



# V. ALUM

Newsletter for Alumni and Friends of Victoria Law School

JULY 2004

## International Affair

Judge Tuiloma Neroni Slade (LLB '69), a member of the International Criminal Court based at the Hague in the Netherlands, gave a lecture about the work of the new Court during a visit to Wellington earlier this year.

Judge Slade spoke about the ICC and Interdependence to an audience of 200 people, which included the Governor General Dame Sylvia Cartwright and Mr Peter Cartwright, Justice Bruce Robertson, Mr George Barton QC (LLM '53, Hon LLD '87), and Mrs Betty Aikman, the wife of the late Colin Aikman (a constitutional adviser to the Samoan government).

High Chief Galumalemana Alfred Hunkin paid tribute to the Judge in his welcome, acknowledging his achievements on the international stage as the most distinguished Pacific jurist of our time.

Judge Slade studied law at Victoria in the late 1960s and then practised in Wellington.

He went on to serve as Parliamentary Counsel and Attorney-General of Samoa, Assistant Director of the Legal Division of the Commonwealth Secretariat in London, and then as Permanent Representative of Samoa to the United Nations, and concurrently as Ambassador to the United States and High Commissioner to Canada.

He was elected to the International Court for a three-year term following his leadership of the Samoan delegation to the United Nations during the development of the ICC (at which time he worked closely with another Vic alumnus, Professor Roger Clark LLB ('64, LLM

'67, LLD '97). During this time he was Vice-President of the UN Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court and Co-ordinator for the Preamble and Final Clauses of the draft Rome Statute (the establishing document for the Court).

Following the lecture, the School co-hosted a reception for the Judge with the Ministry of Pacific Island Affairs.

Fuimaono Les MacCarthy, CEO for the Ministry, and High Chief Tupuola Malifa



From left, Judge Slade, Amy Laban, Betty Aikman, Tony Haas, Luamanuvao Winnie Laban.

both gave tributes to Judge Slade, and gifts were presented on behalf of the Slade family, Pacific lawyers and Pacific law students of Wellington.

**STOP PRESS:** The Australasian Law Students Association (ALSA) Negotiation Competition has been won by Victoria's Sarah Lee and Felix Geiringer. Team mate Chelsea Payne was runner-up in the Witness Exam and Victoria did better than any other (Australian or New Zealand) Law School. NZ won three out of the four championships, ahead of 25 Australian schools. The NZ National Championships will be held at Victoria in August.

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For purposes of identification, the first time someone is mentioned we have included their Victoria law degree(s). Other degrees and degrees from other universities are not included.

## Lord Cooke Lecture 2004

Justice Michael Kirby of the Australian High Court will deliver this year's Lord Cooke of Thorndon Lecture at the School on 25 November. Justice Kirby was appointed to the Court in 1996, having previously been President of the New South Wales Court of Appeal for over 10 years. He is the youngest man to have been appointed to Federal judicial office in Australia and in 1997 *Bulletin* magazine included him amongst Australia's "ten most creative minds". He

has held numerous international posts, including membership of the Ethical, Legal and Social Issues Committee of the Human Genome Organisation based in London; the International Bioethics Committee of UNESCO, Paris; the International Advisory Group of Advocacy Training of the Inns of Court School of Law in London; and has been a Commissioner (alongside Lord Cooke, LL.M. '50, Hon LLD '89) and President of the International Commission of Jurists.

## New Neighbours

As of the beginning of July, the Judges of the Supreme Court have taken up (temporary) residence on the Government Building's third floor. Chief Justice Elias, Justice Gault (LLB '62, LL.M. '63), Justice Keith (LLB '61, LL.M. '64), Justice Blanchard, and Justice Tipping have chambers in the Law School building, while the Court, registry and public offices are located in the High Court building on Molesworth St.

Visiting Professors Paul McHugh (LLB Hons '80) and Jeremy Waldron are to take part in a forum on the Foreshore and Seabed in a joint initiative between the Centre for Public Law and the Business Round Table. A debate between Professors McHugh and Waldron and rightwing property lawyer Richard Epstein from the University of Chicago Law School is scheduled for 2 August at 12 midday in Rutherford House's LT2. Paul McHugh is at Victoria until early September; Jeremy Waldron until mid-August.

## Good Company

### **Cambridge's Dr Elis Ferran is the 2004 Chapman Tripp Visiting Fellow.**

The School is delighted to welcome Dr Ferran, a Reader in the Law Faculty at the University of Cambridge, as the Chapman Tripp Fellow for 2004. Dr Ferran will be in Wellington for six weeks, during which time she will teach LAWS 560, Comparative Solutions to the Law of Corporations (with Jack Hodder, LLB Hons '76, a partner at Chapman Tripp and Honorary Lecturer at the School), take part in a panel discussion on securities law (with Jane Diplock, head of the Law Securities Commission and Chair of the Executive Committee of IOSCO), and undertake a number of engagements with Chapman Tripp.

Dr Ferran, a former Director of the Centre for Corporate and Commercial Law, is a company law specialist, a field she chose when a law student at Cambridge, where she was taught by the "inspirational" Professor Len Sealy. She went on to do her articles at the then Coward Chance, but while practice was "great fun" it was not enough to deflect her from an academic career and she returned to Cambridge.

"During the first few years of my teaching career I completed a PhD (on mortgage securitisation) and established a new course on the Masters programme in Corporate Finance Law. Since its establishment this course has been one of the most popular LL.M. papers."

Corporate and securities law are both



technically challenging, says Dr Ferran, and have powerful implications for economic development and thence social welfare.

In the corporate law field, the UK is currently engaged in a programme of reforming and updating the fundamentals of its legal framework. Dr Ferran is involved in advising the Department of Trade and Industry on some of the issues arising in the context of the general company law review.

“The UK has fallen behind other leading Commonwealth countries (including New Zealand) in modernising its company law and it is settled policy that it needs now to catch up. However, the general reform process is moving disappointingly slowly. At the same time, however, some specific areas of law and regulation are evolving to respond to new situations such as the corporate collapses symbolised by Enron and the US overreaction to them in the Sarbanes-Oxley Act, which has overspill effects on other developed economies and changing perceptions of the social and environmental responsibilities of companies. So, depending on how you look at it, company law in the UK can appear to be rather static, with a reform programme that seems to have effectively stalled, or dynamic and responsive.”

Trying to make sense of all of this, she says, is currently one of her main research preoccupations.

“Post-Enron, EU company law has woken up after years of stagnation. This complicates the domestic position in the UK – should it press on with its own overhaul of out-of-date legislation or wait for developments in Europe first? This could be a key question in the next few years.”

Dr Ferran is something of an expert on EU company law (working – as she does, says Professor Campbell McLachlan (LLB Hons '84), at the cutting edge of securities law in Europe. She is currently completing a book entitled *Building an EU Securities Market* (Cambridge

University Press, 2004/5). This will examine recent initiatives by EU policy-makers to build a better legal framework and supervisory regime for the promotion of an integrated securities market in the EU.

“Studies suggest,” Dr Ferran says, “that an integrated financial market would yield significant economic benefits. However, it is hard to know for certain which laws will act as a catalyst for its development. Thus, the policy-makers are pursuing a risky strategy. The book looks critically at EU policy and law-making processes to see how successfully the risks of regulatory mistake are managed and controlled. It also examines substantive EU securities laws on issuer disclosure to see whether they are likely to enhance the attractiveness of the EU for issuers and investors, or whether they are likely to detract because they are too rigid, too standardised, or involve excessive compliance costs.”

These issues are also of general international significance – and of specific relevance to the debate regarding securities regulation in NZ and Australia. “When is it best for states to come together to exploit the opportunities presented by globalisation and to control its negative aspects, and when is it best for them to pursue their own individual approach? One aspect of this issue that the book addresses is regulatory harmonisation (as in the EU where laws are made by member states coming together and pooling sovereignty) v. regulatory competition (where states make their own laws but over time they all gravitate towards/ converge around the package of laws that seems to work best in the marketplace (the consumers in this context being issuers and investors).”

This is an issue that has engaged corporate and securities law scholars around the world, says Dr Ferran.

“Dr Ferran is one of the UK's leading academics in the field of commercial law so we are delighted that she is both able to contribute to our exciting Masters

programme for the year and to the wider policy debate in New Zealand. Her visit underlines Victoria's commitment to engagement in international debate on commercial law. Chapman Tripp's Visiting Fellowship has contributed so much in this field and we are very grateful for their ongoing support," says Campbell McLachlan, Deputy Dean.

**"Transnational Securities Regulation: Perspectives from Australasia and Europe", a panel discussion with Dr Eilis Ferran and Jane Diplock chaired by Professor Campbell McLachlan, will take place at the School's LT1 on Thursday 5 August at 5.30pm. All welcome, please RSVP to Kerry.McLeod@vuw.ac.nz**

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A Symposium on the International Sale of Goods Convention is to be held at the School on 18 February 2005. World authority Professor Peter Schlechtriem will be joined by Professor Ingeborg Schwenzer, Luke Nottage (Sydney), and Rajeev Sharma (Toronto) as main speakers.

For more information contact:  
Petra.Butler@vuw.ac.nz or  
Tony.Angelo@vuw.ac.nz. Professor Schlechtriem will also teach Restitution with Petra at the School in February/March.

## Parliament Conference

The New Zealand Centre for Public Law's second annual conference on the primary functions of government, which will focus on Parliament, will take place at Parliament's Legislative Chamber on 29-30 October 2004. During the two days of the conference, speakers from across the political and legal spectrum – including John Uhr, Lord Slynn of Hadley, Lord Cooke of Thorndon, the Hon Michael Cullen, Professor Jeffrey Goldsworthy,

Terence Arnold QC (LLB Hons '70), the Hon Tariana Turia, Professor Janet Hiebert, Janet McLean (LLB Hons '87), Claudia Geiringer (LLB Hons '96), and Grant Morris – will discuss the relevance, accountability, election, history, and functioning of New Zealand's representative governing body.

The draft programme can be downloaded from <http://lawschool.vuw.ac.nz> (click on the Centre for Public Law link).

## Student Successes

### Vis Victoria

Victoria students Ana Ilic and Nicholas Whittington reached the finals of the international Willem C. Vis Mooting Competition held in Vienna before Easter, coming second to Canada's Osgoode Hall Law School in what was described as a fantastic performance – one of the prestigious Competition's best finals.

The Vis Moot, a mock arbitration applying the United Nations Convention on Contracts for the International Sale of Goods, is the biggest mooted competition in the world and this year 136 teams (over 1000 people) took part.

In their progress to the final, the team from Victoria beat Harvard Law School, then Texas Law School in the quarter-



finals and Freiburg University in the semi-finals.

The team – Ana and Nicholas, with research support from Graeme Edgeler – was coached by Victoria lecturers Petra Butler (LLM '92) and Antony Shaw. They were assisted by Martin Smith (LLB Hons '03), who was one of Victoria's

*Left to right, Ana Ilic, Petra Butler, Martin Smith, Graeme Edgeler, and Nick Whittington.*



representative in the competition last year.

“We have some outstanding students who are not only brilliant mooters but also fantastic ambassadors for New Zealand,” says Petra. “I received some really positive feedback from the German coaches they visited, both Ana and Nick this year and Martin and Fionnghuala last year.

“Tony brought immense experience as a litigator to the team and he wasn’t shy of playing the ‘bad cop’, thereby challenging the students to their limits during practice. And part of our success, I think, is that Tony and I have perfected the symbiosis between common and civil law traditions.

“We also really value the judging of practice moots by our alumni – John Beaglehole (LLB Hons ’92), Peter Jenkin (LLB ’66, LLM ’67), Malcolm McKinnon (LLB Hons ’02) – and other practitioners like Lucy McGrath and Andrew Butler. It is great to see the links between the city and the School working.”

In addition, the Law Faculty’s Vis alumni Fionnghuala Cuncannon (LLB Hons ’04) and Daniel Kalderimis (LLB Hons ’00) coached the 2004 teams from Bucerius Law School (Hamburg) and Columbia Law School (New York) respectively. Both Schools received honourable mentions in various categories in the competition.

“Overall Victoria has achieved a great reputation in the international arbitration/international sale of goods world, thanks to its success in the Vis Moot,” says Petra.

### **Victoria Competitions 2004**

Back home, Vis competitors Nick Whittington and Ana Ilic demonstrated the skills that saw them do so well in the international world in the Bell Gully Mooting Competition, coming first and second respectively for 2004. Nick was presented with the Sir Richard Wild Memorial Cup by Justice John McGrath, (LLB ’68, LLM ’70, Hon LLD ’92) who judged the competition with VUW’s

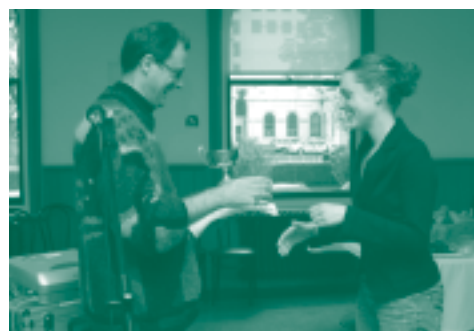
Antony Shaw and Jill Mallon of Bell Gully.

The Russell McVeagh Client Interview Competition for 2004 was won by Paul Zoubkov and Kate McClymont.

This year’s Bell Gully Negotiation Competition was won by Felix Geiringer and Sarah Lee, while LSS President Chelsea Payne was presented with a cup as the winner of the Minter Ellison Action Advocate (or Witness Examination) Competition.



*Nick Whittington and Judge John McGrath.*



*Chelsea Payne receives the Minter Ellison Action Advocate Cup from Dean Matthew Palmer.*

### **International Win OnLine**

Two teams from the Law School have been successful in an international competition organised by the University of Massachusetts’ Centre for Information Technology and Dispute Resolution.

The International Competition in OnLine Dispute Resolution (ICODR), which was run as part of cyber-week at UMass, virtually brought together competitors from 21 countries around the world to test their skills in arbitration, negotiation and mediation.

Elizabeth Wiessing and Sue-Anne Lee, coached by Ian Macduff, were judged

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most effective mediators in Round 1 (the competition was divided into two segments, Round 1 and Round 2) of the Mediation Competition, ahead of law students from UC Hastings School of Law, the University of Paris, the University of Toledo, the National University of Singapore, and Queen Mary University of London.

Sarah Arnold, also coached by Ian Macduff, was judged second most effective arbitral tribunal in the Arbitration Competition (which was won by New York's Cardozo Law School).

In the Mediation competition, Elizabeth and Sue-Anne worked on a dispute between a building owner and an architect. The building owner was threatening to sue the architect over design faults that caused a flood in the building and construction problems in the bathrooms. When the contractor was declared

bankrupt, the property owner threatened to sue the architect to recover his costs.

"The most important thing was that both parties wanted to protect each other's reputations," said Elizabeth. "It is important in mediation to be able to spot key issues and to sense the mood of the different parties. If one is not happy with something you have to go back and fix it up before you can move on.

"Working on line was a challenge because unlike a face to face meeting you can't always judge the nuances of the situation."

In the end, the architect was engaged to fix up the problems. He agreed to find another contractor to do the work and to bear its cost.

"There were a lot of fraught points, but I think both parties realised that mediation would save them a lot of time, effort and money."

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## Current Research Initiatives at Vic

### *Fishy Business*

Law of the sea, says Joanna Mossop (LLB Hons '98), is an area of particular interest for those within government but one in which relatively few New Zealand academics are working. "A number of people have expressed interest in receiving more academic input into law of the sea issues. As a result, the Centre for Public Law and the Australia New Zealand Society for International Law (ANZSIL) will be hosting a one-day symposium at Victoria in September focusing on Future Directions in the Law of the Sea."

The symposium will bring together academics from New Zealand and Australia to present current research and identify issues that will be important in the future. It will also provide an opportunity for those on the government side to talk to academics and "to create a common vision so that we are in a position to feed into the policy process and respond to current issues in a better way," says Joanna.

Topics include Maritime Security in

the Asia Pacific Region, Developing a Pacific Region Oceans Policy, and the Intersections between Law of the Sea and other International Regimes.

Joanna will present her own work in a paper on Rethinking Compliance in International Fisheries Law, applying principles that have been developed in international environmental law with respect to encouraging states to comply with international obligations. "My feeling is that in fisheries there's been a lot of attention paid to the enforcement aspects of international law. This is important, but we risk losing sight of the need to develop capacity to encourage states to comply. For example, a developing country has an obligation to conserve resources in its economic zone but if it doesn't have the capacity to do so, trying to enforce penalties against it is useless. We need to focus more on developing capacity for compliance as a formal part of the legal structure.

"The Symposium is an opportunity for discussion amongst those working in different aspects of law of the sea. The



papers will highlight where things are and provide a chance to set an agenda for the future.”

For more information, email [Joanna.Mossop@vuw.ac.nz](mailto:Joanna.Mossop@vuw.ac.nz)

### ***International Trade***

Associate Professor Gordon Anderson and Senior Lecturers Susy Frankel (LLB Hons '88) and Geoff McLay (LLB Hons '92) are engaged in a research project that examines two separate but strongly related studies that impact on New Zealand's international trading competitiveness.

In the first project on intellectual property regimes, Susy Frankel and Geoff McLay focus on whether the domestic legal regime, as shaped by international agreements, provides the optimal environment to encourage the development and protection of intellectual property for a small capital-importing economy such as New Zealand's.

In the second, looking at geographic indications and market access, Gordon Anderson is concerned with how potential developments within the WTO system may affect market access and global competitiveness for New Zealand primary-based products. These include the push by some countries to further restrict the range of geographic indications that can be used in international trade (terms such as 'Parma ham' 'champagne' and the like) as well as techniques such as labelling requirements, all of which can have significant impacts in export markets.

The overall objective of both projects is to increase understanding of legal aspects of the global economy to provide information that boosts the ability of firms to compete internationally.

“New Zealand's intellectual property laws,” says Susy, “are either driven by or justified by reference to international obligations. As the recent Australia-US FTA illustrates, a key part of any trade agreement involves intellectual property concerns. This research project is

intended to analyse what exceptions to the prescribed treaty and convention protections may be made in New Zealand's economic, cultural or political interests without breaching its international obligations.”

“It is hoped the research will provide the basis for a debate on the development of an appropriate intellectual property regime for New Zealand,” adds Geoff. “This will take into account domestic concerns – including honouring the principles of the Treaty of Waitangi – as well as whether the current regime is optimal for New Zealand's economy and businesses, which differ in size and in type from those of large developed countries that have promoted the leading international conventions.

“The project will consider the implications of particular IP legal regimes for exporters and the potential for IP regimes to operate as a non-tariff barrier.”

Gordon Anderson's project is intended to increase awareness and understanding of the potential impact of new regimes on geographical indications for policy makers and businesses, and in particular their potential to facilitate or impede market access for New Zealand exporters. All exports face a range of barriers in export markets and this is particularly true for primary products, and especially core agricultural products. Exporters of these products must compete in highly protected markets and compete internationally against subsidised exports. Access problems can be compounded if non-tariff barriers are employed to restrict export opportunities either by limiting access or by increasing costs. The overall object of the research is to study the way in which one particular set of agreements and related governmental measures may impact on a relatively small economy that is particularly focused on primary exports.

“One particular problem of increasing importance is the naming and labelling of products,” says Gordon. “For example

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the European Union is increasingly imposing restrictions through the use of protected designations for origin, geographical indicators and speciality production. Disputes over protected indicators have already had, and continue to have, significant effects for wine producers and for some classes of dairy products such as cheeses. Such restrictions require exporters to develop new brand awareness and identification for their products. “In this respect the project has some overlap with the project on intellectual property, because protected designations are similar to trade marks. Protected designations are likely to have a particular impact on agricultural products although aspects potentially affect all New Zealand exporters, in some cases positively in protecting a ‘New Zealand’ image but in most cases negatively as attempts are made to limit the use of what have become generic product descriptors (eg ‘cheddar’ cheese).”

For further information email:

Susy.Frankel@vuw.ac.nz

Geoff.McLay@vuw.ac.nz

Gordon.Anderson@vuw.ac.nz

## Law and Literature

Lecturer Grant Morris has recently returned from a conference in Perth, where he presented a paper on the portrayal of the law in two works of New Zealand fiction, *Season of the Jew* by Maurice Shadbolt and Mervyn Thompson’s play, *Songs to the Judges*.

In a local offshoot of the international jurisprudential movement on Law and Literature, Morris is currently researching how the law is portrayed within New Zealand fiction.

“The objective is to develop a New Zealand-specific database of source material, which will be the foundation for the preparation of future academic publications within the general field of Law and Literature.

“The Law and Literature movement is

one of the most fascinating areas of jurisprudence to emerge over the past few decades, which has achieved a high profile in the United States but to date has had only a limited influence in New Zealand.”

Think *Bleak House*, Kafka’s *The Trial*, *To Kill a Mockingbird* – not, Morris laughs, John Grisham.

“The movement is usually divided into two distinct areas. First ‘Law in Literature’, which examines the use of legal subjects and concepts in key works of fictional literature. Second, *Law as Literature*, which considers the way legal language is used in sources of law such as cases and statutes.

“The proposed database relates to the first of these areas: Law in Literature. A major reason for the movement’s limited development here is the lack of a structured database of relevant New Zealand texts. The development of such a database is timely as New Zealand fiction is currently flourishing and has been achieving impressive international recognition. Several leading authors have used the ‘law’ in seminal works and there is considerable scope for a ‘Law in Literature’ movement to develop in New Zealand.”

The most famous proponent of ‘Law and Literature’ is American Richard Posner, whose 1988 text *Law and Literature: A Misunderstood Relation* undertook to examine the strong connections between the two. “The movement is about how law is used and viewed in an area beyond the profession,” says Grant Morris. “It provides insights into how society sees law, and develops skills around the critical analysis of text and the way in which language is used.

“The proposed database will be the foundation from which New Zealand focussed studies and academic publications can be developed, both by myself and in collaboration with other scholars.”

For further information email:

Grant.Morris@vuw.ac.nz.





The Faculty of Law seeks applications from suitably qualified graduates to undertake PhD research in the field of public law or public legal policy (broadly defined).

Applications are welcome from applicants with an interest in areas including constitutional law, the law relating to the Treaty of Waitangi, administrative or public international law including international trade law or similar fields.

Applications in the general area of the intersection between law and public policy in the sense of the policy-related context of both public and private law (for example, public policy aspects of international law impacting on New Zealand, or the law of business associations, or family law) are also welcome.

Applicants must possess at least a high quality first degree and preferably a Masters or equivalent qualification. It should be noted that the V-C's strategic scholarships are competitive and a scholarship in law will not necessarily be awarded.

**The deadline for applications is  
16 August 2004**

Academic enquiries contact:  
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Faculty of Law

Email: [Gordon.Anderson@vuw.ac.nz](mailto:Gordon.Anderson@vuw.ac.nz)

For application details contact  
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Email: [Scholarships-office@vuw.ac.nz](mailto:Scholarships-office@vuw.ac.nz)

[www.vuw.ac.nz](http://www.vuw.ac.nz)

## Expanding EU

In a public lecture at the Alliance Française de Wellington on 27 May, Senior Lecturer Alberto Costi spoke to a very receptive audience about the impact of the latest accession process on the European Union and its institutions, reassessing the role and influence of current member states on EU policies and addressing the economic and political effects of an expanded EU on relations with third countries, notably New Zealand and the United States.

The most recent EU enlargement strategy is significant. "From the Baltic to the Mediterranean," says Alberto, "eight Eastern European countries and two Mediterranean countries augment the population of the EU by about one-fifth to 450 million; its official languages from 11 to 20; its territory to 3.9 million square kilometres – roughly half the size of Australia. For the first time, the EU will have an external border with Belarus, Ukraine, the Russian enclave of Kaliningrad, Romania, Serbia, Montenegro and Croatia."

A bilingual version of this public lecture will soon be available as an occasional paper published by the NZ Association for Comparative Law.

Alberto addressed similar themes at an International Law Association (NZ Branch) seminar held at the Law School on 17 June, along with Professor Martin Holland, Jean Monnet Chair of European Integration at the University of Canterbury and Director of the National Centre for Research on Europe.

Alberto offered an overview of the legal developments and waves of enlargement that have taken place in the past 50 years, addressing in detail the legal, political, economic, and social consequences of the most recent accession wave. He concluded that while the enlargement strategy contributes significantly to the promotion of peace, stability and prosperity in Europe, the reunification of the European continent also represents a new challenge. The expanded EU "may take several years the changes".

## Staff News

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Senior Lecturer **Petra Butler** has received the Holgate Fellowship for Michaelmas Term 2004 at Durham University.

Professor **Tony Angelo** (LLB '65, LLM '66) has been awarded the John Dunmore Medal in recognition of his professional commitment to the development of constitutional law in Pacific countries, particularly of the



*Emeritus Professor John Dunmore of Massey University makes the presentation to Professor Tony Angelo.*

French-speaking regions.

The medal, which was presented at a function at the Alliance Francaise, is awarded annually to someone who has contributed to the knowledge or understanding of the part played by the French people or the French language in the development of the Pacific, on the joint recommendation of the French Embassy in Wellington, the Alliance Francaise in New Zealand, and the Professor of French at Massey University.

Professor **John Prebble** ran a course on Jurisprudential Perspectives of Income Tax Law in Auckland recently, attracting not only Master of Taxation Studies students but also a number of academics: two associate professors

from the University of Sydney's Economics Faculty and a senior lecturer from the Law Faculty; and three lecturers from Auckland University. Professor Prebble also recently became the first lawyer to be awarded the Henry Lang Fellowship by the Institute of Policy Studies.

**Steven Price** (LLB Hons '92) is now the School's Fellow in Law and Journalism. He is teaching Media Law at 300 level and Honours/Masters level, and in the first year programme.

Two new assistant lecturers have joined the Faculty: **Mark Bennett**, who recently completed an LLB (Hons) and a BA in Classical Studies and Sociology; and **Suzanne Lemmon**, the Quentin Baxter Scholarship holder for Achievement in Law for Maori Students, who has just finished her LLB. Suzanne has previously spent eight years in primary school teaching and been a School Adviser at the Wellington College of Education.

**Sandra Petersson**, who has been on leave without pay at the Alberta Law Reform Commission in Canada for the past two years, has resigned from the Faculty.

**Catherine Iorns-Magallanes** (LLB Hons '89) has received funding from the NZ Law Foundation to research and analyse the use of parliamentary history in NZ Court of Appeal decisions since 1986. The project will analyse which cases have considered the parliamentary history of an enactment when resolving an issue of statutory interpretation; results should be available mid-2005.

## Super Students

### Sporting Star

Law student Beth Jurgeleit has put her degree on hold for a year while she applies herself fulltime to training of another kind. In May Beth's decision to take the year off was rewarded with the news that she had been selected for the NZ Women's Hockey team to compete at the Athens Olympics.



Photo courtesy of the DominionPost

Goalkeeper for the Wellington team, Beth has previously represented NZ as a Black Stick in the tri series in Japan last year, against Argentina and India. Making the 16-member squad has been the realization of a long-held dream.

She will be no. 2 goalkeeper behind experienced Aucklander and third-time Olympian Helen Clarke.

The team played a four-team tournament in Darwin, Australia, in June (a good opportunity to get used to the heat they're expecting in Greece, Beth says) and heads to Europe this month. The Games begin in Athens on August 13.

Law will be back on the agenda for Beth later this year; she'll be back at her books for the third trimester.

### International Rescue

Boutros Nam is one student of international relations with more than theoretical experience. Boutros, who has just finished his LLM, came to New Zealand as a refugee from the civil war in the Sudan. A law graduate from the University of Cairo in Khartoum, he obtained his advocacy licence in 1993 and spent a year working before the country became "broken down by civil war" and he fled south to Kakuma Camp, near the border between Kenya and the Sudan. Boutros spent three years in the Camp before being accepted as a refugee by New Zealand in 2000. He has now completed a Masters in International Relations and a Masters in Law at Victoria and become a NZ citizen.

As part of his LLM, Boutros has completed a study of the efficacy of international law with regard to international relations. He looked at Iraq, Afghanistan, Uganda and the Congo, analysing the international problems in those regions and the failure of the international community to find any concrete solutions. In the Sudan today, he says, there are still a lot of human rights violations by the Government and a complete lack of democratic principles. "The people are not free. People are still dying every day. I would like to see the world community put pressure on the Government there. It is frustrating because Sudan doesn't get much attention from the media or the international community generally."

Boutros, who has worked for the Save the Children Foundation and the Hutt Valley Benefit Service Trust while studying, is now keen to find a full-time job and offer something back to New Zealand. Aware of the difficulties in his home country, he will continue to try to gain greater understanding and help for those left behind in the Sudan.

### Making A Difference

In breaks from the ALSA Client Interview competition this month, Paul

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Zoubkov was nipping down the road to the International Youth Parliament. Being chosen as one of NZ's representatives to the Parliament **and** winning Vic's Russell McVeagh Client Interview Competition (with Kate McClymont) meant Zoubkov headed to Sydney with a dual focus. "Which is better," he says, "than having to choose between events..."

Doing several things at once isn't anything new for Paul. Currently completing his fourth year law studies, he also does community development and social justice work. For the past three years Paul has been involved (as a project manager, chairperson and trustee) with the establishment of Evolve, Wellington's first integrated youth service. Evolve is set to provide free peer support, healthcare, social services, youth development programmes, referrals and information – and is the culmination of a long campaign by youth workers in the city.

"This service is a result of much hard work by the service providers, youth workers and local iwi, but most importantly by young people themselves. My role as a project manager was to carry out a needs analysis, negotiate funding

and set up a legal entity," says Paul.

A youth-owned and youth-led project, Evolve is funded by the Ministry of Health, TPK and the Wellington City Council – and Paul is not the only law student involved. Lisa Woods, Camilla Belich, Miranda Gray, and Kiritapu Allan have all contributed to this project and many other community initiatives.

"All," says Paul, "have contributed to local and national policy and planning, and have affected social change both at grass roots and national levels." And why such a large number of students involved? "Well, contrary to some opinions, most go into law wanting to make a difference!"

Paul is now involved with the Global Education Centre (GEC), coordinating a project to voice young people's opinions on global issues through the print media. Finishing his degree later this year, he's already had ample opportunity to put what he is learning into practice: "Taking a class with Gordon Anderson on the new Employment Relations Act made it much easier to put our service employees' contracts together. Likewise Alberto Costi's and Joanna Mossop's lectures on international environmental law go straight into some of my workshops for GEC."

## Spreading the Word

The Law School recently hosted the first Asia Pacific workshop run by NYU/University College London initiative PiCT (Project on International Courts and Tribunals, established to raise awareness of the proliferation of international courts and tribunals). Forty lawyers from around the region took part in a programme that focused on options for the resolution of disputes at international law level.

"Thanks to the efforts of UNITAR (the UN training organisation)", says Professor Campbell McLachlan, "we were able to bring together a unique group of committed lawyers from around the region, including judges of the Timor Special Crimes Court, experienced public lawyers, and lawyers working for NGOs and other public interest groups. The exchange of experiences was fascinating."

Speakers included Dr Cesare Romano from NYU, Judge Park from Korea, and UNSW's Graham Greenleaf; along with local experts on international law Sir Kenneth Keith, Bill Mansfield (LLB '67, LLM '69), Sir Geoffrey Palmer (LLB '66, Hon LLD '02), Campbell McLachlan, Andrew Ladley, Gordon Anderson, Alberto Costi, Claire Charters, Petra Butler, Todd Cleaver, Penelope Ridings, and Gordon Hook.

The seminar, which was opened with a keynote speech by the Attorney General, the Hon Margaret Wilson, and included a Government House reception hosted by the Chief Justice Dame Sian Elias, was sponsored by the US Institute for Peace, SIDA, the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, VUW, and MFAT.



## Recent Publications

Gordon Anderson: "The Actors of Collective Bargaining: New Zealand" (2004) 51 *Bulletin of Comparative Labour Relations* 193-205.

Tony Angelo and Tioni Vulu: "Decolonization by Missionaries of Government/The Tokelau Case" in Sabine Fenton (ed) *For Better or For Worse, Translation as a Tool for Change* (St Jerome Publishing, 2004).

Bill Atkin: "Social Security Law – New Zealand" in R Blanpain (general ed) *International Encyclopaedia of Laws* (Kluwer Law International, The Hague, 2004); "The Care of Children Bill" [2004] *NZLJ* 44; review of Dawson and Peart's (eds) *The Law of Research A Guide* (2004) in 10 *Otago Law Review*; "Case note: Negligent adoptions?" (2004) 4 *Butterworths Family Law Journal*; "Law Commentary" (2004) 5 *NZ Bioethics Journal* 8.

Richard Boast and Andrew Erueti: *Maori Land Law* (2nd ed, Lexis Nexis 2004)

Caroline Morris: "On becoming (and remaining) a Member of Parliament" (2004) *Public Law* 11; "Improving our democracy or a fraud on the community? A closer look at New Zealand's Citizens Initiated Referenda Act 1993" (2004) 25 (2) *Statute Law Review* 116; "Developments in Foetal Status Law" [2004] *March NZLJ* 82.

Grant Morris: "James Prendergast and the Treaty of Waitangi: Judicial Attitudes to the Treaty during the latter half of the Nineteenth Century", (2004) 35 (1) *VUW Law Review*.

David McLaughlan: "Contract Interpretation: A Return to Judicial Conservatism?" (2004) 10 *New Zealand Business Law Quarterly*.

Matthew Palmer and Geoffrey Palmer: *Bridled Power: NZ's Constitution and Government* (4th ed, Oxford University Press 2004).

## Alumni News

**Don Paterson** (LLB '58, LLM '61) is an Emeritus Professor of Law at the University of the South Pacific in Vanuatu, where he has been based since 1979. Don became Professor of Law and Director of the Pacific Law Unit in 1985; then in the mid 90s the University established a School of Law to provide courses at degree level (with advice from, amongst others, Professor Tony Angelo). Don retired several years ago and was appointed Emeritus Professor. He is now secretary of the constitutional review committee of Vanuatu and has also been involved in a number of consultative projects relating to customary law and customary land.

**Judge Peter Boshier** (LLB Hons '75) has taken over as Principal Family Court Judge from **Judge Patrick Mahony** (LLB '68). Judge Mahony was made a Distinguished Companion of the New Zealand Order of Merit in the New Year Honours list, for services to the Family Court.

Also made a Distinguished Companion of the New Zealand Order of Merit in the New Year Honours list was **Deirdre Milne** (LLB Hons '77), for services to women and the community.

**The Hon Justice Neazor** (LLB '58, LLM '67), who retired from the High Court in early June, has been appointed as the Inspector-General of Intelligence and Security.

**Dean Knight** (LLB Hons '98) is back in Auckland working for Phillips Fox, having completed his LLM at the University of British Columbia in Vancouver as part of a Commonwealth Scholarship and Fellowship. His thesis topic was Estoppel in Public Law: the substantive protection of legitimate expectations.

**Yvonne Chan** (LLB Hons '82) is a partner in the Corporate Department of Paul Weiss Rifkind Wharton & Garrison LLP, a New York law firm. Previously she has worked for Paul Weiss in Beijing and Hong Kong. Yvonne concentrates on

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international joint ventures and mergers and acquisitions, as well as investment fund formation.

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**Marie Bismark** (nee van Wyk) (LLB 01) has been awarded a Harkness Fellowship in Health Care Policy for 2004/2005. Marie is also a registered doctor, and has been working part-time as a legal advisor to the Health and Disability Commissioner since graduating from Victoria University three years ago. Marie's research will explore the relations between medical injury in New Zealand public hospitals, complaints to the Health and Disability Commissioner, and medical misadventure compensation claims. She will spend two months collecting data in New Zealand before taking up her Fellowship at the Harvard School of Public Health in September, where she will work with experts in the area of medical malpractice reform. Marie will be accompanied to the United States by her husband, Matthew Bismark, and their three young children.

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**Meredith Cook** (LLB '97), who has been working as a Research Fellow for the Constitution Unit in London, has a new role at the BBC as Senior Freedom of Information Adviser.

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**Louise Taylor** (LLB Hons '97), who has recently returned to New Zealand after spending four years in London, has joined Buddle Findlay's corporate services team in Auckland as a senior solicitor. She was previously Legal and Business Affairs Manager for the BBC Radio Networks and BBC New Media in London.

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**Katherine Anderson** (LLB Hons '95), a litigator specialising in general commercial, corporate and public law disputes, has been made a principal at Chapman Tripp. Katherine practises in the Auckland office.

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**Derek Parker** (LLB '82) has returned to Chapman Tripp in Auckland as a partner in the banking and finance team.

He has spent the past three years working in the Hong Kong office of Clifford Chance.

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**Justice Durie** (LLB '66, Hon LLD '90) has been appointed to the Law Commission, as has former Professor of Law (1993-2000) **Warren Young**.

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**Aaron Lloyd** (LLB '98) has joined NZLS as a legal officer with the Legal Affairs Department. His main role will be as secretary for the Criminal Law, Legal Services and Youth Justice committees.

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High Court judge **Robert Fisher** (LLB '65, LLM '66, LLD '84) has stepped down after 14 years on the bench, to set up a private practice offering arbitration and mediation services.

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**Paul Gillard** (LLB '78) is part of the senior executive management team at Tenon Ltd (formerly Fletcher Challenge Forests) as Director of Corporate & Legal Services. He has previously held senior legal positions with EDS and Telecom New Zealand, after leaving private practice in 1989. He was a Junior Lecturer with the Victoria University Law Faculty in 1978.

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Elected as District Law Society Presidents recently were **Warren Pyke** (LLB Hons '90, LLM '93) in Waikato/Bay of Plenty, **Rob Goldsbury** (LLB '79) in Wanganui and **Pam Davidson** (LLM '95) in Wellington; while **Stuart Webster** (LLB Hons '85) was re-elected in the Hawke's Bay.

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Based in New Plymouth, **Pamela Jensen** (LLB Hons '99) has gone into practice on her own account as Jensen Law. She will specialise in litigation.

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**Jim Castiglione** (LLB '98) has joined Anderson Lloyd Caudwell in Queenstown as a partner.

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Retired District Court Judge **John Gatley** (LLB '68) has been appointed the sole member of the Student Allowance Appeal Authority.




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**Sacha Green** (LLB Hons '00) was the 2003 winner of the prestigious Cleary Memorial Prize (awarded to the person judged as giving the most promise of service to and through the profession), awarded by the NZLS President.

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Kerikeri based **Allan McLeod** (LLB '64) has retired as a partner but continues as a consultant at McLeod & Partners.

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**Ben Langdon** (LLB '96) is a corporate lawyer (and Managing Associate) at Linklaters in London, where he's been based for the past four years.

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**Birgit Whelan** (LLB '03) is currently based in Oxford, where she has established a small business (Well-Being Health and Fitness) and is looking to start legal work. After leaving Victoria in 2002, Birgit took up a place studying theology for a year at Oxford's Wycliffe Hall.

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Successful Wellington business Surfaceworks is owned by two businessmen who, they told the *DominionPost*, met while studying law at Victoria in the early 1990s. Don't expect to trip up **Andy Robertshawe** (LLB Hons '93) or **Graham Tennent** (LLB '93) on contractual matters should your building need a waterproofing application or exterior plastering system; Graham went into the painting game straight after graduation, and Andy worked at Chapman Tripp and as a commercial lawyer in London before throwing in the law for the commercial painting and plastering world.

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**Lu Lu** (LLM '03), who came to Victoria from the People's Republic of China, is now working in the Corporate Services Department of the Shanghai JoinWay Law Firm.

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**Alicia Sutton** (LLB '04) is working as the Television Contracts Coordinator at NZ On Air, negotiating and preparing funding and production contracts and monitoring compliance. Alicia, who also

completed a BA in Theatre, uses both her degrees, she says, in the course of her work.

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**Melanie Smith** (LLB Hons '99) left Chen Palmer & Partners (where she was an associate) in July 2001 to take up a Fulbright Scholarship at the University of Michigan. After graduating with an LL.M., she spent three months as an intern at the United Nations, working with Professor Bruno Simma, now a judge of the ICJ, at the International Law Commission. In late 2002 Melanie moved to London, where she joined the UK civil service as a solicitor. She is currently working as a legal adviser for the Treasury Solicitor's department.

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After completing the AUT diploma in journalism, **Coran Lill** (LLB '99) joined the *National Business Review* in Auckland where he is focussing on general news, property, law, and technology. He previously practised at Buddle Findlay and Cullen & Co.

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**Julie Ballance** (LLB '91), a partner at Baldwin Shelston Waters, has been elected President of the New Zealand Institute of Patent Attorneys.

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**Hamish Finlay** (LLB Hons '99) has been posted to Russia with the Ministry of Foreign Affairs and Trade.

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**Rae Mazengarb** (LLB '78) is now the Director of Regulatory Services for the NZ Law Society, a new position established to meet the needs of implementing the new regulatory regime proposed by the Lawyers & Conveyancers Bill. Rae has been working on reform issues since mid-2001: she worked initially on representative issues but switched to the regulatory area early last year when she was appointed interim Director of Standards by the NZLS. If/when the Bill passes her role will be to implement the new regime, which among other things will provide for a restructured NZLS and a new national complaints system.

# V. ALUM

Commercial and banking specialist **Jason Boyes** (LLB Hons '98) and public law specialist Tim Power (LLM '97) have been made partners at Buddle Findlay. Rachael Johnson (LLB '01) has joined the firm's Auckland office as a solicitor in the financial services team.

**Andrew Townend** (LLB Hons '03) is continuing as a researcher for Professor Tony Angelo and is also working part-time on Pacific constitutional issues in the legal division of the Ministry for Foreign Affairs and Trade. Andrew is also Student Editor of the *New Zealand Journal of Public and International Law*.

**Claire Tomkins** (LLB '00) is currently completing her patent exams and working in the litigation team at AJ Park's Auckland office, where she has been based for the past 18 months. Prior to this, Clare completed an LLM (in International and European Law) in Paris. The first Australasian student ever on the campus of Paris X-Nanterre, she is, luckily, fluent in French – but the combination of oral assessment, internal assessment and exams all in a second

language was still a real challenge, she says.

**Charlotte Hatlauf-Coles** (LLB '04) is moving to Auckland, where she will be working in the commercial litigation department of Brookfields.

**Chris McKelvey** (LLB Hons '72, LLM '74) combines his role as the principal of McKelvey Mathew Lawyers in Brisbane with a fractional appointment as a Senior Lecturer at the University of Queensland Law School. He is also a member of the Commonwealth Social Security Appeals Tribunal and continues, he says, to lose too much money backing the All Blacks against Australia. (Hopefully things are on the up on that front, Chris.)

**Dr Lin Feng** (LLM '92) is now an associate professor at City University, Hong Kong.

**Simon McArley** (LLB Hons '85) has tossed in a corporate career in favour of something more flavoursome. Based in Auckland, Simon is now combining practice on his own behalf with training to be a chef.

The VUW Alumni Association has presented fourth-year student Sophie Stace with a \$1000 travel award. Sophie will use the award to help fund a semester at the University of Groningen in the Netherlands, where she will complete her degree. Sophie plans to take courses in EU Law and External Relations, as well as International Law and “hopefully a paper in Comparative Dutch Law, so I can learn a little about how the legal system there works.” After finishing her degree, Sophie (who has also completed a BA in Political Science and Spanish) is keen to work in the International Law field

## **Sir Peter Quilliam (LLB '43) 1920 - 2004**

The late Sir Peter Quilliam's commitment to legal practice, said Hank Schouten of the *DominionPost*, was in his blood. He was the third generation of a family of lawyers and his two sons have also gone on to practise at the bar. Sir Peter was elevated to the bench, after a career as a barrister and crown prosecutor in New Plymouth, and served as a Supreme Court and then High Court judge from 1969-1988. He became a judge of the Cook Island High Court and Court of Appeal and of the Fijian Court of Appeal, and was the first head of the Police Complaints Authority. He was made a Knight Bachelor in 1987.