



Auckland Women
Lawyers' Association Inc.

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This issue's editor:
Tammy McLeod

NEWSLETTER

MAY 2008

From the President...

Dear Members,

Welcome to the second AWLA newsletter for the year. It has been an interesting year so far – stories of doom and gloom in the media, people having to sell their houses and not being able to afford milk or petrol and of course all in an election year. But the AWLA is having one of its most successful years to date, so definitely no stories of despair from us.

Traditionally our functions have been in the evenings. For the childless few like myself it is a good time to network over a glass of wine and a nice nibble or two. But often the timing is at odds with one of the association's aims, which is the promotion of the over-used "work/life balance". So, in early April we decided to trial a breakfast function – something that members could attend before going to work. Marie Dhyrberg and Mary Peters both entertained and inspired us with stories of life at the bar. The function was a roaring success – one of our better attended functions, a combination of fantastic speakers and perhaps a more user friendly time slot. We plan on having more of these breakfast functions in the future. You can read more about the event in the newsletter.

We are also trying to reach out to our colleagues who are not based in the central city. In the past we have hosted a function for South Auckland practitioners and this week we hosted a function aimed at North Shore practitioners. The evening was a great success and we had the lovely Judge Barbara Morris speak to us about her career path.

Judge Morris was very entertaining! We look forward to encouraging more North Shore lawyers to join our ranks.

The AWLA executive has also been active in making submissions in relation to the reinstatement of Christopher Harder as a practitioner. Part of the role of the AWLA is to make submissions on issues of concern. If you are not familiar with the Christopher Harder situation, you can read more about it and our response on page 7.

Our Dame Silvia Cartwright lecture series sub-committee has been working hard on our June lecture at which Imrana Jalal is speaking. Promotional material will be available shortly, but in the meantime, we profile Imrana on page 3. She will be a fabulous speaker and will appeal to a wide band of people, so we suggest you cast your net widely when thinking about people who may like to attend.

Lastly, it was with sadness that we learned of the passing of Dame Augusta who died in early April, aged 78. Dame Augusta was New Zealand's first female district court judge. You can read more about her life on page 6.

Don't forget to keep encouraging those of your colleagues who have yet to join the AWLA to fill out their membership forms to take advantage of all the benefits of being an AWLA member.

I look forward to seeing you at our up-coming events.

Tammy McLeod
President

The Glass Ceiling: The Debate Continues

Kate Lane

The recent Human Rights Commission Census of Women's Participation¹ identified that of the top 100 companies listed on the New Zealand Stock Exchange, 60 have no women on their boards. The same census also showed that less than 9% of all available directorships in those companies are held by women – 45 women directors hold 54 out of a total 624 seats available.

In addition to the significant discussion regarding the lack of women in the board room, the census provoked a number of articles examining the representation of women at senior levels of the legal profession. Justice Lowell Goddard also added her voice to the commentary in a speech entitled 'The Role of Women in the Legal Profession'.²

This renewed commentary serves as a reminder of the continued relevance of the Auckland Women's Lawyers Association and the timeliness of the Executive's theme for the year of *Aim for the Top*.

The legal profession is doing better than the board table in statistical terms – but only marginally so. Turning to the data, women comprise, on average, only 12% of the total partners in New Zealand law firms of 10 or more partners, with approximately 13% of partners in the largest 8 law firms being women.³ While 36% of barristers practising in New Zealand in 2007 were women,⁴ this reportedly translated to only 10% of Queens Counsel. The superior court benches hold approximately 21% women.

The Executive's theme for the year is designed, in part, to contribute to debate on these matters and, in particular, to assist our membership as they aim for the Top by hearing the experiences of women who have reached the Top of the profession.

On the face of it, there is a disconnect between the fact that 61% of those admitted to the bar in 2006 were women (or perhaps more relevantly 52% of

admittees in 1993 were women) and the statistics listed above.

However, having said that, it would be an over-simplification to expect a direct correlation between numbers of newly admitted members and senior members of the profession. Dependent children's primary caregivers continue to be more likely to be women. Mothers of dependent children had a labour force participation rate of 68% in 2001 compared with a father's participation rate of over 90%.⁵

Anecdotally, it also seems that women are making a positive choice not to participate in the highest levels of the profession and neither do the statistics address the increasing attraction of in-house roles.

However, what is important is that there are minimal barriers for women who choose to follow a path to the Top, and that senior women in the profession act as role models and offer mentoring opportunities to their junior counterparts on the path to the Top. Justice Goddard said that:

"The expectations of women are that they will be treated equally but on merit, that gender will not be an issue, that they will be judged on their personal attributes and dedication to the job."

This should be every woman's experience in 2008. In this newsletter this year, we intend a series of articles celebrating women who have aimed for and reached the Top to empower other women on their own paths to the Top. We will ask each of them to express their perspective on this thought. My own perspective, as a partner in a major commercial law firm is that I have been treated on a merit basis – but that while gender has not been an "issue" one of every person's personal attributes is their gender – and it cannot and should not be ignored.

1 Published 31 March 2008

2 See Catriona McLennan's report in Law News, issue No. 10, 09 April 2008.

3 See NZ Herald article "Partnership barrier for women lawyers" by Maggie McNaughton, dated 13 March 2008

4 Statistics from NZLS Annual Reports

5 See Statistics New Zealand publication "Focusing on Women 2005"

DAME SILVIA CARTWRIGHT LECTURE

Speaker Profile – Imrana Jalal, Lawyer and noted Human Rights Expert



Many of our members will be aware AWLA is pleased to be hosting Imrana Jalal as this year's Dame Silvia Cartwright Lecture speaker.

Imrana will be joining us from Fiji, where she currently works as Human Rights Adviser for the Pacific Regional Human Rights Education Resource Team. Imrana was instrumental in setting up this Team which won a UNICEF award for its cutting edge work in the Pacific Region in the field of human rights training. In her role, Imrana leads a team of 8 lawyers and educators who are working together on human rights issues in the Pacific Region.

Imrana is a qualified lawyer who holds a LLM (with first class honours) in International Law from the University of Auckland. She has practised as a lawyer in Fiji. Imrana also holds a Master of Arts (with Merit) in Women's Studies from the University of Sydney, Australia.

Imrana's human rights expertise has been recognised across the world and in May 2006 she was elected to the 60 member Geneva-based International Commission of Jurists, becoming the first female

Commissioner from a Pacific Island country to be elected. Imrana was from 1999 to 2001 Fiji's Human Rights Commissioner on what was then the new Fiji Human Rights Commission, the first of its kind in a Pacific Island country. Setting up the Human Rights Commission on its own was a challenge, but Imrana also faced the challenge of a coup, at which point she resigned as Human Rights Commissioner, as the democratically elected Government was removed by the Speight regime.

In addition to her extensive human rights expertise and background, Imrana has also worked in the area of Family Law and was the architect of Fiji's Family Law Act 2003. The Family Law Act brought about sweeping changes to Fiji's family law by focussing on children's needs and removing discrimination against women. Imrana tells us that the legislation took over 10 years to steer through the parliamentary process.

Imrana's commitment to the position of women under the law, and to women in Pacific Island nations, is also shown by the fact that she is the author of *Law for Pacific Women*, a legal rights handbook. The aim of the book was to make law more accessible. It has become a prescribed textbook at the University of the South Pacific Law School for second year Law students.

Most recently, another of Imrana's achievements has been to be appointed by the ANZ Bank to a newly established Advisory Board which advises the Bank in the Pacific on how it can be more responsive to community needs.

Imrana has told us she intends to draw upon her diverse experience in human rights, gender issues, family law, democracy and government, and Pacific Island issues, in delivering her lecture.



Auckland Women
Lawyers' Association Inc.



AWLA in conjunction with the Law Foundation is proud to present
The 2008 Dame Silvia Cartwright Lecture

AWLA is privileged to be able to invite

Imrana Jalal

Based in Suva, Fiji, to speak to us

Imrana is a renowned human rights lawyer. She is also the architect of the Family Law Act 2003 in Fiji, legislation that is progressive and enlightening, a process that took over 10 years to enact based on her 400 page extensive report to the Fijian Government with recommendations for reform. She is a member of the Pacific Regional Human Rights Education Resource Team (RRT) and Fiji Women's Rights Movement (FWRM).

She is also the author of *Law for Pacific Women: A Legal Rights Handbook*, which is a prescribed text for law students at the University of South Pacific Law School. In 2005, Pacific Magazine named her as one of 227 Pacific Island Leaders critical to Pacific Island's future. She is an inspiration to other women with her distinguished achievements and has significantly contributed to raising the profile of women in the Pacific.

Come and hear this amazing woman of outstanding calibre speak about her vision and passion for family law and human rights issues, and hear her experiences of working in and shaping family law and improving human rights for Fiji and the Pacific.

5 June 2008

A lecture not to be missed!

Heritage Hotel, from 6.00pm

Cost: \$35.00

Email: awla@extra.co.nz to register your interest.
An application flyer will be circulated to members shortly.
Lecture is open to all professional women.

“Many of our members are continuing their education part-time while continuing to succeed in their careers.”

Post Graduate Study

Many of our members are continuing their education part-time while continuing to succeed in their careers. Postgraduate study of law is increasingly important as areas of law become more narrowly focused and require specific expertise. The papers offered in the Master of Laws programme at the University of Auckland address areas of law that will be rewarding at a personal academic level as well as beneficial to employers and businesses.

Masters study is beneficial to developing areas of law as areas of law become more specialised and technical, and can be self-rewarding in allowing the opportunity to utilise knowledge gained in the practical arena. The Master of Laws at Auckland University can be taken full time for one year, or part time for up to four years. The structure of the programme allows for a concentration of study in particular areas of specialisation or study of a broad range of legal concepts.

The part-time or full-time programme allows busy people to decide their own degree structure, as it is understood that time constraints are one of the biggest deterrents to further study. There are also three options for papers of full semester courses, intensive courses and research papers to allow flexibility in creating a programme for a degree. Many of the lecturers who take the intensive papers are internationally recognised specialists in their fields of law. The classes themselves are made up of experts, senior practitioners, partners, students and international students. The diverse groups create an atmosphere conducive to stimulating discussion and a sharing of experiences and opinions, and much is to be gained from listening to others as well as to the lectures.

Some of the 2008 options in the first semester have included full-semester courses in Insolvency Law, Intellectual Property, Employment Law and International Environmental Law. The intensive courses

on offer have ranged from EU International Tax Law and Mental State Defences and Criminal Law to Comparative Indigenous Peoples and the Law (taken by Dr Nin Thomas and Khylee Quince). Internationally recognised lecturers and professionals from all over the world have attended the intensive courses, such as Richard Gordon QC who took a course on Public Law in a Commercial Context and Sol Piciotto who addressed The WTO as a Node of Global Governance. The course by Richard Gordon QC was an intensive 5 day course with around 25 participants. The diversity of international and New Zealand students, professionals and practitioners meant that the 5 days were lively and filled with discussion about up coming administrative and public law issues that arise in commercial contexts.

The semester two papers on offer are still open for enrolment, and many are being taken by prominent women lecturers and professors. Jane Kelsey will be taking a full-semester paper on the Regulation of International Trade. Caroline Foster will be addressing Public International Law in an intensive course, and Professor Sarah Joseph will be in New Zealand from Monash University taking an intensive paper on International Human Rights.

With the various options available to make up a postgraduate degree in law, it is easy to piece together a structure that is amenable to career and family life, and an opportunity that is rewarding at a personal and academic level, as well as beneficial to employees. For further information on the LLM or specialised LLM programmes fee free to get in touch with the postgraduate advisors at the Law Faculty or browse through the courses on offer at www.law.auckland.ac.nz (Postgraduate Students) or visit the general Auckland University website for information about the Postgraduate Week taking place from the 12–18 May.

OBITUARY

Dame Augusta Wallace

The death of Dame Augusta Wallace, aged 78, is a sad loss to the New Zealand Judiciary. She holds acclaim to being the first woman appointed as a district court judge in New Zealand and as such is a significant example for all women in the legal profession.

When Dame Augusta was appointed as a court judge in 1975, the Minister of Justice Dr Martyn Finlay QC said that he was pleased to make the announcement as it carried a special significance to International Women's year.

Dame Augusta was educated at Epsom Girls' Grammar School and Auckland University and was one of the very few women at law school in the post-war years. After she graduated LLB in 1954 she went to work for Milne and Meek. During this time, her late husband Neville Wallace was an army officer and Augusta accompanied him when he was posted to Wellington.

When she returned to Auckland, she worked at the Otahuhu firm Copeland and Browne for five years. She then decided to go out on her own as a sole practitioner and found premises in Papatoetoe. At this time she was probably one of the first woman lawyers in Auckland to do so. Her law school contemporary, Papakura solicitor Brian Lynch recalls that "It was a brave step." From what he can remember "few if any of the other women graduates around that time actually went out into practice."

During her time as a member of the Judiciary, Dame Augusta gained a deep respect not only from her peers, but also from the wider community. Her long record of community service and extensive judicial experience speaks for itself, but among her significant duties, she served on the Papatoetoe City Council for three years in the early 1970's, was chairlady of the Abortion Supervisory Committee from 1977-1979, was a member of the Foundation for the Newborn Trust Board and was chair of ARK (at Risk Kids) Trust. She was also appointed as a member of the Waitangi Tribunal in 1996 and was on the tribunal for three years.

She is also known in the wider community for the attack made on her in 1990 by a 16 year old with a machete, causing extensive damage to her face. This marked a turning point for security in court rooms in New Zealand.

In 1993 when she retired from the District Court and was made a Dame Commander of the order of the British Empire, she said "I never felt I had to prove myself equal to men lawyers. I was convinced I was better."

Dame Augusta Wallace, a truly remarkable woman with an impressive record of care for others, is survived by her daughter and five grandchildren.

CHRISTOPHER HARDER

Application for Restoration to the Roll of Barristers and Solicitors

*“...fit and proper
person to practise
as a barrister...”*

Christopher Harder was formerly practising as a barrister and solicitor in Auckland. On 10 February 2006 Mr Harder was struck off the Roll of Barristers and Solicitors of the High Court. Mr Harder had admitted a charge of misconduct in his professional capacity and consented to his name being removed from the Roll. The charge of professional misconduct related to 5 different complainants. Many of the complaints illustrated a particularly inappropriate attitude towards women clients, women practitioners, women police officers and also inappropriate conduct when dealing with cases of a sexual nature.

Mr Harder has applied for restoration to the Roll on the grounds that he is now a fit and proper person to practise as a barrister and on the grounds that he has over the past 18 months:

- Between August 2006 and October 2006 completed a comprehensive Alcohol & Drug treatment programme and continues to participate in regular alcohol and drug fellowship programmes for recovering addicts;
- Provided an assessment of his rehabilitation conducted over a six month period. The assessment provided is by a registered medical specialist in the field of addiction treatment.

- On a professional basis performed pro bono legal services in Tonga from time to time over a period of 8 months having been admitted there on specified conditions.

In a notice provided to every practitioner the New Zealand Law Practitioners Disciplinary Tribunal sought notices in support or opposition to Mr Harder's application for restoration by 10 March 2008. The AWLA filed a notice in relation to Mr Harder's restoration to the role asking that the Tribunal ensure that Mr Harder has remedied his attitude and behaviour towards women before the Tribunal considers restoring him to the Roll.

If as a result of the hearing Mr Harder is restored to the Roll, the AWLA has asked the Tribunal to set out how Mr Harder's attitude and behaviour towards women has been remedied so that we can forward that advice and reassurance to our members.

The hearing is set down for two weeks commencing on 23 June 2008. It will be held at the Northern Club. If you intend to attend the hearing please note that there is a dress standard for the Club.

If you wish to be provided with a copy of the AWLA correspondence on this issue please contact Rachael Reed at rachael.reed@meredithconnell.co.nz

Executive Profile

Rachael Reed



Rachael was admitted to the bar in 1996 and since then has worked for Chapman Tripp, the Serious Fraud Office, Meredith Connell and Byrne and Partners, a specialist fraud firm in London. When Rachael returned to New Zealand in 2005 she returned to Meredith Connell part-time. She now prosecutes District Court and High Court jury trials. Rachael has two young boys, Sam and Will.

Lessons from the Bar

An article by Natalya King, Law Clerk, Buddle Findlay

“...stories of their careers and experiences of life at the bar...”

The AWLA inaugural breakfast function was held on Tuesday 8 April to such success that there was standing room only. The speakers, Marie Dhyrberg and Mary Peters, shared stories of their careers and spoke about their experiences of life at the bar over a breakfast provided at Meredith Connell's Auckland offices.

Marie, one of New Zealand's foremost criminal barristers, kept us entertained – and impressed – with her stories of representing some fairly colourful characters at the bar – gang members among them! She spoke candidly about the difficulties she has experienced in representing clients who are considered to be “bad people,” and her realisation over her years of defence work that we are all susceptible to mistakes, that is, we should keep in mind the phrase ‘there, but for the grace of God, go I’.

Marie praised the support she received from male judges when she was a junior, but said that there are definite advantages in having seniority at the bar, in that more senior barristers command more respect from the judiciary. Having said that, Marie noted that nerves were a good thing, and that she is often still nervous before she speaks in Court (or in front of her peers!) She encouraged us to remember that everyone has bad days in Court, often for no clear reason, and the trick is to just pick yourself up and keep going. Marie finished

by advising her peers to stay in the career for which they have passion – and observed that the day she no longer has passion for what she does will be the day that she calls it a day.

Mary, a barrister sole at Bankside Chambers and former litigation partner at Russell McVeagh, spoke about her experiences travelling and working overseas, and how, despite an international job offer, a twist of fate led her to accepting a position at Russell McVeagh. She spoke about working hard to become a partner there, and passed on advice about the tools that she has found useful in advancing her career.

Mary drew comparisons between working as a partner and being self employed as a barrister, stating that while it can be frightening not knowing where your next brief (and accordingly, next pay) is coming from, the rewards are in the flexible hours, the lifestyle benefits, and the excitement in the ordinary – such as choosing your own office furniture! She also reassured those of us looking to practice at the bar by commenting that she didn't know of a barrister going hungry!

Both speakers were great role models for the breakfast attendees, who ranged in experience from law clerks to senior partners, and a repeat of the event is eagerly anticipated.

North Shore Function 2008

The North Shore Function was a great event and was well attended by those members of the profession who practise law on the North Shore. I think everyone agreed that the night proved to be a wonderful opportunity to meet and mingle over a few drinks and nibbles (which were divine to say the least!)

As members are aware, the Hon Judge Barbara Morris kindly agreed to be our speaker for the evening and we were extremely fortunate to hear her speak on her experiences in “aiming for the top”.

Judge Morris gave us a very entertaining and humorous speech on her journey through the legal profession and in particular her experiences with various lecturers and members of the bench. For those who attended the function, we were given an insight into the “less than formal” nature of the profession and the benefit in not taking life too seriously.

In particular, we learnt that if you embarrass yourself, it is best to just have a laugh and move forward.

During her career, Judge Morris has assumed numerous responsibilities and it was interesting to hear of her experiences in both the commercial and educational arena. From 1990 to 2000 she was a partner in Elridge and Partners where she was involved in all aspects of Crown work. She has also been a director of the New Zealand Law Society Litigation Faculty and has lectured at Victoria University, The Australian Maritime University and the University of Chicago.

Judge Morris now sits in the North Shore District Court after having being appointed a Judge in June 2000.

We look forward to seeing all those who attended the function at future AWLA events!

“...use the opportunity to meet and network with those of us that practice law on the Shore!”



Auckland Women
Lawyers' Association Inc.

APPLICATION FOR MEMBERSHIP

1 January 2008–31 December 2008

PO Box 6568,
Wellesley Street,
Auckland

www.awla.org.nz/

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)	\$ 65.00 + \$ _____
	Full membership	\$ 65.00
	Student/financial hardship	\$ 20.00
	Associate membership (non-lawyers)	\$ 65.00

Cheque enclosed for \$ _____

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

AWLA
P O Box 6568
Wellesley Street
AUCKLAND

A receipt will be sent. No GST is payable.

By signing this application form you consent to the Auckland Women Lawyers' Association using your email address to communicate with you by email, including sending you our newsletters, information about our functions, membership renewal notices, and other matters.

AWLA EXECUTIVE COMMITTEE 2007 – CONTACT DETAILS

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2008 PORTFOLIOS

Membership & Promotion:	Sarah Carstens & Kate Lane
Mentoring:	Anisa Barrowclough & Katrina Winsor
Legislative Watch:	Katherine Burson
Scholarship & Writing Prize:	Ruth O'Brien & Ling Yip
Student Representative:	Farzana