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NEWSLETTER

NOVEMBER 2003

From the Executive . . .

For those of you who are not able to make it to our dinner on 14 November, I wanted to foreshadow one aspect of my speech. That of recognising incremental gains for women lawyers. I think one of the strengths of AWLA is that it keeps slogging away at more than just monumental changes. We write submissions, we write letters, we meet with powerful people, we educate ourselves, we try to be proactive and constructive, and if necessary, at times, stropky.

However, we do not often measure our incremental successes. You only have to talk to some of our founding AWLA members about the extent of sexism when the Association was formed to realise we have come a long way.

One of our recent successes was being officially asked to nominate suitable candidates for the current round of judicial appointments. Up until this year, we proactively sought to insert our views into the selection process by writing numerous letters, with lists of potential candidates, to those we believed could influence the selection process. We believe our views are being heard because we have received both informal and formal feedback.

This year we have also changed our approach to our nominees. We used to send our lists then contact nominees afterwards because we found it very difficult to persuade some brilliant women that they were suitably qualified. We are now contacting women before finalising our lists so that we can send a list with women willing to be appointed now for maximum impact.

While our deliberations are confidential you can be assured that the Appointments Subcommittee does a rigorous selection job. However, it is disappointing that our lists are too short. We are trying to expand the radar screen by sending lists with additional "women to watch".

Looking abroad, in Australia it has been 16 years since a woman was appointed to the High Court. In the UK the first female law lord Dame Brenda Hoggett will soon be admitted. I was interested to learn recently that our sister Association in Australia has (like us) been lobbying the Commonwealth Government about the need for government departments to adopt equitable briefing practices. Victoria is now leading the way with firms doing business with government agencies having to demonstrate that equal opportunity principles apply when allocating work to barristers.

AWLA is working hard to get similar demonstrable EEO provisions into New Zealand Government contracting. Frankly, I doubt it will happen soon but recognising the power of incremental change I believe it will happen. Our legal system, to have full and true integrity as one of the three great branches of government in New Zealand, needs to have access to the best possible expertise, and good judgment, of an outstanding and representative legal profession.

I do hope you all safely enjoy the silly season, get the work/life balance right, and remember if you leave out women you lose the leverage of roughly 51% of the population and 75% of the brains!

Karen Price, President

THANK YOU!

The Executive extends grateful thanks to Buddle Findlay for providing a venue and refreshments for our Executive meetings this year. Also thanks to Baldwin Shelston Waters, Russell McVeagh, Bell Gully, Minter Ellison, Meredith Connell, Chapman Tripp and the Auckland University School of Law for their support in hosting and/or sponsoring our various events. Lastly, a special thanks to Simpson Grierson for their membership drive this year!

A Moment With the Master

An interview with Master Hannah Sargisson



“To a young woman in the 1970s, being a lawyer seemed to be something beyond a female’s grasp.”

When Master Hannah Sargisson was 17 her architect father gave her three books: Germaine Greer – *The Female Eunuch*; Betty Freidan – *Feminine Mystique*; and Kate Millet – *Sexual Politics*. He also gave her four orders: She was to go to university whether she liked it or not; she was not to get married until she was 25 nor have children until she was 30, and she must have a career. Now 30 years on she can still cite passages from the book and has followed all the important instructions from her father. Not only has she had a successful career as a lawyer and Master of the High Court of New Zealand, but she has raised a family as well. Although she married at 20, she would do her feminist father proud.

It is hard to believe Hannah Sargisson when she says she went to law school not actually believing that she could do it. She thought she could manage the academic life but although her exposure to feminist writings gave her the ability to tell herself that she could do whatever her male friends could do, she says she still did not have the confidence to think she could practice as a lawyer. To a young woman in the 1970s, being a lawyer seemed to be something beyond a female’s grasp. However, defying her own disbelief Hannah went on to be a Senior Solicitor at Russell McVeagh and a Partner at Brookfields where she worked in Manukau City for a number of years dealing with a wide range of matters. She was also the President of the Auckland District Law Society (2000–2001), Vice-President of the New Zealand Law Society (2002) and between 1984 and 1989 she was chair of the Equal Opportunities Tribunal. Currently sitting as a Master of the High Court of New Zealand she deals predominately with

pre trial, company and insolvency matters.

Schooled at Epsom Girls Grammar School, Hannah Sargisson can recall only one girl from her final year going to law school and it wasn’t her. Hannah did the first two years of her Arts degree at the University of Auckland before travelling and working at the University of London library. It was in London that she was inspired by friends to do law. In particular, they started her thinking about law as a vehicle for social change. As a result, she returned to New Zealand and enrolled at law school.

A founding member of AWLA, Hannah Sargisson has been actively interested in women’s issues particularly in relation to the law. One of the most memorable papers that Hannah took at law school was one taught by Margaret Wilson titled “Women and the Law”. This controversial paper, with its one male student in a classroom of females, exposed her to debate about women’s issues and the need for gender equality in the law. Coincidentally, it would be Margaret Wilson who would later appoint Sargisson to the High Court bench. After writing her dissertation on the status of women in the legal profession, Sargisson was coopted into the ADLS Working Party on women in the profession set up by the then President, Ted Thomas. For her dissertation she conducted statistical analysis and discovered that very few women were making it to partnership, there were very few jobs available for women and most were in family law, women who got jobs were almost invariably paid less than men, and for those few women who made it to partnership it took twice as long as it did for their male counterparts. A staggering result when, as she says, men do not have a monopoly on intellect or ability. Looking at the statistics one would have thought they did. Drawing on these statistics, a copy of a report prepared by ADLS was sent to every practitioner and ADLS used every effort to make people aware of it. Later, with Sian Elias, Hannah Sargisson addressed the NZLS Council. Together they proposed a new rule to amend the code of ethics. A relatively innocuous rule – that there should be no discrimination on the basis of gender. Initially the Council was doubtful about this suggestion as they

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A Moment With the Master – Continued from page 2

could not see what this issue had to do with their profession. Looking back it seems a surprising reaction in light of the statistics. However, the Council was persuaded it had a responsibility not only to raise the profession's awareness that assumptions based on gender were inherently discriminatory but that it should lead by example with a clear and unequivocal rule that gender discrimination in the profession is not ethical behaviour. Sargisson and Elias' coup was realised when subsequent to their presentation the Council did in fact amend their rules.

Sargisson is strong in her opinion that firms have a social responsibility to have women partners and if it costs more so be it. That is part and parcel of recognising that society is comprised of both men and women. She speaks highly of Brookfields – the firm she was a partner at for over 20 years. After working there for two years they made her a partner which gave her flexible enough hours to allow her to have her first child at 34. Brookfields was the first firm to introduce a maternity leave policy. This policy was proposed by Hannah and was subsequently adopted by other firms. It consisted of two periods of fully paid leave for three months. Initially one or two of her youngest male colleagues saw it as unfair and therefore considered that the firm should not have it at all. However, as Hannah points out sometimes it is inherently discriminatory to treat people the same because it raises questions as to what should be the standard by which you measure equality – by reference to men or by reference to men *and* women both? In her view there is a need to recognise at least one fundamental difference – women give birth. She also believes that firms benefit from balanced and flexible partnership and workplace policies and practices. She points to EEO award winner – Heaney & Co – as one of an increasing number of firms who enjoy a high level of staff loyalty and attract many talented women partners because of their "balanced" approach. It is interesting to note that increasingly men too are demanding the benefits of a civilised lifestyle. It is her view that workaholics are not necessarily the best lawyers.

So does she think women can offer anything unique to the profession? She says that she used to argue that women could bring something different from men but is not sure if that is the case now. She now believes women have more

freedom to contribute as individuals. However, as a generalisation she thinks women are more supportive to others in firms. By way of example she refers to a female solicitor who was very supportive of her when she was starting out, without whom she may not have survived. That being said she does not think that this supportiveness is something women have a monopoly on nor is it something inherent in being female. She is quick to point out that she has benefited from the training offered by male colleagues and that there are numerous men who are genuinely supportive of young practitioners both male and female. She cites various barristers and Queens Counsel as examples who have acted as mentors to female practitioners.



Some of the anecdotes that Master Sargisson tells make us realise how far the legal profession has come and yet some of her observations makes us realise how much further we have to go. Women are no longer asked in job interviews whether they are on the contraceptive pill and whether they are married. Nor would an interviewer dare assert that there was no point in hiring someone who was just going to go off and have babies. However, Sargisson still expresses concern at the small number of women appearing in the Master's court and then even smaller number of women appearing in defended hearings. And of course there is the concerning small number of women making it to partnership. It is her view that discrimination issues have not gone away, they have just become less overt.

Sargisson says there has been a culture shift that has gradually occurred with a steady stream of female appointees to the bench which began in the 1970s. This normalises being a woman judge. She expects women lawyers will welcome

"She also believes that firms benefit from balanced and flexible partnership and workplace policies and practices."

"She now believes women have more freedom to contribute as individuals."

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Reflections from the Bench –

Judge Anne Kiernan looks back on her first year as a District Court Judge

“... she knew what she did not want to be like as a Judge, and that is someone who is needlessly aggressive.”

“... she has experienced such a variety of work and there have been a lot of opportunities that she would not have had if she were in practice.”

From the window of District Court Judge Anne Kiernan's office she has a perfect 'balcony view' of people hurtling themselves earthwards from the heights of the Sky Tower, and screaming skywards on the vertical bungy. This has surprised her most about her new appointment.

November 5 2003 marks the one-year anniversary of Anne Kiernan's appointment as a District Court Judge. It has been a very diverse year, and she cannot believe how fast it has gone. It has been a very busy year, a fascinating year, and she marvels that she hasn't been bored. But then she read me her timetable for this week, which is shorter due to Monday being a holiday, and it makes perfect sense, there is no time for boredom – this week already she has sat on a jury trial, had five sentencings this morning and has two further sentencings from jury trials later this week.

Judge Kiernan says that in some ways her first year as a District Court Judge was what she expected; but in a lot of ways it was better. Her greatest satisfaction has been in the role of decision-maker. The satisfaction she experiences in giving a well researched and reasoned judgment is a highlight of her role. She contrasted the difference between the role of a lawyer when there is a certain point at which the outcome of a matter is taken out of your hands, and that of a Judge where the final decision is yours, unless of course it is appealed.

Her first passions are writing and reading and she only studied law because she wanted to do something that she had not learnt at school. Her first jobs were in publishing and she decided to take up the law again when she came out to New Zealand from Ireland in 1986. Judge Kiernan was admitted to the Bar in 1988 and joined Meredith Connell as a Crown Prosecutor the following year. She has twice practiced in England, again in the area of criminal prosecution, as a prosecutor for the Criminal Prosecution Service, and resumed her employment with Meredith Connell on her return to New Zealand.

Her transition from Crown Counsel to Judge seems to be something that others have turned their minds to more than she has. She has not thought twice about her role change and says that she feels more comfortable as a Judge. She says that she is not as much in favour of the Crown as they would like, and that some of her

colleagues would say that she was never a very prosecutorial prosecutor, anyway.

Although her father was a tax Judge in England, being a Judge was not something that she had thought about until recently. However on her appointment, she knew what she did not want to be like as a Judge, and that is someone who is needlessly aggressive. Although she says that there are not too many Judges left who are like that, she does not like it when people are more confrontational from the bench than is necessary. She acknowledges that it can be frustrating when Counsel is not prepared but she tries not to react.

For her the District Court is the 'People's Court'. The important players are not the Judges or the lawyers. The important people are the witnesses and the accused, those who are caught up in the process. Judge Kiernan feels that people need to be part of the process and they need to understand what is going on around them, otherwise they are left looking and feeling confused and then the system has failed them.

On her appointment she had lots of ideas of particular issues that she wanted to focus on and achieve as a Judge. But she thought that it was necessary that she wait a year to see what the role entailed and whether, in her words she had "the skills to do it". Over the past year she has experienced such a variety of work and there have been a lot of opportunities that she would not have had if she were in practice. For example, last week she spent three days and two nights staying on the Marae at Victoria University learning Te Reo. She can now count up to 1,000 and hold a simple conversation in Maori.

As a criminal prosecutor her contact with women and children has been predominantly as *victim* and she sees her role as one of suiting her talents to opportunities. She is conscious that as a Judge she is in a position where she can help people in Court; make them feel less intimidated. In this regard she can be proactive, rather than sitting waiting for opportunities to present themselves.

She has a few simple rules in place to achieve a work/life balance (which she has only broken once). She will stay late to get work finished, but she does not take work home and she does not work weekends.

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NZLS Family Law Conference 2003: 'Raising the Standard' 19–21 October 2003, Auckland

Suzie Abdale, barrister, AWLA executive member

I attended this conference held conveniently at the Hyatt in Auckland. Auckland put on a beautiful display of weather for travellers from all over the country and Australia. The conference was well attended (420) by law practitioners, social workers and judges (30 in all). I was informed that Family Courts in Auckland were not open for business (except emergencies) for the 2 days on which the conference was held.

The papers presented concentrated on areas of special interest and complexity in respect of recent and proposed changes to the law (Property (Relationships) Act 1976 and the Care and Protection of Children Bill), and topical issues presented by societal changes.

There were 3 keynote speakers brought from overseas to add to the international dimension of the conference: Dr Danya Glaser, Child & Adolescent Psychiatrist, Great Ormond Street Hospital, London; Professor Sheila McLean, Director of the Institute of Law and Ethics in Medicine at Glasgow University; and Professor Paul Mullen, Professor of Forensic Psychiatry at Monash University, Australia.

Dr Glaser's paper titled 'Emotional abuse of children – Encounters between emotional abuse of children and the courts' was confronting for many in that she 'outed' emotional abuse as child abuse. The harsh reality of her research indicated that as a society we are more prepared to not act when a child is suffering emotional abuse than if a child is say suffering physical or sexual abuse. Her message was certainly clear that greater responsibility is required by society in ensuring that emotional abuse is acted upon quickly if the interests of children are truly paramount.

Professor McLean's paper 'Issues in assisted reproduction – the UK experience' covered such controversial issues as the UK legislative and judicial approach to reproductive cloning, donor anonymity, embryo selection, posthumous pregnancies, and access to assisted reproduction. The centrality of the rights and welfare of the child is proving to be determinative in recent UK legislative and judicial approaches.

Professor Mullen's paper 'The Pathologies of Separation' was particularly interesting if you regularly act for men whose marriages or partnerships have

ended. Professor Mullen introduced a description of behaviours that I had not previously come across, although I instantly recognised: the 'querulous complainant'. He defined the 'querulous complainant' as someone who is unable to accept an event such as separation, being outside of his or her control, and who in the process of trying to regain control, hits the Courts system with a barrage of applications and/or complaints. This causes procedural delays (1% of such claimants take up 30% of Court/administrative time) and often has the effect of putting themselves and their family (children and former spouse/partner) under enormous stress that can lead to serious disorders. Typically the querulous complainant represents him/herself which also has the potential to abuse witnesses. Sadly, what these complainants fail to understand is that the Family judicial system does not deal in determination of 'guilt' nor does it deal in vengeance. Alarmingly, several on my own clients seem to fall within his definition of the 'querulous' complainant.

In addition to the keynote addresses there were 2 plenary sessions that covered the following topics:

- Relocation – taking the baby with the bath water – Professor Mark Henaghan, Dean of Law, University of Otago
- Economic Disparity – when 50% is not enough – Margaret Casey, Barrister & Law Lecturer, Auckland

Conference attendees also had 5 'breakout sessions' to choose from. These sessions included a great range of topics to cater for a wide variety of interests. Of the sessions that I attended 3 were particularly useful and the material provided was excellent:

- Enforcing access arrangements – why and how – Judge Clarkson and Maureen Southwick QC
- Maintenance – changes to the Family Proceedings Act and how to make them work for you – Deborah Hollings
- Relationship property – the international dimension – David Goddard QC and Anne Hinton QC

The dance on the Monday night had a 70's theme. Some of the choices of fancy dress were very revealing: Of special note

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SHIRIN EBADI: Nobel Peace Prize Laureate 2003

**Judge, lawyer, lecturer, writer, activist,
Muslim and Nobel Peace Prize Laureate.
And only 56 years old.**

Iranian Shirin Ebadi appears to live on the fast track. Graduate of the University of Teheran, Ebadi was appointed president of the Teheran city court before turning thirty and served until the revolution in 1979. However, unlike scores of her colleagues and talented Iranians, after the revolution and despite being forced to resign from her post, Ebadi stayed in Iran to battle on behalf of countless marginalised groups, including women, children, refugees, dissidents and religious outcasts. Ebadi is a firm believer that Iran can solve its problems itself, including finding a path for Iran that incorporates real democracy and human rights within an Islamic framework.

Ebadi's vast knowledge and experience in both western and Islamic law has enabled her to work within Iran's current system and achieve some very notable successes. As a lawyer, Ms Ebadi acted for the families of writers and intellectuals killed in 1999–2000. She also was an integral part of the investigations and campaign to reveal the protagonists of the attacks on Teheran

students in 1999. However she has also been a thorn in the side of Iran's conservative government and consequently a victim of numerous smear campaigns (foreign agent/ American puppet) and has been imprisoned numerous times.

Ebadi has written extensively on the rights of women and children. She is the founder and leader of the Association for Support of Children's Rights in Iran.

Although it is hoped that Ebadi's prize will spur further progress for women in Iran, there are some ominous signs that this progress may not eventuate for a while. As recently reported by Economist, assertive women have suffered in Iran during the last summer. An attempted rape victim killed her attacker and consequently was sentenced to death (her clothes "prepared the ground for her rape"), four women were convicted of spreading unsavoury ideas about women in Islam, adherence to the UN's 1981 convention against sex discrimination was vetoed by Iran's Upper House and a female journalist was killed in custody.

However there is some light. True to form, Ebadi will be representing the family of the slain female journalist.

Reflections from the Bench — Continued from page 4

She feels that if you need to do either of those then you either have too much work or you are not well enough organised.

Judge Kiernan is married with two children and two step-children, the youngest being 18. Two are currently at University, one is a chef in New Plymouth and one is in Ireland. No one has followed in her legal footsteps at this stage, although her daughter has pondered studying law so she can wear flash suits and make speeches. Judge Kiernan freely admits that one of the benefits to being a Judge, as opposed to Crown Counsel is the salary. As a Judge she is paid almost more than twice what she was paid as a Senior Prosecutor, for this reason she is able to take her family home to England for the coming holidays.

Another benefit of the job is the opportunity to travel around New Zealand. Prior to her appointment she had only been to Auckland, Wellington and New Plymouth. Her new role provided her with

her first opportunity to visit the South Island (Christchurch) and she is looking forward to visiting Gisborne on circuit.

She is an avid reader, reads a couple of books a week, and always reads on her ferry commute to work. She recently finished Robert Harris's Pompeii, and she has just finished reading a couple of Jilly Cooper novels, for which she received great flack when she was away last week. But they are, she says, a perfect antidote to the stress of everyday life, and a great way to unwind. They are also set in countryside similar to where her sister lives in England, so in some ways they could possibly be classed as research.

I enjoyed the opportunity to speak with Judge Kiernan and I wish her all the best for her future years on the bench. I look forward to hearing about the implementation of her plans over a glass of wine at AWLA functions.

Natalie Fraser

*A Moment With the Master**— Continued from page 3*

the proposed creation of a part-time judicial office as this new office would remove one of the barriers to being a judge. Sadly, on the Ministry of Justice website every female judge has the letter "f" after her name whereas none of the male judges have an "m" after their name. It makes one wonder how much longer it will be before the word judge will stop automatically conjuring up an image of a man. To this end, Sargisson gladly welcomes the proposal to change the title of "Master" to "Associate Judge of the High Court" in the Judicial Matters Bill.

Master Sargisson is not about to forget where she has come from and how hard it was being a woman practitioner. She says that she is impressed by the quality of counsel – men and women alike. However, she is extremely keen to see more women in court and would like to do what she can to encourage firms to have women appear in the Master's court in particular. She believes the profession is selling itself short if it does not have a full complement of talented lawyers and that means men and women both. She has no reservations that women will do just as good a job as the men.

*Jane Norton**'Raising the Standard'**— Continued from page 5*

was the outfit an Auckland High Court Judge dressed as a Beatle (I think 'Paul') from the Sergeant Pepper's Lonely Hearts Club Band era. It was fitting that the back up singer was Liz Diamond, lawyer, class of '86.

The only query I had was that of the title of the conference 'Raising the Standard'. It was never explained whether this meant the need to 'raise our game' as practitioners within the field of Family Law, or whether it was a flag raised to celebrate the achievement of those practising within the field of Family Law. I hope the title refers to the latter.

I recommend the NZLS book containing the papers of all the presenters as required reading for Family Law practitioners and as worthy of a place in every Law library.

MARGARET WILSON SCHOLARSHIP 2003

Each year the AWLA awards its major scholarship for the year. This scholarship has been awarded since November 2000 and has Margaret Wilson's name to it. Margaret Wilson holds the position of Attorney General, and the scholarship was founded and her name given to it to commemorate her appointment. The award is for academic excellence for a female law student at Auckland University. Financial need can be taken into consideration, but it is not the main consideration.

There were a number of excellent applications this year. Four were short-listed and offered interviews. The short-listed applicants were Vicki McCall, Ronelle Barnes, Adina Thorn and Katy Donnelly. All of the short-listed applicants had outstanding academic records and Suzie Abdale and I had a difficult job choosing the recipient of the prize.

We commend and congratulate all four women who made the short-list. All could have been winners, but unfortunately we could only select one person and we chose Vicki McCall. I asked Vicki to provide

a profile for the newsletter to enable AWLA members to get to know her a little before they have the opportunity to do so in person at the Christmas function on 14 November. Vicki's profile follows on page 8.

In addition, each of the four short-listed applicants have, during the course of the University year, written research papers on issues of interest to the AWLA. Vicki McCall has written a paper on Appointing the Judiciary: A Comparative Study of Judicial Independence and Judicial Appointments Systems in relation to the New Zealand Supreme Court. Ronelle Barnes has written a paper on the Barriers faced by Senior Women Managers. Adina Thorn has written a paper on Sexual Crimes Committed Against Children Extra-Territorially. Katy Donnelly has written a paper on Moral Panic and the Dog Control Act 1996. Each of the short-listed applicants has kindly put together a synopsis of their respective papers and they are included in this issue.

Anita Killeen

Personal Profile of the winner of the Margaret Wilson Scholarship for 2003, Vicki McCall

I would like to start by thanking the AWLA and its members for this scholarship.

I think it's a wonderful testament to the depth of an organisation like this that you give students opportunities of this kind. Thank you.

I was born and have lived my whole life in Auckland, attending Rangitoto College on the North Shore from 1995–1999. During that time I had no idea what I wanted to study at university. I really only decided to study law when, in 7th form, I debated for the school's advanced debating team, and was continuously told "You're good at this – you should be a lawyer". Towards the end of the year I applied for and received a Russell McVeagh law scholarship – and the decision was made.

However, since starting law school I've found that I enjoy every year more than the last, and have discovered a real passion for legal study. I took a BA/LLB conjoint, and majored in Political Studies in the BA, specialising in political philosophy and international relations. It was an interesting and inspiring course, but I found that most of the big questions there have already been answered, at length, and by many theorists. Law is a different discipline altogether. It's very seldom that I'm ever faced with a 'right' answer to any question, and it's this 'shades of grey' nature that I appreciate about the law.

This year I've taken the LLB (Hons) class in Public Law, a field that I find extremely challenging, interesting and rewarding. My research paper was about the judicial appointments system in New Zealand and how it should be changed to accommodate the new Supreme Court. While the focus of the paper is not specifically the appointment of women judges, (for reasons outlined in the synopsis of the paper) I believe that the system I propose for dealing with the new Court bears on the position of women and the judiciary.

This year I have also studied International Law, International Economic Regulation and Criminology, alongside the compulsory courses – Land, Equity, Jurisprudence, Personal Property and Ethics. I found International Law and International Economic Regulation particularly interesting, learning about the impact of outside influences on our legal and political systems. In the past few years in particular, international legal issues have been moved to the forefront of our minds, both as lawyers and as citizens of

this country in military, economic and political terms.

This year was also the second year I ran the GATEWAY programme at my former high school. Around 50 talented 6th form students are chosen every year to take part in the programme, in which we discuss a variety of topics from emotional intelligence (EQ), study skill and learning styles through to the structure of our government, ecological issues and decision-making. We also run a university day, during which I invite other university students to the school to discuss courses and careers with the students. The purpose of the programme is twofold. On an academic level, we try to better-prepare the students for their exams, studies the following year, university and continuing education over their lifetimes. On another level, I attempt to offer the students thoughts about the philosophy they will take throughout their lives, and encourage them to make it one of personal integrity, excellence and hard work. One of the mottos of the course is that "Dogs don't bark at parked cars" – not everybody will always support you and appreciate everything you do, but if you do it for the right reasons, and work hard at it, the pride you can have in your own achievement is worth much more.

In 2002 I was awarded a Rotary Youth Leadership Award, which I was very pleased to accept, and it proved part of the motivation for the GATEWAY course. Encouraging young women to be leaders in their fields of study, work and influence is, I think, one of the most valuable things we can do. Graduates of the programme last year have taken up opportunities in leadership both within the school and outside of it, some attributing their attitude to the ideas we talked about at the course. For them, to settle for something less than what they are capable of is no longer an option.

I am acutely aware of the talent in the pool of applicants that you had to choose from in making this award this year, and once again I thank you. I will use the money to pay a part of my university fees next year. Benjamin Franklin once said "Empty the coins in your purse into your mind, and your mind will fill your purse with coins". An interesting concept, and one which I hope is accurate!

I look forward to meeting many of you in person at your Christmas Party this year.

APPOINTING THE JUDICIARY

By Vicki McCall – *Winner of the Margaret Wilson Scholarship 2003*

"There is no liberty, if the power of judgment be not separated from the legislative and executive powers" – Montesquieu

The setting up of a domestic final court of appeal for New Zealand raises many issues of national identity, responsibility for the development of our law and the re-examination of how we choose our judges. My research paper is entitled "*Appointing the Judiciary: A Comparative Study of Judicial Independence and Judicial Appointments Systems in relation to the New Zealand Supreme Court*".

Originally, it was my aim to investigate solely how and why minorities and women were under-represented on the bench. However, over a period of time it became clear to me that in order to be able to fully answer this question, I would have to return to the first principles of the appointments system, to examine the underlying values and assumptions within it. Hence, while the overall focus of my research remained the same – the appointments system and how it functions – it includes a significant amount of information on those processes.

The paper is divided into three parts. The first looks at the concept of judicial independence, its function and history within our legal system. The second examines arguments for and against having a representative (or probably more correctly a reflective) judiciary, which reflects the gender and ethnic make-up of our society. The third compares the judicial appointments systems of New Zealand, Australia, Canada, England and the United States, looking at the systems and criticisms of how they work.

The primary principles upon which our appointments system is based are those of merit and judicial independence from political interference. However, whether an individual believes that the current system works well or not in large part depends on the view of the proper role of judges that one adopts. For the purposes of this paper, the two primary views as to the role of judges I call:

a) The *traditional conception* – judges decide disputes according to principle and precedent drawn from a pre-existing body of law. The creative role of the judiciary is restricted by Parliamentary sovereignty to filling lacunae in the law as it stands.

b) The *innovative conception* – judges make policy decisions, concentrating on achieving fair outcomes and balancing competing interests. They adopt relatively freely concepts like 'fairness', 'justice' and related principles.

I argue that the true position is somewhere in between the two, but, because this may be a trite comment, the question is modified to ask whether judicial independence as a concept should be extrapolated to its absolute logical conclusion in the appointment of judges, or whether some derogation from the principle is allowable, and if so, to what extent this is so. Judicial independence should be seen as a framework from within which analysis of the current system may be undertaken.

Accountability, while not the primary focus of the paper, has a significant effect on the idea that judges can be strictly independent from the opinions of the public and from the society in which they live. Living in 'the age of democracy' as we do, the question of the extent to which judges have to hear, adapt to and respond to public pressure is also an important one to address.

The paper then goes on to outline several arguments for and against a reflective judiciary. Those arguments include whether it is imperative to public confidence in the judiciary that they see themselves reflected even to a small extent in judges, or whether the goal of public confidence is best served by appointing disinterested, impartial and disconnected people, whether the concept of representation of women for that reason is a 'dangerous' one, and how the conception that one adopts of the role of judges affects the view of representation that one will take.

I think that overall the perception that one has of the 'proper' role of judges will inevitably affect the way one sees the function of representation on the bench. The arguments of those who think that gender and ethnic considerations should not be considered part of the criteria assume divergent first principles from those who believe a reflective judiciary

"... whether an individual believes that the current system works well or not in large part depends on the view of the proper role of judges that one adopts."

BARRIERS FACED BY SENIOR WOMEN MANAGERS

By Ronelle Barnes

“Given that women frequently report difficulties in employment due to gender relations, it is of interest whether [Senior Women Managers] are making a positive difference for other women in the workplace.”

For years research concerning women in management (“WIM”) has focused on the metaphorical “glass ceiling” which denotes the barriers women face in aspiring to reach senior status within organisations. A parallel issue, equally relevant to WIM, is the experience of senior women managers (“SWM’s”) once they break through the glass ceiling. Contemporary research has advocated that various barriers continue to challenge these women on a day-to-day basis and affect their ability to perform their jobs to their full potential. Whether these barriers do in fact exist and whether they are gender related are questions which need to be addressed.

Furthermore, given that women frequently report difficulties in employment due to gender relations, it is of interest whether SWM’s are making a positive difference for other women in the workplace. There is disagreement on this issue. Some argue that SWM’s are too overwhelmed in coping with the barriers they personally face to reform organisations for women in general. Others propose that SWM’s at the very least represent the potential competence of WIM and provide role-models to women in general. Those that perceive women as having a different leadership style than men, that is consultative and transformational, further argue that women in the workplace will naturally benefit from SWM’s by their support, flexibility and empowerment. In the end, the extent to which SWM’s have the potential to positively affect women in the workplace will depend upon their individual activeness in promoting women and fostering organisational change.

The main difficulty in assessing whether barriers in fact exist and whether SWM’s make a positive impact for other women employees is that the legitimacy of relevant studies are questionable. Surveys may be too simplistic with closed questions and no room for elaboration while others are only completed by

employers and thus represent a self-perception without providing the relevant comparative of how others perceive the situation (Pringle and Collins, 1998). Words and concepts utilised may also have a temporal element whereby they are understood differently over time and also from one person to the next. Perhaps it should be accepted that non-scientific inquiries may inherently encounter difficulties in proposing flawless arguments. However, simplifying complex circumstances in this nature presents a trade-off as trends may be identified and analysed, but this is at the risk of perpetuating stereotypes and misinterpreting the situation altogether.

The question whether SWM’s make a positive difference for other women in the workplace is naturally problematic because if one considers all the relevant factors, it can only be answered with the phrase “it all depends.” SWM’s certainly have the ability to have a positive impact but in order to extend beyond mere visible role modelling, this must be somewhat of an active choice to take part in networking, mentoring and extra-organisational groups which provide guidance and support to other individuals who take part. With regards to promoting women’s interests as a collective, SWM’s must take a more radical reformist approach and this may put her career at risk as those in favour of preserving the current organisational culture will probably respond with hostility. Even those who would like to promote organisational change may be overwhelmed by the general senior-level workload together with utilising personal strategies to deal with daily discrimination and inequality. Therefore, it is more likely that SWM’s make a limited difference for other women in the workplace and further research is required concerning to what extent SWM’s perceive themselves to promote the interests of other women and how women in the workplace are actually aware of these attempts and whether they are perceived as useful.

SEXUAL CRIMES COMMITTED AGAINST CHILDREN EXTRA-TERRITORIALY

By Adina Thorn

Sections 144A, 144B, and 144C of the Crimes Act 1961 allow a New Zealand citizen or a person ordinarily resident of New Zealand to be criminalised for a sexual act that, if committed in New Zealand, would be a breach of one of the crimes listed in s 144A(1). Further, s 144C makes it illegal to promote or organise child sex tours.

There have been relatively few cases under these sections. However, in the recent decision of *R v Poynton* (District Court, Hamilton, 8 February 2002, Judge Burnett), the accused, a New Zealand citizen, was found guilty of committing indecency with a 13 year old New Zealand boy (per ss 140A and 144A of the Crimes Act 1961), when the accused accompanied the alleged victim and his family on a church trip to the United States. This case emphasised that s 144A is not limited to cases when the alleged victim is not a New Zealand citizen. Further, other New Zealanders have been prosecuted in India (*Eoghan McBride*¹) and Fiji (*Rex-Cameron Macrae*²) for crimes against children while overseas.

While it is acknowledged that New Zealand has taken a positive first step at punishing their nationals by passing s 144A, and this position is consistent with the approach taken in Sweden (Swedish Penal Code, s 12(3)); Germany (German Penal

Code, ss 176(1) to 176(6), 180(b) and 181); and Australia (Crimes (Child Sex Tourism) Amendment Act 1994 (Cth)), the writer believes s 144A requires further modification to more effectively protect a class of people who are amongst the least able to protect themselves. Such a development is consistent with New Zealand's obligations under the United Nations Convention of the Child 1989. While the writer recognises that s 144A is fraught with practical difficulties in enforcement, it is nevertheless important for s 144A to be as effective as possible when it is relied on. Thus, as s 144A does not currently cover all of the sexual crimes in the Crimes Act 1961, it should be extended to cover sexual violation (s 128), attempt to commit sexual violation (s 129), indecent act with intent to insult or offend (s 126), and incest (s 130) as there is no reason why they were omitted when the section was enacted. This would make the section consistent with the Australian Crimes (Child Sex Tourism) Amendment Act 1994 (Cth) which the New Zealand provisions were modelled on.

1 NZPA, "NZ abuser of orphans jailed for seven years" *The New Zealand Herald* 22 July 2002, section 1,4; Chausen J, "Kiwi will face sex charges in India" *Sunday News*, 8 August 2002, 4.

2 Chambers C, "Ten years in jail for paedophile" *Fiji Times* 22 February 2002, 81.

Appointing the Judiciary – Continued from page 9

would be a positive thing. These principles are, in many cases, irreconcilable. The conclusion reached is that the criteria for appointing judges needs to be clearly

set out, so that the community can see how they are being appointed. This is probably one of the most significant possibilities for fostering public confidence in the New Zealand judiciary in the future.

The next part of the paper examines the judicial appointments systems in New Zealand, Australia, Canada, England and the USA, and criticisms that have been made of those systems over time. It then proceeds to offer a potential future model for judicial appointments to the Supreme Court of New Zealand. The system is based on the positive points in the overseas models, past proposals from the Royal Commission on the Courts in New Zealand, commissions overseas and trying to remove the problems that exist in the current system.

P.S. While the word limit for my paper prevented me from including a lot of the information regarding a reflective judiciary that I would like to have included, I think the benefit of outlining the primary doctrines of the system is that it allows debate on the other concepts to be grounded in a principled foundation.



"The emergence of dog attacks as a serious issue in the early days of 2003 provoked a panic among all sectors of New Zealand society. The response of the media involved disproportionate and sensationalised coverage, exaggeration of both the extent and intensity of the problem, and stereotyping of dogs, dog owners, victims and attack circumstances."

FROM DOG ATTACKS TO A DOG'S BREAKFAST: Moral Panic and the Dog Control Act 1996

By Katy Donnelly

Employing Stanley Cohen's theory of moral panic, this research paper analysed the public and legislative response to the problem of dog attacks in New Zealand. A moral panic involves the emergence of a problem to which the media, public, law enforcement agencies, legislature and action groups respond in a manner characterised by hostility, consensus and disproportionality.¹ By studying media reports as well as government documents concerning the potential reform of existing dog control laws, the paper concludes that there has been a moral panic about dog attacks in New Zealand, the effect of which will be both permanent and negative if the proposed legislative changes are passed.

The emergence of dog attacks as a serious issue in the early days of 2003 provoked a panic among all sectors of New Zealand society. The response of the media involved disproportionate and sensationalised coverage, exaggeration of both the extent and intensity of the problem, and stereotyping of dogs, dog owners, victims and attack circumstances. The New Zealand public expressed an unwarranted fear of dogs and a surprisingly intense hostility towards many dog owners: some citizens avoided all contact with dogs, requests for intervention by dog control officers increased, and many owners reported being ostracised and even verbally or physically abused. Law enforcement agents, including dog control officers and judges, increased surveillance and punishment of errant dog owners to an extent not objectively justified by the nature of the dog attack problem.

Politicians capitalised on the issue by promoting popular solutions to their constituencies and accusing opposition parties of not acting, while parliament as a whole instigated a move for hasty legal reform. Finally, action groups emerged, exacerbating public fears and lobbying for dramatic law changes.

The consequence of a moral panic is normally legislative change that fails to effectively address the problem in an objective manner.

Instead, due to its origins as a response to frenzied public calls for 'something to be done', it reflects both the distorted facts presented by the media and the exaggerated fears of the public. This paper suggests that the proposed amendments to the Dog Control Act 1996 exhibit this weakness. It must be acknowledged that the New Zealand government has undertaken significant research into the nature of the dog attack problem. However, the undue haste with which law reform was attempted and the failure of the final proposals to reflect the evidence revealed by the research, imply that the legislative changes will codify a moral panic instead of a reasonable response to an objective problem.

The proposed law changes include the introduction of breed specific controls, stricter fencing and leashing requirements, and a dramatic increase in penalty provisions. Law scholars and dog experts, both in New Zealand and overseas, have already identified significant problems with the amendments. First, breed specific controls increase uncertainty in the law without achieving the desired result: experts reveal that there is no scientific method of determining a dog's breed and emphasise that in any event, it is the owner, not the breed of the dog that influences proclivity to attack. Second, the increased fencing and financial obligations may simply discourage law-abiding citizens from owning dogs while having little impact on owners that do not fulfil the current requirements of registering and adequately caring for their dogs. Finally, there is concern that the reforms do not address the underlying problem – the serious lack of funds that inhibit the ability of dog control officers to effectively use their existing powers.

If passed by the New Zealand parliament these legislative provisions will significantly alter the experience of dog ownership and the practice of dog control, and may well cause more problems than they purport to solve. In conjunction with the effects that the issue has had on the public's attitude towards dogs and their owners, these legal changes will ensure that the moral panic about dog attacks will have a permanent, if not negative, impact on New Zealand society.

¹ Stanley Cohen *Folk Devils and Moral Panics* (Third Edition, Routledge, London, 2002) 1.



"On the Internet, nobody knows you're a dog."

Work-Life Balance – the launch of new government policy

“The basic idea behind the programme is that skill shortages mean employers who can offer creative ways for staff to achieve better work-life balance will play an important part in attracting and retaining the best people.”



She states that employers are reporting benefits such as improved recruitment and

On 5th November 2003 AWLA held a work-life balance seminar. This seminar was a great success attended by students and practitioners and featuring speakers from both the legal and health professions. Coincidentally, two weeks beforehand, on Labour Weekend, Margaret Wilson announced the start of a major consultation exercise as part of the Government's programme to develop policies promoting work-life balance. The following is some background on the programme.

In August this year, Labour Minister Margaret Wilson, announced that Government would establish a work-life balance programme to develop policies and practices promoting a better balance between paid work and life outside of work. Prime Minister Helen Clark recently said the cutting edge policy for the future will be centred round the work-life balance area, looking at how people are balancing the demands of work and their life outside work. The next stage of the programme, the consultation phase, will begin in November this year.

The basic idea behind the programme is that skill shortages mean employers who can offer creative ways for staff to achieve better work-life balance will play an important part in attracting and retaining the best people. Announcing the programme on Labour Weekend (a timely date to reflect on modern working practices) Margaret Wilson said there was growing evidence that introducing work-life balance policies could be a "win win" situation for employers and employees:

“People with skills can work anywhere in the world. If they do not like the working conditions, they can leave. If we want to attract skilled talent from overseas and retain staff in New Zealand we need to seriously look at work-life balance issues.”

retention rates, reduced absenteeism and increased job satisfaction as a result of their policies. The EEO Trust's Work and Life awards have shown the Government that there are already enlightened businesses out there in New Zealand who are starting to reap the benefits of operating work-life balance policies.

The consultation talks aim to tap into the kind of things that help people balance the demands of paid work and life outside of work. The initial consultation round will be with key stakeholder and community organisations, followed by discussions with a wider public in February next year. As explained by Margaret Wilson, the Government wants to accurately reflect the different realities people face and to get feedback on factors that help people achieve some measure of work-life balance. It wants people to identify examples of good practice that could be of use to others and then to tell the Government about it.

The Government is looking for an overall outcome of improved work-life balance for all New Zealanders and is open to ideas about the best way to achieve this. The first phase of the process involved identifying available information on work-life balance policies and practices in New Zealand and overseas. It will consider policy options based on material gathered and the findings from the consultation process. An inter-agency steering group chaired by the Department of Labour has been set up to develop and co-ordinate the work-life balance programme. More details about the work-life balance project are available on the website: www.dol.govt.nz/worklife

For further information on the work-life balance programme, contact: Trish Green, Work Life Balance Communications Adviser Tel: 021 687 201. *Jane Norton*

Meeting of Representatives of Women Lawyers Groups

A national meeting of representatives of women lawyers groups from all over New Zealand was held in Hamilton on 4 October 2003. Two representatives from AWLA attended the meeting. Also present were representatives from the Hamilton women lawyers group, Otago Women Lawyers Society and the Womens Consultative Group. Christine Grice also attended. The meeting took place in the last few days of Christine's role as president of the New Zealand Law Society. Christine discussed the submissions NZLS would be making to the select committee on the Lawyers and Conveyancers Bill. The WCG representative, Anne McMurtrie, gave a report to the meeting about the 2003/2004 work plan, the WCG web page and liaison with women lawyers groups. Each group gave a report to the meeting of their activities for the year. Overall the discussion was wide ranging and provided an opportunity to discuss issues affecting women in the law. It was decided that the next meeting will take place in Dunedin and will be scheduled to coincide with the Ethel Benjamin Commemorative address in April 2004.

BOOK REVIEW

If nobody speaks of remarkable things by Jon McGregor

– a review by Natalie Fraser

On a rainy Sunday afternoon in September, after uttering the ultimate lie "I've got nothing to read! I don't own any books!" (Actually I probably own over 100 books and live in a one bedroom flat, it was just that I didn't want to re-read any of them) I indulged my addiction by visiting Timeout Bookshop on Mt Eden Road. In a great show of self-control I left after only adding two shiny new books to my collection (at one stage during the most intense period of browsing I was probably weighed down by five!): *What I Loved* by Siri Hustvedt and *If Nobody Speaks of Remarkable Things* by Jon McGregor.

Both novels were worthy of review, but McGregor's first novel had that something that kept me reading just one more chapter and then just one more. McGregor was awarded the Betty Trask prize and was the winner of the Somerset Maugham Award for his debut novel and it is understandable why.

Remarkable Things is a hypnotic depiction of everyday life, at times more poetry than prose:

If you listen, you can hear it.

The city, it sings.

If you stand quietly, at the foot of the garden, in the middle of a street, on the roof of a house.

It's clearest at night, when the sound cuts more sharply across the surface of things, when the song reaches out to a place inside you.

McGregor captures a series of snapshots of the ordinary. On a suburban street in a North England Town, ordinary people are doing ordinary things – children play, paint dries and people fall headlong in and out of love. At number sixteen a father tries to teach his daughter about life:

... he says my daughter you must always look with both of your eyes and listen with both of your ears.

He says this is a very big world and there are many things you could miss if you are not careful. He says there are remarkable things all the time, right in front of us, but our eyes have like the clouds over the sun and our lives are paler and poorer if we do not see them for what they are.

He says, if nobody speaks of remarkable things, how can they be called remarkable?

He looks at her and he knows she doesn't understand, he doesn't think she'll even remember it to understand when she is older. But he tells her these things all the same, it is good to say them aloud, they are things people do not think and he wants to place them into the air.

The tragic reality of ordinary people's everyday lives plays out in a way that the people next door never stop to turn their minds to, and all the time, overshadowing the ordinary is a disaster that you can sense, but cannot predict, a disaster that will forever change those who live in the street.

I found *Remarkable Things* captivating and enjoyed it to the degree that on the next rainy Auckland Sunday I might just happily stay inside and read it again.



"Those responsible for putting my client in charge of the henhouse should be on trial here, not my client, who, as a fox, was only doing his job."

The University of Auckland Master of Laws Programme 2004



The Faculty of Law postgraduate programme continues to expand to meet the demands of a learning society. More graduates than ever are turning to the Faculty to undertake a first class postgraduate qualification that will broaden their careers.

The partnership with the University of Melbourne, the mix of visiting lecturers and internationally renowned University of Auckland staff together with a range of students from diverse backgrounds creates a dynamic and international learning experience.

The intensive and single-semester courses, along with dissertation and thesis options, contribute to a programme that accommodates both practitioners and full-time students.

I trust you will enjoy the rewarding learning environment of the 2004 Law postgraduate programme.

Professor Julie Maxton DEAN, FACULTY OF LAW

Visitors to the Faculty of Law in 2004

The Faculty of Law is enriched by visiting scholars of international renown. The Faculty of Law will be hosting the following distinguished visitors in 2004, all of whom will be teaching intensive Masters courses.

Professor Jeff Berryman (University of Windsor)
 Professor Peter Birks (University of Oxford)
 Professor Michael Bridge (University College London)
 Professor Joshua Dressler (Ohio State University)
 Professor Carol Harlow (London School of Economics)
 Professor Oliver Houck (Tulane University)
 Professor Stephen McAllister (University of Kansas)
 Professor Tim McCormack (University of Melbourne)
 Professor Richard Rawlings (London School of Economics)
 Mr Bernard Robertson (Editor of the New Zealand Law Journal)
 Dr Pippa Rogerson (University of Cambridge)
 Associate Professor Hans Tjio (National University of Singapore)

Courses Offered at The University of Auckland Faculty of Law in 2004

Specialisation in the LLM degree allows students the option of completing a LLM "in" Commercial Law, Environmental Law or Public Law.

The courses marked with an asterisk will be offered on an intensive basis, with approximately 30 hours of class time over a five-day period (weekends are not included).

To enhance the learning experience, all of the courses are taught in small classes with a maximum of 25 students.

LLM – Semester One

Current students and those with NZ qualifications should apply no later than 2 February 2004

Semester-long courses run 1 March–4 June

Commercial Crime 12–18 May (Wed–Tues)* *Bernard Robertson*
 Common Law Theory & Practice 18–24 February (Wed–Tues)*
Janet Mclean
 Comparative Administrative Law 24–30 March (Wed–Tues)* *Carol Harlow & Richard Rawlings*
 Comparative Bill of Rights Law: Criminal Procedure 9–15 June (Wed–Tues)* *Joshua Dressler*
 Comparative Securities Regulation 26 May–1 June (Wed–Tues)*
Hans Tjio
 Corporate Governance Thurs 5–8pm
 Corporate Finance Tues 5–8pm

Franchising Law Wed 5–8pm
 International Criminal Law 1–7 April (Thurs–Wed)* *Tim McCormack*
 International Environmental Law Wed 4–7pm
 Legal Research & Methodology
 Local Government Law Thurs 5–8pm
 Pre-judgment Remedies 7–13 July (Wed–Tues)* *Jeff Berryman*
 Selected Aspects of Intellectual Property Tues and Thurs 5–7pm
 Selected Topics in Taxation Mon 5–8pm

LLM – Semester Two

Current students and those with NZ qualifications should apply no later than 1 June 2004

Semester-long courses run 19 July–22 October
 Communications & Information Technology Thurs 5–8pm
 Comparative Bill of Rights Law: Civil and Political Rights 14–20 July (Wed–Tues)* *Stephen McAllister*
 Comparative Environmental Law 28 July–3 August (Wed–Tues)*
Oliver Houck
 Conflict of Laws 11 Aug–17 August (Wed–Tues)* *Pippa Rogerson*
 Copyright Law Wed 5–8pm
 Employment Law Tues and Thurs 5–7pm
 International Sales & Finance 18 Aug–24 August (Wed–Tues)*
Michael Bridge
 Professional Liability Mon 5–8pm
 Public International Law Tues 1–4pm
 Resource Management Law Thurs 5–8pm
 Restitution in Commercial Contexts 25–31 August (Wed–Tues)*
Peter Birks
 The Regulation of International Trade Tues 5–8pm

Flexibility

Masters study can be completed full- or part-time, and classes are scheduled at times to suit the profession.

To discuss a programme to suit your needs, please contact the Manager of the Postgraduate Programme. As space is limited early application is advisable.

Nicola Andrews, Manager – Postgraduate Programmes
 Faculty of Law, The University of Auckland
 9 Eden Crescent, Auckland
 Private Bag 92019, Auckland, New Zealand
 Telephone: + 64 9 373 7599 ext 86396 Fax: + 64 9 373 7473
 Email: postgradlaw@auckland.ac.nz
<http://www.law.auckland.ac.nz/postgrad/index.html>

AWLA Christmas Dinner

Guest speaker – **Ann Sherry**, *CEO of Westpac Bank*



The Royal Yacht Squadron
101 Curran Street, Westhaven
7pm, Friday 14 November 2003
(AGM from 6:15pm)



Tickets: **\$68.00** current AWLA members
(or **\$118.00** including 2004 membership)

\$118.00 non-members (including 2004 membership)

*10 student tickets available at **\$40.00** each!!!*

RSVP by 10 November to the Secretary,
AWLA, P O Box 6568, Wellesley St, Auckland

Applicants for student tickets
please email your request to belinda.bagge@bellgully.com

Please return to: Secretary, AWLA, PO Box 6568, Wellesley Street, Auckland

AWLA Christmas Function

- I am a new member (\$118.00)
 I am renewing my membership for 2004 (\$118.00)
 Dinner only (\$68.00)

Enclosed is a cheque for \$ _____ for ____ tickets including ____ memberships.
(If you are a new member, please also complete the membership form on page 18.)

Name(s): _____

Firm: _____

Address: _____



THE ADLS PUBLIC ISSUES COMMITTEE

INVITES YOU TO A FORUM ON

**THE CRIMINAL TRIAL PROCESS
IN SEXUAL OFFENCE CASES:
CAN WE DO BETTER?**

Thursday 13 November 2003 4.00pm to 7.00pm

Chapman Tripp

Level 35, 23-29 Albert Street, Auckland

Focus

A forum aimed at encouraging debate about whether (and, if so, how) the trial process for sexual offences should be changed.

Speakers

Caroline Day, Sexual Abuse Help

Sheryl Maung, Rape Crisis

Elisabeth McDonald, Victoria University

Phil Hamlin, Meredith Connell

Paul Dacre, Barrister

Scott Optican, Auckland University

Chair

Justice Harrison

There will be no admission charge.

To assist with seating and catering arrangements, please register by contacting Martin Watts, ADLS Public Issues Committee on (09) 303-5281 or email: martin.watts@adls.org.nz



APPLICATION FOR MEMBERSHIP

1 January 2004–31 December 2004

Auckland Women
Lawyers' Association Inc.

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

PO Box 6568,
Wellesley Street,
Auckland

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

OR Provide the following details:

Name: _____

E-mail: _____ **Fax:** _____

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

Contact Address: _____

Work Title: *(please circle)*

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

Employer Name: *(if applicable)* _____

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 31/12/2003)	\$ 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.



NEW ZEALAND

SOLICITOR-GENERAL

17 September 2003

Ms Karen Price
President
Auckland Women's Lawyers Association Inc
P O Box 6568
Wellesley Street
AUCKLAND

Dear Ms Price

Auckland Women's Lawyers Association Inc

Thank you for your letter dated 1 August 2003 in which you enquire as to the steps taken by my Office to influence Government policy concerning the promotion of women and minorities within the legal profession.

As you will be aware, the Government is committed to the support of equal employment opportunities (EEO) throughout the public sector and a considerable effort is made to ensure all agencies implement and practice those policies. The State Services Commission has responsibility to monitor EEO activities in the public sector, and the Crown Law Office is part of that regular review process.

The Crown Law Office has, I consider, done well in terms of applying these policies and, in particular, has a workforce which is comprised of 70% women in total, with counsel being approximately 50/50 in gender terms. Currently the three Deputy-Solicitors-General are women. That said, our recruitment policy is based primarily on merit.

The merit principle is carried through into the Office's approach to engaging suppliers of services and instructing counsel. In relation to the latter, the Office sometimes instructs external counsel for various reasons. For example, Queen's Counsel may be instructed to provide senior litigation experience or specialist expertise in a particular area. The selection of counsel is based principally on the Office's knowledge of the skills and experience of those at the Bar. While we do not keep statistics in relation to this selection process, my overall impression is that the Office frequently briefs women barristers.



You have raised the issue of Crown Solicitor warrants as an area of concern to the Association. I can assure you that the process of selecting new Crown Solicitors is conducted with the aim of ensuring that the best qualified applicant is recommended for the relevant warrant. An advertising process takes place, followed by a rigorous review of applicants leading to selection. I note, however, that in relation to the three warrants that have been advertised over the last three years there have been no applications from women counsel. (As an aside, I note that of 87 applications for Silk in 2002, seven came from women; in 2003 there were 90 applications, of which 10 came from women.)

In addition to the 'recruitment' process for new warrant holders, Crown Solicitors undergo a periodic review of their prosecution practice, which includes a review of their employment policies in terms of EEO. We have noted an increasing number of women counsel becoming 'registered' as prosecution counsel at the various levels. We think this is an important trend for the development and maintenance of the Crown prosecution system across New Zealand.

I can also confirm that the Attorney-General supports the Office in its endeavours to ensure EEO remains a focal point for the way in which it carries out its work.

Thank you for raising these issues with me and I trust my response helps your Association in addressing these important matters.

Yours faithfully



Terence Arnold
Solicitor-General



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17 September 2003

Convenor
Auckland Women's Lawyers Association
PO Box 6568
Auckland

Dear Convenor

Women's Refuge has recently had the enclosed bequest leaflet printed.

I wondered whether there would be any opportunity to have them displayed within the lawyer's offices in your area and if so, how would we go about doing that?

You can either reply in writing to the above address or email me on fund@refuge.org.nz.

Thank you & kind regards

Janet Bagshaw
National Fundraising Manager