

Eden Crescent eNewsletter

November 2008 | Newsletter for The Faculty of Law | Number 01

From the Dean

Greetings to all our alumni! The year is far from over, but it is timely to report on events and changes at the Auckland Law School since our last issue of Eden Crescent.

The Law School's Strategic Plan

First, we have been developing an ambitious vision for the Law School. This reflects the way we see law and legal schools developing. Aspects of that vision include:

- The necessity of an international orientation – recognising that law is increasingly influenced by transnational developments and that the best law schools in the world are training lawyers for a global employment market (and our graduates end up in many places!)
- Continuing, however, to offer a broad-based legal education that focuses on core principles of the foundational subjects, allied with New Zealand's largest range of elective law courses - giving students a platform for a variety of legal careers in New Zealand and overseas
- Enhancing our international linkages to the world's best law schools through student and staff exchanges, visiting fellowships, international programmes, and the like
- Growing our postgraduate numbers, and seeking to offer an even larger range of LLM courses for our own graduates, international students and the local profession
- Offering a vibrant programme of seminars and events for the benefit of the local legal community and our students
- The necessity of hiring the best possible staff and attracting the best possible students.

It is clear that, with more law being made on more topics than ever, no law school can teach everything. The aim of a "global" law school must be to prepare students for life-long learning. This involves developing skills of research, analysis and critique, the understanding of law in its social context, and (as always) practical skills in legal writing, advocacy and negotiation.

Changes to "Open entry" into first year law

In 2006 and 2007 the Law School allowed "open entry" into its two Part 1 courses, Law and Society and Legal Method. For many years previously there had been a limit of 600 students. "Open entry" resulted in about 1450 students in those two courses in each of 2007 and 2008. None of this affected LLB Part II and beyond (Law School "proper"), where the limit remained 300 students per year and applicants continued to need a grade point average of over B+ to get in.

From 2009 the position will change slightly. Law and Society remains an "open entry" course, but progress to Legal Method will require at least a C+ in Law and Society. This is a sensible restriction, because admission to LLB Part II requires a C+ minimum in each of the two courses (as well as the B+ average over all courses). We expect around 1400 students to enrol in Law and Society in 2009, and about 800 of those students to proceed to Legal Method. As before, there is to be no growth in numbers into the LLB proper. Indeed, in time it is hoped to reduce those numbers slightly as our postgraduate programme expands. This will improve the staff/student ratio at the undergraduate level and bring it closer to the G7 average (this being the group of top Australian law schools with which we benchmark our performance).



Upcoming events

MONDAY, 3 NOVEMBER 2008

Professor Lawrence Lessig Lecture

"Keeping culture free"

6.30 - 8pm - Fisher & Paykel Appliances Auditorium, Owen G Glenn Building

THURSDAY, 20 NOVEMBER 2008

Klaus Bosselmann - Book Launch

"The Principle of Sustainability - Transforming Law and Governance"

5.30pm - Law School Staff Lounge

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New legal qualifications available

Starting next year the Law School offers three new qualifications for law graduates that will be of interest to the profession.

The Graduate Diploma in Law (Grad Dip Law) and Graduate Certificate in Law (GradCert Law) will allow lawyers to supplement their degrees by studying further elective courses at the undergraduate level. The diploma is equivalent to one year of full-time study (120 points) and the certificate is equivalent to one semester of full-time study (60 points), but both can be completed on a part-time basis. There is no time limit for completion of these qualifications.

Both the GradDip Law and the GradCert Law, being recognised qualifications, are alternative to Certificates of Proficiency (COP). More information about our full range of elective courses is available from the Law School Undergraduate Adviser, Suranjika Tittawella (s.tittawella@auckland.ac.nz). These courses will suit those who wish to upskill in regular law school courses, and gain a further qualification as a result.

In 2009 the Law School is also introducing a new master's degree, the Master of Legal Studies (MLS), for suitably-qualified graduates in disciplines other than law. Similar in structure to our LLM, the new MLS may be completed by way of four taught masters courses (30 points each, 120 points in total) or by one taught course (30 points) and a minor thesis (90 points).

The MLS is expected to appeal to professionals from non-legal backgrounds (including accountants and auditors, architects and town planners, business development managers, compliance managers, engineers, IT professionals, police and public sector professionals) whose careers require some knowledge of legal matters but who do not necessarily want to practise law.

As with the LLM, the MLS can be completed in one year full-time or up to four years part-time, generically or with a specialisation (in one of Commercial, Public or Environmental Law).

More information is available from the Law School Postgraduate Programmes Manager, Eddy van de Pol (e.vandepol@auckland.ac.nz).

Commercial Law at Auckland Law School

The Law School continues to offer a large range of elective courses in the commercial field. In 2009 these will be:

First semester:

Advanced Tax Law, Company Law, Company Liquidation, Tax Law, Insurance Law, Intellectual Property, Law and IT, International Economic Regulation, Banking Law.

Second semester:

Commercial Arbitration, Commercial Law, Company Law, Competition Law, Restitution, European Commercial Litigation, International Sales and Finance, Securities Market Regulation, Commercial Transactions, Guarantees and Indemnity.

These elective courses are available for practitioners to take as part of the Graduate Diploma in Law or Graduate Certificate in Law (see above), or for a Certificate of Proficiency.

The 2009 Postgraduate Programme

Courses and teachers are now confirmed for 2009 and can be seen by following the links at www.law.auckland.ac.nz

Staff changes

We are delighted that Katherine Sanders is to join us in 2009. Katherine is one of our outstanding graduates who went on to complete an LLM at Yale with an emphasis on Property Law. We were delighted to be joined earlier in 2008 by Mohsen Al-Attar, from Toronto, Canada, who joins us with a background in international law and intellectual property.

Richard Ekins joins us in 2009 from Oxford where he is completing his DPhil. Richard will be teaching Jurisprudence and an elective course on Legislation. The latter course reflects our concern that the subject of Legislation – the making, interpretation and application of law – is so important in legal practice that a dedicated elective should be offered (in addition to the compulsory content that all students receive in Legal Method).

Sadly, we farewell Kevin Heller at the end of the year. Kevin, who joined us in 2006, taught and researched in the fields of International Criminal Law and Evidence. He is to take up a position at Melbourne Law School.

And earlier this year the Rt Hon Ted Thomas QC concluded his four year position with us as Distinguished Visiting Fellow. We greatly enjoyed Ted's cheerful presence with us and his contribution to common room debate and to guest lectures.

I wish all our alumni a very happy holiday season. Please keep in touch with us. And remember to check our web page for current news and events at the Law School.

Paul Rishworth

Dean

Challenge to western lifestyles



Drastic changes in how we produce and consume are required in order to save the environment from further catastrophic harm.

Professor Klaus Bosselmann from The University of Auckland Law School delivered this blunt warning in his inaugural professor lecture on 21 October 2008.

Addressing the topic "Losing the forest for the trees: Reductionism of the environment in law and policy" he argued that sustainability law must transform the way people live.

"Environmental laws and policies have saved some trees," says Professor Bosselmann, "but the 'forest' is being lost as critical global issues including climate change, biodiversity loss and our ecological footprint continue to worsen."

"Current laws and policies merely mitigate the ecological damage caused by industrial economies and Western lifestyles. They assume that environmental problems can be managed without significant changes to production and consumption patterns."

A "sustainability approach" is needed, says Professor Bosselmann. "Sustainability law is proactive, aiming for transformation rather than mitigation."

"The good news is that sustainability-related values and principles are evolving into accepted norms of international environmental law. The bad news is that governments and courts are not adopting them fast enough."

Klaus Bosselmann, director of the New Zealand Centre for Environmental Law, is NZ's first professor of environmental law. This year alone has seen publication of four books written or edited by him on sustainability and governance, "ecological integrity", and the global environment.

Book Launch

"The Principle of Sustainability - Transforming Law and Governance" by Klaus Bosselmann

Thursday, 20 November 2008, 5.30pm

Law Staff Lounge, Level 4, Bldg 801, 9 Eden Crescent, Auckland

First Senior Counsel named

Four of the first seven Senior Counsel to be appointed — Murray Gilbert, Christine Gordon, David Heaney and Simon Moore — studied at The University of Auckland Law School.

David Heaney joined the firm Martelli McKegg & Adams-Smith after graduating. He became a junior barrister in 1976 and established Heaney and Co, Solicitors in 1979. He specialises in the defence of liability claims against territorial and regional authorities, dispute resolution and mediation.

Murray Gilbert joined Wallace McLean Bawden & Partners (now Kensington Swan). He moved to Chapman Tripp in 1996 and is currently Litigation Partner at Gilbert Walker. Mr Gilbert specialises in commercial litigation with an emphasis on defending negligence claims.

Simon Moore joined the firm Meredith Connell, becoming a partner in 1985. He has held the warrant as Crown Solicitor for Auckland since 1994, leading major criminal trials and is also the Public Prosecutor for the Pitcairn Islands.

Christine Gordon was admitted as a barrister and solicitor in 1984 and joined Russell McVeagh McKenzie Bartleet & Co. In 1986 Ms Gordon moved to Meredith Connell where she is currently a partner specialising in criminal law. She holds the office of Deputy Prosecutor for the Pitcairn Islands.

The other new Senior Counsel (formerly Queen's Counsel) are Jack Hodder, Jan McCartney and the Rt Hon Sir Geoffrey Palmer, all Victoria graduates.

Law Staff Graduate

Congratulations to Valmaine Toki for graduating with an LLM from The University of Auckland and Suranjika Tittawella who has been awarded a PhD in Law from The University of Waikato.



David Grinlinton & Valmaine Toki at Valmaine's graduation

Advocate for keeping culture free



A world-leading cyberlaw expert and advocate of freer copyright laws, Professor Lawrence Lessig, is giving a public lecture at The University of Auckland on 3 November.

His topic is "Keeping culture free: the choices law and technology force us to make about the future of the Internet and the progress of cultures".

Lessig will review the struggle produced by "copyright wars" and propose ideals which the law and industry should follow.

He is a Professor of Law at Stanford University and founded its Center for Internet and Society. This body studies how the synergy between new technologies and the law can promote such public goods as free speech, privacy, diversity, and scientific inquiry, thereby furthering democratic values.

He has long been a proponent of fewer legal restrictions on copyright, trademark and the radio frequency spectrum, particularly when applied to technology. Foreseeing how a threatened content industry would respond to digital technology he sided with ordinary citizens.

In the courts he has fought the efforts of corporate interests to reign in the likes of Napster, the online music file sharing service, and YouTube. Creative Commons, which he chairs, helps creators protect their works while setting them free for certain uses.

He is the author of the best-selling books *Free Culture* (2004), *The Future of Ideas* (2001) and *Code and Other Laws of Cyberspace* (1999).

Professor Lessig has won numerous awards including the Free Software Foundation's Freedom Award. He was named one of Scientific American magazine's top 50 visionaries for arguing "against interpretations of copyright that could stifle innovation and discourse online".

He was invited to New Zealand to give a keynote address at the Library and Information Association of New Zealand Aotearoa (LIANZA) conference on 4 November. His topic is "Keeping the outside outside the box: The role of independence in the profession of the librarian, and academy, and the threats that both now face".

Anyone interested in attending his LIANZA address along with sessions on copyright on the same day should go to <http://lianza.org.nz/events/conference2008/>

Professor Lessig's public lecture at the University is organised by the Faculty of Law, the Legal Research Foundation and the Department of Commercial Law in the Business School.

Event: Public lecture on "Keeping culture free: The choices law and technology force us to make about the future of the Internet and the progress of cultures".

Date: Monday 3 November 2008

Time: 6.30-8pm

Venue: Fisher & Paykel Appliances Auditorium, Owen G Glenn Building, 12 Grafton Road.

The lecture is free and all are welcome. No bookings.

Contact: Alexandra Sims, 373-7599 ext 84901, a.sims@auckland.ac.nz

Indonesian prosecutor's thesis exposes history of judicial corruption



Doctoral research conducted by an Indonesian lawyer and prosecutor at the University of Auckland Law School has highlighted "endemic" judicial corruption during the Soeharto era.

Ferdinand Andilolo came to Auckland on an NZAID scholarship to study for a doctorate in Law and is the only Indonesian prosecutor to hold an overseas PhD.

He tackled a thesis on "The prosecutorial corruption during the New Order regime. Case study: The Prosecution Service of the Republic of Indonesia", examining the external political and internal bureaucratic factors that fostered corruption. He was supervised by Professor Jane Kelsey and Associate Professor Bernard Brown.

His thesis argues that judicial corruption was endemic during the Soeharto-led New Order period in Indonesia, not least in the Prosecution Service. It declined from a relatively workable post-independence legal institution in the 1950s to a mostly dysfunctional political enforcer from the 1960s, reaching its nadir under Soeharto's New Order.

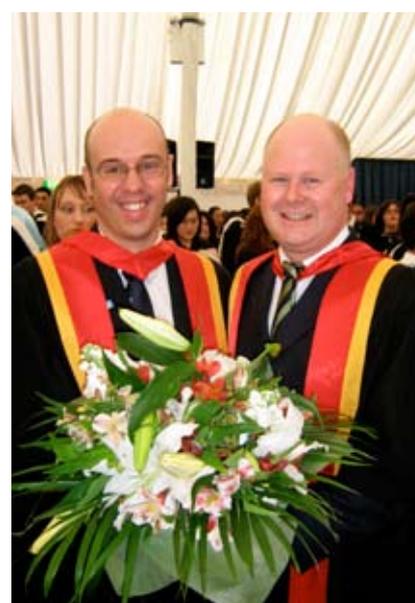
A complex combination of external political and internal bureaucratic corruption weakened the Prosecution's autonomy while simultaneously bolstering it as protector of the regime's interests. While the prosecution has achieved greater autonomy post-Soeharto thanks to improved, albeit imperfect democratic mechanisms, the internal factors, such as abuse of authority by prosecutors, are still problematic.

Himself an Indonesian public prosecutor attached to the Attorney General Office, Special Crimes Division, Ferdinand holds a Bachelor of Law degree from the University of Indonesia in Jakarta. In 1998 he graduated Master of Laws from the University of New South Wales.

After joining the Prosecution Service in 1999 he undertook various overseas assignments. One of the first was as an

assistant field investigator in the joint UN-Indonesian inquiry into gross human rights violations in East Timor. Ferdinand's PhD degree was conferred in absentia by the University Council in August. He has been selected as an analyst and investigator in the newly formed special task force to counter public service corruption under the command of Deputy Attorney General for Special Crimes.

Two PhDs graduate



There were two PhDs among the 117 Auckland Law School graduates at Spring Graduation.

Dr Grant Hewison, a Senior Associate with Brookfields Lawyers in Auckland, and Dr Herman Salton, an Italian now studying at Oxford, tackled widely different topics in their respective theses.

Grant, who works with Brookfields Lawyers' public

law and environmental teams, did his doctorate on "The Local Government Act 2002: Rationalisation or Reform?"

He investigated four key reform policies of the Labour Coalition Government in enacting this legislation and how far it achieved important constitutional objectives.

He found that the Act only partially reflected a coherent overall strategy on local government but the enactment of a broad empowering legislative framework had brought true reform. Grant's thesis further concluded that the 2002 Act did not advance a partnership relationship between central and local government but created better collaboration. Lastly, he concluded that the Act had reformed the local government relationship with the Treaty of Waitangi although the low level of Maori involvement in local government required further thought.

Herman Salton conducted his PhD research on 'Veiled threats? Islam, headscarves and religious freedom in America and France'.

He investigated French and American conceptions of secularism and religious freedom through a study of those countries' differing approaches to the wearing of religious insignia in public schools.

His thesis showed that, before the passage of France's "headscarf" law in 2004, the French and American legal systems were substantially similar in respecting a veiled student's right to wear religious insignia. It tried to demolish the myth according to which the French legal system is fiercely secular while the American one is strongly religious. "Moreover, it is difficult to separate the religious intent of the French from the ethnic and racial," says Herman.

It was an advantage to tackle such a difficult topic in a neutral country like New Zealand, he says. The sensitivity of the subject, however, and the thin line between law and politics, meant that he had to overcome an unusually harsh doctoral examination (the French examiner strongly supported the legislation).

Herman came to Auckland as a University Doctoral Scholar after completing a Dottore in Giurisprudenza degree (summa cum laude) at the University of Trento, Italy and a period as a human rights researcher in Reykjavik, Iceland.

He was also an associate with the Office of the Under-Secretary-General at the United Nations Headquarters in New York, and is currently pursuing further postgraduate studies in International Relations at Oxford University.



Kerry Tetzlaff

Doctoral journey 'incredibly rewarding'

Kerry Tetzlaff (BA/LLB 1998, LLM (First Class Honours) 2005, both from the University of Auckland) is currently completing her PhD in International Law at the University of Cambridge.

She is a New Zealand Bright Future Top Achiever Doctoral Fellow and a Cambridge Commonwealth Trust Scholar, and is the recipient of a Spencer Mason Travelling Scholarship as well as the Yvonne AM Smith Charitable Trust Scholarship.

She writes: "In the final year of my PhD, the doctoral journey continues to provide many wonderful surprises. Among such surprises was an invitation in early 2008 to participate in the first official event of the French Presidency of the European Union. The event (a conference) was held on Reunion Island between 7 and 11 July 2008. This was a particularly serendipitous opportunity as I had been about to organise a research trip to the Indian Ocean!

"While on Reunion Island, I met with the Special Advisor to the President of Seychelles, the Comoros Minister for Agriculture, Fisheries and the Environment, representatives from Mauritius, as well as the Director of the Bermuda Department of Environment Protection to discuss high seas fisheries issues affecting small island developing states (my doctoral topic). The conference was particularly interesting as the European Union is actively seeking to include its overseas territories in the development of relevant EU Law (including fisheries law). The conference was also a wonderful opportunity to be immersed in French for 10 days!

"As I head now into the final stages of my PhD, I am beginning to reflect on my PhD experience and realise that it has been full of such wonderful opportunities. I have been a Visiting Scholar at the European University Institute (EUI) in Florence, Italy (where I am a member of the EUI Working Group on Environmental Law and Policy). I have travelled around the world for my research and presented at events in Canada, the United Kingdom and Italy.

"I am privileged to have had the opportunity to teach law at Cambridge since 2006 and shall shortly commence teaching law as a Visiting Professor at the University of Trier, Germany. I am also a member of the IUCN Commission on Environmental Law and rapporteur for the Yearbook of International Environmental Law (for France, the Indian Ocean Commission, Oceania and the United Nations Environment Programme). These experiences together have made the last three years an incredibly rewarding experience."

Vying for world mooting title



Two students from The University of Auckland Law School will represent New Zealand on the world stage early next year.

Sally Trafford and Hannah Yiu, both in their final year of a BA/LLB(Hons), won the Bell Gully National

Mooting competition, held in Auckland.

This qualifies them to take part in the prestigious Philip C. Jessup International Law Moot Court Competition in Washington DC in March. It will be the second year in a row that Auckland has been in the Jessup.

Sally and Hannah defeated the Otago University team in the national final, held as part of the NZ Law Students Association conference. It took place in courtroom one of the Auckland High Court with Justice Chambers, Justice Winkelmann and Bell Gully partner Ian Gault presiding.

The problem they had to argue concerned malicious civil prosecutions and champerty (buying into someone else's lawsuit).

"This was challenging for us as we effectively had one day in which to learn the law in these areas and to write submissions before arguing the case in the finals," says Sally. "We thought all the teams were excellent, especially Otago, and the outcome must have been close. We're really happy to have won, and it was an honour to go up against such great teams."

They more than demonstrated their versatility, tackling a private international law problem in the preliminary rounds.

Earlier this year they had to prove their worth first by being selected for the Advocacy course and then making the finals of the Stout Shield Moot from which the Auckland team for the national competition was selected. "The Law School has been really supportive," says Hannah.

Sally and Hannah have no time to rest on their laurels. The problem for the Jessup competition will be released at the end of September. Over the summer they will work on their written submissions which are due in January.

The Jessup, now in its 50th year, is the world's largest moot court competition with 500 law schools in more than 80 countries involved. It simulates a fictional dispute between countries before the International Court of Justice. Each team has to prepare oral and written pleadings arguing both the applicant and respondent positions.

International law on the ground



It was appropriate that Robert Fisk delivered a lecture to University of Auckland Law School staff and students and members of the International law Association on the anniversary week of the terrorist attacks of September 11 2001.

Fisk has been the most famous and the most controversial of all the western journalists who have followed the 'War on Terror' that intensified in the aftermath of September 11 2001.

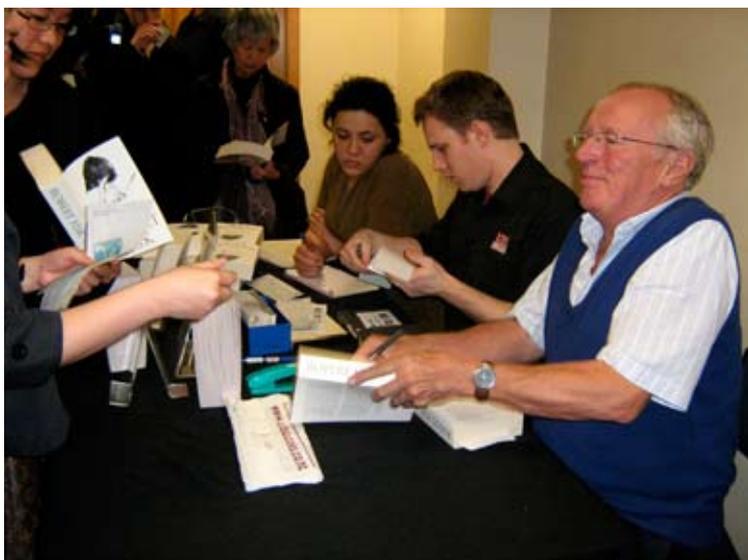
His outspoken reports from the battle zones of Afghanistan, Iraq, and Lebanon have earned him both criticism and acclaim. Despite its huge size and grim subject matter, Fisk's 2006 book *The Great War for Civilisation*, which relates recent conflicts in the Middle East to the events of the 1970s and '80s, has been an international bestseller.

He writes daily for the Independent and is syndicated in Italy (La Repubblica), Spain (El País) and France (Le Monde), amongst others. He has been awarded the British International Journalist of the Year Award seven times and has also received the Amnesty International UK Press Award twice.

After being introduced to his audience at the Stone Lecture Theatre by the Deputy Dean of the Faculty of Law, Professor David Williams, Fisk gave an impassioned, impromptu address that drew on his experiences as an observer of both war and international diplomacy. Fisk moved easily and logically from a description of a blood-stained Iraqi hospital ward during an American bombing raid to memories of Colin Powell's notorious 2002 speech to the United Nations about the "grave threat" which Iraq's "weapons of mass destruction" supposedly posed.

Fisk has a PhD in political science from Dublin's Trinity College, and his knowledge of political history was evident when he discussed the relationship between current conflicts and the wars of the twentieth century. Remembering that Arab leaders as different as Saddam Hussein, Yasser Arafat, and Abdul Nasser have been compared to Hitler and Mussolini, Fisk warned against the danger of comparing every new conflict to World War Two.

Fisk suggested that politicians like George Bush and Tony Blair had too little respect for history and too little knowledge of the reality of war. Bush and Blair have compared themselves to Winston Churchill but Fisk argued that they would be better off comparing the wars in Iraq and Afghanistan to the long succession of conflicts that have pitted Middle Eastern peoples against Western imperialists. He argued that peace would come to the Middle East only when all Western troops left the region. "Robert Fisk's insights on power, conflict and repression bridge many disciplines, countries and eras. His underlying tenet - that real objectivity requires us to tell the truth from the perspective of the victims who suffer - has a universal application, but a special resonance for law", says Law Professor Jane Kelsey, who organised his Auckland programme.



After his lecture Fisk took half a dozen questions from his large and enthusiastic audience. Gregory Thwaite thanked him on behalf of co-hosts, the International Law Association, elegantly comparing Fisk's contemporary insights to those of Greek historian and writer Thucydides during the wars between Athens and Sparta. Fisk then autographed copies of his new book, *The Age of the Warrior: Selected Essays*.

Serving Whose Interests?

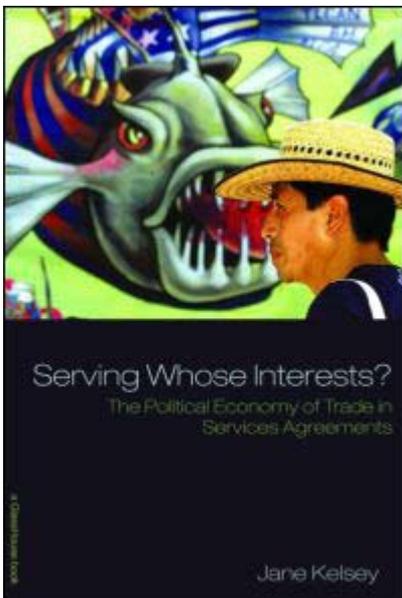
Professor Jane Kelsey recently published a book with Routledge - *Serving Whose Interests? The Political Economy of Trade in Services Agreements*. It was launched at the South Centre in Geneva on 14 July. The launch involved a dialogue between Prof Kelsey, services negotiators from the Philippines, Barbados and the UK missions to the WTO, and an audience of diplomats, journalists and NGOs.

Serving Whose Interests? explores the political economy of trade in services agreements from a critical legal perspective. The controversy surrounding the General Agreement on Trade in Services (GATS) and its variants at the regional and bilateral levels can, it is argued, be seen as a clash between two paradigms. For most of the 20th century, under welfare states and state socialism, these services were viewed from a local and national perspective as embodying a mix of economic, social and cultural dimensions and were managed by the state through strong regulation and direct ownership and delivery. That socially based and state-centred approach has been progressively displaced since the 1980s through neoliberal policies of privatisation, deregulation and liberalisation, the transnationalisation of finance and production, and new technologies.

The internationalisation of services markets has thus become a driver of contemporary capitalism. The explicit aim of "trade in services" agreements is to lock in national regulations and policies that enhance the profitability of international services markets. They are exclusively the tools of contemporary global capitalism, yet are represented as the new pathway for development. It is argued here, however, that there is a fundamental contradiction between the global market model and the intrinsically social nature of services, whether they are social services like education, media and midwifery, or inputs to capitalist production such as finance, transport, energy, and telecommunications. This book examines and draws out these tensions and contradictions through a combination of theoretical analysis and a series of truly global case studies that include the market in internet gambling, education, pensions, electricity privatisation, supermarkets, tourism, oil, culture, temporary migrants, private finance initiatives and call centres.



The product of extensive research by an internationally renowned expert in the area, yet written in an accessible manner, *Serving Whose Interests?* combines a technical and political analysis that will be of interest to informed trade specialists, academics and students working in the areas of international trade and international trade law, and others with interests in the organisation and regulation of the global economy.



History traverses 125 years

There will soon be an impressive reminder of the 125th Jubilee that the Law School is celebrating this year.

This will take the form of a full history of its first one and a quarter centuries, to be published in February.

Written by Emeritus Professor Brian Coote, a former Dean, with some later contributions from colleagues, the book traces its emergence from small-scale obscurity to the size and international repute it enjoys today.

Notwithstanding his modest disavowal of "official" history status, *Learned in the law: The Auckland Law School 1883-2008* is comprehensive in scope. After disposing of the years to 1937 in the opening chapter it proceeds era by era: World War Two, the Davis Years, Growth: 1965-1969, Aspiration: 1970-1979, Change: 1980-1983, Struggle: 1987-1994.

The final chapter, Into the New Millennium, covering the period from 1995 (after Brian had retired) to the present, was compiled by Professor Peter Watts and research assistant Sean Kinsler, a recent LLM graduate.

Bernard Brown wrote about the Legal Research Foundation with which he has been intimately associated for nearly 40 years. High-achieving graduates, staff (academic and general), books by staff and inaugural lectures down the years are all listed at the end.

The paperback book was the inspiration of Professor Mike Taggart and will carry the Legal Research Foundation's imprint. At just under 200 pages long it will contain 100 black and white photographs running with the text.

Brian drew largely on official written sources, university and departmental. The latter were in short supply and his efforts to remedy this by creating his own archive of papers were ultimately foiled. In the move to Eden Crescent it was carefully stored in a tea-chest which sadly vanished with its precious contents.

Not that the book is a dry recitation of events, courses and appointments. Brian does not shrink from delving into controversial, sometimes painful episodes. These include the introduction of full-time study which many in the profession opposed, the move to more inclusive governance, and the strong influence of the feminist revolution and the Maori renaissance.

He fleshes out dominant personalities like Ronald Algie, Julius Stone, A.G. Davis and Jack Northey, and recounts amusing anecdotes, student pranks among them. Back in 1883 the first part-time lecturer, Judge Seth Smith, had to delay his course when he fell from his horse.

Yet it is not "a warts and all history", insists Brian who has been mindful of personal and political sensitivities. "I have pulled my punches considerably."

Nevertheless he brings his personal stamp to bear in his quietly judicious way. In the preface he admits that parts of the text "might be described as a little opinionated. But, then, what else could you expect from a (rather elderly) academic lawyer?"



Professor Coote with one of his last LLB (Hons) classes

Heritage Lectures

This year marks the 125th anniversary of law teaching at the University of Auckland. The Law School has celebrated the milestone by hosting three "Heritage Lectures" by distinguished legal minds. On 23 April, Professor Jim Davis lectured on the legal ramifications of the Closer Economic Relations treaty with Australia; on 23 July Professor Adrienne Stone discussed the place of legal rights in a globalised world; and on 27 August His Excellency Sir Kenneth Keith gave an overview of the long history of legal education at the University of Auckland.

All of the Heritage Lecturers have important connections with our Law School. Jim Davis is the son of Professor AG Davis who was Dean of the Law School between 1942 and 1964. Adrienne Stone teaches at the University of Melbourne, but her grandfather was Professor Julius Stone, who was Dean from 1939 to 1941. Adrienne's strong interests in human rights and international law echo her grandfather's preoccupations, and she was thrilled to deliver her Heritage address in the Stone Lecture Theatre, named after Julius. Sir Kenneth was a student in the late 1950s and has had a distinguished career including service on the New Zealand Court of Appeal, the Supreme Court and now the International Court of Justice. In their different ways, Professors Davis and Stone and Sir Kenneth are living links with our Law School's rich past.



The grand-daughter and son of Professor Julius Stone, who held a chair in Law at Auckland from 1939-41, presented a copy of his portrait while visiting from Australia.

Law staff win awards

Professor Bruce Harris recently won the Legal Research Foundation's annual Sir Ian Barker Award for Best Article for his article, 'The Third Source' of Authority for Government Action Revisited (2007) 123 LQR 225.

The award, which was announced at the LRF's AGM on 21 May 2008, recognises excellence in legal writing by a New Zealand based author. As Bruce was on sabbatical, his colleague Amokura Kawharu collected the award on his behalf.

The awards judges commented in relation to the article that it is an "outstanding paper upon an important area of constitutional law which well deserved its publication in the *Law Quarterly Review*".

Bruce spent March to September 2008 as a Visiting Fellow at Wolfson College, University of Cambridge, where he undertook research and writing in respect of the common law sources of authority for government action and the possible design of the office of head of state in any future New Zealand republic.

In September this year Peter Sankoff was named as the winner of a 2008 Assisi Award by the New Zealand Companion Animal Council in recognition of his work to advance the cause of animals in New Zealand. The New Zealand Companion Animal Council is a respected national umbrella organisation representing a diverse range of animal groups working on issues involving companion animals, including the Auckland SPCA and the New Zealand Veterinary Association.

Each year at its annual conference, the NZCAC formerly presents a small number of Assisi Awards in "recognition of outstanding service to animals" to individuals who have contributed to the welfare of animals, whether in New Zealand or on the International scene. The award, named in honour of St Francis of Assisi, the Patron Saint of Animals, is an acknowledgement by the Council of the achievements of those whose goals echo the principles of excellence in animal welfare. Past recipients include Peter Davies (Director General of WSPA International), Jill Robinson, MBE (Founder of Animals Asia) and Anne Batley-Burton (supporter of New Zealand animal welfare organisations).

Peter was unfortunately unable to attend the awards event, as he is currently on research leave in Europe, but it was announced that a special ceremony would be held to bestow the award in Auckland upon Peter's return to New Zealand in early 2009.

For more information on the Assisi awards, see <http://nzcac.org.nz/assisi-awards-2>

Humanities accolade for staff

Professor Mike Taggart from the Law School is one of seven University of Auckland staff to be made Fellows of the New Zealand Academy for the Humanities.

The others are Professor Maureen Baker (Sociology); University Distinguished Professor Brian Boyd (English); Associate Professor Manying Ip (Asian Studies); Professor Emeritus Mac Jackson (English); Professor Robert Nola (Philosophy) and Professor Raylene Ramsay (French).

The Fellowships, which were introduced in 2007 by the Humanities Council of New Zealand, are awarded for distinguished achievement in a research field associated with the humanities. The awards recognise academic achievement as demonstrated by a combination of peer esteem, outstanding publications and contributions to the well-being and development of the recipient's professional field.

Acting Vice-Chancellor Raewyn Dalziel says: "The University of Auckland has a well-earned reputation for research excellence in the humanities and these awards are testament to the dedication and expertise of our very talented staff. I congratulate the seven new Fellows on attaining this high honour.

Cartwright conference outstanding success

On 29 August 2008 the Faculty of Law hosted a conference at The Hyatt Regency in Auckland marking the twentieth anniversary of the release of the *Report of the Cervical Cancer Inquiry*. The conference was entitled, "Twenty years after the Cartwright report: What have we learned?" The Report is worth celebrating in its own right. But the twentieth anniversary also offered a good opportunity to reflect on this important episode in New Zealand medical and legal history, to take stock, and to consider where we are now and what has been learned.

"The Report proved to be a defining moment in the relationship between the health professions, particularly the medical profession in New Zealand, and the wider public and patients," says Associate-Professor Jo Manning, the conference organiser.

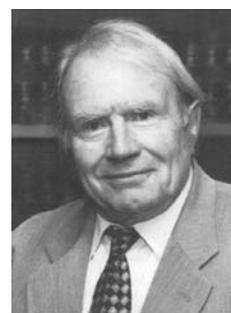
Key figures involved in the cervical cancer inquiry spoke at the conference. Dame Silvia Cartwright, and Sandra Coney and Phillida Bunkle, whose feature article with Phillida Bunkle in Metro magazine stimulated public concern and precipitated the Commission of Inquiry, shared their reflections and insights. The patient "Ruth," Clare Matheson, whose case was central to the Report, also spoke.

"There is strong continuing interest in the 'unfortunate experiment' at National Women's Hospital, and the inquiry and Report within the legal and medical professions, the research ethics community, and health policy groups, in particular, as well as among the public. It is also studied at universities throughout New Zealand," says Manning.

The conference considered regulatory and legal changes arising out of recommendations in the Report, and asked whether those changes have served their intended purpose of offering greater protection to patients, and whether further changes are needed. Speakers also examined more broadly the lessons of "the unfortunate experiment" and the Cartwright Report in an age where medical advances regularly create new ethical and legal dilemmas.

The day was an outstanding success with 225 delegates in all. There was also considerable media interest in the conference and keynote speakers were interviewed across all main media outlets.

Sensible Sinning



Bernard Brown, who says he still "professes law at the University of Auckland", has been unofficially voted New Zealand lawyers' favourite law lecturer. He has been close to the pulses of law reform, literature and politics in New Zealand since 1962.

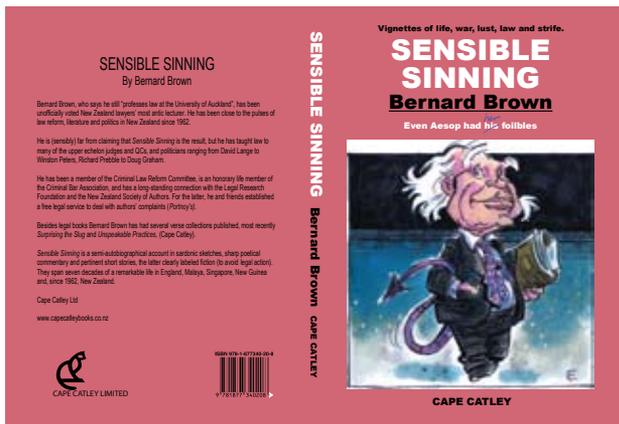
He is (sensibly) far from claiming that *Sensible Sinning* is the result, but he has taught law to the current Governor-General and the Chief Justice, many of the upper echelon judges and QCs, and politicians ranging from David Lange to Winston Peters, Richard Prebble to Doug Graham.

He has been a member of the Criminal Law Reform Committee, is an honorary life member of the Criminal Bar Association, and has a long-standing connection with the Legal Research Foundation and the New Zealand Society of Authors. For the latter, he and friends established a free legal service to deal with authors' complaints (Portnoy's).

Besides legal books Bernard Brown has had several verse collections published, most recently *Surprising the Slug* and *Unspeakable Practices*, published by Cape Catley.

Sensible Sinning is a semi-autobiographical account in sardonic sketches, sharp poetical commentary and pertinent short stories, the latter clearly labeled fiction (to avoid legal action). They span seven decades of a remarkable life in England, Malaya, Singapore, New Guinea and, since 1962, New Zealand.

Illustrations by Malcolm Evans, cartoonist Good Evans
 Paperback
 ISBN: 978-1-877340-20-8
 RRP: \$34.99
 In bookstores week beginning 3 November 2008



Prestigious scholarships to law graduates

Two graduates of The University of Auckland Law School, Lauren Lindsay and Paul Paterson, have won prestigious William Georgetti Scholarships for 2008.

These are awarded to encourage postgraduate study and research in a field important to the social, cultural and economic development of New Zealand. William Georgetti, who died in 1943 and the residue of whose estate funds the scholarships, wanted "the best brains available" to benefit from them.

Lauren Lindsay, who has a conjoint LLB(Hons)/BSc, received \$45,000 towards a year's postgraduate study at the European University Institute (EUI) in Florence, Italy. She is the first New Zealander and one of 11 students worldwide to be accepted into its LLM programme in Comparative, International and European Law.

The EUI is a postgraduate, research-focused university which encourages the use of multiple European languages across all its courses. Lauren's thesis will be in the area of biotechnology and the law. It will draw on European and international human rights jurisprudence and scholarship in order to assess different possibilities for legally regulating certain biotechnological advances in New Zealand.

In addition to the Georgetti, Lauren received one of two Gordon Watson Scholarships and a Spencer Mason Travelling Scholarship in Law.

Since graduating, Lauren has been practising as a barrister in Bankside Chambers, predominantly in international commercial arbitration and civil litigation. She has also been the junior barrister representative on the New Zealand Bar Association Council.

Paul Paterson, who has a conjoint BA/LLB (Hons), received \$6000 to pursue a Master of Laws at Harvard Law School for one year.

Harvard's LLM programme, which involves around 150 students from 60 countries, combines taught courses and seminars and sustained independent research. Paul plans to enrol in a variety of different classes, including courses in administrative, constitutional and company law.

In addition to the Georgetti Scholarship, Paul received one of three Frank Knox Memorial Fellowships awarded to New Zealanders attending Harvard which will cover his tuition fees, accommodation costs and health insurance, and a Spencer Mason Travelling Scholarship in Law.



Lauren Lindsay, Scott Optican and Paul Paterson

Since graduating he has been an associate at Gilbert Walker, a boutique litigation firm in Auckland, and a part-time tutor at the Faculty of Law.

The Georgetti Scholarships are managed by Public Trust and administered by the NZ Vice-Chancellors' Committee. The board which awards them comprises the Governor-General, the Prime Minister, the Chief Justice, two people of academic distinction and the President of Federated Farmers or their nominees.

Of the 12 scholarships awarded this year five went to University of Auckland graduates.

Obituaries

Sir Graham Davies Speight

The Faculty of Law notes with sadness the passing of Sir Graham Davies Speight, a former lecturer in Criminal Law (1950-1952 and 1954). Sir Graham was 86 when he died at Eastcliffe Hospital on 17 July 2008.

Sir Graham was Chancellor at The University of Auckland for six years from 1975 to 1980. The University conferred on him an honorary Doctor of Laws degree in 1983, its centenary year.

Sir Graham was the Crown Solicitor in Auckland 1959-66 and was appointed a High Court judge in 1966.

He was Chief Justice of the Cook Islands and president of the Court of Appeal, Fiji, 1982-88.

Born in Auckland, on 21 July 1921, Sir Graham was educated at Newmarket School, Auckland Grammar School and Auckland University where he gained a law degree in 1942.

He served in the New Zealand Army 1942-46, and married Elizabeth Muriel Booth in 1947. The couple had a son and a daughter.

His wife and son, and five grandchildren survive Sir Graham. The Faculty of Law expresses its sympathy to the family.

Norman Shieff by Brian Coote

It was with regret that members of the Law School learned of the death in April this year of Norman Shieff who at the age 87 years, had been one of the last surviving graduates to have studied at Auckland under Professor Julius Stone. Readers of *Eden Crescent* will recall that, in the 2000-2001 edition, he contributed a delightful account of his experiences as a law student, under the title "A Law Student in War Time". Much of that piece is being reproduced in the history of the Law School, 1883-2008, due to be published early in 2009.

After service overseas with the Royal New Zealand Navy, he returned to the Law School and, once graduated, took a job with Dr Martyn Finlay, who admitted him to partnership in 1946. The latter looked after litigation, while young Norman was the property and commercial lawyer, a role which he would pursue with conspicuous success for the rest of his career. Before long, Dr Finlay became absorbed in Labour Party affairs, as an MP, President of the Party, and finally as Attorney-General in the Labour Government under Norman

Kirk. It was apparently through Dr Finlay, with his Labour Party connections, that Norman Shieff was introduced to the Fletcher organisation, thus starting a professional relationship which lasted for more than 20 years.

Having in 1978, retired from the partnership (by then, and still, known as Shieff Angland), he stayed on as a consultant until only a few months before his death. A man of great charm and ability, he will be remembered with much affection.



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FOSTER, C.E., 'Security of Shipping Lanes through Asia: Preventing Attacks on Vessels: Conventional and Naval Diplomacy', *Trans-Tasman project on maritime security*, Wellington, 20-21 July, 2007

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