limited, ASB Bank Limited, HSBC, New Zealand Racing Board, New Zealand Crane Group, Dun & Bradstreet (NZ) Limited and Mona Dotcom. She also represented a number of high-net-worth individuals in their relationship property disputes. She appeared as counsel in the New Zealand Court of Appeal, the High Court, the District Court and the Family Court. She also attended alternative dispute resolution forums for her clients.

Nikki then went on to obtain her LLM degree from Vanderbilt University Law School in the United States. She focussed her studies on complex litigation and, in particular, class action litigation. She made the Dean’s List for Academic Excellence in both the Fall and Spring Semesters. She was also awarded the Scholastic Excellence Award for Introduction to Legal Research, Writing and Analysis in the United States. Nikki was then hired to lecture Legal Research, Writing and Analysis in the United States at Vanderbilt.

Nikki lectures Torts, Privacy and the Law of Family Property at the University of Auckland. Her current research focus is class action litigation from a comparative perspective. Nikki has just finished an article titled “Contracting-Out of Class Action Litigation: Lessons from the United States”. It discusses whether arbitration clauses can be used to contract-out of class action liability in New Zealand, whether it is desirable and how it might be advocated for and/or prevented.

Nikki is thrilled to now be teaching and researching where she obtained her undergraduate degree.

Nikki aims to impact legislative reform with her research. She is focused on addressing the need for class action reform in New Zealand in light of how other jurisdictions with more advanced class action procedure have addressed class action issues. She also has an interest and intends to publish in the areas of Privacy Law and Family Property Law in the near future.

It is wonderful to have Nikki back with the Faculty. Her cheerful disposition, practical experience and analytical rigour is of real benefit to the students and the greater community at Auckland Law School.
Henry Kha

Dr Henry Kha commenced as lecturer at the Law Faculty in January 2017. Henry was born and raised in Sydney, Australia. He completed a BA(Adv)(Hons) from the University of Sydney with honours in Chinese studies and a major in history. Afterwards he graduated with a JD from the University of New South Wales, where he was awarded the Dean’s List for Excellence in Academic Performance. After graduating from law, Henry practised as a solicitor in a Sydney law firm and was a Judges’ Associate in the Family Court of Australia. Henry has recently been awarded a PhD from the University of Queensland after completing a thesis on “The Reform of English Divorce Law: 1857–1937.” The thesis was supervised by Professor Warren Swain.

Henry’s interest in the topic emanated from his fascination with how civil divorce was introduced into the laws of England more than 150 years ago and how this has led to the ubiquity of divorce in modern society. He is hoping to publish the PhD into a book in the near future. While at the University of Queensland, Henry taught contract law to undergraduate students. Henry’s research interests not only cover the legal history of family law, but he is also interested in the modern developments in family law, such as surrogacy law and collaborative law (a method of alternative dispute resolution in family law disputes). Furthermore, he is interested in exploring the relationship between contract theory and aspects of family law, such as marriage and pre-nuptial agreements. He has published in a wide range of law journals, including the Journal of Legal History, Law & Literature, the Australasian Dispute Resolution Journal and the Bond Law Review. Henry is interested in the comparative law of family in New Zealand, Australia and England, particularly how the legal doctrines and public policies found in case law and statute have shaped the formation and development of family law in each of these jurisdictions.

Henry has taught family law and contract law at the Auckland Law School in 2017 and will continue to lecture in these subjects next year. Henry has also been responsible for piloting clinics for contract law in 2017. Clinics are a new method of teaching that provide students the opportunity to practice solving contract problem questions. Henry has enjoyed his Trans-Tasman journey to New Zealand and looks forward to what awaits in Auckland!
Māori and Pacific Teaching Fellows

Dylan Asafo

If you ask Dylan Asafo about his experience of attending law tutorials as an undergraduate student at the University of Auckland, he hesitates.

In reality he barely attended any, and if he did turn up, he made sure he sat at the very back. He’s the first to concede that he did not really engage.

It’s a reluctance that he acknowledges is not uncommon among Pacific Island students. But it’s one that 24-year-old Dylan is determined to change in his new role as a Teaching Fellow (Susuga Faiako), and one that has informed his own teaching style.

“I want to get all my Pacific Island students comfortable enough to participate fully in their education, and that includes tutorials,” he says.

The Melbourne-born, Aucklander of Samoan heritage, always wanted to study law, heading straight from high school at Avondale College to University. He proudly graduated earlier this year with a Bachelor of Law/Bachelor of Health Sciences conjoint degree and has just started his LLM.

“My mum Liliu Faletoese Asafo left her village of Siumu, in Samoa, when she was just 19 to take up a nursing scholarship in New Zealand. She has always been interested in the law too, so that has had an influence on me,” he says.

Last year Dylan was the President of PILSA, the Pacific Islands’ Students Association as well as establishing the MALOSI Project (Movement for Action and Law to Overcome Social Injustice), named after its patron Judge Ida Malosi.

The health and law combination enables Dylan to explore and assess aspects of New Zealand’s health system through a legal framework.

"Health and law is a potent mix because of its ability to impact on society’s worst inequalities," he says. "Many systems in New Zealand fail Pacific people, but particularly law and healthcare. I want to understand it so that I can help my people heal.”
Lotu Fuli

It’s early on a Friday morning in a small office in Short Street and the room’s occupant, Lotu Titi Fuli, is head to toe, resplendent in red and ‘feeling hopeful’.

The night before Winston Peters has announced New Zealand First’s decision to form a Coalition Government with Labour and the Greens, and Lotu is celebrating.

The newly appointed Teaching Fellow (Susuga Faiako) at the Auckland Law School openly admits she’s biased. The 46 year old Samoan-born, South Auckland-raised single parent, is the current Chair of the Otara-Papatoetoe Local Board, standing on a Labour ticket.

The outspoken social justice campaigner from Otara is delighted. “I believe we urgently need a change in direction,” she says. “The Government needs to address issues in society like poverty and homelessness, and tackle inequality.”

It’s these beliefs that have shaped Lotu’s life, including accepting the challenge of her new position as Teaching Fellow (Susuga Faiako) at the Auckland Law School, with its broad equity mandate. Together with Dylan Asafo, she plans to consolidate and build on the Pacific PASS (Pacific Academic Solutions and Success) Programme, which is designed to enhance Pacific students’ success at University.

“We tutor students, run academic skills workshops throughout the year including a “Boot Camp”-style intensive study retreat over three days. We offer mentoring services, work collaboratively with PILSA (Pacific Islands Law Students Association) to build a positive learning environment for Pasifika students and support our students to get into honours, postgraduate studies, legal practice or careers in academia. Our vision is to build a really strong Pasifika unit in the Law School to deliver these services – we call this unit FOLAU Pasifika,” she says. [Faculty Of Law Auckland University Pasifika – the name was coined by Harry Toleafoa, a law graduate and former PILSA President, who was the Pacific student adviser from 2012 to 2017.]

Lotu has been tutoring part one law students since she was a part two student herself. She has an LLB (Hons) degree from the Auckland Law School, a BA, three Masters degrees and two postgraduate diplomas. She was raised in a family that believed passionately in the value of education.

"Both my parents trained as teachers," she says. Her father, Tapua’i Titi Fuli, a Matai, was the first person from his village of Sagone, on the Island of Savaii, to go on to tertiary education.

"I was born in Samoa, but my parents moved our family of nine children to South Auckland when I was two years old, to give us greater opportunities," she says.

Lotu followed in her parents’ footsteps and became an English teacher, first at Otahuhu College, then Tangaroa College, then Avondale College and lastly De La Salle. She acknowledges that schooling can be difficult, particularly if you’re struggling with your identity.

She spent seven-years teaching overseas in Asia. When she finally returned home to Auckland with her son Kobe, she decided to begin a law degree. “Law school is prestigious but not always welcoming,” she says.

"There is still some prejudice that Pacific quota students get accepted into law school with low grades, which is not true”.

She says ‘that in order to provide equal opportunities to all students it’s important to acknowledge that not everyone starts on a level playing field. We need to address that, and as teachers, we have a responsibility to be aware of that in our teaching.’

Lotu wants every Pacific student to leave Auckland Law School with a good experience of the teaching faculty, and one that reflects who they really are.

"As the country’s leading law school, based in the city with the world’s largest Pacific population, it’s our responsibility to also be the leading university in Pacific legal research. To achieve this, we need to build on the number of Pacific legal scholars and teachers. To this end it’s vitally important to make the Auckland Law School more inclusive and welcoming for Pasifika students” she says.

"Building a strong Pasifika legal community will benefit all of New Zealand, not just Pasifika.”
Jayden Houghton

Teaching Fellow (Kai Whakaako) Jayden Houghton has always been interested in teaching, and first taught at the Law School three years ago while still an undergraduate. But since March he has stepped up to a part-time teaching fellow position, while also completing his LLM with Katherine Sanders, researching whether the law should adapt to protect traditional knowledge.

He’s the first to admit it’s a complex field, but one that he’s passionate about. “Consider a waiata that was composed by a collective of hapū members 100 years ago and communicates that hapū’s closely-held tribal stories. Should the law allow someone from outside the hapū to record the waiata and commercialise it without the hapū’s permission?”

The 25-year-old scholar, who is Rereahu Maniapoto on his mother’s side, began his research on intellectual property issues during his undergraduate degree, when he pieced together the sources of copyright law that applied in Aotearoa in the nineteenth century. His dissertation, supervised by Dr Arie Rosen, went on to consider the ideal term of copyright protection according to different normative considerations. Fast forward to his LLM research and Jayden is examining the Wai 262 claim in which the Waitangi Tribunal was asked to determine the extent of Māori rights to their traditional knowledge, language and particular plant and animal species.

“The Waitangi Tribunal says in its Wai 262 report that the Crown-Māori relationship going forward should be based on partnership. However, it is an interpretation of partnership that overlooks the long period after 1840 when the Crown did not seem to want to be a Treaty partner. Over this period, Māori were entitled to absolute authority over the use of their traditional knowledge and any expressions of that knowledge. However, successive legislatures stripped away those rights. Just like in any relationship, if the Crown genuinely wants a partnership with Māori, they must first put things right. Saying that partnership starts from today and glossing over 177 years of grievances simply won’t do,” he says.

If this seems daunting, consider that Jayden is also a talented composer and has a major in music alongside his LLB(Hons) degree. He has been composing music, for which he has been awarded scholarships and awards, for 15 years now, and he also plays multiple instruments. A self-confessed perfectionist, Jayden isn’t ready to let go of his work yet, but he hopes to release it in the next few years.

“I placed among the top in New Zealand for music at secondary school and there was no question that I would continue to take music at University. But I wanted to have a backup plan. In my first three years I studied law and music concurrently, but then I decided to spend a full year on each. It was then that I found, as much as I loved music, I really missed studying law. It is the only subject that has truly challenged me. It still does. And for me that challenge is exciting,” he says.

He’s currently teaching LAW 298 Legal Research, Writing and Communication and LAWPUBL 422 Contemporary Tiriti/Treaty Issues. Additionally, he serves as an Editor-in-Chief for the Auckland University Law Review, he has edited on numerous occasions for the New Zealand Law Review, and he now serves as an Academic Director for the Public Interest Law Journal.

“In my new role as a Kai Whakaako, I am also remodelling the tutorial programmes for Māori and Pacific law students,” he says.

“I am in the process now of developing new teaching materials for our tutors and new tutorial problems for our students. The classes will be skills-based rather than content-based.”

Ultimately, he wants to see more Māori and Pacific voices in academia. “Māori and Pacific academics often bring a unique perspective on legal and socio-legal issues, and it is important that we provide opportunities for our best Māori and Pacific graduates to return as academics to research and teach here. As junior Māori academics, I believe that Tracey [Whare] and I can support our Māori students in ways that many academics can’t,” he says.
Tracey Whare

Tracey Whare wants to make the world a fairer place. She is one of two Kaiwhakaako (Teaching Fellows) at the Auckland Law School, which are new positions that provide an opportunity for Māori to experience academia and increase capacity within the Law School to support Māori law students. Tracey graduated with an LLB in 1996 and has worked in a variety of different areas such as community law, private practice and international indigenous advocacy before moving into academia.

In August she submitted a thesis on indigenous peoples’ rights entitled, “Why Meetings Matter to Indigenous Peoples’ Decision-Making in International Fora” to the University of Auckland, for her LLM degree. More recently Tracey travelled to Jakarta, Indonesia to take part in the EAT Asia-Pacific Food Forum.

EAT is a global organisation attempting to reform the world’s food system with the aim of adequately feeding the planet’s growing population. Tracey represented the Aotearoa Indigenous Rights Trust, as a guest speaker in a panel discussion entitled Sowing the seeds for a new climate and development agenda.

“Working collectively with other indigenous peoples over a period of three years was incredibly enriching and demonstrated what can be achieved when indigenous peoples have the resources and political will to work together. In my view, the outcome of the World Conference is a direct result of concerted indigenous advocacy which I am honoured to have been part of,” she says.

In her role as Kaiwhakaako, Tracey wants to provide more support for Māori law students and help to consolidate their pass rates.

This involves one on one meetings with Māori law students and coordinating activities such as monthly lunchtime sessions where Māori law graduates speak to Te Rākau Ture. “These sessions give students an opportunity to hear how graduates have used their law degrees. Bringing in different speakers demonstrates the variety of work opportunities that exist for Māori law graduates,” she says.

Tracey is also keen to contribute to scholarship on indigenous peoples’ rights.

“There are very few indigenous activist academics who are writing about indigenous peoples’ rights. I want to contribute to this scholarship based on my own experiences and ideas. Such scholarship can demonstrate to current and future Māori advocates how inequalities in relation to indigenous peoples’ rights can be addressed through the law,” she says. We need more indigenous legal practitioners and scholars who can push boundaries,” she says.

Although Tracey was born and raised in Wellington, her tribal affiliations are Raukawa and Te Whānau-ā-Apanui, and she currently commutes every week between her present home in the small South Waikato town of Putaruru, and the Auckland Law School.

“I love living there, close to my Marae at Ngātira. Living on the land which nourished and sustained my ancestors is a privilege. Being involved in environmental projects and marae activities helps me to constantly consider what ideals like justice and equality mean for my marae in everyday situations. I really enjoy bringing my legal analysis and knowledge of international law to bear on matters at the community level,” she says.
Doctoral Fellow researching legal protection of migrant domestic workers

Doctoral candidate Sophie Henderson was the Auckland Law School’s inaugural Law Doctoral Fellow for 2017.

The 24-year-old legal scholar from the United Kingdom has already been awarded a prestigious University of Auckland International Doctoral Scholarship to undertake a PhD at Auckland Law School.

Her doctoral thesis examines the legal rights and protections in place for female migrant domestic workers from the Philippines and Sri Lanka. Having extensively travelled around Asia, Sophie chose to investigate workers from these two countries in particular as both states are a major source of female migrant domestic workers who are employed overseas.

Sophie’s focus is on the entire migration process – before, during and post migration – in order to identify where different types of abuse can occur at each stage.

She will examine and compare the legal frameworks in place in each country, and assess the impact of these policies on women migrant domestic workers in terms of the increased vulnerability to abuse by employers and recruitment agencies during migration.

“Migrant domestic workers are in a uniquely vulnerable position. They often work and live in private households, where their working conditions can be hidden from the authorities. They are frequently overworked, underpaid and undervalued,” says Sophie.

“I want to look at the policies and regulations in place in the worker’s home countries designed to protect them, with the view to analysing their effectiveness. In particular, I will be using the concept of structural violence as a means of exploring institutional forms of violence carried out by the sending states against these workers.”

Sophie, who already has a Bachelor of Laws and a Masters of Criminal Law with Distinction from the University of Leeds, says the aim of her doctoral research is “to identify any gaps in the protection of migrant domestic workers and advocate for their reduction.” Following her PhD, Sophie hopes to pursue a career in academia as a lecturer and researcher in Law.

Her doctorate, which will take three years to complete, is being supervised by Professor Jane Kelsey and Lecturer Dr Jane Norton.

Sophie officially began her Fellowship on 6 March. During her doctoral studies she is also employed as a Graduate Teaching Assistant for four hours a week in the Law School.

The Faculty of Law Doctoral Fellowship comprises an average of six hours a week for one year, with potential to be extended past the 12-month term. The work is varied and responsibilities may include: setting up study groups and assistance with teaching preparation; marking and editing; one-to-one tutoring for equity students; occasional delivery of classes or seminars; invigilation and research assistance. Only students who have been accepted for the PhD will be considered for the Fellowship.
New academic staff in 2018

The following have been appointed as Faculty members from 2018. They will be profiled in next year’s Eden Crescent.

Professor

Mark Henaghan

Associate Professors

Tim Kuhner

Carrie Leonetti

Mark Henaghan has been appointed a Professor of Law and will start in December 2018. He has been Dean of the Otago Law School since 2000 and a member of the academic staff there since 1979. He has recently been elected a member of the Royal Society of New Zealand. He teaches and researches Family Law and related electives, including Property Relationship Law, Child Advocacy, and Children and the Law. He also teaches and has interests in Medical Law, Criminal Law, Legal Method, and Legal System, and has led socio-legal research into the effectiveness of courts and tribunals. Mark has written and contributed to the leading texts in his area, been a consultant to government bodies and many other organisations, and has secured considerable research funding.

Tim Kuhner has been appointed as an Associate Professor and will start in July. He is currently an Associate Professor at Georgia State University and a Fulbright Senior Fellow at the University of Barcelona. He has been a Federal Court of Appeal Judge’s Clerk. Tim has JD and LLM degrees from Duke University, and a BA in Sociology and Spanish from Bowdoin College. He has taught Comparative Constitutional Law, Torts, Public International Law, and Human Rights. He is also interested in Jurisprudence, Law and Economics, Law and Society, Dispute Resolution, and International Trade. Tim’s recent research has focused on democratic integrity and corruption and money in politics. His book *Capitalism v Democracy* has been published by Stanford University Press to critical acclaim. He has two book contracts with Cambridge University Press, and another book on amending the US Constitution to deal with systemic corruption is near completion.

Carrie Leonetti has been appointed as an Associate Professor and will start in July. She is currently an Associate Professor at the University of Oregon and has been a Fulbright Fellow at the University of Sarajevo. She has been an Assistant Federal Defender and an Assistant Public Defender and clerked in the Maryland Court of Appeals. Carrie has a JD from Harvard and an AB from the University of Michigan. She has taught and published in Criminal Law and Evidence and a wide range of criminal justice electives, including on forensic science and mental health issues. She has led a Faculty Criminal Justice Initiative and a Criminal Justice externship programme and founded the Oregon Criminal Justice Advocacy Project. Carrie is Editor in Chief of the *New Criminal Law Review*. 
Nicole Roughan has been appointed an Associate Professor in the Law School. She has BA/LLB degrees from Auckland, an LLM (with Distinction) from Victoria, and an LLM and SJD from Yale. She taught at Victoria, the University of Kent at Brussels, and Cambridge, before joining the Law Faculty at the National University of Singapore, where she is currently an Associate Professor and the Deputy Director of the Centre for Legal Theory. Her book Authorities: Conflicts, Cooperation and Transnational Legal Theory was published by OUP to critical acclaim. Nicole currently teaches Jurisprudence, and Equity and Trusts, and has previously also taught Legal Ethics, Public Law, International Law, Contract, and introductory and skills papers. She was awarded a Rutherford Discovery Fellowship last year.

Katherine Doolin has been appointed a Senior Lecturer. She has an LLB (with First Class Honours) from Waikato and a PhD from the University of Kent. She has taught at the University of Kent and, for the last 13 years, at the University of Birmingham, where she is a Senior Lecturer and heads the Law School’s student development and support programmes. Katherine is co-author and co-editor of books on Criminal Justice. She teaches Criminal Law and a range of associated electives, including Criminology, Youth Justice, and Restorative Justice.

Edward Willis has been appointed as a Lecturer and will start in January. He is currently a Senior Associate at Tompkins Wake and has also worked at Webb Henderson, Minter Ellison, and the Commerce Commission. He received a University of Auckland Doctoral Scholarship and completed his PhD here in 2015 on the unwritten nature of the New Zealand constitution. His LLM was awarded with distinction from Victoria University of Wellington and examined the incorporation of constitutional values within the legal system, using statutory references to the Treaty of Waitangi as a key example. He also has BA and LLB degrees from Victoria. Ed has been awarded the Rex Mason Prize for Legal Writing and twice won the Legal Research Foundation award for the best unpublished postgraduate student paper. He has tutored Contracts and Jurisprudence and been a Legal Research and Writing instructor.
Promotions

Julia Tolmie promoted to Professor

Befitting her long and distinguished career as one of Australasia’s premiere criminal law academics, Julia Tolmie was promoted to Professor in 2017.

A graduate of the Auckland University Faculty of Law (LLB) and Harvard Law School (USA) (LLM), Julia currently teaches Criminal Law, Criminal Law and Policy, and Women and the Law. Julia served as chair of the New Zealand Family Violence Death Review Committee from December 2011-2016, as deputy chair in 2017, and as a member of the New Zealand Government’s Expert Advisory Group on Family Violence in 2013 and of the New Zealand Law Commission’s expert advisory panel in 2015 on references relating to intimate partner violence. In 2016, she was the inaugural Shirley Greenberg International Visiting Scholar at the University of Ottawa. Prior to her appointment at the University of Auckland, she lectured in the Faculty of Law at the University of Sydney for ten years. Julia has published widely and delivered conference papers around the world on a wide range of subjects — all within the areas of criminal law, family law, and state responses to domestic/interpersonal violence. Her well regarded and well cited research has demonstrated a particular focus on the impact of the law on women’s lives.

The Law School congratulates Julia on her success and expresses its appreciation for her substantial and continuing contributions to the Faculty. As someone who has been her dear friend, colleague and co-teacher for many years, I am deeply grateful for Julia’s continued presence at the Law School, and echo those good wishes resoundingly.

Scott Optican
Hanna Wilberg was promoted to Associate Professor from 1 February 2017.

Hanna first graduated in 1996 in arts and law from the University of Otago, before clerking in the Court of Appeal, working as an Assistant Crown Counsel, completing the BCL and MPhil at Oxford University and then lecturing at the University of Southampton. Before leaving New Zealand to become a postgraduate student at Oxford, Hanna won both the Ethel Benjamin Prize and the Cleary Memorial Prize. The latter prize is awarded annually to the most promising recently admitted barrister and solicitor in New Zealand.

Hanna returned to New Zealand in 2004 to join the Faculty of Law at the University of Auckland as a Lecturer. In her 13 years at the University of Auckland, Hanna has flourished as a researcher, teacher and administrator.

Judicial review and the tort liability of public authorities have been the main focuses of her research. Since joining the Auckland Law Faculty, Hanna has, with Professor Mark Elliott of Cambridge University, edited and contributed substantially to a major book on judicial review (The Scope and Intensity of Substantive Review: Traversing Taggart’s Rainbow. Oxford, Hart Publishing.) She has also published substantial articles in leading law journals. These journals include the Law Quarterly Review, Torts Law Journal, Public Law Review, New Zealand Law Review and the New Zealand Universities Law Review. It is noteworthy that from 2008 to 2016 she has made 18 contributions in respect of New Zealand legal developments to the International Survey published in the leading United Kingdom journal Public Law. Hanna’s published thinking has been augmented by 23 conference presentations at locations ranging from the University of Cambridge, to the University of Melbourne, to the VIIth World Conference of Constitutional Law in Athens, to the Crown Law Office in Wellington.

In addition to generating the scholarship herself, Hanna has selflessly brought the research of others through to publication, not only as a book editor, but also as the editor of the New Zealand Law Review from 2008 to 2013. Since 2016 Hanna’s publication oversight skills have spread across the Tasman, for she is now a member of the Board of Advisers of the Australian based Public Law Review.

Hanna contributes strongly to the teaching of Public Law, Administrative Law, Public Authority Liability and Torts. Public Authority Liability, which straddles both public law and private law, has been a particular feature of her recent teaching, culminating in the offering in 2017 of the honours seminar in this area.

Hanna has further shown herself to be both an initiator and a highly competent contributor to the administrative needs of the Faculty. In 2017 she joined the Faculty’s Management Committee as Associate Dean Equity. Previous responsibilities have included active involvement as the Law Faculty Sub-professorial representative on Senate, membership of the University of Auckland Human Participants Ethics Committee and for a long time membership of the Council of the Legal Research Foundation.

As an energetic and inspirational colleague, Hanna models everything that a law teacher should strive to be in 2017.

The recognition of promotion to Associate Professor is well deserved.

Bruce Harris
Dr Arie Rosen, who joined the Faculty of Law in 2014, was promoted to Senior Lecturer this past year.

Arie graduated BA, LLB from Tel Aviv University, and completed his LLM and JSD degrees at New York University’s School of Law, where he held the Emile Noel Postdoctoral Fellowship at the Jean Monnet Center for International and Regional Economic Law and Justice, and served as Associate Editor of the International Journal of Constitutional Law.

Arie is a legal theorist, and he excels both as a researcher and teacher of legal theory. His published work appears in, for example, the Oxford Journal of Legal Studies and the University of Toronto Law Journal. From my perspective, as his jurisprudential neophyte neighbour, Arie’s research is admirably granular, and not satisfied merely with elegant analytical moves, but always concerned with demonstrating why legal theory matters to legislators, judges, policy-makers and lawyers. Nowhere is this more evident than in his research project, funded by a prestigious Marsden Grant, which examines the ways in which contract law is insulated from democratic change, with an emphasis on the role played by judges, the legal profession and legal academics in influencing legislation in this area.

In terms of teaching, Arie has taught Law and Society, Jurisprudence, and the Theoretical Foundations of Private Law. And he has done so with characteristic rigour and passion. The most obvious signifier of Arie’s excellence as a teacher is his being awarded a Faculty of Law Teaching Excellence Award, having done most of his teaching in the compulsory Jurisprudence course. But it can equally be seen in the level of student engagement with Jurisprudence, the number of students who now seek him out to supervise theoretically-minded dissertation topics, and (less scientifically) in the number of glowing comments that I periodically hear from students.

Ever since his arrival at the Faculty, Arie can always be counted on to advocate for the wider incorporation of theory into the study of law, and for the enhancement of intellectual life within the Faculty. In relation to the latter, his instituting and organising of a regular programme of Faculty workshops stands out. Here, and in general, his keen intellect and wide-ranging knowledge is apparent. If there is a weakness in the argument, or a problem in the methodology, he will find it; if there is a body of literature that might offer some insight or perspective, he will know about it. Seldom does a week go by when I don’t learn something from him — often over a cup of coffee. In every respect, Arie is truly a treasured colleague.

John Ip
Academic staff farewells

Several long-serving members of the Faculty retired in 2017, or early 2018. The Auckland Law School is greatly appreciative of the tremendous contribution these staff have made over many years, and wish them well for their retirements.

Bruce Harris

In November the Faculty of Law joined together to honour Professor Bruce Harris LLD upon his retirement after a distinguished career of scholarship, teaching, service and leadership at the University of Auckland. A prize-winning graduate of Otago and Harvard Universities, Bruce was appointed to a chair at the University of Auckland Faculty in 1994 having previously held a Senior Lectureship and served as Dean at Otago Law School. His organizational, administrative and leadership abilities were quickly recognised.

Bruce was Dean of the Faculty of law at Auckland from 1995 to 2000. During his time as Dean he successfully fostered a more inclusive and cohesive academic community in the Faculty through his commitment to consultation and good process and in his low key and deliberative style. The law school was a “broad church” within which everyone was valued. With the help of Nin Tomas, he introduced lessons in Te Reo (some time before this had become common in public life). His commitment to service of the University sector locally and nationally has been unmitting. He was the professorial representative on the Auckland University Council from 2009 to 2013. Among his other significant contributions, was his service as a member of the New Zealand Council for Legal Education, and of the New Zealand Vice Chancellors’ Committee on Academic Programmes (CUAP) in relation to which he undertook national audits of Canterbury and Lincoln Universities.

Bruce has led the public law teaching effort at Auckland for over two decades. Many of the graduates of the public law honours seminar, in particular, owe their choice of a career in public law to his teaching and guidance. He enjoyed a dedicated following within the law school. I recall teaching a seminar for him on one of his rare absences and it slowly dawning on me that the students were running some kind of sweepstake about how many times the word autochthonous could be used in a two-hour class. That is public law dedication indeed!

Bruce has helped to shape public law in New Zealand. His scholarship ranges widely and is always relevant to the public law issues of the day. To read his cv is to trace major issues in New Zealand politics and law. One of his earliest writings is a major study of the use and misuse of delegated legislation under the Muldoon era. He has written about the prerogative of mercy, the duty to give reasons, judicial misconduct, and the possibilities for a republic. He is best known internationally for his work on the “third source of executive power” a phrase he coined. His identification and analysis of a non-statutory, non-prerogative source of executive power, and the proper controls on such power, has been cited by the highest courts here and around the Commonwealth. His other major contribution is to conceive public law as a whole system. This has never been more important given the modern tendency for the subject to break down into specialties such as the New Zealand Bill of Rights, Treaty jurisprudence, and even environmental law.

Bruce is a man of utmost discretion and integrity. Many of the law school staff have been supported by him personally through difficult times. Collectively the Auckland Law School has been the beneficiary of his calm and wise counsel and of his talents and commitment for the last 23 years. We warmly wish Bruce and Beth a wonderful, long and rewarding retirement and hope that they will retain their connections of friendship and collegiality with the School of Law.

Janet McLean
In René Goscinny’s Gallic village, Getafix the druid was the wise, calm and sanguine man that kept the sanity of the village and prevented it from descending into total mayhem. To many of us, Stephen Penk for a very long time has been the Getafix of the Law School. He is revered for his in depth awareness of the mysterious workings of the university administration. He is a fountain of knowledge and has the magical powers to find a solution to every possible quandary that we encounter.

Stephen served the faculty as Registrar, Senior Tutor, Senior Lecturer and Associate Professor since 1984. As a teacher and a mentor Stephen has inspired generations of students in the Law Faculty. Many of them speak fondly of Stephen’s unfailing kindness and guidance both as a teacher and as the Associate Dean (Academic).

Stephen pursued legal studies in the late 1990s but first completed a BA (Hons) and an MA in Latin at which he excelled. After the completion of his LLB (Hons) degree and the LLM, Stephen decided to pursue an academic career. His specialist area was Privacy Law which he taught both at Masters and at undergraduate level. However, it is the teaching of Legal Method that endeared him to many hundreds of students. For a course that is often viewed as dry and relatively arid, Stephen managed to make the content challenging and the delivery engaging. His appealing teaching methods, empathetic listening and patient explanations have made him a lecturer that is revered by many a student.

Stephen’s primary research interest is privacy law. He co-authored Privacy Law in New Zealand with Rosemary Tobin (Thomson Reuters). His book, the New Zealand Legal Method Handbook (Thomson Reuters) which he co-authored with Mary Rose Russell, is a text which has been written with a special focus on first-year law students. It is a comprehensive evaluation of the judicial system, the structure of government, sources of law and the hierarchy of courts, doctrine of precedent, statute law and statutory interpretation.

Within the wider university, and certainly within the Law School, Stephen is renowned for the knowledge of every regulation and policy, and for his incomparable flair at administration. Stephen has been a significant contributor to process development within the Law School. However, it is his arithmetic prowess that he is renowned for - particularly in GPA calculations and scaling of marks. Few academics have ever grasped the finer points of faculty administration but Stephen genuinely relished the challenges and tribulations that administration brings.

Over the years colleagues have come to rely on Stephen for his wise counsel for every administrative function, policy change and the application of regulations. Stephen deals with every problem, however straight forward or complex, with the same degree of care and attention. He is unfailingly altruistic, sincerely supportive and genuinely interested in every aspect of the Law School functions.

Stephen has always been an institutional thinker, having the Law School, students’ and colleagues’ interests at heart. As the Associate Dean (Administration) he implemented strategies for the development and improvement of the Law School. In more recent years Stephen’s mission has been to persuade his colleagues to embrace change where there is merit to do so in the interest of students or institutional progress.

As many of us who have worked closely with him would know, Stephen is abidingly optimistic, affable, approachable and self-effacing. Over the years I’m sure there must have been plenty to irritate him, but his demeanour has always been kind, gentle, humane and supportive.

It’s hard to imagine the Law School without Stephen. His students and colleagues will remember him as a fabulous teacher, a generous and a considerate colleague and a very kind human being. I hope Stephen has a real appreciation for just how many careers he has shaped, minds he has sharpened and lives he has touched.

As you retire from the Law School, we wish Debbie and yourself the best of luck. We thank you for all the contributions you’ve made to the Law School and to each of us over the years. You have enriched the lives you have touched and you have challenged our students to become better lawyers as well as better people.

Suranjika Tittawella
Pauline Tapp

When I arrived at the Faculty of Law in July 1979 I was welcomed to an overwhelmingly male milieu by a small and utterly inspirational group of woman colleagues. The senior team comprised the legendary Margaret Vennell, Nadja Tollernache and Pam Ringwood (none of whom, I note, ever made it to professor) and a number of junior lecturers, notably Pauline Tapp and Margaret Wilson.

This is my chance to pay tribute to my valued friend, colleague and supporter Pauline following her retirement in 2016. There are lots of stories, of good times and bad, that could be told. But Pauline is one of the humblest women I know. So, I thought it was fitting to let some of her former students and colleagues sing her praises.

Feminist legal scholar Professor Julia Tolmie remembers Pauline as “an inspiration to many of the female students who went through Law School with me in the early 80s. That there were strong feminist identified lecturers who cared about gender issues and had successfully navigated the very male orientated profession that we were entering was incredibly significant and I feel that we were very lucky to have them”.

Pauline and Margaret Wilson co-authored a book on Women and the Law in New Zealand in 1982, which was a revised edition of one Pauline co-wrote with Kay Turner in 1975, and co-taught the first women and the law courses in the faculty from 1979. Pauline was also a foundation member of both the Woman and Law Research Foundation in the 1970s that morphed into the Auckland Women Lawyers Association once women started to enter the practice of law in the 1980s.

Pauline combined these feminist insights with wisdom and compassion in her specialist teaching, research and outreach in family law. Former student, and later Minister of Women’s Affairs Laila Harré, describes family law in the 1980s as “a battleground of a changing society. Disparagingly described as “Ladies’ Law” by one of Pauline’s commercial law contemporaries in my undergraduate student days, its teaching and learning was a political act within the institution of the law school. As with my own field of labour law, we’ve since witnessed family law developing its own well-heeled élite. I hold to memories of family law’s Cinderella status, and its champion in our law school at the time, Pauline Tapp. She insisted on the importance of praxis at a time when women were invisible to the law, at a time when women ourselves and economic change were disrupting family “lore”, and when access to law and equal treatment (meaning treatment that didn’t pretend we had equality) under law, required the creation of law”.

In similar vein, Julia observes how “since becoming an academic I have occasionally dabbled in family law – out of concern for the powerful impact it has on women’s lives rather than for any other reason. It is an area to which Pauline has made a significant contribution – with her careful and profound scholarship and the generations of law students who have benefited from her skilful teaching”.

That impact was felt well beyond her students and colleagues. Margaret recalls Pauline’s “very significant contribution to family law and policy. For 40 years she taught students not only family law, but also an understanding that the law is about relationships. She was always very generous with her time and expertise contributing to women’s understanding of their legal rights and how to access them”.

In her unassuming way, Pauline was also influential in the development of family policy, including the Matrimonial Property Act and Property Relations Act, and on the law relating to children. She made a substantial contribution to the guardianship legislation and the rights of children generally. Margaret notes that her “compassion and generosity towards children in need was well known”.

For me, Margaret’s closing words encompass the Pauline I came to admire so much over her decades of dedication to our vocation: “Pauline was an academic who believed in sharing her knowledge and experience with students and those in need of advice. She never sought to promote herself so her influence may have been under-estimated by some, but there are hundreds of students, and those who sought her advice, who will be grateful to her dedication to ensuring an understanding of family law.”

Of course, Pauline’s dedication to her students was only matched by her dedication to the various dogs she and Gordon have cared for over the years.

My personal regret is that the new generation of wonderful colleagues, women and men, have not had the opportunity to know and engage with Pauline as scholar and role model in more recent years. We all wish her and Gordon well in their well-earned retirement.

Jane Kelsey
Rosemary Tobin

One of the many valuable lessons I learned from Rosemary is that the rules and regulations, however well drafted, are not an end in themselves, and are not to be applied robotically or deployed (intentionally or otherwise), as barricades or stumbling blocks. They are in place to promote and assist teaching and learning and to enhance students’ welfare.

As the Dean of Students for many years, Rosemary’s pastoral care of students was legendary. Often there was a row of students waiting along the corridor outside her room to see her. At crunch counselling times, especially during exams, the queue literally stretched around the block. Actions speak louder than mission statements. Rosemary’s love-in-action for her students over the decades at the Auckland Law School speaks many more volumes than the Davis Law Library could ever hold.

Rosemary was always the personification of the Chancellor’s equitable foot. She taught by example that there is a much greater good than administrative efficiency, and that the best administrators - and teachers - must always use their emotional intelligence, discretion and ingenuity to find the best possible human solution for their students. I would seek out her help with the most intractable student problems, knowing that I would always receive balanced, compassionate and practical counsel.

Rosemary was always there to lend an ear, give a hug and a ginger crunch and of course offer a few chosen words! Through troubled times on more than one occasion, she restored my faith in humanity. For students of course this meant a chair, an ear, tissues, kindness, wise counsel and inevitably an extension. Those of us who knew her well know that you’d ignore the advice at your own peril!

I really can’t imagine the Law School without Rosemary. But institutions are only people in a particular place at a particular time- your legacy is in the literally thousands of lives you have touched, the careers you have shaped, the minds you have sharpened, influenced and terrified over your many years of service. Rosemary, thank you for your commitment to the Law School, for the relentless enthusiasm, the appreciation of right and wrong, compassion and love.

We wish you and Jim all the very best of luck in your retirement.

Suranjika Tittawella
Professor David Williams has been elected as an Honorary Fellow of the American Society for Legal History (ASLH), in recognition of a lifetime of scholarly distinction and leadership in the field.

It is the first time in the ASLH’s 61-year history that a New Zealander has received this award, the highest honour conferred on a fellow historian.

In announcing the award in Las Vegas, the Society’s citation stated that “Williams’s remarkable scholarly contributions had laid the groundwork upon which New Zealand had become a world leader in the historical documentation of the encounter between Indigenous peoples, government, and settlers.”

It said “his peers at the Auckland Law School described him as ‘a true son of New Zealand’, a scholar who has waved the flag of New Zealand legal history magisterially, placing it squarely on the map of Australasian scholarship, demonstrating its significance and centrality through robust research and absorbing story-telling capacity that never loses sight of the humanity of the participants”.

Professor Williams is a strong proponent of racial equality both at home and abroad, and is known for taking a leading role critiquing the injustices done to indigenous people.

Described by colleagues as ‘a model for what an engaged scholar should be’, ASLH said it was their hope that his work will inspire other former colonial communities, where Indigenous-European reconciliation remains unfinished business.

From left: Professor Constance Backhouse (Citation reader, Ottawa); Professor David Williams; Professor Bruce Mann (Chair ASLH Honors Committee, Harvard); Professor Rebecca Scott (President of ASLH, Michigan).
Dr Charters (Ngāti Whakaue, Tūwharetoa, Ngā Puhi, Tainui), who specialises in indigenous peoples’ rights in international and constitutional law, is one of ten people honoured with a Rutherford Fellowship for her research entitled Constitutional Transformation to Accommodate Māori in Aotearoa/New Zealand: Lessons from Around the Globe.

Dr Charters’ distinguished career includes being a Fulbright Graduate Scholar at New York University, before undertaking a PhD at the University of Cambridge. Her doctoral thesis focused on the legitimacy of indigenous peoples’ norms under international law.

She has published and spoken widely on the UN Declaration on the Rights of Indigenous Peoples, comparative indigenous constitutional rights in New Zealand, Canada and the United States, and tino rangatiratanga and tikanga Māori in New Zealand.

Dr Charters has represented her iwi in treaty negotiations and worked in the UN Office of the High Commissioner for Human Rights. In addition, she was recently an adviser to the President of the UN General Assembly on enhancing indigenous people’s participation at the United Nations.

Rutherford Fellowship to research indigenous rights

Associate Professor Claire Charters was awarded a 2017 Rutherford Discovery Fellowship to investigate the ways indigenous peoples’ rights are constitutionally recognised throughout the world.

In this Fellowship, Dr Charters will evaluate various existing and proposed methods of constitutionally recognising and accommodating indigenous peoples’ rights around the globe, with the aim of informing potential reform in Aotearoa.

Drawing on case studies from as far apart as Bolivia, Mexico and Canada, Australia and the Pacific, and Norway, Finland and Sweden, she will focus on the recognition of indigenous jurisdiction and autonomy, protection of treaty and aboriginal rights, rights to lands, rights to culture and access to political power.

She hopes to provide pragmatic recommendations that will lead to better constitutional recognition of indigenous peoples in New Zealand and internationally.
A legal text by Lecturer Dr Jane Norton has jointly won this year’s prestigious JF Northey Memorial Book Award.

The award, given for the best book published in 2016 by a New Zealand-based author or authors, carries a prize of $2,000.

Dr Norton’s work Freedom of Religious Organisations, published by Oxford University Press (OUP) received the award alongside another OUP publication, The Continental Shelf Beyond 200 Nautical Miles, written by Joanna Mossop.

The adjudicators, who are anonymous and comprise distinguished members of the legal profession, said entries were of an exceptionally high standard and canvassed a variety of topics this year.

Commenting on Freedom of Religious Organisations, the adjudicators said Dr Norton’s work dealt with “a very topical issue… Western democracies are now very diverse, religiously as well as ethically. Terrorist acts within Western democracies have put in issue whether the freedom of religious expression, and religious freedoms, rights and immunities, should be curtailed. This scrupulous work of scholarship, which extends by analogy to New Zealand, elucidates the extent to which religious organisations are free to order their own affairs and to govern their memberships and members.”

Dr Norton joined the Auckland Law School from the United Kingdom where she completed her doctorate at Balliol College, Oxford as a Clarendon Scholar and was then a lecturer at Birmingham Law School. Prior to living in Oxford she was an Associate-in-Law at Columbia Law School on a Fulbright Scholarship and a litigator in a large New York commercial law firm. Jane has also been a Judges’ Clerk at the Auckland High Court and is a graduate of the University of Auckland.

Student Samuel Johnston won the Unpublished Undergraduate Student Paper Award for his work The Introduction of Land Tax in New Zealand in 1878. The Award which carries a prize of $1,000 is given to the best 2016 unpublished student paper between 10,000 and 18,000 words.

The adjudicators said “As New Zealand, and particularly Auckland, struggles with the property boom and the inability of young New Zealanders to obtain a first home, a piece on the history of Land Tax is timely… The article details the philosophical underpinning of the Land Tax and the development of the policy that led to its introduction. It provides a comprehensive, thoroughly researched account of the history, underlying policy and operation of the land tax… It was a fascinating story and a joy to read.”

Johnston completed the work as the dissertation towards an LLB (Hons) degree, supervised by Professor Michael Littlewood. Johnston said “I am grateful to Professor Littlewood for his excellent lectures on tax law and for being a phenomenal dissertation supervisor.”

He is currently studying for an LLM at the University of Auckland.
Faculty Awards for Research Excellence

Congratulations to Professor Craig Elliffe, Senior Lecturer Rohan Havelock and Professor Janet McLean, who were recognised in 2017 with Faculty Awards for their research.

All three awards will be formally bestowed on the recipients at the Auckland Law School Awards in 2018.

Professor Janet McLean

Professor Janet McLean received a Faculty Award for Research Excellence for her outstanding contribution in the field of public law.

Janet’s book Searching for the State in British Legal Thought (CUP 2012) has been described in the Harvard Law Review as a “comprehensive and multidisciplinary work”, noting that it draws on political theory, legal doctrine, and intellectual history in its examination of British conceptions of the State.

This rich complexity and depth, characteristic of all of her large and wide-ranging body of work, has earned Janet an international reputation as an outstanding scholar. The book, for instance, was the subject of a symposium at Oxford that involved a roll call of Oxford public lawyers and constitutional theorists. Recognition has also included the Legal Research Foundation’s 2013 prize for the best law book published by a New Zealand author, and a long series of international speaking invitations. One recent invitation was to contribute to a special issue of the renowned International Journal of Constitutional Law.

Janet has a new book with Dame Alison Quentin-Baxter, This Realm of New Zealand: The Sovereign, The Governor-General, The Crown due to be published by Auckland University Press this year.

Aside from her own research, Janet is also a champion for research in the faculty and the university.

She has mentored many emerging researchers, has been instrumental in helping several colleagues win major research grants and has facilitated visits by internationally renowned scholars such as, most recently, Professors Tom Poole (LSE), Jerry Mashaw (Yale) and Alan Page (Dundee).

Senior Lecturer Rohan Havelock

Senior Lecturer Rohan Havelock received an Early Career Research Excellence Award in recognition of his outstanding research profile for an early career law academic.

Rohan is a contributing editor of Colvinvaux’s Law of Insurance in New Zealand, the major New Zealand text on this subject.

His research outputs span diverse fields of private law including Equity, Unjust Enrichment, Contract, Insurance Law, and Building and Construction Law.

His articles have been published in some of the leading refereed journals in the Commonwealth, including the Journal of Equity, Restitution Law Review, Lloyd’s Maritime & Commercial Law Quarterly, King’s Law Journal, Insurance Law Journal, and New Zealand Universities Law Review.

His recent article “A Taxonomic Approach to Quantum Meruit” was published in the prestigious Law Quarterly Review. Rohan has been invited to present papers at prestigious conferences and seminars, including the Institute of Judicial Studies, the University of Otago and the NZ Law Society.
Combating multinational tax avoidance

Professor Craig Elliffe travelled to Brazil in August to give a presentation to the International Fiscal Association (IFA) addressing the common methods used by multinational companies to avoid paying tax.

Craig was invited to speak at the 71st Congress of the IFA being held in Rio de Janeiro between 27 August and 1 September, on the tax implications of fragmenting contracts and activities.

Multinational tax avoidance has received considerable attention in New Zealand and throughout the world. Some multinational corporations have developed a series of strategies to minimise taxation in the countries in which they do business.

In particular, they have developed techniques which avoid taxation by avoiding having a taxable presence. A simple example of this is in the area of contract splitting.

In New Zealand, a taxable presence exists where a business undertakes an installation project for greater than a 12-month period. If the foreign enterprise structures the arrangement so that they have two consecutive 11-month projects undertaken by different but commonly owned subsidiaries then the rule is technically not met.

There has been a significant response from the OECD and G20 countries with proposals to counter this as part of Actions 6 and 7 of the Base Erosion and Profit Shifting (BEPS) project. The BEPS project on multinational tax avoidance has received considerable attention in New Zealand and throughout the world.

The OECD proposes new tests which will be incorporated into the multilateral convention which New Zealand signed in July. The multilateral instrument varies our existing tax treaty settings.

A new OECD model with significant strengthening of anti-avoidance rules is proposed in 2017 and this will influence new bilateral negotiations. New Zealand has also developed its own unilateral solutions to multinational tax avoidance which are being rolled out in consultation with the business community and professional advisory groups.

The 71st IFA Congress had over 2000 attendees made up of lawyers, accountants, revenue officials and academics from all around the world.

In his presentation, Professor Elliffe covered the common methods used by multinational companies to avoid paying tax. He will use examples to illustrate the points.

Professor Craig Elliffe

Professor Craig Elliffe also received a Faculty Award for Research Excellence in recognition of his ground-breaking study of New Zealand’s international tax regime.

Craig’s book *International and Cross Border Taxation in New Zealand* (2015) received critical acclaim in the UK, Australia and New Zealand and was awarded the JF Northeby Prize by the Legal Research Foundation for the best law book published in New Zealand in 2015.

His articles have appeared in leading international refereed journals including the *British Tax Review* and the *Australian Tax Forum* and he is a member of the Permanent Scientific Committee of the International Fiscal Association, the only New Zealander appointed in 80 years. Last year he was awarded a PhD from Cambridge University.

Most recently, Craig’s research has been shortlisted for the Frans Vanistendael 2017 Award for International Tax Law. This is one of just six research papers nominated for the world’s best international tax research.

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I attended as an expert adviser to the United Nations Institute for Disarmament Research (UNIDIR) which is an autonomous institute within the United Nations. UNIDIR’s mandate is to generate ideas and promote action on disarmament and security. Having been researching and writing on disarmament law issues for many years, it was a wonderful opportunity to see disarmament law in action.

The negotiations concluded with 122 states voting to adopt the treaty which, as its name suggests prohibits nuclear weapons - banning the use, threat of use, production, manufacturing, testing, possession, stockpiling, stationing, and transfer of nuclear weapons. The treaty will take legal effect once 50 states have ratified it – that is unlikely to happen for at least a year, maybe longer (at the time of writing, 53 states have signed the treaty, three of them also having taken the final step of ratification).

The treaty has considerable, but not universal, support. Hailed by some as “an important step towards the universally-held goal of a world free of nuclear weapons,” others have dismissed the treaty as an exercise in hopeless optimism because it is unlikely to happen for at least a year, maybe longer (at the time of writing, 53 states have signed the treaty, three of them also having taken the final step of ratification).

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The argument that this new treaty can undermine the pre-existing NPT is legally unsound. It is true that the two treaties cover some of the same ground – no testing of nuclear weapons for example. But international law is no stranger to treaty regimes that overlap and repeat obligations – we need to only think about the right to life in the overall human rights treaty architecture to see such reiteration in action. And the new treaty is careful to state that it does not prejudice existing international agreements.

On the normative point, it is correct that the existing nine possessor states in the world – China, Democratic Peoples’ Republic of North Korea, France, India, Pakistan, the Russian Federation, the United Kingdom and the United States of America – all boycotted the negotiations (and indeed in the General Assembly last year voted against the negotiations even proceeding), and will not join the treaty any time soon. However, it is not correct that a treaty cannot have normative impact in the absence of so-called “specially affected states”. Treaties can, and do, shift international expectations and result in policy change over time, even within states that have chosen to remain outside a particular regime.

For example, in the context of chemical weapons, the 1925 Geneva Protocol is very widely accepted as an important part of the development of the “chemical weapons taboo” and in fact it was cited by many as constituting a “constraining influence” that prevented widespread use of chemical weapons during the Second World War. This was despite the absence of the United States from the treaty. But it also laid the foundations for the Chemical Weapons Convention 1993, which instituted a comprehensive verifiable ban on chemical weapons.

The Landmines Convention provides another example. Today, there are 162 states parties, but many states, including the main producers and many users of landmines remain formally outside the regime. Nevertheless, some of those states have imposed moratoria on exports, including China, India, Israel, Pakistan, Russia, South Korea, and the United States. Further, while the United States remains a non-party, President George W. Bush announced in 2004 that the United States would eliminate all forms of “persistent” mines (meaning mines that do not deactivate after a certain time period). In January 2011, all persistent mines were withdrawn from active inventories. Then, in June 2014, the United States announced that it would not produce or otherwise acquire any antipersonnel landmines in the future, including to replace existing stockpiles.

Thus, we see that perceptions of security interests and the legitimacy of particular weapons can and do evolve. It is difficult to demonstrate absolutely the influence of widely supported but not universal agreements.

But the evidence does suggest that, even in the absence of engagement by the most powerful states at the outset, such agreements can have a very significant impact over time on the evolution of international norms against weapons and lead progressively to their eventual elimination. This could well happen with nuclear weapons – but only time will tell.

Treasa Dunworth
The two-day event took place at Sydney Law School and was titled Corporate Governance & Regulation: East Meets West Conference. It brought together experts to discuss key developments in the field of corporate governance and regulation in Australia, the United States and Asia.

Featuring over a dozen speakers, the line-up included Professor Susan Watson, Deputy Dean of Law, who delivered a paper on ‘The Corporation as a Fund’.

Professor Watson’s presentation argued that the modern company should be thought of as a legal person that does not contain people but rather rights - such as the right to agreed capital contributions from shareholders, and ownership rights in property.

As a legal person the company has reputation, brand and goodwill attached to it that has value. The role of the board as the guardian and representative of the legal person is to maximise and sustain the legal person.

Such a conceptualisation is backed by the development of the company into an entity legally separate from shareholders which occurred by the end of the nineteenth century, and highlights the central importance of the board. Entity sustainability and maximisation also shifts the role of the board beyond needing to balance off short term or long term interests, and also needing to balance off the interests of shareholders in the short or long term against the interests of non-shareholder constituencies like management, employees and creditors.

The Auckland Law School co-convened an international conference in Australia at the University of Sydney examining corporate governance and regulation.

Law School in East meets West Conference
Ron the Reviewer

When Ron Paterson returned to the Law School as a half-time Professor in July 2016, after three years as Parliamentary Ombudsman, we wondered how he would spend his “spare” time. His friends suspected that it wouldn’t be long before his skills and experience would be called upon, and we were right.

Over the past year, Ron has completed three major health reviews in Australia. As the year ends, Ron is deep in another review for the Chief of the New Zealand Defence Force. Each project has raised complex policy issues in diverse areas of community concern.

The first review was an Independent review of the use of patient chaperones to protect patients in Australia. It followed media publicity that doctors accused of sexual misconduct were allowed to continue in practice, subject to the presence of a chaperone. In August 2016, the Medical Board of Australia commissioned Ron to undertake a review of the appropriateness of continuing to use chaperones as a regulatory protection. Ron consulted widely, meeting sexually abused patients, doctors, indemnity insurers, consumer groups, policy makers and regulators. Helped by Auckland law student research assistant John McHardy, Ron compared regulatory practice in the UK, the US, Canada and New Zealand.

In his 56,000-word February 2017 report, Ron concluded that there are “better ways to protect and inform patients when allegations of sexual misconduct are made against a health practitioner”. The Medical Board of Australia and the Australian Health Practitioner Regulation Agency accepted all his 28 recommendations for change. The use of mandated patient chaperones is currently being phased out in Australia, with improved handling of sexual misconduct allegations and greater use of gender-based prohibitions and suspensions, when immediate action is warranted.

The second review, which Ron undertook with veteran Australian public administrator Kate Carnell, was a Review of National Aged Care Quality Regulatory Processes for the federal Minister for Aged Care, Hon Ken Wyatt MP. The review was called in the wake of public concern about the treatment of patients with severe dementia at the Oakden facility in Adelaide. The review examined the regulation of residential aged care in Australia, based on the premise that “the community expects the Commonwealth’s regulation of aged care to be able to assure it that people in residential aged care facilities are safe, well cared for and have a good quality of life”.

Over a tight time frame of five months, the review received more than 400 submissions and conducted over 40 consultations with consumers and their families, advocates, peak bodies, service providers, health and aged care workers, academics and regulatory experts. The Carnell & Paterson report was released in October 2017, with 10 recommendations for overhauling federal regulation of residential aged care quality.

The third review was conducted by an expert advisory group of the Australasian College of Emergency Medicine. Ron was deputy chair of the group, asked to inquire into allegations (from 34 self-described ‘non-Caucasian’ trainees) of systemic racism in clinical exams conducted by the College. This review raised complex issues of human rights and fairness in examination processes, and patient safety considerations, since the College must ensure that candidates for Fellowship meet the high standards expected of emergency medicine specialists. Although the September 2017 review report did not substanciate the allegations of systemic racism, it made 12 recommendations for change in the College’s training and examination processes. The College accepted the report in its entirety and has begun a process of reform to remedy the problems identified.

Closer to home, Ron is reviewing the operation of the Veterans’ Support Act 2014. The 2014 statute repealed the War Pensions Act 1954 and introduced a new system for support and rehabilitation of qualifying veterans – and for support for the families of veterans who have died or have severe impairments as a result of their service.

Consultation on the review has taken Ron on a tour of RSA clubs and public venues from Whangarei to Invercargill, and on visits to Defence bases – meeting over 700 people, including family members and serving personnel. Their feedback, and 200 submissions on a consultation document, will inform the findings and recommendations Ron is expected to make in early 2018.

“It’s a great privilege to meet so many veterans from around the country, to learn about their service, and to hear about their needs for support for service-related health conditions,” says Ron.

Commenting on the range of work he’s undertaken this year, Ron notes: “I enjoy the diversity of my work in health law and policy, and the opportunity to contribute to law reform. I try to find ways to ensure that regulation and practice meets the needs of patients and citizens. I’d also like to think it helps my teaching and research at the Auckland Law School!”
Panel Discussion on Wakatu v AG

The Law School hosted a well-attended panel discussion on the Supreme Court’s ground-breaking February decision in *Wakatu v AG* in May.

The Faculty of Law continued this year to explore new ways for faculty to come together and promote research by holding a regular research-centred Faculty Lunch series. Arie Rosen and Susan Watson, who were behind this new initiative, explain that the purpose of a regular lunchtime meeting is to add an informal forum for faculty members to discuss new ideas and recent legal development.

During 2017, lunches included an incubator session, in which researchers presented new research directions (led by Anaru Erueti), a discussion on recent developments in American constitutional law (John Ip), a conversation on innovative ways to promote legal research (Janet McLean), and a discussion on the role of academics outside academia (Treasa Dunworth).

The Auckland Law School has a number of close associations with the case. Kerensa is a former lecturer at Auckland Law, Professor David V Williams provided expert evidence.

The panel session concluded with the launch of volume 5 of *Te Tai Haruru: Journal of Māori and Indigenous Legal Issues*. The edition brought together most Māori legal academics within New Zealand to pay tribute to the life and work of former Associate Professor Nin Tomas. Judge Layne Harvey and Professor Margaret Mutu, and Nin’s son Inia, spoke humourously and touchingly about Nin.
In a New Zealand first, the Auckland Law School has engaged a full-time Employment Engagement Manager to better assist our students in finding jobs after their degree. Clodagh Higgins joined the faculty earlier this year and brings a wealth of experience and enthusiasm to the role. This is her story.

In my role as Employer Engagement Manager, I’m here to support students in engaging with industry, increasing their employability skills and enhancing the knowledge and skills that are acquired in the classroom to gain employment upon leaving the law school. A large part of my role is also ensuring that law students are adequately educated on available career paths available to Law School graduates.

My role ties in with the wider initiatives around student engagement and wellbeing and is part of the student experience strategy here at Auckland Law School.

I’m the first ‘me’ in New Zealand, an in-faculty professional staff member to support industry engagement with Law School students as well as offering industry-specific advice and insight. I will also support our law school clubs and societies in engaging with industry.

I have created a weekly newsletter that goes to all part II to IV students. The purpose of this newsletter is to create one source of information for all non-curricular activities in the Faculty, as well as to highlight employment opportunities suitable for our students. Any firm or organisation can use this newsletter to promote any applicable roles to our students (whether legal or non-legal).

Initiatives for 2017 include but are not limited to a leadership mentoring programme for stage IV students to stage II students, a careers programme that helps students identify possible career goals while they’re in Law School, growing the law school internship service and teaming up with the Law School clubs and societies to enhance their events that engage industry.
All of this is dependent on support from industry and it’s been wonderful to see the enthusiasm for all the proposed initiatives.

So, what led me into this role – what’s my career journey?

I was born and bred in Dublin, Ireland to Dublin-born parents. My mother has worked in Trinity College Dublin (TCD) as a librarian my entire life, so I have always been surrounded by books and conscious of universities since the day I was born. The daughter of a university staff member with some academic capability (although my Maths teacher may disagree), it was always on my radar that I wanted to go to university.

In the mid ‘90s, while I was at primary school, Ireland’s period of high economic growth termed the Celtic Tiger began.

Growing up, I was what is now referred to as a Celtic Tiger cub. I grew up watching Ireland’s economic boom and knowing only prosperity. Ireland changed sociologically too, we became a country of relatively large scale economic immigration.

For the first time since the Famine in the mid-19th Century, we had more people immigrating than emigrating.

With this, I entered my bachelor of Social Science degree at University College Dublin (UCD) in 2005. I went on an exchange year at Uppsala University, Sweden as part of my degree and returned to Ireland to complete my final year of my undergraduate degree. In 2008, while in my final year, the GFC hit. I remember sitting in a social policy class, hearing of the Lehman Brothers collapse and realising that downturn was going to have a direct and immediate impact on me, specifically in terms of employment upon graduating. I was fortunate compared to others in Ireland with massive negative equity on massive mortgages, mass redundancies and huge economic retraction. With that in mind, I decided to delay the situation for another year, stay in the safe harbour of university and enrolled in an MSc (Public Policy) at the University of Edinburgh in Scotland!

Ireland changed drastically in less than a year with unemployment rising to 14% by the time I returned to Dublin after my master’s degree. I was fortunate and interned at Amnesty International, Ireland on the Human Rights Education team for a while and then worked for an NGO that supported people with neurological disabilities in the community. But at this time, Ireland had changed. It was doom and gloom, with little employment growth opportunities and mass emigration. In 2011 I left my job and back-packed around South and Central America with two girlfriends for eight months. New Zealand was our end destination to complete a working holiday on a one-year visa.

In 2012, we landed in Auckland and intended to stay for a few weeks and settle in Wellington but by the end of our first week here, we had a flat and a job each - so Auckland became our New Zealand base. For my first year here, I took an OE job working for an insurance company settling claims for the 2010/2011 Canterbury earthquakes. It was great fun and I made some of my closest New Zealand friends in that role.

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I got my first University of Auckland role through the temp service and a six-week placement turned into a permanent role in the Business School supporting employability initiatives and Business School clubs as a Student Development Adviser. I then covered a 13-month parental leave as the Employer Liaison Manager. After three years in the Business School, I’ve now moved to my new role at the Law School as Employer Engagement Manager.

I have been overwhelmed by the calibre of students in the Law School. They are bright, articulate and focused on what they want to achieve in their lives, both professionally and socially and whether it be in the legal world or not.

Their shortcomings are that they often don’t recognise how accomplished they are and are sometimes a little short-sighted in their perceived available career paths. In my opinion, the sky is the limit on your career choice with an LLB from Auckland Law School. If you think that you or your firm could support law school students in their careers education, please feel free to reach out for a chat – c.higgins@auckland.ac.nz

Clodagh Higgins
Humans of Auckland Law

Humans of Auckland Law is a touching, heart-warming, exciting and in equal measure serious and fun initiative to highlight the amazing, diverse, multifaceted and inspirational students we have walking the corridors of the Law School.

In Instagram and Facebook posts, on the website and in posters around the Law School, we profile photos of individual students coupled with a blurb with something they would like to portray about themselves or their experience of Law School, positive or negative. They address issues as wide as cultural diversity, the importance of family, the culture of competition and pressure to succeed, their motivations, their extracurricular activities, physical and mental wellbeing, their interests and passions outside of Law School and the social issues they would like to address.

The Law School’s aim in the campaign is to bust the sense of isolation that students sometimes feel at Law School and to highlight that every law student is a real-life person with their own drivers, issues, talents, passions and concerns.

In conjunction with the humans of Auckland law initiative, albeit striking a more deliberately serious tone, the Law School has also launched the “success” campaign. Over the years we have become concerned that many law students perceive success, when associated with the law, in rather one-dimensional ways, for example through the attainment of exceptional grades and progression through big law firms. This can lead to some of our wonderfully talented students feeling a sense of failure if they seek to pursue a different path or face hurdles along the way.

In a series of videos of some of our talented and exceptional graduates, the Law School hopes to portray that success comes in different shapes and sizes, is rarely linear and can involve backwards steps as well as leaps forward. Success can also come in different forms: advances in social justice; completing a degree with 5 children to support and not a whole lot of financial support; appointment to the bench; representing those who otherwise have little access to legal services; and so on. The Law School will continue to roll out these videos into 2018.

The videos were produced by Milon Tesiram – an Auckland Law School alumnus and co-founder of Chillbox Creative, a small Auckland-based video production business.

The videos can be viewed at law.auckland.ac.nz/humans-of-auckland-law-school

Claire Charters
The Faculty has enjoyed a successful and productive year. Its research outputs include articles in leading law journals and monographs on diverse areas of law.

The quality of Auckland Law School’s research has been recognised by the Legal Research Foundation. Jane Norton’s “Freedom of Religious Organisations”, (Oxford University Press, 2016) was joint winner of the prestigious JF Northey Memorial Book Award for the best book published in 2016 by a New Zealand-based author.

In addition, the Legal Research Foundation's Unpublished Undergraduate Student Paper Award was won by Auckland student, Samuel Johnston, for his paper, “The Introduction of Land Tax in New Zealand in 1878”.

Academic staff have been successful in winning highly competitive research awards.

The outstanding scholarly achievements of three academic staff has been recognised with research excellence awards.

Professor Craig Elliffe received a Faculty Research Excellence Award for his groundbreaking work in the field of domestic and international taxation. Professor Janet McLean’s international recognition resulting from "Searching for the State in British Legal Thought" (Cambridge University Press, 2012) was also acknowledged by a Faculty Research Excellence Award. Rohan Havelock received a Faculty Early Career Research Excellence Award for his prestigious publications in some of the leading law journals in the Commonwealth.

The Faculty’s status as a leading research institution is reflected in numerous papers presented at domestic and international conferences.

In addition, academic staff have hosted colloquia and symposiums in which distinguished speakers have presented papers on contemporary legal issues.

Peter Devonshire
Book Chapters


Book Chapters


This is a unique analysis of the interaction between the mental health system and the law in New Zealand. It provides extensive commentary and discussion on mental health law and practice and provides clear practical guidance on and understanding of complex clinical realities that arise in this area of legal and medical practice.

Since the second edition was published in 2005 there have been major legislative, common law and societal developments that impact mental health law. The book has been restructured and has new content on social media and young people; the committal process and mental health advocacy.

This research collection offers a comprehensive investigation into ecological approaches into environmental law. It brings together a kaleidoscope of different articles to examine the critique of environmental law, the ethical dimensions, and methodology before exploring the key issues focusing on rights and responsibilities, property and the commons, governance and constitutionalism. It also presents work that looks into the theory of Earth Jurisprudence. Together with an original introduction, this collection is an indispensable reference for anyone interested in ecological approaches to environmental law.

The world is changing. Old certainties were swept away by the Financial Crisis of 2008. States are grappling with the implications of new thinking about the ways in which the role and nature of corporations should be viewed and therefore regulated. This timely study uses perspectives of scholars from around the world to highlight and provide critical analysis of innovations in corporate governance adopted in a range of jurisdictions, both mature and developing. Due to their primary importance, particular attention is paid to the governance of banks.

The chapters that form this collection all place the modern New Zealand company in a context or landscape. The first set of chapters is mainly written by international contributors and the second set by leading New Zealand academics and commentators. The genesis for the collection was a Legal Research Foundation conference where New Zealand’s company law was analysed and where leading corporate law scholar Professor John Farrar was honoured.

The field of intellectual property law continues to grow and move increasingly into the mainstream. The third edition of this invaluable book has been extensively revised and updated – keeping the reader abreast with latest developments in this area of law.
Capital markets are a continuous stream of activity and innovation. Constantly evolving and inherently dynamic, they give rise to complex regulatory and policy issues and offer rich material for analysis. Additionally, globalization has incentivized cross-border listings and international flows of capital. Global Capital Markets takes stock of recent trends and events by exploring their legal and regulatory implications across several jurisdictions from around the world.

This book provides a critical analysis of current issues including investor activism, the challenges of cross-border regulatory enforcement and recent initiatives to empower shareholders to improve corporate governance. It also surveys longer-term trends such as the development of the nascent capital markets law in China over the last two decades and discusses the emerging issues from the increased use of dual class voting shares. Case studies draw on examples from nations such as the US, Canada, Europe, China, India and New Zealand.

There is an ever-present threat of catastrophic marine pollution incidents, as illustrated by recent disasters such as the Deepwater Horizon oil spill in the Gulf of Mexico. Even small-scale accidental pollution discharges can have long-term consequences for marine and coastal resources. The UN Convention on the Law of the Sea obliges all States to cooperate to prevent accidents and to minimize environmental damage during emergencies by jointly developing and implementing marine pollution contingency plans. The Asia-Pacific is one of the world’s busiest shipping regions, some of its mega-ports experience high rates of vessel congestion, and there are increasing numbers of offshore installations. Marine pollution prevention planning is thus vital for the region Marine Pollution Contingency Planning outlines and examines marine pollution contingency planning in Australia, Canada, China, Japan, Korea, Malaysia, Mexico, Philippines, Singapore, and the United States.

Over the past four decades, international indigenous rights have become a prominent aspect of international law and are now enshrined in the UN Declaration on the Rights of Indigenous Peoples. Yet, while endorsed by Aotearoa New Zealand in 2010, little remains known about how these standards came about, how the international movement that created them was established, and the implications of these standards on national reforms already protecting Māori rights.

International Indigenous Rights in Aotearoa New Zealand seeks to answer these questions. This collection of essays places the Declaration in the context of New Zealand rights around such issues as Treaty settlements, mining policy and the status of Māori children. Crucially, it also asks how Māori can hold New Zealand to account against international indigenous rights.

A ground-breaking analysis of New Zealand’s constitution that explains the continuing role of the Sovereign, the Governor-General, and the Crown in our South Pacific democracy.

New Zealand is a democratic constitutional monarchy, one of Queen Elizabeth II’s sixteen realms. This Realm of New Zealand provides a comprehensive account of how the Queen, the Governor-General and the Crown interact with our democratically-elected leaders under New Zealand’s unwritten constitution. The authors explain how these islands in the South Pacific were first brought within Queen Victoria’s dominions, the arrangements then made for their future government, and how those arrangements developed over time with the pressure for democracy and responsible government to become New Zealand’s current constitution. In an afterword, the authors examine some of the key issues to be considered should New Zealand become a republic.
Ten Years of Tax: A Celebration of Professor Michael Littlewood’s First Decade at The University of Auckland Faculty of Law, 2003-2013

Professor Michael Littlewood returned to Auckland in 2003, after 15 years in Hong Kong. Now a group of his students have put together a book celebrating his first ten years back in Auckland. As the editors, Aditya Basrur, Christopher Jenkins, James Ruddell and Sehj Vather, say in the forewords they have contributed to the book, it is intended as a “thank you” to Michael for the help he has given to a large number of students over the years.

The book consists of 18 chapters, one by each of the four editors and the others by 14 of Michael’s other students. Each chapter is based on a student paper written under Michael’s supervision. All of the chapters have been previously published – most in either the New Zealand Journal of Taxation Law and Policy or the Auckland University Law Review. Others, however, were published in other journals – the British Tax Review, the Hong Kong Law Journal, the New Zealand Universities Law Review and the Waikato Law Review.

Aditya Basrur, Christopher Jenkins, James Ruddell and Sehj Vather (Eds) Ten years of Tax: A Celebration of Professor Michael Littlewood’s First Decade at the University of Auckland Faculty of Law, 2003-2013 (Centre for Commercial and Corporate Law, University of Canterbury, Christchurch, 2016); xxii plus 556 pages; $120.00.

Media and entertainment law is a growing and rapidly changing area of law, governed by domestic legislation and challenged by emerging new media such as online news and publishing, blogs, twitter, reddit, and facebook. This book provides a detailed analysis in a modern framework. The authors weave the intricacies of new media through established case law, legislation and principles while guiding legal and media professionals as they navigate the changing media landscape. In addition to comprehensive analysis of traditional media law, this treatise explores harmful digital communications, the impact of online publication on defamation, regulation of classic and modern media authorities and contempt in light of the Contempt of Court Report released by the Law Commission in June 2017.

The authoritative work on the law and practice of domestic and international arbitration in New Zealand. Williams and Kawharu on Arbitration is well recognised for its excellence. Since the first edition was published in 2011, it has been cited on several occasions by the New Zealand courts as an authoritative interpretation of arbitral practice in New Zealand, including by the Supreme Court in Zurich Australian Insurance Ltd t/a Zurich New Zealand v Cognition Education Ltd [2014] NZSC 188 and in Carr v Cook Galloway Allan [2014] NZSC 75; won the JF Northey Prize 2012 for best legal treatise; and been reviewed favourably numerous times both in New Zealand and internationally.

David A. R Williams and Amokura Kawharu, with contributing editors Anna Kirk, Daniel Kalderimis and Wendy Miles

Williams and Kawharu on Arbitration, 2nd Edition

Capital gains taxes pose a host of technical and political design problems and yet, while the literature on the theory of capital gains taxation is substantial, little has been published on how governments have addressed these dilemmas. Written by a team of distinguished international experts, Capital Gains Taxation addresses the gap in the literature; it explains how a number of countries tax capital gains and the successes and pitfalls of these methods. Examining key issues in the theory and practice of capital gains taxation in a general context, this book also provides a detailed analysis of the tax systems of Australia, Canada, China, India, the Netherlands, New Zealand, South Africa, the UK and the US. It questions whether capital gains should be taxed in the same way as ordinary income, considers the rate at which they ought to be taxed, if indeed they should be at all, and compares the taxation on realisation of capital gains versus on an accruals basis.

Edited by Craig Elliffe and Michael Littlewood

Capital Gains Taxation: A Comparative Analysis of Key Issues

The book consists of 18 chapters, one by each of the four editors and the others by 14 of Michael’s other students. Each chapter is based on a student paper written under Michael’s supervision. All of the chapters have been previously published – most in either the New Zealand Journal of Taxation Law and Policy or the Auckland University Law Review. Others, however, were published in other journals – the British Tax Review, the Hong Kong Law Journal, the New Zealand Universities Law Review and the Waikato Law Review.

Aditya Basrur, Christopher Jenkins, James Ruddell and Sehj Vather (Eds) Ten years of Tax: A Celebration of Professor Michael Littlewood’s First Decade at the University of Auckland Faculty of Law, 2003-2013 (Centre for Commercial and Corporate Law, University of Canterbury, Christchurch, 2016); xxii plus 556 pages; $120.00.
In 2017 Professor Keith Syrett visited the Faculty of Law, supported by the Hood Fellowship. He stayed with us for approximately a month. Professor Keith Syrett is Professor of Public Health Law at Cardiff Law School, Cardiff University, Wales, UK.

During his visit he gave a public lecture and attended a dinner of thanks Afterwards with invited members of the University, served as the keynote speaker and participated in a day-long symposium organised by Professors Ron Paterson and Jo Manning of the Faculty; participated in a panel on Brexit at an event organised by Professor Janet McLean and Associate Professor Hanna Wilberg; gave a staff seminar to the Law Faculty; visited with academics from the department of Population Health at the Faculty of Medical and Health Sciences; and taught an undergraduate Honors class.

In addition, he attended morning teas and lunches with Faculty members, including a formal welcome morning tea in his honour.

On Thursday 16 March, following refreshments in the Faculty’s Staff Common Room, Keith presented his public lecture, “The UK’s political constitution: not dead yet?”. The timing for this topic was impeccable, as the lecture included a discussion of the Supreme Court’s decision in Miller and the following morning HM the Queen was scheduled to sign into law the legislation required to trigger article 50 to commence the Brexit process. The lecture was well attended, being particularly of interest to public law academics and legal practitioners, and those from the Departments of History, Philosophy and Political Studies. There was a lively debate at question time.

In recognition of the establishment of the John and Marylyn Mayo Chair in Health Law, and the enhanced prominence to medical law in the Faculty it will provide, Ron Paterson and Jo Manning organised the first full day, inaugural Marylyn Mayo Medical Law Symposium around Keith’s visit. In addition, we were able to invite Associate Professor Marie Bismark to visit as our second keynote speaker for the day. Marie is Associate Professor in the Department of Public and Global Health at the University of Melbourne.

The day was divided into four sessions, each with a presentation on a medical law topic and commentators. The day was a great success, generating much debate and discussion among specialists in the field.

During Semester One, the Auckland Law School was privileged to host Professor Paul Dempsey, former Director at the Institute of Air and Space Law at McGill University, Canada.

While here, Paul taught an LLB (Aviation Law) course, and an LLM (Contemporary Issues in Air and Space Law) course. Both covered various aspects of international law in relation to aviation, air and space. It was a unique opportunity for students to study aviation Law with the world’s leading specialist.

**Professor Paul Dempsey**

**Jo Manning**
Professor Raj Bhala

The 2017 Legal Research Foundation Visiting Scholar was the international trade and Islamic law academic Raj Bhala (The University of Kansas School of Law, USA). Raj, his wife, Dr Kara Tan Bhala, and their daughter, Shera Bhala, all made valuable contributions to New Zealand during their three-week visit to Auckland and Wellington.

Professor Bhala is a world-renowned expert on international trade law and Islamic law. He is Associate Dean for International and Comparative Law and Brennnesen Distinguished Professor at the University of Kansas School of Law. He practiced at the Federal Reserve Bank of New York, where he twice won the President’s Award for Excellence, thanks to his service as a delegate to the United Nations Conference on International Trade Law. He was formerly International Legal Consultant for the Bahraini and Saudi Arabian offices of Blake, Cassels & Graydon (Canada) and is now a Senior Advisor to Dentons US LLP.

A Harvard Law School graduate, Raj completed Masters degrees at LSE and Oxford as a Marshall Scholar, and an undergraduate degree at Duke as an Angier B. Duke Scholar. Raj is author of one of the world’s leading textbooks in international trade law, International Trade Law: An Interdisciplinary, Non-Western Textbook, and the first treatise on GATT in nearly 50 years, Modern GATT Law.

He is the first non-Muslim American scholar to write a textbook on Islamic Law, Understanding Islamic Law (Sharī’a).

His newest book is on the Trans Pacific Partnership, TPP Objectively, and he is working on one on India, Business Law of Modern India. “On Point” is his monthly column, which BloombergQuint (India) publishes online.

Raj undertook a vigorous schedule of teaching, lecturing and other activities while at the Auckland Law School. He conducted an LLM intensive class on international trade law and gave three public lectures: Reinterpreting Islamic Law on Issues from Women to War; Islamic Banking and Finance Law, and India, China and Turbulence In International Trade Law and Policy (the latter sponsored by and given on the premises of the Chapmann Tripp Law Firm in Auckland). Raj also presented a staff seminar: Interpreting Interpretation – which discussed the interpretation of international trade agreements based on principles drawn from literary analysis. Together with Associate Professors Scott Optican and Chris Noonan, he gave a talk to students on postgraduate legal studies in New Zealand and the USA. In front of a law student audience, Raj also participated in a spirited and friendly debate with Professor Jane Kelsey on the future of the Trans Pacific Partnership. He also presented at one of the Law School’s Law and Poetry evenings, reading a poem from Irish poet and Nobel Prize winner, Seamus Heaney. Raj’s visit was also the subject of a feature article in the June 17-23 issue of the New Zealand Listener Magazine.

Raj’s wife, Dr Kara Tan Bhala, also made a significant contribution to the Law School during her time in Auckland. Kara is the President and founder of the US-based Seven Pillars Institute for Global Finance and Ethics, the world’s only independent think tank for research, education, and promotion of financial ethics. A financial consultant, former Wall-Streeter, and respected published author, Kara is a world thought leader on financial ethics and ethical business behaviour. She gave a public lecture entitled: Global Financial Ethics in the Age of Trump.

Finally, and not to be outdone by her parents, Raj and Kara’s 17-year old daughter, Shera Bhala – a final year student at the Pembroke Hill High School in Kansas City, Missouri (USA) – undertook a three-week internship with then deputy Labour Party leader, and now Prime Minister, the Hon Jacinda Ardern. Shera accompanied her on various MP-related activities, including trips to Wellington for visits to the Beehive and sittings of Parliament. Raj and Kara also met with Jacinda Ardern and joined Shera in Wellington.

The visit of Professor Bhala and his family to New Zealand and the Law School was a tremendous success. On both the personal and professional fronts, it resulted from the significant efforts and hosting of many people and organisations. In addition to Dean Andrew Stockley and the Faculty of Law, Raj and Kara would like to thank: the Legal Research Foundation; the New Zealand Centre for Law and Business; the Auckland University Business School; the Chapmann Tripp Law Firm; Carolina Academic Press; Sian Abel; Professors Craig Eliffe and Jane Kelsey; Chris Noonan; Hanna Wilberg; Scott Optican; An Hertogen; John Ip; Jane Norton; Stephanie Carr; Miranda Playfair; Christina Pollock; Clare-Louise Chapman; Anita Killeen; and The Hon Jacinda Ardern.

Scott Optican
In May the Auckland Law School hosted Florencio López-de-Silanes.

López-de-Silanes is Professor of Finance, and Associate Dean of International Affairs at SKEMA Business School. His research interests and main publications are in corporate finance, corporate governance, family firms, law and finance, regulation of financial markets and banks, state-owned enterprises, and legal reform and deregulation.

He has been an adviser on these topics to several governments, international institutions and corporations. Some of his research shows the relevance of law and institutions for financial markets and their development. He has many publications in top finance and economics journals and has published two books on Investor Protection and the Benefits of Privatization.

Among other distinctions, he received Harvard's Wells Prize for the Best Dissertation in Economics (1995), the Brattle Prize for distinguished paper in the Journal of Finance of the American Finance Association (1999), and the Jensen Prize for the best papers published in the Journal of Financial Economics in the Areas of Corporate Finance and Organizations (2000). His lifetime academic citations place him among the three most widely cited business authors in the world according to the Social Science Research Network (SSRN). Before arriving to SKEMA he was a professor at the universities of Harvard, Yale, Amsterdam, EDHEC and the Ecole Normale Superieur in Paris.

While in Auckland, Professor Florencio López-de-Silanes gave a talk at a law firm where he shared his research on the impact of Human Capital on firm productivity. Florencio’s research challenges the traditional approach to analysing the efficiency with which firms turn inputs into outputs by considering the human capital of entrepreneurs and workers as distinct inputs of productivity. As well as the talk, Professor López-de-Silanes worked on his research project with Professor Joe McCahery of Tilburg Law School and Professor Susan Watson on venture capital funding in New Zealand.

Susan Watson

In August, the Auckland Law School was privileged to host the 2017 Law Foundation Visiting Fellow, Professor Stephen Smith, Professor at the Faculty of Law, McGill University. He teaches primarily in the fields of private law and legal theory.

During his time in New Zealand, Professor Smith visited each New Zealand Law School, giving a series of public, student and staff lectures. He was hosted by the Auckland Law School for the final week of his NZ visit in late August.

Welcomed at an all-staff morning tea, Professor Smith’s time also included a student workshop called “Why Contract Law”, and a staff/public lecture titled “The Concept of a Remedy” where he discussed the fact that enacting rules is an obvious way for authorities—legal or otherwise—to guide behaviour. Imposing sanctions, in turn, is an obvious way to help ensure compliance with rules, either by directly bringing about the outcomes they require, or by providing incentives for compliance. It is less obvious why courts might want to issue orders: what is the point of telling individuals to do things when the law already has, or could have, rules that tell citizens to do these same things? Focusing on private law orders (though its arguments apply more widely), Professor Smith argued that orders provide distinct reasons for action—different from those provided by rules or sanctions.

Professor Smith spent time with undergraduate and postgraduate students, sharing thoughts and insights over lunch and morning tea.

His visit was a fantastic opportunity for staff, students and the public to gain insights into private law from one of the world’s leading authorities.

Christina Pollock
Top: Professor Stephen Smith in classroom. Bottom: With Dean Andrew Stockley and Marcus Roberts.
LLM Visitors to the Law School in 2017

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<tr>
<th>Name</th>
<th>Institution</th>
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<tr>
<td>Richard Calnan</td>
<td>Norton Rose Fulbright LLP</td>
<td>Contractual Interpretation</td>
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<td>Andrew Schwartz</td>
<td>University of Colorado</td>
<td>Securities Regulation</td>
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<td>University of Oxford</td>
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<td>Don Brown</td>
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<td>Raj Bhala</td>
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<td>Umakanth Varotttil</td>
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<td>Paul Dempsey</td>
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<td>Karen Scott</td>
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<td>Mary Keyes</td>
<td>Griffith University</td>
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Francis Reynolds returns to Law School

Francis (FMB) Reynolds (right) returned to Auckland this year to teach an LLM course in Agency Law with Peter Watts (left). A retired Fellow of Worcester College, Oxford, and Emeritus Professor in that University, and former editor of the Law Quarterly Review, Francis has long had strong links with the Auckland Law School.

This year was the third time he had taught in the LLM programme. While here, he also gave a well-attended talk for the Legal Research Foundation. Now in his mid-80s, Francis remains exceptionally vigorous, teaching also in Malta, Hong Kong and Singapore.

Staff seminars bring wealth of global knowledge

The law school has had a vibrant year with staff seminars being given by academics from all parts of the globe. One of the highlights of the staff seminar year was a visit by Professor Paul Craig from the University of Oxford. Professor Craig gave a staff seminar entitled the “Historical Foundations of UK Administrative law: Theory and Reality” and seminars to students and the judiciary. On 6 April, Professor Craig and Professor Alan Page (Dundee) teamed up to give Auckland audiences a lively briefing on the legal and political implications of BREXIT (which can be viewed here: www.youtube.com/watch?v=3iuIAilGEiw)

Professor Craig was also interviewed by Kathryn Ryan on the complicated, and financially disadvantageous, process of the United Kingdom leaving the European Union.

www.radionz.co.nz/national/programmes/ninetonoon/audio/201838935/brexit-to-what

Other staff seminars included:

- Robert Glicksman (GW Law): The Reorganisation of Administrative Agencies
- Richard Calnan (Partner, Norton Rose Fulbright): Contractual Interpretation
- Keith Syrett (Cardiff): Resource Allocation and Health Care Law.
- Mary Beck (Missouri): Prenatal Abandonment: Structured for Today’s Demographics
- Christoper Rodgers (Newcastle): Property Law and the Environment
- Andrew Schwartz (Colorado): Crowdfunding Securities: An International Perspective
- Raj Bhala (Kansas): Interpreting Interpretation: Literary Analysis & the Interpretation of International Trade Agreements
- Andrew Simester (SNU): Moral Luck
- Hatsuru Morita (Tohuku): Criminal Prosecution and Physician Supply
- Michael Asimow (Stanford): Five Models of Administrative Adjudication
- Michael Waibel (Cambridge): The Dynamic Evolution of International Law
Top practitioners impart career wisdom

The Top Practitioners Lecture Series provides current students with a fantastic opportunity to learn from some of New Zealand’s leading lawyers.

Organised and introduced by Adjunct Professor Mai Chen, the annual series this year featured Bruce Gray QC and Solicitor-General Una Jagose.

Bruce Gray QC

Bruce Gray QC presented his lunchtime session on 28 March. What a privilege to listen to Bruce’s powerful description of his amazing career! The story of an amazingly successful barrister was enhanced by the insight into the difference that a person can make in their career of law if they are determined to contribute in a broader human way. Bruce encouraged students to study (in postgraduate degrees), to contribute to their workplaces, to collaborate with their colleagues and to participate in social matters.

He also was clear that you needed to be a whole person with balance in your life giving to family and friends. Knowing what you want to do and planning your career understanding the degree of risk and responsibility you want to assume were key messages.

We are so grateful to Bruce for giving so generously of his time.

Una Jagose

On 28 July, New Zealand’s 17th Solicitor-General, Una Jagose, presented in a lunchtime session to students. After more than 25 years as a public sector lawyer, Una has learned a lot about leadership, about the law, and about herself. During her lecture she shared about the sometimes twisting path that has brought her to Solicitor-General, what insights she gained along the way and what vision she has for serving the Crown, the rule of law and the people of New Zealand.

Una described her job as one of the most interesting a lawyer can have in this country, and shared her passion and pride at being a public servant. Her career journey started at Consumer Affairs, and included time as Deputy Solicitor-General. A highlight of the talk was the sharing of insights she learnt about herself during her time as Director of the GCSB.

Una’s honesty about her hesitation and uncertainty over career choices was refreshing, and showed students that there are a wide variety of options and opportunities for lawyers.

She shared about the life of public service lawyers working in government and how essential it is to harness Crown capability. Una answered questions about her vision for Crown law, and her desire for the Crown to share more about what it is doing and why – to give reasons for decisions that are made.

Craig Elliffe and Christina Pollock
## Public lectures 2017

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MĀORI AND PACIFIC

Every generation has its iconic legal drama. The Practice, Ally McBeal, Boston Legal, and more recently, Suits and The Good Wife. For Tevita ‘Aho, growing up in Tonga, it was his father’s video tape recordings of the 1990s British drama Kavanagh, Q.C. that first sparked his desire to become a lawyer. Following his secondary schooling at Tonga High School, in 2001 he moved New Zealand to complete his last 3 years of school at Auckland Grammar, before starting a BA in history and politics at the University of Auckland in 2005.

Finding the unfamiliar University environment challenging, at first he didn’t make the tough entry criteria for Part II of the LLB. ‘The law dream didn’t fade, however, and after redoubling his efforts he gained entry to the LLB degree programme further down the track. During the summer of 2010 ‘Aho returned to Tonga for a two-month internship at the Attorney General’s Office under their clerkship programme.

The clerking experience stayed with him, and after graduating from law school, in 2013, ‘Aho found himself drawn back to Tonga permanently. In 2014 an opportunity arose to join the Attorney General’s Office on a permanent basis, and in July of that year he was hired as an Assistant Crown Counsel, a position he continues to hold three years later. Recounting his whirlwind first months in the job, he says that while the bar admission process took a while, as soon as he was admitted to the bar things quickly escalated. His admission ceremony was on a Friday, and the following Monday he found himself enlisted as Junior Counsel in a high profile drugs trial.

‘Aho credits this early exposure and the relative autonomy that the Attorney General’s Office has given him with allowing him to learn from his mistakes and to develop his skills as a courtroom advocate. For ‘Aho, working long hours and seven-day weeks to prepare for cases is not a deterrent – if there is one thing that has taken some getting used to, it is the mandatory courtroom garb, which includes the traditional long black gown, bib, bar jacket and a horsehair wig, worn over the top of Tongan traditional attire. In Tonga’s tropical climate, this is a special punishment reserved for those who answer the siren call of courtroom advocacy, especially when the air conditioning doesn’t work. For now, however, ‘Aho is clear about what the future holds – he can’t envisage himself doing anything else.

Tevita ‘Aho, Assistant Crown Counsel in Tonga

The fast-tracking did not faze him, rather, he quickly found himself relishing the intellectual challenge and “adrenaline rush” of having to think on his feet before a judge. Due to the relatively small size of the Tongan bar, ‘Aho has been given much responsibility relatively early in his career – after just three short years in practice, he has run numerous criminal trials as sole counsel, four of which were for serious criminal offending (two for manslaughter and two for rape).
My Journey – From then to now

I was born and raised in Samoa, from the beautiful village of Faleula (on the main island of Upolu). The youngest of three children, I am blonde like my father but armed with a feisty personality like my mother.

I came to New Zealand at the end of 2000 so that my mother could continue therapy for her stroke. The following year, I started at Mount Albert Grammar School (“MAGS”). When you grow up in a small place, you are not used to seeing big buildings for schools so the first time I saw MAGS I had a ‘wow’ moment. It was not until I started school that I had a culture shock. Seeing how students interact with teachers, socialise with their peers and even using cell phones in class (so foreign to me at the time) was gobsmacking to say the least. It was not an easy journey for a coconut fresh off the plane but I eventually found my roots.

In 2004, I became the first Head Girl in the history of the school. A feat both humbling and bittersweet considering I was not the brightest, coolest or the most athletically talented girl at the school.

In my final year I was weighing up between medicine and law, options my parents threw my way hoping I would choose either one. Becoming an accountant was out of the question as I dropped Mathematics as soon as I was able to!

Being naïve, I thought I could make the world a better place through the pursuit of justice and so I opted for law. I was fortunate enough to be awarded the University of Auckland Chancellor’s Award for Top Māori and Pacific scholars (“CATS”).

My introduction to law was through none other than Stephen Penk, on a Monday morning in March 2005 at 8am in a lecture theatre at the General Library. No matter how hard it was to get up at 6.00am (especially in winter) to catch the bus, I made sure to never miss a law class (or any of my other classes for that matter).

I spent my first year finding my feet. The transition from secondary school to university was a challenge, especially where there was no instruction manual of what to expect and the standards required of you. I did reasonably well in my first year except when it came to Philosophy 101 (Introduction to Logic). Caveat - do not take this paper if you want to learn about the theories of Aristotle and how they continue to influence philosophical thinking today because you will not.

That was my initial impression and I was disappointed with the reality which was learning formulas (as you know by now, I do not get along with algebra). Logically (pun intended), I missed out on a spot under the general admission but made it through under the Pacific quota (as it was previously known).

Law for me personally, was a rollercoaster ride. I saw the mountain first before the tracks that led to the summit.

It was not until my fourth year that I really started to enjoy law. Up until that point, I had only ever enjoyed the papers I took for my BA degree (I majored in Pacific Studies). Testament to this was being awarded the Senior Prize in Pacific Studies, which was an unexpected but pleasant surprise.

There are a lot pressures and competing obligations Pacific students face at university. Balancing studies with family, church or work commitments takes a lot of practice, sacrifices and time management. However, having a strong support system makes all the difference. I found this support at the Centre for Pacific Studies (now the School of Māori Studies and Pacific Studies). This was my family away from home.

The Tuākana leadership and mentoring programme was my other pillar of support, one which I was only too happy to lean on. When I was in doubt of my degree planning and choices I hassled Carmel Sepuloni at the Faculty of Arts Student Centre. When I needed advice or to vent about university life in general, I paid a visit to Matt Tarawa and Mona O’Shea at Kate Edgar.

It was also through the Tuākana programme that I landed an internship with SPASIFIK magazine. On the financial side of things, having the University’s support through the CATS scholarship was a blessing and I will always be grateful for this.

My journey was not easy, far from it. I went through a couple of hurdles at Law School. I was on scholarship probation at one point but that motivated me to do better. Luckily, I avoided that quicksand and managed to retain the CATS scholarship for the duration of my undergraduate studies. How did I do it? A lot of discipline. I did late nights, studied between classes, did my readings, bought textbooks (the ones I could afford anyway), took down notes in class, re-typed the same notes after class on the laptop, listened to lecture recordings, used different highlighters to colour code my readings and notes, tabbed my notes and then wrote on the same tabs! Basically, anything to make sure I kept on top of things. My favourite spots to study were the undergraduate room at the Fale Pasifika, Kate Edgar, level 6 of the General Library and the ground floor of the Davis Library. Again, I was not the brightest student but I worked very hard, an attribute that would carry me through in my journey.

There were a lot of doubts along the way and feelings of “I can’t do this anymore”. With a lot of support from family, friends and staff, I walked across that stage after Paul Rishworth (former Dean) read out my name with a ‘big as’ smile plastered on my face. I may have graduated a semester late but I made it at my own pace.

My proudest moment was seeing my family and friends and how happy my parents were. It made all those late nights, pretty much a non-existent social life, no ‘End of Daze’ and no Law School ball all worth it.
I did my Professional Legal Studies (“Profs”) at the College of Law and was admitted as a barrister and solicitor to the Auckland High Court in June 2011. This was another milestone and a cause for celebration with my family and friends. It was the end of all ends in terms of studying law!

As with many Pacific families, you move as a collective.

At the time I was finishing Profs my oldest sister and her family were about to move back to Germany from Samoa. This meant that there will be no-one to stay with our father. Given that my brother had settled himself in Auckland and can look out for our mother, it was ‘my turn’ to return to Samoa and look after the family there. After 11 years in New Zealand, I said farewell to Auckland and went back home to fulfil my daughterly duties and put my BA/LLB degree to good use.

In 2012 I started as a law clerk at the Office of the Attorney (“OAG”) in the Civil Litigation and Opinions Division (“Civil team”). I was admitted as a barrister and solicitor to the Samoa Supreme Court in May 2012. I did not know what to expect or how to do a single ‘lawyer thing’ other than what I learnt at Law School and Profs. So going into legal work for the first time was daunting. However, within a few months I was offered a trip to Bali to attend a conference on human trafficking. For a law clerk to go on an overseas trip so early is a big deal. For me it was a big deal until I found out that I was the only one eligible to attend because of my New Zealand passport. I had to LOL (laugh out loud) but was secretly excited nonetheless!

I went with a senior official from Samoa Immigration. At the conference we had to present our country statements on the status of the relevant legislation or measures in place to curb human trafficking with respect to our borders. I was asked by my immigration colleague if I could present Samoa’s country statement. My first reaction was panic! I was just a mere law clerk who has not even spent 6 months in the office and he wants me to present a country statement on Samoa’s legislation for border protection.

I spent the next couple of days frantically emailing my colleagues in the Civil team and Legislative Drafting Division for assistance. I was up at odd hours in the middle of the night waiting for a ‘saviour email’. I received the relevant information and compiled a statement which was then vetted by Donald Kerslake (former Assistant Attorney General (Civil)). I was as nervous as anything but put on a brave face and survived my first public speaking experience representing the Samoa Government. The rest as they say, is history.

I spent the next three and a half years working at the OAG. I was able to help out with family faʻaalavelave (funerals, weddings, birthdays etc.), worked with some amazing people and travelled every once in a while. I became a Senior State Solicitor in 2013. The following year, my closest work colleague (we were joined at the hip) and I were awarded the Supernatural Lawyer Award, in recognition of our supernatural contribution to the Civil team. I worked on some delicate matters and novel cases (including Court of Appeal), a privilege I credit to having a strong work ethic.

And as much as it was a rewarding and ‘once in a lifetime experience’, it was tough and draining. There was one point I hit rock bottom because the pressures of work (deadlines to meet, pleadings to draft, urgent advice and contracts to draft and review, spending late nights and weekends at the office) and family commitments all became too much. There were times I felt behind and my work was not up to par but I was reliable and loyal to a fault. So much so that I was spending more time at work than with family. One night I worked until 3am, went home and slept for three hours then came back and started work again. And that was the problem.

I had to re-assess my priorities and remind myself that the main purpose I moved back home was my father. And as much as I enjoyed the work and experience, I had to look after myself and my family. I stuck it out for another year and resigned from the OAG in June 2015. I took up a position at the Office of the Regulator as a Principal State Solicitor. It was a breath of fresh air. I learned and worked in an area of the law I knew little about, the utilities sector. Best of all I worked from 9am to 5pm and made it home (after the gym) to have dinner with the family. I enjoyed having talks with my father at the dinner table, even if he has had a few drinks, it was ‘our’ time.

As with many Pacific families, most of your pay goes towards helping out with faʻaalavelave (in Samoa, there is at least one every other week) and your family. It was no different for me. I was just scraping by from pay week to pay week. I came to a crossroads, I had to figure out which direction I want to go and how to best provide for my family.

Coming back to New Zealand was always on the backburner for down the track. So I did three things or as I like to call it, kept my options opened. I applied for a New Zealand scholarship through the Ministry of Foreign Affairs and Trade in the hopes of pursuing postgraduate study in law. I applied for an In-House legal counsel position for one of the telecommunications companies in Samoa. It was during this time that I saw a blurb on Facebook (of all places) for the Student Academic and Support Adviser (Pacific) role. I thought, ‘what the heck why not, it is not as if I will get it anyway’. I wanted to give back to the students and my old law school. Plus, I thought I could relate to many Pacific students because of my own journey. So I applied. I prayed about everything and told myself that whatever happens, God will put me where He wants me to be.

Here I am, at the end of one journey and the beginning of another. Life has come full circle. Funny that. It was not an easy decision but you have to take a risk and see where life takes you sometimes.

Since starting my new role in July 2017, I have had a blast. I have a great team and supportive staff whom I have become friends quickly with, met some wonderful students, each with their own unique tale to tell and am always learning something new. I still have a lot to learn but that is part of the challenge. I have big shoes to fill but I am looking forward to making my own mark. And while I may not be physically there for my family in Samoa, I am supporting them in other ways.

**Things happen for a reason. When an opportunity presents itself grab it otherwise you will always have “what ifs”**.

Grades are important but do not fret if yours are not perfect. Mine certainly were not. Because once you enter the workforce (whether or not you choose to practice) - grit, a strong work ethic and good manners go a long way.

At the end of the day it is not “things” that make life great. A house is a home not because of the things in it but the people. Our students are capable of achieving great things but they need people to support them. They need people to listen to their problems and inspire them when they lose motivation. They need people who care about their aspirations for the future. They need people who believe in them even if they do not believe in themselves. And that is the most important thing and what makes life great – he tangata, he tangata, he tangata (it is people, it is people, it is people).

Sosefina Faamausili
Te Rākau Ture: The Māori Law Students’ Association

Established in 1990, Te Rākau Ture plays one of the most important roles in the lives of Māori law students at the University of Auckland. Built on values such as whānau, aroha and manaakitanga, Te Rākau Ture as an association aims to foster and ensure the academic, cultural and personal well-being of Māori students. We are here to make their law school experience as enjoyable and stress-free as possible and to create an environment where each student is able to celebrate their unique identity as Māori, while enjoying academic success.

Every year, there are a number of activities and initiatives that Te Rākau Ture provide for tauira. Some highlights include: the newly established Part II camp; Law School Cultural day; Te Hunga Roia Māori o Aotearoa Hui-a-Tau (Māori Lawyers Conference); Te Rākau Ture vs Nga Tauira Māori sports day; End of year dinner; and, of course, our annual Haerenga.

Part II Camp

Kicking off in mid-February just before the first semester, Part II Camp is an opportunity for our new Part II students to bond with each other and members of the wider whānau. It’s a reflection of the Tuākana Teina relationship we endeavour to foster. This year’s event was held at Hukanui Marae in Chartwell, Hamilton.

Haerenga

Perhaps the highlight of our year is Haerenga. Each year, during the inter-semester break, students from Te Rākau Ture organise a week-long trip to visit High schools and Intermediate schools in rural communities outside of Auckland.

This year Te Rākau Ture visited Te Tai Tokerau for their annual Haerenga. There were approximately 30 students who took the challenge to inspire students and their whānau to realise their dreams through the medium of higher education. Haerenga aims to showcase to young Māori, the opportunities that a university education has to offer.

This year TRT visited a variety of kura (schools), nine in total. Some were strong in their reo and tikanga Māori and others were not. We endeavoured to visit schools that were predominantly Māori, and also those in remote areas. We visited Ruakaka, Whangarei, Kaikohe, Keri Keri, Te Kao, Kaitaia and Whangaroa. We also stopped at Te Rerenga Wairua (Cape Reinga) and the Waitangi Treaty grounds.

We shared our message with school students by interactive demonstrations of what university is like. We performed skits in English and te reo Māori, played interactive games with students, and gave out important information. Testimonials
were given by TRT students at each of the kura. We shared our experiences at university, our challenges, and how we overcame them.

Haerenga 2018 was an incredible success. We achieved our goal, to encourage and inspire students to pursue higher education. Although the message we delivered to students was a powerful one, the taonga (treasure) that we received in return was much greater. We learn as much from the students and their whānau, as they learn from us.

It is for these reasons that we consider Haerenga to be of fundamental importance to Te Rākau Ture, to bring new talent to the University of Auckland, Te Ao Māori and to New Zealand. Haerenga is an opportunity for us to give back to our local, rural and remote communities. Haerenga is the embodiment of the tikanga principles of aroha, whanaungatanga and manaakitanga.

Hakari whakamutunga

The end of year dinner is a special event held every year. It is a night to celebrate the achievements and successes of all our Māori students both past and present. It is a time to share stories, reflect on the year that has been and to share kai. Special guests, whānau and friends are also invited to share in the evening. In 2017 it was held at the Alexandra Park Raceway in Greenlane.

Nga Mihi
Te Rākau Ture Executive
PILSA: Pacific Islands Law Students’ Association

TALOFA LAVA, MALO E LELEI, KIA ORANA, BULA VINAKA, FAKALOFA LAHI ATU

Warm Pacific Greetings

PILSA has endeavored to lead and support our Pacific law students to the best of our abilities, staying true to our Pacific values, striving for academic success and pushing the boundaries for greater exposure of PILSA within the Law school and wider community.

We commend the brilliant work that our executive team have done over the past year, their passion and hard work have not gone unnoticed and this year would not have been as successful without this incredible team.

The following are some of the major events and initiatives from this year.

PILSA Camp 2017

One of our main focuses this year was to create a welcoming environment for the next generation of PILSA students. This year we had a record number of 58 new Pacific Part II students.

The purpose of our traditional PILSA camp is to bring our association together and help transition our new Part IIs into the Law school. This year’s PILSA Camp was held at Hunua Falls.

To promote more inclusivity amongst our Law student groups we invited representatives from TRT, AULSS, Rainbow Law and EJP.

New PILSA Common Room

This year we were blessed with the new PILSA room space on Level 4. Along with the communal kitchen and silent study space, PILSA students have thoroughly utilised these facilities which has helped bring our association closer together.

Student support

Part of PILSA’s purpose is to ensure our students are getting the academic support they need with their studies along with advice and insights into the legal profession and other avenues with their law degree. Two of the major educational events is our Mentoring Programme Launch in Semester One and the PILSA Talks series in Semester Two.
Pasifika Day

Pasifika Day was one of our biggest events of the year celebrating the rich Pacific culture here at Law school. This year we spiced things up with a gold coin donation going towards Starship Hospital. We had over 300 people come down to Law school throughout the day, with plenty of Pacific food, laughter and entertainment.

PILSA website

Our Communications Officer, Janelle Ausburg has worked tirelessly on boosting PILSA’s visibility and documenting all the amazing events and initiatives that we have put together this year. For more information, head to our new website www.pilsa.co.nz

Wilberforce Tupua and Robyn Lesatele
Co-Presidents PILSA 2017
Mooting success

The University of Auckland continued to excel as one of the world’s top universities in mooting this year. Meanwhile, a vibrant internal mooting programme produced a number of high-quality and entertaining finals at the Auckland High Court over the course of the year.

International Representation

The year was kicked off with unparalleled success at the Philip C. Jessup International Law Moot Court Competition, which is widely considered the most prestigious mooting competition in the world.

The University of Auckland placed second in the world after the preliminary rounds, progressed to the top 16 knockout round, placed second for its applicant memorial, and was named best applicant team overall for its speaker scores and memorial scores combined.

Meanwhile, Andrew Grant was named as the best speaker in the competition and Michael Greenop was ranked as third best speaker. The success of this team (which also included Tiaan Nelson and Katy Eichelbaum, with coaches Gretta Schumacher and Jack Davies) is a testament to their hard work and the overall standard of mooting at the University.

The University also competed at a host of other international mooting competitions in 2017, with many successes.

The winners of the Stout Shield (Jessica Palairet and James Rankin) competed in the Australian Law Students’ Association Championship Moot in Canberra. The team performed fantastically, reaching the final and ultimately finishing as runners-up.

A team of four (Michael Smol, Honor Kerry, Josh Suyker, and Jovana Nedeljkov) competed at the world’s largest mooting competition, the Willem C. Vis International Commercial Arbitration Moot in Vienna. Coached by Finn Lowery and Thom Clark, the team also competed in a number of pre-moot rounds in Hong Kong, Shanghai, Prague, Stockholm, Belgrade, Brussels, Paris and Heidelberg. Despite narrowly missing out on the finals in Vienna, they won the Paris pre-moot and finished as runners-up.

Having won last year’s Australia New Zealand Air Law Moot, Auckland went on to compete at the International Air Law Moot Court Competition in Malta. The team were awarded third place in the Oral Rounds for Respondent, fourth place in the Written Memorials for Respondent, and fifth place in the Oral Rounds for Applicant.

Later in 2017, the University returned to the Australia New Zealand Air Law Moot, this year hosted in Adelaide, and once again performed strongly. The team of Edward Foley, Jack Garden, and Fraser Gollogly (coached by Hannah Reid and Nick Porter) finished as runners-up. Edward won best speaker in the final, Jack won best speaker in the general rounds and the team was awarded best respondent memorial.

Students from Auckland Law School also travelled to Hong Kong in March 2017 to represent New Zealand at the Red Cross International Humanitarian Law Moot, following their win at the national competition in December 2016.

Speakers Hannah Reid and Joy Guo were accompanied by researcher Tia Tureburelevu and coach Treasa Dunworth. The team reached the top 16 round, having placed second after the preliminary rounds. They went on to receive the First Honourable Submission award for the Prosecution memorial and Second Honourable Submission for the Defendant memorial, with Hannah Reid awarded First Honourable Mention for Best Mooter.

Two teams are currently in training for the Willem C. Vis Moot and the Frankfurt Investment Arbitration Moot Court, both to be held in early 2018.

We have every confidence that these teams will enjoy similar successes to those before them, and cement the University of Auckland Law School’s reputation as a world-leading university in oral advocacy.
Domestic Competition

The Premier Auckland Law School mooting competition is the Stout Shield, which was judged by Justice Courtney, Simon Mount and Julian Miles QC in the Auckland High Court. The Shield was won by Jessica Palairret and James Rankin, with Jessica also receiving the Geoffrey Powell Prize for best Stout Shield mooter. Caitlin Anyon-Peters and Samuel Brebner were the runners-up. Jessica and James represented the University in the Australian and the New Zealand national mooting competitions, finishing as runners-up at both.

Later in the year, some 64 students competed in the John Haigh QC Memorial Moot, which was ultimately won by Caitlin Anyon-Peters and Jack Garden, with Nicholas Cartwright and Hayley Botha the other finalists. The final was once again judged by an esteemed bench of Justice Davison, Justice Duffy, and Paul Wicks QC.

The Greg Everard Memorial Moot, a competition for students in their final years of law school, was won by Jessica Palairret too. The other finalists were James Penn, Thomas Leggatt, and Rani Pillay. The final, also held in the High Court, was overseen by the formidable panel of Jagose J, Kate Davenport QC and Jenny Cooper QC.

Competitions such as the Justice Sir Robert Chambers Memorial Moot and the Bell Gully Junior Moot provided younger students with their first opportunities to cut their teeth in oral advocacy. The former was established to foster mooting among first year students, and was judged by Justice Gordon, Justice van Bohemen, and Lady Deborah Chambers QC. The winners were Bronwyn Wilde and Tate Fountain, with Zheng Tan and Andrew Mei the runners-up.

The Bell Gully Junior moot – for students in their second year of university – was won by Sophie Shrimpton and Gauri Prabhakar. Yvonne Rothwell and Sundaresh Thangavelu were the runners-up.

As well as organising these competitions in cooperation with the Faculty of Law, the University of Auckland Mooting Society introduced a new opportunity for students to try their hand at mooting in the form of ‘impromptu moots’. These evenings saw around 80 students prepare and deliver submissions within the space of around two hours, and then receive feedback from some of Auckland’s top mooters who sat as judges.

A number of ‘How to Moot’ seminars were also held over the course of the year, providing students with expert advice and helping make more students comfortable and competent in the art of advocacy.

Cumulatively, the many mooting competitions and events that took place over the course of 2017 made for a vibrant and active mooting community at the Law School. This has fostered a large group of young and eager mooters, many of whom will go on to represent the University of Auckland nationally and internationally. This is the result of many years of hard work and support from the Faculty of Law, the many sponsors and donors to the aforementioned competitions, those in the legal community that have given up their time to judge, and the students who have served on the Mooting Society executive and judged their younger peers.

The past year of mooting was also a particularly pleasing one in the area of gender representation. All internal competitions bar one featured over 50% female entrants, there was a 50-50 gender split in all finals, and six of the seven winners of these competitions were female mooters.

James Penn
President, Mooting Society 2017
Digital technology is changing the way students learn and the education sector is changing with it. The University of Auckland is currently trialling a number of initiatives to digitise course assessments. It worked with a number of courses in most faculties to deliver computer based exams for the 2017 examination period. The Faculty of Law has been leading the initiative, with a number of lecturers participating in both online exam taking and marking pilots.

The University initiative is aligned to the New Zealand Qualifications Authority’s (NZQA) aim of transforming its paper-based assessment system to a digital system. NZQA are currently trialling digital exams with the intent of having all examinations (where appropriate) online by 2020. This year they are trialing digital exams with over 90 schools and 10,000 students.

The first phase of the exam pilot was run for the semester one examination period. Four courses in the Faculty of Law took part in the pilot and students from these courses were invited to participate (132 students opted in). All of the courses undertook their exams on University provided computers in a computer lab in the Faculty of Arts. One of the courses also had a small number of students selected to trial the application using their own laptop.

Computer-based examinations were again piloted in semester two. 19 courses from six faculties participated in the pilot, with approximately 1300 students undertaking their exam using a computer. There were two types of software used in this second pilot: Digieexam and CANVAS. The courses that used Digieexam also offered students the option of undertaking the exam using their own laptop (160 students elected this option). All law exams participating in the pilot also offered this option. All other students participating in the pilot completed their exam on a University provided computer. As part of the pilot, the lecturers from all courses agreed to mark the exam papers using an online marking tool.

The pilots have helped students and faculties to make the transition to digital assessment by: (a) enabling faculties to test their readiness to employ such technology; and (b) providing an opportunity for students to experience assessment in a digital environment.

Students today are generally more accustomed to using digital technology and have fairly advanced (and speedy) typing skills. As most students will already be doing some of their learning online, digital exams are an extension of how they already learn.

On a computer with a keyboard, it is much easier to correct grammar, sentence structure, spelling, or even to move whole blocks of text. It may also appeal to those who have poor handwriting as it improves legibility (which is also a benefit to those marking).

Functions such as variable font and screen size and the ability to zoom make digital exams accessible to most students, including those who require Special Assessment Conditions. It has also been shown to increase the efficiency and speed of exam marking by lecturers, thereby decreasing the turnaround time required for the student to receive their grades.

Other benefits include:

- Improved workflow of examination scripts – which will deliver timelier final results to students and enable students to enrol sooner for the following semester’s courses.
- Teachers receive completed examination scripts immediately and have the flexibility to mark and return results online.
- Improved security of examination scripts.
- The ability to return digital copies of exams scripts to students efficiently and at a vastly reduced cost to the University.

In terms of their online marking experience, feedback from the academic staff involved in the first pilot was positive. Particular reference was made to ease of use, accessibility and the benefit of legible typed answers compared to handwritten.

Most of the markers were also able to complete marking within a 24 hour period, and indicated that the online tool is something they would happily use in the future.

Associate Law Professor Scott Optican, who participated in the pilot programs in both semesters of 2017, summed up his experience by saying: “It took me half the usual time to grade my exams and the online marking tool was easy and flexible to use. I also think it improved my ability to assess students fairly, accurately and uniformly in my courses. From my perspective, it was all great with no downsides”. Student feedback to the initiative has also been positive.

The success of the two pilots has provided more information as to how computer based exams can be deployed across the university, managed efficiently, and designed to gain the many benefits of these emerging technologies. The University will next consider an implementation plan and timeline to ensure that it makes steady progress towards more exams and assessments being computer based. The Law School will support the initiative and plans to expand its use of computer-based exams and marking tools in the years to come.

Scott Optican and Jane Gresham, Auckland University Change Manager (Learning & Teaching Program)
Asia-Pacific mediation competition

A team from the Auckland Law School placed second overall at the inaugural International Chamber of Commerce (ICC) Australia Asia-Pacific Commercial Mediation Competition, held in Melbourne during July. The team, consisting of students Matthew Jackson, Rima Shenoy, Tunisia Napia, and Victor Liu, and coaches Ana Lenard and Andrew Yan Feng Lee, also received the Resolution Institute award for the best team in Australasia.

The competition is the first ICC-run mediation advocacy competition in the Asia-Pacific region, and is a regional preliminary round for the ICC International Commercial Mediation Competition held in Paris in February 2018.

A total of 14 university teams from Australia, New Zealand, India, and Singapore gathered in Melbourne to work with leading international commercial mediators during 26 rigorous and fast-paced mock mediation sessions over three days. Students were required to resolve complex cross-border business disputes through mediation. This involved developing a theory of the case, analysing their client’s interests, and executing a realistic negotiation strategy in the mediation itself.

Auckland Law School’s team made it through to the preliminary finals where they competed against Auckland University of Technology in a dispute over the quality of a vineyard. The grand final against the National University of Singapore was about funding for building a space rocket. The Auckland team was narrowly defeated in the final.

Team member Matthew Jackson, said “the competition has been the highlight of my studies so far. What I particularly enjoyed was observing how other teams approached the problems and dispute resolution differently, and engaging the wisdom of the numerous professionals involved with the event. I have come away from the experience with increased confidence in my advocacy abilities, and a newfound focus on mediation.”

Coaches Ana Lenard and Andrew Yan Feng Lee, who competed in the 2016 finals of the 11th ICC Competition in Paris, have built upon the strong foundations that Senior Lecturer and former Auckland Law School Coach, Nina Khouri, established before she became a judge and mediator at this year’s Asia-Pacific competition.

Ana Lenard, said, “I am immensely proud of how the team worked together and built strong and supportive relationships. We continue the tradition of being one of the top mediation advocacy law schools in the world.”

Andrew Yan Feng Lee said, “it is a fantastic result for the University of Auckland. I am absolutely thrilled with the team’s achievements. Months of training and preparation definitely paid off in the end.”

Thanks go to the local mediators, practitioners, and past team members who generously worked with the team leading up to the competition: Miriam Dean QC, Ian Macduff, Paul Sills, Mark Kelly, David Clark, Michael Greenop, Honor Kerry, Antonio Bradley, Samuel Brothers, Chris Brunt, and Caroline Coates.
Students challenged to ask, not complain, count, write and change

Around 450 people gathered in the University’s new Pavilion on 2 May to celebrate the 2017 Law Student Awards.

The awards recognise a wide range of student success including scholarship and prize winners, competition representatives and student leaders.

Guest speaker for the evening was Sir Anand Satyanand – an Alumnus and Distinguished Fellow of the Law School. He framed five pieces of advice given by author of “Being Mortal”, Atul Gawande, to graduating medical students, as the basis of his speech.

His first piece of advice was to ask an unscripted question - to never lose the ability to ask questions or the faculty of being inquisitive.

He also advised students to not complain. “You have acquired skills to identify flaws and mistakes and ways these can be resolved. Rather than complaining, do something about securing redress beyond just complaining,” he said.

Thirdly, count something. Lawyers should observe and record. If they see something occur or reoccur then consider what action might be appropriate.

Fourthly, write something. “You acquire skills as students in legal writing – formally in briefs and opinions, correspondence and in pleadings, but also in journals and blogs. Writing and documenting are essential legal skills and they benefit from continued polishing and improvement.”

And lastly, change – advising students to back themselves and make change resolutely if that is warranted.

The event was attended by students, their friends and families, along with Law staff members, members of the legal profession and judiciary, plus individuals and representatives of firms and organisations that support the Law School.

Almost 200 awards were presented to students during the evening. The Auckland District Law Society’s prize for top law undergraduate went to Linda Sullivan, who also received a Faculty of Law Dean’s Academic Excellence Award and a Senior Scholar Award.

Christina Pollock
The Auckland University Law Review (AULR) is a student-run law review that publishes articles and commentaries authored and edited by Auckland law students. Since the inaugural issue in 1967, the Review has become well-known in New Zealand as a platform for the best research papers written by Auckland law students each year. Its alumni have gone on to become distinguished members of the academy, the legal profession and the judiciary. And its articles have been cited at all levels of the courts in New Zealand. In fact, the Supreme Court has cited articles from the Review in two of the past three years.

The Review was intended from the beginning to be an undergraduate enterprise. It has always been edited and managed by law students. And aside from the special features section — a recent addition to the Review which, generally, showcases speeches delivered by Review alumni — every article and commentary that is published in the Review was originally authored by a student or recent graduate of the Law School.

While the Review is student-run, the Law Dean continues to provide generous support. The Faculty sets aside two rooms for the Review. It also appoints two Faculty Advisers to provide broad oversight and advice. The Review works hard to generate its own funds by way of advertising in its annual publication and organising paid events throughout the year. However, the Faculty continues to look out for the Review and provides additional funding from time to time.

In 2017 the AULR celebrated 50 years with a Symposium, an Alumni Dinner and the launch of its 50th Anniversary Issue.

On 17 August the Review hosted its 50th Anniversary Symposium titled Looking Back, Looking Forward: Reflections on Fifty Years in the Law. The Symposium was delivered by eminent Review alumna the Rt Hon Dame Sian Elias QC, Chief Justice of the New Zealand Supreme Court. Speaking to an audience of students, academics, practitioners and members of the general public, Dame Sian reflected on her own time on the Review and developments in the legal landscape generally over the lifetime of the Review. Dame Sian was introduced by the Law School’s Professor Julia Tolmie, herself a distinguished Review alumna.

On the same evening the Review hosted the year’s Alumni Dinner. The Alumni Dinner has been an annual highlight for the Review since the inaugural Dinner in 2009. This year our dinner speaker was notable Review alumnus the Hon Justice Mark Cooper QC of the New Zealand Court of Appeal. Justice Cooper reflected on his time at our Law School and his contribution to the Review in 1978, a commentary on the Cook Islands election petition. The dinner was attended by almost 80 past and present contributors and editors. Also invited were the academics who supervised the students’ research papers before they were submitted for publication. The academy, the profession and the judiciary were each well-represented.
The Law School was represented by Professor Julia Tolmie, Associate Professor Claire Charters, Associate Professor Amokura Kawharu, Dr Jane Calderwood Norton and Dr Arie Rosen, as well as enduring Faculty Advisers Professor Michael Littlewood and John Ip. The profession was represented by numerous barristers and partners at law firms, including Noel Ingram QC, Gary Judd QC, Brian Keene QC, Anita Killeen, Simon Ladd, Bruce McClintock, Simon Mount QC, Joanna Pidgeon, Joshua Pringle, David Raudkivi and Campbell Walker QC. We were also grateful to host Adam Ross QC, who has stimulated and trained our style editors — first at Chapman Tripp, now at Shortland Chambers — for over a decade. The Judiciary was represented by Chief Justice Sian Elias, Justice Mark Cooper and retired Court of Appeal judge the Hon Anthony Randerson QC. We were also, as always, delighted to host long-time friend of the Review, the Rt Hon Sir Edmund Thomas QC. (We like to pretend Sir Ted is a Review alumnus, although, unfortunately, he attended Vic!)

This year’s issue of the Review contains three special features, a history of the Review, nine articles and five commentaries.

The special features include Dame Sian’s Symposium and Justice Cooper’s Alumni Dinner speech. Also featured is last year’s Symposium speech Life as the Attorney-General: Being in the Right Place at the Right Time, which was delivered by Review alumnus and former Attorney-General of New Zealand, the Rt Hon Paul East QC, CNZM. In addition, the Review this year features a (necessarily selective) 40-page history of the Review.

The articles concern the penalty doctrine, remedies for the misapplication of trust funds, terrorists and remittances, the impacts of sea level rise on Pacific statehood, property rights over genetic material, the standard of care for midwives, algorithmic law, parameters for a theory of human rights, and the Matike Mai Aotearoa model for a constitution based on Te Tiriti o Waitangi. The commentaries include a review of alumna Dr Jane Calderwood Norton’s Freedom of Religious Organizations (Oxford University Press, Oxford, 2016).

The 50th Anniversary Issue of the Review was launched on 23 November 2017 in the Law School’s staff common room. The launch was well attended by around 50 Alumni and friends of the Review, including practitioners, academics and our treasured law subject librarians. Some of these guests included the Rt Hon Sir Edmund Thomas QC, Professor David V Williams, Peter Rowe (MinterEllisonRuddWatts), the Rt Hon Paul East QC, the Rt Hon Dame Sian Elias QC, the Hon John Priestley QC, the Hon Sir Noel Anderson QC, Donald McMorland, Gary Judd QC, Dr Kenneth Palmer and the Hon Tony Randerson QC, who are pictured on the previous page (from left to right) with Jayden Houghton and Kayleigh Ansell.

We were fortunate to have as our guest speaker Review alumnus and retired judge of the High Court, the Hon John Priestley QC. John Priestley was a particularly special guest because he was an Editor-in-Chief for the very first issue of the Review 50 years ago. (The other was Alan Galbraith QC, who, unfortunately, was unable to attend as he was required at a hearing in Wellington.) MinterEllisonRuddWatts also awarded its annual writing prize to Cherry Ngan for her article on the standard of care for midwife lead maternity carers in New Zealand.

The Law Review is in a strong position. In March this year we received around 40 applications for editorial positions and 80 article submissions.

The challenges for the next decade will be to maintain student enthusiasm for the Review when so many extracurricular activities are available to our increasingly busy students; to maintain the Review’s current high editorial standards and continue its search for original scholarship; and to adapt if and when print copies of law journals become obsolete. The Review attracts many of the brightest students in each year and we are confident it will be able to rise to these challenges.

Jayden Houghton
Equal Justice Project helps practical skills development

The Equal Justice Project’s pro bono initiative gives law students invaluable opportunities to gain experience while working on human rights projects in New Zealand.

“It’s a great way for students to foster their legal research skills for the future,” says Holly Edmonds, a co-manager of the Pro Bono team.

The team offers support to practitioners, academics, interest organisations and community groups who share the charity’s goals of promoting equality, inclusivity, and human dignity.
Senior students gain practical legal experience in researching for cases, conducting independent case studies, and compiling submissions to domestic and international committees. The team is comprised entirely of law students from the University of Auckland Law School who the co-managers say have demonstrated a capacity for high quality legal research and a dedication to protecting human rights.

“It’s also a good way to offer a practical component to the law degree which can otherwise be absent,” says Christina Laing, the team’s other co-manager.

“In the United States they mandate a clinical component to a law degree whereas in New Zealand we don’t have that. So, the Equal Justice Project allows students to put one foot in, obviously in a closely-monitored fashion, to the professional context and apply their academic work into a practical setting, which I think is very beneficial for them. And it also helps people build a good sense of community and develop friendships,” she says.

There are about 20 volunteers working in the Pro Bono team, as well as Ms Laing and Ms Edmonds. The student volunteers apply for a one-year position and can return to the group to provide their assistance.

“You can be a part of the Project from the minute you start Part II law until you graduate,” adds Ms Laing.

Fletcher Residential Ltd has submitted a plan to build a low-density, high-cost housing development with about 500 homes on 32 hectares of confiscatd Maori land. SOUL says the area earmarked for the new subdivision is adjacent to the Ihumātao Papakāinga and the Otuataua Stonefields Historic Reserve and is “unacceptably close to an urupa (Maori burial site), and it will destroy other significant archaeological sites and waahi tapu”.

“We have been providing legal research and analytical assistance on SOUL’s attempt to protect the rights of mana whenua,” says Christina Laing.

“One of the most important recent successes was when the Pro Bono team contributed to the Wakatu Supreme Court case (Proprietors of Wakatu v Attorney-General [2017] NZSC 17) where the court found that the Crown owed fiduciary duties to indigenous people. The Equal Justice Project contributed legal research to that case with Associate Professor Claire Charters at the Law School. That was quite an accomplishment for us because it was such a public and important decision.”

The Project has also submitted to the United Nations Committee on the Rights of Children in conjunction with Action for Children and Youth Aotearoa, submitted to the Human Rights Commission on behalf of the National Foundation for the Deaf, conducted an independent case study on the New Zealand Immigration Profiling Branch, and completed individual case research for numerous barristers and academics.

Last year, volunteers worked on a project grounded in the issues surrounding refugees, their children, and their access to social services. The team also provided legal research in relation to the potential discrimination grounds and illegality of the Department of Corrections’ policies on transgender prisoners.

The group is currently working with the mana whenua-led community group Save Our Unique Landscapes campaign (SOUL) which is working to protect land in Ihumātao, near Mangere in south Auckland.

Craig Stephen
Kindly reproduced from NZ Law Society’s Law Talk
Ross Franke
New internship provides UN experience

A student with a keen interest in the role states can play in improving lives interned at the New Zealand Permanent Mission to the United Nations and World Trade Organisation in Switzerland this year.

Ross Franke, a conjoint LLB (Hons) BA (Economics and Sociology) student at the University of Auckland, spent a month during the semester break at the UN Mission in Geneva, thanks to a new internship sponsored by the Auckland Law School.

The twenty-three-year-old spent his time as an intern attending conferences and meetings with and on behalf of, the World Trade Organisation team and drafting reports for the Ministry of Foreign Affairs and Trade.

This included a meeting of the General Council, the WTO’s highest-level decision-making body in Geneva, and the Aid for Trade Global Review, a week-long conference examining ways to promote trade inclusiveness for sustainable development.

Ross also completed a research project looking at the trade-distorting effects of fossil fuel subsidies and investigated the status of specific countries in relation to the world’s primary fisheries management organisations.

The fifth-year student who was born in South Africa and moved with his family to New Zealand aged three, says the opportunity to spend time at the New Zealand Mission has confirmed his desire to pursue a career in international relations.

“I am drawn to diplomacy as it is essential to the promotion and protection of human rights. It is vital, particularly in this uncertain political climate, that states maintain strong, peaceful and productive relationships. The internship allowed me to see diplomacy in action. I’m keen to get involved.”

Two years ago Ross spent another university holiday overseas, this time in Nepal working as a Legal Support and Research Volunteer at the Legal Aid and Consultancy Center (LACC) in Lalitpur.

A non-governmental legal resource organisation, LACC is dedicated to the elimination of all forms of discrimination and violence against women, and strives to raise the legal, social, economic and cultural status of women and children.

“My parents lived under apartheid. Their experiences shaped my life and contributed to my interest in rights and freedoms. Their sacrifices paved the way to opportunities that would not have existed had we stayed in South Africa. As privileged people, we have a duty to serve, to do all we can to improve the lives of others.”

Ross’ internship at the Mission made him realise that a job in the international arena is attainable. It also showed him how a law degree opens doors to a range of opportunities.

“I can’t thank the Law School and Mission staff enough for giving me the opportunity to intern in Geneva. I see now that a career in diplomacy is possible.”
When student Alex Churchill joined a team from the University of Auckland taking part in the HSBC/HKU Asia Pacific Business Case Competition in Hong Kong, he did not know the impact it would have on his future.

Later this month, Alex, a conjoint Law and Economics honours student, will head back to Hong Kong to begin his new job as an investment banker at HSBC.

Alex was offered the job after taking part in the 2015 HSBC Business Case Competition, a contest that the team from the University of Auckland won, taking home a cash prize of US$10,000.

For Alex, 23, who was born in China but moved to New Zealand with his family when he was three, ‘the opportunity to work in Hong Kong dealing with global business is brilliant.’

He’s looking forward to the huge cultural difference and the chance to speak Mandarin – his first language. His role will see him liaising between American, European, and Chinese clients and will provide him with the experience of working on global mergers and acquisitions.

If the job sounds a little overwhelming, for Alex, who was the president of the Auckland University Law Students Society last year and the Social Officer the year before, it is simply another challenge in an already full life.

His CV is impressive. In his final-year of high school Alex received a Russell McVeagh School Leavers’ Scholarship which provided him with financial support while he studied, work experience and a mentor. He credits his time with the firm as the impetus for his interest in transactions.

Rarely daunted by a challenge, Alex took a semester off from his university study to take up an internship as a finance and strategy analyst with Google in Australia, advising the Australian CEO and management team. Based in Sydney, he says the culture in the Google office was eye-opening.

“They had baristas and three restaurants on site with ever changing menus. Everything was provided to make being at work as enjoyable as possible,” he says.

The oldest of three siblings – with one sister at medical school and the other still at college – Alex’s only concern about his new position in Hong Kong is feeling homesick.

But he plans to fill his spare time with another of his passions, travelling. “There are many cultural hotspots in Asia that are a stone’s throw away from Hong Kong which I’m looking forward to exploring.”

“|I’m aiming to travel to 100 countries before I turn 30,” he says. Watch this space …
Seira Shin-Clayton

Copyright and street art research wins award

An undergraduate honours student from the Auckland Law School won the Loman Friedlander Award for her research paper entitled *Copyright and Street Art*.

Seira Shin-Clayton, who recently completed BA/LLB (Hons) degree wrote the 8,500 word paper for her honours seminar under the supervision of Professor Rosemary Tobin.

Seira’s research considered the potential for the application of copyright law to works by street artists, such as Banksy.

The idea for her paper came from a case in New Zealand called *Radford v Hallenstein Bros Ltd* where Hallensteins took an image of the sculptures in Western Park in Ponsonby and used the image on T-shirts. It was one of the first cases where moral rights under the New Zealand Copyright Act were considered.

"Writing the paper was challenging as I had not taken a course on Intellectual Property," says Seira.

“However it was really enjoyable bringing my personal love of street art together with law which led to some interesting discoveries.”

"It is unclear as to whether street artworks would qualify under the Copyright Act. Further there are strong policy arguments on both sides of whether it should qualify. It is my view though that although copyright in street art has yet to be determined in New Zealand, there ought to be protection," she says.

The Loman Friedlander Award was established in 1990 and rewards the best paper between 5,000 and 10,000 words on any subject falling within the area of intellectual property law.
Lafoai Luaitalo

Student on a mission

Lafoai Luaitalo knows first-hand how life-changing some opportunities can be. The fourth-year conjoint Law and Arts student at the University of Auckland was selected as a First Foundation Scholar while at One Tree Hill College, an honour that opened doors for her and made her appreciate the difference a helping hand can make to others. The scholarship included a job, a mentor and $4,000 towards the cost of her tertiary study for three years. Recognising the importance of the support she received, Lafoai has made it her mission to give back.

Of Samoan and Chinese heritage, Lafoai was raised in Samoa by her grandparents until she was four years old, when she was brought to New Zealand to live with her mother. In 2014 she went on a spiritual retreat trip to Manila where she stayed in the slums for two weeks. Her host family showed her how they celebrated each day with no expectation of what tomorrow or next week might look like. “They were full of life and had so much love and grace for others. They lived simply and treasured relationships,” she says.

But seeing first-hand how out of reach access to opportunities like education was for her host family, was a stark lesson about injustice. Their dreams of going to university and getting good jobs to provide for their families, was barred by being the poorest of the poor. Lafoai questioned why she was able to access life-changing resources while her host sister couldn’t.

The injustices Lafoai witnessed in Manila were also evident in her own community back in South Auckland, where she was seeing young people with potential face unfair barriers to success. She got involved in running one of three kids’ clubs operated by a leadership group called Warriors of Change, which she was a member of. Recently the group also started an initiative to help young people into employment by setting up a business that hires out children’s inflatable castles called Bounce for a Cause.

“I’ve always wanted to help people and I’ve loved doing volunteer youth work at Randwick,” says Lafoai.

“I guess my ethos over the past two years has been to unselfishly volunteer my time to create spaces for youth to be heard, to be creative and to feel like they also can create meaningful change,” she says.

Lafoai also volunteers as a respite foster caregiver. “I look after kids - mainly some of my younger friends - and I enjoy it as it has taught me a lot about other children’s struggles, which continues to motivate me to help others,” she says.

“I’m interested in children’s rights but recently I took a paper on refugee law and I really enjoyed that too so I’m unsure what area I ultimately want to work in. International human rights law appeals,” she says.

Lafoai was recently selected to take part in the inaugural TupuToa intake, an innovative programme which creates pathways for Maori and Pasifika tertiary students into corporate careers as well as providing early career support.

“It’s great being a part of a community trying to implement structural changes in the areas of diversity,” she says.

Lafoai is adamant that taking opportunities, networking and having the support of her mentors and friends have helped her get to where she today.

“I cannot wait to graduate and see where my faith takes me around the world,” she says.
Law and justice influence music career

Moana Maniapoto (Ngāti Tūwharetoa / Ngāti Pikiao / Tūhourangi – Ngāti Wahiao) is a much-loved New Zealand singer, song writer and documentary maker. She is also an Auckland Law School Alumna. Miranda Playfair talked with Moana about her time at Law School, and how it shaped her music career.

Q: Why did you choose to study law?
When I was growing up, I thought University was only for rich, white, brainy people. Even though I was the school dux, university was an alien concept. However, the mother of my best mate pushed her daughter Erana and I to enrol at Waikato. We were inspired by Donna Awatere, a powerful activist and educational psychologist. So we took up social sciences.

I was the first of my generation across my whanau to go to University.

That year, we met Dun Mihaka, a well-known activist and writer who sometimes found himself up on charges. His favoured form of protest was whakapohane, a traditional Māori insult that involved exposing his buttocks. Dun made international headlines when his exercised his right to protest on a blushing Lady Di.

One day, Erana and I accompanied Dun to court where as usual, Dun would defend himself. As we waited, Māori after Māori shuffled to the front of the courtroom, many of them young, their heads bowed; they looked lost. And in my eyes, the judge seemed to treat them rather patronisingly.

Dun insisted he present his own defence in Māori. But the judge wasn’t having a bar of that. Dun would go on to challenge the Judge’s decision in the Court of Appeal which was reportedly a trigger for the landmark te reo Māori claim to the Waitangi Tribunal.

So much about that particular day felt wrong to me. I thought “we need more Māori lawyers; we need to colour up the system”. The only lawyers I knew were my aunt Georgina Te Heuheu and dad’s whanau lawyer John Chadwick.

Although I loved psychology and sociology, I was a miserable failure at statistics and you needed that to proceed. My curiosity about law was piqued, there was no law school at Waikato (and there was this guy in Auckland….) so all the ducks were starting to line up. They pointed to Tamaki.

Music wasn’t on the horizon until much later.

Q: What was your impression of the Law School when you first arrived?
Compared to Waikato, I thought Auckland Uni was a dog – a concrete jungle. Most of the law students looked pretty flash while I was slopping around in tee shirts, catching a bus from Glen Innes to class and was pretty hard up. I felt like an imposter, that any minute someone would haul me out and say, “You have no right to be here”.

Dean Northey was the first “face” of the Law School I met. He seemed gruff but kind.

I only ever asked one question in a lecture. It was constitutional law. “Um. Excuse me. What about the Treaty?” The professor stammered slightly, obviously not expecting that one. “The Treaty? Well, its only relevant if it’s inside a piece of legislation.”

I didn’t know much about the law but that just didn’t seem fair either.

There weren’t many Māori at Law School but a few judges have come out of my year including Louis Bidois, Frances Elvers and Denise Clark. I had some great mates going through and am sorry we lost contact. Loukas Nicola was a dear friend. To’o Toala, Glenys Holden. Romina Benz (who is now in Alaska).

It’s hard to imagine, but there were no laptops in those days. We actually spent real time in a real library, writing 4,000 word essays by hand. I got so absorbed by various cases; the storytelling, the mystery of wondering which way a verdict or conclusion would go - I loved it. I wasn’t an A-student. My mission was to just get my degree.
I loved Law and Society, Family law, Crimes, even Torts – stuff that had a human factor in it. I found Legal Ethics fascinating. I absolutely died of boredom at Land, Conveyancing, Company, Equity and Commercial Law. Should have focused more during Wills and Trusts with Byron O’Keefe, given how many Trusts we Māori end up on.

Q: You have previously said that Jane Kelsey, David Williams, Syd Jackson, Ranginui Walker and Rob Cooper, influenced your politics and activism. Can you expand on this?

While Waikato was pivotal for te reo, Auckland University was a hotbed for activism by both students and professors. Erana and I took part in the protests in '81, while my professor Jane Kelsey was a leader. I remember a lot of plotting would go on at the Kiwi Tavern the night before. Erana and I ended up on the field in Waikato which was frightening enough. But getting kicked and batoned by officers of the law while we were fighting for justice was an irony not lost on me as a young law student.

Years later, I sang for Nelson Mandela when he returned to NZ to thank the protest movement. That was a career highlight, having that great man wrap his arms around me and say, "Thank you for honouring me with your song".
As professors, Jane and David taught me to think critically. I loved their classes. Unfortunately, by the time they had worked their magic, I felt incredibly conflicted about how law was used as a tool of colonisation.

I was admitted to the Bar in the Rotorua District Court, surrounded by my whanau and kuia. It felt odd walking through a crowd of defendants waiting outside, all decked up in my gear. The judge said, “You’re a credit to your people.” I went off him in a big way.

Annette Nyman (one of my classmates), Jane, Rob Cooper, Rua and Joy Rakena, Donna Gardiner, Barbara Menzies and myself formed Kia Mohio, Kia Marama Trust. We would analyse policy and legislation through a Treaty lens, demystify and distribute it to NGO networks so they could mobilise opposition. The Trust sent me to Manila twice to expose me to the international human rights movements, which was incredibly inspiring. Rob and Rua were great thinkers and helped shape my own. Jane, of course, has become a life-long friend and the person from my law school days I am most in contact with.

I got to know Ranginui Walker and Patu Hohepa more off-campus as members of the highly active Auckland District Māori Council which my father-in-law Bob Jackson was on. His brother Syd was influential in my life and known as a brilliant negotiator, who fought for Māori, women and gay rights.

Willie Jackson was a freezingworker and one of the youngest union presidents in the country when we married. His dad Bob was active on the Auckland Māori Council where I met Ranginui and Patu, while my mother-in-law June was the longest serving member of the Parole Board. Syd, who became Willie’s boss, was hugely influential on both of us; a brilliant negotiator who fought for Māori, women and gay rights. I still have regular phone calls and emails with Moana Jackson, mainly about political transformation, which we are both fascinated by.

Q: Your songs are beautifully infused with politics. When did you first start writing?

I didn’t know about Rua Kenana or Parihaka before I went to Law School. I didn’t know about the various pieces of legislation that dispossessed my people of their land. I had no idea about dog tax or much about the Treaty. My dad told me he deliberately didn’t want to know about that stuff because he didn’t trust himself not to boil over with anger.

While at law school, my mate Aroaro and I would win talent quests on the local pub and club circuit. It was fun. When I finished university, I started singing in clubs at night, while doing our Trust stuff during the day. My ex-husband Willie Jackson was managing my career.

We released Black Pearl in 1990 but with Dalvanius in my ear telling me to write my own songs and after a stint in Wellington-based band Aotearoa (led at one time by Judge Joe Williams), I started writing my own songs.

Music is a powerful tool. It’s given me a platform to talk about my passions to audiences; taken me to so many countries and into untold networks. We’ve performed in the Arctic Circle, in the rainforests of Borneo, within eyeshot of the Kremlin, throughout Europe and across Asia. I have relationships with people here in NZ and all around the world who are passionate about justice.

Earlier this year, in between concerts, I ended up in the Sami Parliament in Finland talking about intellectual property issues and misappropriation, a topic I’m passionate about. My partner Toby Mills (a filmmaker) and I made a documentary called Guarding the Family Silver on the issue, which has screened at film festivals around the world. My parents were initially disappointed that I chose not to practice law, after all – I come from a family of singers and few lawyers. However, I feel like even though I’m not practicing, I am advocating through music, documentary-making or writing for e-tangata. They are proud of what I’ve done.

And that old contract law that I hated? It’s been really handy.

Mind you, the first time I ever formally appeared in court was as a defendant. But that’s another story …

Q: How did you initially transition from Law School into a full-time music/artistic career?

I was singing in clubs after I left law school. We started the Moahunters in 1989, then folded that in 1998 after Willie and I divorced. I dabbled in radio, even television. I was a doctor on Shortland Street for nearly a year and did a bit of work in Māori health.

Once Moana & the Tribe started touring Europe in 2002, thanks to my manager Sol de Sully, I focused full-time on recording and performing.

My sixth album is a collaboration with six powerful indigenous female vocalists from different countries I’ve played in. Toby and I are about to film a 7-part documentary series called “The Negotiators,” looking at the so-called Treaty settlement process through the eyes of key negotiators like Ta Tipene O’Regan, Tāmati Kruger and others. Can’t wait.

Q: Anything else you’d like to say?

My friend Sue decided in her sixties that she always wanted to do law, so she enrolled. She would ring me up to talk through some of her essay topics and we would have these big discussions. I’d actually love to go back now that I’ve “grown up” and seen the world. I reckon I’d be throwing questions left, right and centre at the lecturers.

I’m passionate about a constitutional system that’s treaty-driven, more collaborative and values-based. I think it would benefit all New Zealanders and augur well for generations to come.

I’ve discovered you don’t need a law degree to be a warrior for justice. Some of the best advocates, Māori and Pākehā, young and old – they work in education, health, universities, unions, media, the arts and in communities – as well as in the law. It’s inspiring to hear their stories, it informs my artistic practice. My partner Toby uses his filmmaking and storytelling skills to challenge thinking, so does my son Kimiora Hikurangi. Art creates a safe space for us interrogate issues that are difficult to deal with. I really believe that art and creativity helps build connection, which is central to the wellbeing of an individual, community and society.

I heard Rev Al Sharpton say to a packed Detroit Baptist Church, “You’ve got to stand for something. If you don’t stand for something, you’ll fall for anything.”

Sir Peter Williams, the week before he died, my band and I played for him and his wife in their lounge. He said, “We need more kindness in the world, Moana”.

These words have stuck with me.
The Right
Honourable
Sir Duncan
McMullin PC

Sir Duncan was a judge of the Court of Appeal of New Zealand, Court of Appeal of Fiji and Cook Islands Court of Appeal. In other roles, he chaired the Royal Commission on Contraception, Sterilisation and Abortion (1975–1977), the Wanganui Computer Centre Policy Committee, the New Zealand Conservation Authority, the NZEM Market Surveillance Committee, the Judicial Commission of the Presbyterian Church of Aotearoa New Zealand and also served on the New Zealand Stock Exchange standing committee.

Sir Duncan was an Auckland Grammar School alumnus and in 2009 was awarded the Augusta Award as a distinguished alumni. He graduated from Auckland University College in 1950 and practised as a barrister and solicitor from 1950 – 1965, as a barrister sole from 1965-70, before being appointed to the High Court Bench in 1970 and subsequently to the Court of Appeal in 1979. He was appointed a Privy Counsellor in 1980 and was knighted in 1987. He retired in 1989.

Judge David Ambler

David Ambler, one of our graduates and a judge of the Māori Land Court, died in Whangarei on 11 November 2017.

He grew up at Waimaramu in the Hokianga in a Pākehā family that had many Māori relations in the valley. He graduated from the University of Auckland 1989 with a BA (Māori Studies) and LLB (Hons) in 1989. Upon admission to the Bar, he was a staff solicitor with Kensington Swan in Auckland and appeared as counsel in the Te Roroa inquiry before the Waitangi Tribunal as junior to Joe Williams.

In 1992 he moved to Rotorua as a staff solicitor with East Brewster, later becoming a partner in 1997. During his time as a lawyer, David advised and represented clients in a range of Māori land issues and acted for a number of Māori Trust Boards, Māori land trusts and incorporations as well as claimants in the Waitangi Tribunal. He was appointed a Judge of the Māori Land Court in 2006 and was presiding officer for the Waitangi Tribunal’s Te Rohe Pōtae Inquiry District. He died after a period of illness at far too young an age.

He was farewelled at a service held in Kaikohe and then a tangihanga at a Tapuika marae near Te Puke. He is buried close to his father-in-law who nurtured him in te reo me nga tikanga o te ao Māori.


David V Williams
Rez Gardi
Young New Zealander of the Year

Recent Law School graduate Rez Gardi was named University of Auckland Young New Zealander of the Year at the 2017 New Zealander of the Year Awards.

Rez is a lawyer and refugee of Kurdish descent who advocates for refugee rights. She graduated with a Bachelor of Laws (Honours) and a Bachelor of Arts, double majoring in Political Studies and International Relations, and Criminology in 2016.

Born in a refugee camp in Pakistan, Rez’s family were forced to flee their homeland to escape the persecution of Kurds. She spent the first six years of her life in the refugee camp before her family resettled in New Zealand.

Rez was the first in her family to finish secondary school and to attend university, and is passionate about supporting young refugees and addressing the underrepresentation of refugee students in tertiary education.

She recently worked with the University of Auckland to establish three new scholarships for students from refugee backgrounds, as part of the For All Our Futures campaign.

Her Law Honours dissertation was on human rights violations against Kurds and the prospect of Kurdish statehood.

Rez is now New Zealand’s first Kurdish female lawyer and works in corporate litigation at law firm, Chapman Tripp, and has previously worked with the United Nations Human Settlements Programme in Nairobi as a human rights intern. She also represented New Zealand at the Global Refugee Youth Consultations and annual UNHCR – NGO (United Nations High Commissioner for Refugees – Non-Government Organisation) consultation in Geneva last June.
Antonio Cozzolino

Antonio Cozzolino has traded his business suit for a wetsuit, in a bid to follow his dreams of competing at the 2020 Olympics games, in the sport of windsurfing.

The thirty-year-old, who graduated with an LLB from the University of Auckland in 2013, and an LLM from the University of Sydney in 2014, has been employed for the last four years as a commercial litigator.

But he has resigned from his position at Russell McVeagh and will head to Holland next week to take part in an international windsurfing regatta in the lead up to September’s World Championships in Japan.

Antonio first tried windsurfing as a 12-year-old at Mission Bay. His parents had a restaurant there and he began spending more and more time across the road at the beach learning at the local windsurfing school.

By 13 he was teaching the sport to others and was shortly after introduced to Olympic Class windsurfing when Barbara Kendall ran a holiday programme. As a teenager, he spent most of his hours out of school windsurfing. He was hooked.

Finishing high school, Antonio headed off to Auckland Law School but continued to sail during his university studies and was even part of the New Zealand team at six World Championships. This included being the training partner and key support for a fellow Kiwi, Tom Ashley (another Auckland Law School alumnus), in his successful 2008 Olympic campaign.

During the next three years he will focus solely on achieving qualification and then selection for the 2020 New Zealand Olympic team.

“Qualification is relatively easy. I have to rank in the top 30 at any World Championship in the next three years,” he says.

“Selection is much harder. New Zealand has its own criteria and you must be at the top in the world with ‘medal potential,’” says Antonio.

When not on the water, Antonio will likely be in the gym building up his fitness level and strength.

As for Antonio’s legal career, he plans to return eventually. “I enjoy the law,” he says. My legal training is applicable to my Olympic bid. It’s taught me critical thinking skills which are perfect for strategizing. I’ve done four years now and that’s when it starts to get quite good. I’m definitely going back to it,” he says.
Stephanie Thompson

Law School alumna tops Cambridge LLM

University of Auckland graduate Stephanie Thompson has been named the 2017 top student in the LLM programme at the University of Cambridge.

The twenty eight year-old, originally from Auckland, topped all four of her subjects to receive a starred first for her Masters of Law degree from Cambridge.

This is the second year in a row that an Auckland alumni has been named top LLM student at Cambridge after Auckland Law School graduate Benedict Tompkins achieved the honour last year.

Stephanie decided to study a Masters in law after completing an LLB/BA conjoint degree at Auckland. She was keen to experience living overseas but says she originally debated whether to go to the UK or the USA. She says she was won over by Cambridge, partly because of its combination of international law and English private law, and partly because of its setting and sense of history.

Her postgraduate thesis centred on the clean hands doctrine and contributory negligence in investment treaty arbitration. The topic allowed her to take traditional private law concepts (contributory negligence and the clean hands doctrine) and apply them to international law.

"Investment treaty arbitration arises out of bilateral treaties between countries. It is basically a mechanism for investors from treaty partner A, who invest in treaty partner B, to sue treaty partner B directly if treaty partner B does certain things (for example, if it expropriates the investment or otherwise treats the investor unfairly)," she says.

"It was initially seen as a way of encouraging foreign direct investment, but one of the problems is that many people think it favours investors too much at the expense of states. So I was interested to see how we can develop investment law so that it can also respond to investors who have committed some kind of wrong - for example, they may have breached environmental or employment laws in the country where they are investing," says Stephanie.

Her entire Cambridge experience has been ‘amazing’ including her colleagues who she describes as being individuals who are passionate about their subjects, as well as humble and caring.

"The whole Cambridge experience is so fun - you live in beautiful old buildings, go to balls, I even rowed," she says. "The only downside was it gets dark at 3.30pm in mid-winter."

In October Stephanie started a 12 month pupillage at Serle Court Chambers in London.

"I feel very lucky to have had this experience and was fortunate to have financial support from the Law Foundation through the Ethel Benjamin Scholarship, as well as from the Gordon Watson Scholarship, the LB Wood Travelling Scholarship in Law and Spencer Mason Scholarship. I am also very grateful to all of the teachers I had over my years at Auckland Law School and to my family who have been very supportive," says Stephanie.
Saul Holt QC

Q: Why did you choose to study law?

I attended Takapuna Grammar School and left at the age of 16. We have no history of lawyers in my family although my brother David started at Auckland the year before me. I went a bit off the rails as an early teenager and I was rescued by a drama and English teacher who got me to do debating. I was lucky enough to get into representative teams and our coaches were all law students or lawyers. It just seemed like a good idea. I had an offer to do a communications degree which I had to decide on before my grades came out and I needed really good grades to get provisional entrance in to Law Intermediate. My school principal bent the rules and told me not to take the communications offer and so I was off to law school.

Q: What was your impression of the Law School when you first arrived?

My time at Auckland Law School was life changing. For much of the degree I was a pretty average student. My priority was not studying. In my last two years everything changed when I was taught criminal procedure by Scott Optican, and I worked (in a very junior role) on the case. It was a once in a career case to be involved in and it continues to be the case that keeps on giving.

When I reflect on my time, I realise that as a young prosecutor I came to see the world too much as black and white - good and evil. It is very easy to become convinced of the rightness of all prosecutions and, as I’ve come to learn, the world is much more complicated than that - people are much more complicated than that. Most (but not all) people who do bad things are broken rather than evil. I had a particularly sobering experience when I discovered that I had successfully prosecuted two young men who were ultimately proved to be innocent. That experience shook me profoundly.

We moved to Australia for my wife’s career (she is much fancier than I am) in 2007. It was only supposed to be a year but it has turned into 10 and probably more. I was offered the role of Director of Criminal Law at Victoria Legal Aid in Melbourne and that was the beginning of my work on the other side of cases as defence counsel. Defence work is different from prosecuting in fundamental ways. Most importantly, you are acting for a real person who puts his or her life in your hands. It is very stressful. We need to acknowledge that pressure, talk about it more openly and support our colleagues.

This is of course true of all who practice in criminal law not just defence counsel because we exposed to cases that carry a known risk of vicarious trauma.

Q: You work across a range of areas including human rights and environmental issues. Do you have preferences?

I get bored easily and the remedy for that is a diverse practice. I am really lucky to be briefed across a range of areas of law and also in different states and even countries. The challenge of new areas of law and jurisdictions keeps me going. I recall a couple of years ago accepting a brief in the Queensland Land Court and having to search for that august institution in google to find out what it did and where it was. I am working hard towards having a practice where 50% of obscenely well paid work permits me to do 50% pro bono and public interest work. I am not there yet but getting closer all the time.

The Gable Tostee trial was an extreme example of the effect of saturated media coverage and the instant communication possible through social media. There have always been high profile trials, but I think it is fair to say that the intensity of coverage just goes up and up.

Running high profile trials is really challenging - especially if the client is not popular. You have to design and implement a trial strategy that names the elephant in the room, that addresses the separate trial that is going on in the media, as well as the trial in the court room. Tostee was a classic example of this.

The prosecution didn’t rely on lots of things that were big issues in the media, but I decided that we had to take those on as well. It would have been naive to think that the jury was not going to be influenced by those things and to be looking for answers to them. Even so, my faith in the institution of trial by jury was affirmed by that case. The jury plainly saw themselves as the real experts on the case and put aside the maelstrom that was going on around the case.

I think it also needs to be said that the pressure of working as defence counsel can be immense. Trials where the stakes are high and the accused puts his or her life in your hands are incredibly stressful. We need to acknowledge that pressure, talk about it more openly and support our colleagues.

Q: You spent almost a decade as Crown Prosecutor in New Zealand before swapping to defence. What led to this decision?

Moving to Palmerston North to be a crown prosecutor was the best decision I have made in my career - although I had no idea it would be at the time. I worked with wonderful prosecutors and against exceptional defence counsel. I fitted in more trial experience to nine years than most people get in a whole career. Not long after I got there the Lundy murders were committed and I worked (in a very junior role) on the case. It was a once in a career case to be involved in and it continues to be the case that keeps on giving.

Q: You represented many high profile clients including successfully defending Gable Tostee. Do you think fair trials are more difficult in an increasingly media saturated environment? Are there any other issues which you think are increasingly impacting on the role of a defence barrister?

The environmental and human rights cases I handle now are much higher and the lows are much lower. Trusts you with their future. As a result, the highs are broken rather than evil. It is very stressful. We need to acknowledge that pressure, talk about it more openly and support our colleagues.

This is of course true of all who practice in criminal law not just defence counsel because we exposed to cases that carry a known risk of vicarious trauma.

I recall a couple of years ago accepting a brief in the Queensland Land Court and having to search for that august institution in google to find out what it did and where it was. I am working hard towards having a practice where 50% of obscenely well paid work permits me to do 50% pro bono and public interest work. I am not there yet but getting closer all the time. The environmental and human rights cases...
that I have done are immensely satisfying and sometimes even create change for good. Access to justice is so prohibitively expensive for all but the very rich and the legally aided that there are no shortage of cases that need doing for free. It also balances out the scales - at least a bit - for the murder, rape and fraud cases I otherwise do.

I have been heavily involved acting for environmental groups challenging the Adani Coal Mine in the Galilee Basin. If it goes ahead it will be one of the biggest coal mines in the world and the biggest single source of atmospheric carbon over the next century. We have challenged it in the Land Court, the Supreme Court of Queensland and the High Court and have lost resoundingly at every level but I comfort myself in believing that we are on the right side of history.

Q: Do you have any advice for law students?

Don't do subjects because you think you should. Do subjects that inspire you and that are taught by the best teachers. This will make you happy and happy people do better. The same is true of the start of your legal career. Work with good people who you like to be around and who inspire you. Do work that you actually enjoy. In my experience, the less you worry about advancement the more likely it is to come.

Q: What do you enjoy doing in your down time?

As well as my practice I have two boys aged six and eight. Between all of that downtime is in short supply but I love being out on the water of Moreton Bay with my wife Robyn and the boys and every now and then Robyn and I still get in a sneaky scuba dive. There is nothing like having kids to reset your priorities. No-one ever went to her grave wishing she'd worked more!

Q: Anything else at all you’d like to say?

I feel like a bit of a fraud being written up in Eden Crescent. I feel like I got my undergraduate degree based more on luck and cunning than hard work. I feel like I failed to take advantage of so much that it had to offer. I would love to go back in time and do it all again. I had the chance for some redemption by doing my LLM in Public Law at Auckland by intensive courses in 2005 and 2006. I loved it. I was taught by wonderful teachers including Ron Paterson, Grant Hammond, Jo Manning and the late and brilliant Mike Taggart. That degree gave me a love for law and legal thinking. Before that I had really just been in love with the performance aspect of criminal trials. As a direct result of that degree I have come to consider myself to be a public lawyer rather than only a criminal lawyer.

Miranda Playfair

Jamie Halse

Since finishing his LLM at the University of Auckland in 2007, Jamie Halse has been working in the funds management industry in Sydney.

He has been with Platinum Asset Management (listed on the Australian Stock Exchange under code PTM) for the last seven years; first as an equities analyst in the consumer sector, and now is the head of the analyst team for the global consumer sector as well as the portfolio manager of the Platinum International Brands Fund (~NZ$1bn under management).

Like all of Platinum’s funds (~NZ$30bn under management), the Brands Fund has a strong long-term track record outperforming global market indices. The Fund invests in companies listed on global markets that sell or market to consumers, including industries such as luxury goods, fast moving consumer goods, and consumer services like social media platforms and resort operators. It can also short-sell (bet against) the stocks of companies suffering from major changes in consumer trends – an important feature in this age of digital disruption!

2017 has been a particularly good year, with the Brands Fund returning 34% year-to-date, outperforming its global benchmark by 19% (as of late November 2017).

Jamie’s view is that a law degree helped him develop the ability to absorb significant amounts of reading material, analyse it critically, reach logical conclusions and commit the arguments to paper in a structured and concise manner. These skills are just as relevant to company analysis, research report writing, and portfolio management as they are to the legal profession. In particular Michael Littlewood’s tax classes have stood Jamie in good stead when critically examining some of the tax-minimisation strategies utilised by global technology companies when evaluating the sustainability of their very low effective tax rates.

Jamie is in Auckland a few times a year on marketing trips and to visit family, and is always happy to meet up with fellow law-school alumni who are seeking advice on a career in finance or who happen to be visiting Sydney.
Judicial appointments and promotions

The Auckland Law School congratulates all its graduates who have been appointed members of the judiciary during the past year. Senior judicial appointments and promotions are listed below:

- Justice Murray Gilbert (LLB 1977) has been appointed a Judge of the Court of Appeal.
- Justice Pheroze Jagose (LLB 1987) was appointed a Judge of the High Court.

Appointed Queen’s Counsel in 2017

The following University of Auckland Faculty of Law alumni were appointed Queen’s Counsel in 2017:

- Andrew Barker (BA/LLB 1994)
- Greg Blanchard (BA/LLB 1997)
- Paul Borich (LLB 1988)
- John Dixon (BCom/LLB 1994)
- Simon Mount (LLB(Hons) 1996, LLM(Distr) 2000)
- Suzanne Robertson (BCom/LLB 1990, LLM (First Class Honours) 2006)
- Adam Ross (BA/LLB 1989)
- Dr Campbell Walker (BA/LLB 1994)

Graduates studying overseas

Auckland Law School graduates frequently secure postgraduate places at some of the world’s most prestigious universities.

Some of our alumni who have completed, or are completing, postgraduate degrees overseas at leading universities include:

- Andrew Grant (Harvard)
- Sam Bookman (Harvard)
- Sam Jeffs (Oxford)
- Nupur Upadhyay (Oxford)
- Finn Lowery (Oxford)
- Alice Wang (Oxford)
- Aditya Basrur (Cambridge)
- Chris Jenkins (Cambridge)
- Ally Tang (Columbia)
- Ayesha Amin (Columbia)
- Rita Yip (Graduate Institute Geneva)
The Auckland Law School thanks all alumni and friends for the support they have given to the Faculty of Law in recent years, including the following alumni and friends who have given support since the 2016 Eden Crescent.

Graduates of the 1940s
Anonymous (1)
Warwick White

Graduates of the 1950s
Roger Brewer
Peter Claphshaw
Joseph Hall
Cedric Jordan
Bill Mitchell
Honourable Peter Salmon CNZM, QC

Graduates of the 1960s
Anonymous (1)
Sir Peter Blanchard KNZM
Ian Davidson
Bruce Davidson
Piers Davies ONZM
Patrick Gibson
Judge Bernard Kendall QSO
John King QSO
Judge Trevor Maxwell JP
Sidney Pawett
Honourable John Priestley CNZM, QC
Judge David Robinson

Graduates of the 1970s
Anonymous (2)
John Adams
William Akel
Stephen Anderson
John Anderson
John Brown
Brian Corban QSO, CNZM
Emeritus Professor Jim Evans
Keith Familton
Alan Foubister
Judge David Harvey
John Holmes
Philip Khouri
John Laird
Dr Wayne Mapp QSO
Professor Ron Paterson
Judge Mark Perkins
Professor Peter Rhodes
Geoff Ricketts CNZM
David Simcock
Ross Sutherland
Judge Stanley Thorburn
Dr Michael Walmsley
Mike Whale
John White
Janet Whiteside

Graduates of the 1980s
Anonymous (1)
Celia Caughey
Lady Deborah Chambers QC
Dr Elisabeth Garrett
Jenny Hirst
Jane Kingstone
Professor Michael Littlewood
Associate Professor Joanna Manning
Garth Mathieson
David Nicoll
Elizabeth Purcell
Brian Stephenson
Irene West

Graduates of the 1990s
Anonymous (1)
Carolyn Cameron
Kent Chaplin
Kavita Deobhakta
Eardley Dijkstra
Associate Professor Treasa Dunworth
Alice Harrison
Associate Professor Amokura Kawharu
Anita Killeen
Associate Professor Chris Noonan
Sonia Vitas

Graduates of the 2000s
Anonymous (1)
Chad Danswan
John Ip
James MacGillivray
Dr Jane Norton
Katherine Sanders
Leonie Simpson
Rose Stanhope
Jane Taylor

Graduates of the 2010s
Anonymous (1)
Nicola Refoy-Butler
Matthew Tihi
Kenny Yu

Other donors and friends
Anonymous (4)
Elaine Davies
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Dr Fleur Te Aho
The Right Honourable Sir Ted Thomas KNZM
Professor Peter Watts QC
Professor David Williams

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We would also like to acknowledge and thank the law firms and individuals who have assisted our student societies and the events and competitions they organise.