



Auckland Women
Lawyers' Association Inc.

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This issue's editor:
Sarah Armstrong

NEWSLETTER

MAY 2006

From the Vice President...

Well, it is that time of year when we start to wonder what happened to the last five months and surely it can't be almost June!!!! It has certainly been a busy few months for the executive.

Towards the end of March we were kindly hosted by Buddle Findlay at a function at which Judy MacGregor, the EEO commissioner, spoke. While most of us are aware that women are not equally represented within the legal fraternity, Judy provided us with the results of a recent survey (which we were lucky to be privy to before the data was made public) which doubly highlighted the inequalities. It would be interesting to obtain some qualitative data as to the reasons why there are such blatant differences between such things as the number of male and female partners in the major firms, the number of women represented in the judiciary and more generally the difference in the number of male and female practitioners. Although I think most of us could give a good guess at the reasons why!

I am sure that many of you have been looking forward to this newsletter to get the latest fashion up-date from Sophie Anderson, our very own "What not to wear" expert. Some of

you may have seen Sophie nominated as a finalist in The Lawyer's most fashionable lawyer competition. Look out for Sophie's recommendations on the most appropriate, yet highly fashionable boots for the office as we start to leave Autumn behind!

Winter coughs, colds and bugs have been flying around my office and I am sure that they are getting into your airconditioning system as well, so make sure that you keep up with the vitamins, healthy eating and exercise (where you can fit it in!!) and don't forget the lessons regarding work/life/balance we learnt at the corporate wellness seminar AWLA put on last year.

Looking forward there are some exciting functions coming up to keep us busy over the winter months. Some of the functions to watch out for include a quiz night, careers evening and in particular, our annual mid winter dinner, which is scheduled for Thursday 29 June. Further details will be coming out soon, but we are delighted to let you know that we have secured Judge Dale Clarkson as a speaker. We look forward to seeing you all there.

Tammy McLeod
Vice President

UPCOMING EVENTS

•
Careers Evening at Auckland University

Wednesday, 7 June 2006

•
Mid-Winter Christmas Dinner

Thursday, 29 June 2006

**Block out
this date...**

**Mid-Winter
Christmas Dinner**

Thursday, 29 June 2006
Romfords, Tamaki Drive

Guest of Honour:
Judge Dale Clarkson

Members: \$55
Non-members \$75

Tickets on sale
from AWLA

Making Oral Submissions on the Employment Relations (Flexible Working Hours) Amendment Bill 2005

By Ronelle Barnes, Solicitor and Maria Dew, Barrister

Prior to the closing date on 13 July 2005, the Transport and Industrial Relations Committee received a total of 102 submissions from organisations and individuals on the Employment Relations (Flexible Working Hours) Amendment Bill. In March 2006 the select committee heard 34 submissions orally in Auckland and Wellington, including submissions on behalf of AWLA.

Rather than reiterating AWLA's written submissions, (which were set out in full in our August/September 2005 newsletter), our intention was to: (i) summarise AWLA's position on the Bill; (ii) discuss how the Bill compliments the Parental Leave and Employment Act 1987; (iii) compare the Bill to the impact of similar legislation in the United Kingdom; (iv) draw from our experiences of women practising in the legal profession; and (v) compare our written submissions to those of the Employers and Manufacturers Association (Central), being an example of submissions that oppose the general intent of the Bill.

Upon arriving early on the day at Alexander Park Raceway, we were able to observe other representatives of women's groups present their submissions to the committee. We quickly learned that the purpose of the presentation was not only to emphasise our principal submissions, but to answer questions raised by the committee members.

We were originally allocated 20 minutes, however our timeslot was cut back to 10 minutes on the day, and we were forced to talk (and talk fast) over mobile phones and other distractions.

During the presentations before us, there was a disheartening frequency of eye-rolling from a few of the committee

members. This drove home how important it was for us to come across as reasonable so that the impact of our submissions were capitalised. For example, after Maria introduced herself and her role as a barrister representing both employers and employees and her own flexible working practice, the committee members pricked their ears up and appeared very receptive to her anecdotal evidence about women in the law, and the general workforce.

Following the hearing of oral submissions in March, the select committee issued an interim report which observed that:

- the need for flexible working hours is agreed;
- the mechanism for delivery flexible working hours is not agreed as it is a complex matter; and
- some employers have already introduced flexible working practices, but many employees submit that they are sufficiently available.

The select committee decided to put the Bill aside for one year and has asked officials to undertake further work to collect reliable information on New Zealand workplace practices regarding flexible working hours, and to consult more widely on the principles of, and delivery mechanisms for, flexible working hours. Members intend to make a final report on the Bill at a later date.

For those who are interested in making written and oral submissions to a select committee on any upcoming bills, there is a useful "how to" booklet available off the Government website: www.clerk.parliament.govt.nz.

MEMBERSHIP REMINDER

Have you paid your subscription fees
for 1 January – 31 December 2006?

If not, please complete the attached application form
and return to AWLA, PO Box 6568, Wellesley Street, Auckland

“Coaching and mentoring help high performing individuals to resolve the challenges they face, become more self managing and craft their best possible contribution to their particular business.”

“Partners in law firms occupy a lonely position... It is not easy for partners, as leaders within a firm, to talk over their pressures and work difficulties with a sympathetic and capable person, who understands their position.”

Can You Afford to Ignore the Big Questions That You Don't Have the Time to Consider?

Asks Yvonne McLean – Formerly Senior Corporate Attorney and lead lawyer for Microsoft UK (for over 7 years) – Executive Coach, Strategic Direction

As lawyers, in an increasingly competitive world, the pressure is on to charge out those billable hours and meet your billing targets. One more non-chargeable activity feels like one piece too many. For some of us, the pressure feels so great, that we're compelled to take home a briefcase full of work to do overnight; others return to the office in the evening and at weekends. The pressure can sometimes feel unrelenting.

When do we take the time out to:

- stand back and look at where we are
- consider where our careers are going
- consider whether we're really doing the work that we want and enjoy or
- set goals for ourselves?

Those thoughts probably languish somewhere with that pile of reading that you've set aside to do, "when I have a moment". Yet, those are the thoughts that you need to prioritise, because they are the seeds of your happiness and well-being professionally and personally.

Coaching and mentoring are becoming increasingly key skills in 21st century businesses overseas, particularly in Europe and the United States. Coaching and mentoring help high performing individuals to resolve the challenges they face, become more self-managing and craft their best possible contribution to their particular business.

The current attraction of coaching and mentoring is that they are mechanisms which can powerfully assist organisations face the future world of work and its challenges – challenges such as the total transformation of client demands, the changing nature of global, highly competitive, fast paced economies, the revolution in information and communication technologies and, most crucially, the management of talent.

Partners in law firms occupy a lonely position. People turn to their leaders for answers and guidance. It is not so easy for partners, as leaders within a firm, to talk over their pressures and work difficulties with a sympathetic and capable person, who understands their position. There may be no-one within the firm with whom they can talk about their hopes, dreams and aspirations *and* their doubts and fears in a safe environment, free of office politics.

The same is true for sole practitioners, including those who have gone to the Bar. Whom do they turn to when they need to talk over their pressures and work challenges? Whom *can* they turn to?

This is where the executive coach can fulfil a very important role. Executive coaches are people who have had experiences similar to the client's, who understand the sort of pressures that the leaders in a business are under and the sort of decisions that they have to make. If people are working better, they will have a very positive benefit on their firm or business. This will translate itself into enhanced profits. The return on investment on executive coaching can be huge.

And coaching is not just for the leaders in the business. An external coach coaches people in their work on professional issues. The coach often works with the management within the firm and can coach teams. For example, a professional coach can:

- Facilitate the easing of difficulties with other lawyers or partners
- Clarify vision, values etc
- Help the coaching client learn how to be more effective.

Unlike mentors within the firm, an executive coach is objective and impartial. The coach is not part of the organisation and so is not part of the office politics. The coach can help you step back and look dispassionately at what you're considering. The coach also has time dedicated to you – the coach will not be distracted by the pressures of running a busy department or managing other staff members. And most importantly, an executive coach offers you an opportunity to talk openly and frankly about what is on your mind – confidentiality is paramount.

So, just as you cannot afford to ignore keeping up to date with the latest legal developments, don't ignore the pressing questions that may come to mind in the middle of the night. Is now the time to stop and ask yourself those really big questions? You can only benefit from it!

Yvonne is a qualified lawyer with over 20 years experience. She has worked in private practice in New Zealand and in the UK. She was the lead lawyer for Microsoft Limited in the UK for over 7 years and part of the company's Executive Management team. She now works as an Executive Coach. You can contact her by e-mail at kymclean@xtra.co.nz.

AWLA Retirement Planning Workshop

On a wet, wintry Auckland evening, approximately 50 Auckland women lawyers made their way to Chapman Tripp to hear how we should be spending less, saving more and planning for our retirement and of course for a glass of wine and a nibble or two.

The first speaker – Tammy McLeod from Davenports Harbour Lawyers – gave a very good outline of the operation of trusts, and discussed how to protect your assets and the risks associated with relationship property and the Relationships (Property) Act. Tammy highlighted the importance of appointing independent trustees to avoid trusts being challenged as “scams”. Tammy also discussed who and how many beneficiaries a trust should have in light of the growth in actions taken by beneficiaries against trustees.

We were very fortunate to have Diana Crossan, Retirement Commissioner, fly up from Wellington especially for the occasion, braving a dismal Auckland evening to explain her role, the role of the Retirement Commission and to encourage us, as women in particular, to consider retirement and planning for retirement as soon as possible.

Diana was a warm and amusing speaker, who entertained the audience with both lawyer and “retiree” jokes while the presentation technology was being sorted out. Diana handed out a financial knowledge “quiz” at the start

of her talk and explained to us the results of a recent Retirement Commission study which showed that women, relative to men, have a poor understanding of financial matters (self-assessed) and that they struggle to plan and save for retirement.

Diana also promoted the Retirement Commission website – www.sorted.org.nz – which contains valuable financial information for all ages, including games for small children and calculators to help you organise credit card and mortgage repayments.

The final speaker was Pip Irwin from Northplan Investment Advisors. Pip emphasised how much is required to retire “comfortably” and invited everyone to consider financial planning early on. Pip explained the variety of portfolios for investment and the difference between high-risk, high-return investments compared with lower-risk, lower-return investments. The earlier you start investing, the more “risk” you can carry – particularly in light of the fact the share market and financial patterns run in periods of 7 years.

A huge thanks to Chapman Tripp for providing the venue, to all three speakers for their entertaining and informative talks, and especially to Diana, who made the trip up from Wellington just to present to us. It was a very good, and a very informative way to spend a miserable Auckland evening.

MOVIE REVIEW – Transamerica

“Thelma and Louise” meets “The Crying Game”, this charming film about a pre operative transsexual is funny and quite touching.

On the cusp of the final operation that will complete her transition from a man to a woman, Bree discovers that she has a teenage son. The son, who has found himself in a New York jail, is a down and out street hustler, some time drug user and male prostitute, who calls his father as a last resort. Bree takes the call, but does not explain who she is. Tempted to bury her head in the sand, Bree is forced to confront her past when her therapist refuses to sign the consent form for the operation until Bree has “closure”. Bree dashes from Los Angeles to New York and, pretending to be a church do-gooder, bails the son, Toby, out of jail. She agrees to help him fulfil his dream of being a porn actor by driving him back to Los Angeles, where he also hopes to make contact with his real father. Getting complicated.

What follows is a road trip where they encounter some pretty odd folk, but end up in Phoenix with Bree’s family, who have

definitely not come to terms with their son’s transformation. Bree tells them that Toby is their grandson (while keeping Toby in the dark), leading to some hilarious scenes where Toby is pretty bemused as to why they are being so nice to him. Without giving away the ending, Bree is able to have her operation and there are reconciliations all round.

As the only non-Desperate Housewives junkie I know, I had no expectations of Felicity Huffman – and I was pleasantly surprised. She was credible, but not just because of the physical attributes, although the coarsening of her voice and the way she walked assisted. She managed to take the audience along on what was a pretty quirky ride.

The film dealt pretty sensitively with what could have been difficult material. It was funny, without losing sight of the underlying desperation of Bree’s situation.

On the downside, the road trip was pretty long and some bits of it excruciating, but overall I found this an entertaining film, taken out of the ordinary by Felicity Huffman’s performance.

“Thelma and Louise meets The Crying Game”

Prize Winning Essay

Last year AWLA received a number of submissions for the AWLA writing prize. Julia Pilbrow won the prize, however a number of submissions were of such a high standard that AWLA have chosen to publish summaries of the authors' work in our newsletters. Below is a synopsis of an essay by Lisa La Mantia on the topic "Wife-abuse in New Zealand from 1860–1900".

This paper outlines the historical occurrence of wife-abuse in New Zealand from 1860–1900. It examines the legal and social climate of that period, in light of an implicit belief system in existence at the time that underpinned the occurrence of wife-abuse and in fact fostered its continuation. It is suggested that the judicial/legal treatment of wife-abuse pointed to the tacit belief in a rule, derived from the perceived right and "duty" of a husband to dominate his wife and to have dominion over his home, that sanctioned this violence. Even where it was agreed that there should be qualifications on this kind of domination, reasons were often found – for which the woman was to blame – to justify the particular act of violence.

The opposition that arose as a response to wife-abuse is also analysed. Due to a shared common law and early legislative history, the unique New Zealand response is compared and contrasted to that which occurred in England. What is found is that while the response in England arose as a very vocal political opposition, one that could be characterised as a "movement", a similar response was not found in New Zealand. New Zealand's response or opposition to wife-abuse was much more embedded in the agendas of women's associations that were focused on women's rights and equality in a more general sense.

The paper then looks at the work and political agitation of various women's organisations, specifically the Suffrage organisations, the Society for the Protection of Women and Children (SPWC), the Women's Christian Temperance Movement (WCTU), and the National Council of Women (NCW). The particular reform interests of each are examined, and the various motivations for their attempts to elicit change are analysed. What becomes clear, is that with the exception of the SPWC, none of these women's organisations specifically targeted the problem of wife-abuse, but rather only referred to it in a collateral sense, as one of the many side-effects of male alcohol abuse or dominion in the home.

Moreover, while it is noted that the SPWC cannot be underestimated as a very important resource to women who were beaten by their husbands, as an organisation they were not public about the exact nature and extent of their work. This was in part because their primary aim was to reconcile families, and exposure of case details was seen to interfere with this. Thus, it is suggested that given the social, legal, and political climate of the era, it was not in the interests of the SPWC to expose wife-beating as a social problem or to advocate for social reform if it was to continue to be seen as providing a valid and necessary service and thereby continue to gain support and legitimacy from its benefactors.

Accordingly, this essay illustrates that due to the deficiencies in the legal recourse available, and a culture that condoned and conspired in the promotion and protection of concepts that validated their ill-treatment, most women were forced to accept their realities. Those who did agitate for change did not explicitly call for legal reform that specifically penalised the men who unleashed violence against them. Rather, as this paper examines, the issue of violence was mediated through calls to grant women protection in other ways. Thus, issues of property rights, franchise, legal personality, marriage and divorce law, testamentary freedom, maintenance, separation and desertion all became platforms upon which women could gain autonomy and sometimes escape the tyranny of violence at home.

In addition to framing the focus for legislative change upon the need to protect women's interests in other facets of life, this paper demonstrates that the arguments put forth to justify such changes also provided reasoning which claimed to support the status quo. Thus, it is shown that any agitation for legislative change was supported by arguments that the particular new legal status called for would only require women to act in their natural capacity as wife, mother and keeper of the hearth. Furthermore it was also argued that legal change was necessary to protect

"...due to the deficiencies in the legal recourse available [for wife-abuse in the late 19th century], and a culture that condoned and conspired in the promotion and protection of concepts that validated their ill-treatment, most women were forced to accept their realities."

“The winter boot is now a wardrobe essential and boots in the office are pretty much de rigueur.”

“Long boots work well with a military inspired look which was another trend that appeared on the catwalk this season.”

Fashion tip – To boot or not to boot

Although at the end of last issue's column I stated that this issue's "fashion tip" would focus on the best places in Auckland to find a decent suit – for all ranges of pocket, I have recently become obsessed, this obsession exacerbated by the onslaught of colder weather in the last few weeks, with the "office" boot, so the boot it is.

In the mid to late 1990s I was a young lawyer training in a large New Zealand law firm. I have wracked my brain but do not recall boots being prevalent in the office. In fact boots, certainly knee high boots, had their own special pre-descriptor (with connotations of the more sleazy kind) and, if someone had asked me, I would have said that they were not appropriate office attire.

Times have definitely changed. The winter boot is now a wardrobe essential and boots in the office are pretty much de rigueur. They are much more generally available to buy than they once were (and more reasonable) with even long stay New Zealand outlets like Andrea Biani stocking imported Italian leather.

The question I have been deliberating is what type of boot is appropriate for the office?

To my mind the answer depends on leg shape, the boots' toe shape and degree of fittedness and whether you are more likely to be wearing a skirt than pants and vice versa. Ankle boots cut legs (unless they are extremely long) at an unfortunate place. My view is that they are not flattering

(either low or high) when worn with skirts, particularly if, like me, you have generous calves. Non-flattering footwear is never smart. However, they work well under trousers, particularly with a slightly pointy to pointy toe (pointy toes lengthen the leg line) and look smart. For skirts (long, short or midi) or office shorts, high boots work better. For the office, high boots should be either fitted or relatively fitted against the leg. They are somehow smarter than the more floppy pull-on type long boot. I have observed women wearing both flat and heeled knee high boots with office attire to good effect. Long boots work well with a military inspired look which was another trend that appeared on the catwalk for this season. It is also an easy look to modify for the office being all about smart fitted jackets possibly embellished or detailed in some way (Ricochet did a very reasonably priced jacket) and tailored trousers or shorts.

Tip for those with the generous calf. If you cannot get a knee high boot to zip up, push it down to a place where you can pull up the zip, do up the zip and then pull. I can attest that the boot will eventually stretch to accommodate.

Certainly, boots are perfect for rainy Auckland weather. One of my favourite boot benefits is the protection that they offer (even an ankle boot) from damp to soaked trouser bottoms.

Prize Winning Essay – Continued from page 5

women whose morality could be threatened by the propensities of men or who could be taken advantage of in many ways because of their weaker nature. Thus, we find that early New Zealand feminists astutely recognised that the way to exact change was by presenting it in the most palatable and non-threatening way possible.

Finally the paper traverses the various legislative changes that specifically affected

women in the period ranging from 1860 – 1900. Nonetheless, what is concluded is that in spite of these very real legal changes, women continually found that legislative victories give way to certain defeat through the failure of the system to cohesively and effectively apply the potential benefits available to women under the statute.

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Auckland Women
Lawyers' Association Inc.

APPLICATION FOR MEMBERSHIP

1 January 2006–31 December 2006

PO Box 6568,
Wellesley Street,
Auckland

www.adls.org.nz/prof/awla.html

New Application

Renewal of Membership

To assist us in maintaining accurate records please staple your business card (if available) here:

OR Provide the following details:

Name: _____

Email: _____ **Fax:** _____

Telephone (w): _____ **(h):** _____

Contact Address: _____

Work Title: *(please tick)*

Solicitor
 Associate
 Partner
 Consultant
 Barrister
 Corporate Counsel
 Government Counsel
 Student
 Legal Executive
 Other: _____

Employer Name: *(if applicable)* _____

Practice Area (eg commercial, family): _____

Signature: _____

We would like to be able to include details of new members in our newsletter and a membership directory.
 If you would prefer to have your details unpublished please tick here.

Amount Paid:	Full membership (including donation to the AWLA Margaret Wilson Scholarship)	\$ 55.00 + \$ _____
	Full membership	\$ 55.00
	Full membership (discounted if paid by 31/12/2005)	\$ 50.00
	Student/financial hardship	\$ 20.00
	Associate membership (non-lawyers)	\$ 55.00
	5 year membership	\$200.00

Cheque enclosed for \$ _____

Please make cheques payable to Auckland Women Lawyers' Association Inc. and send with this form completed to:

The Treasurer
AWLA
P O Box 6568
Wellesley Street
AUCKLAND

A receipt will be sent. No GST is payable.