



Auckland Women
Lawyers' Association Inc.

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This issue's editor:
Belinda Bagge

NEWSLETTER

OCTOBER 2003

From the (Vice) President . . .

Karen Price, our President, is taking a holiday so I have stayed back (boy, the disappointment) from the Les Mills 4pm Sunday "Pump" class to write this, and reflect on what is coming up for the AWLA in the little time that remains between now and the end of the year.

Plenty, in short. In fact, there will be little time for work.

We have arranged an evening on Business Development (kindly hosted by Bell Gully), 22 October commencing with drinks at 5.30pm. This evening is aimed at intermediate-to-senior lawyers. We also have a Work/Life Balance seminar on 5 November, venue to be arranged. This seminar is aimed at the unbalanced, i.e. most of us.

And, on Friday 14 November, we have our Christmas dinner. Ann Sherry is our speaker that evening. Ann was appointed the Group Executive of Westpac Banking Corporation's New Zealand and Pacific Banking operations, and also CEO of Westpac Trust, from November 2002.

Prior to her appointment, Ann headed the Human Resources function for the Bank for several years. She was also the first Assistant Secretary of the Office of the Status of Women advising the Prime Minister. So, she is no stranger to the issues confronting professional women. Numbers that evening are limited, so we are suggesting people buy tickets as soon as they can.

The dinner is to be held at the Royal New Zealand Yacht Squadron premises at Westhaven. Our AGM (commencing at 6.15pm) will precede the dinner, which will start at 6.45pm. Tickets can be bought from the AWLA Secretary, PO Box 6568, Wellesley Street. Cost is \$68, although

there are some variations on that for student tickets and for members renewing their membership for 2004.

The other event to watch for is the passing (or otherwise) of the Supreme Court Bill. Margaret Wilson announced recently that the Government expects this will be passed by Christmas. There remains opposition to the proposed change and the matter is not a "done deal". Keep your eyes peeled for political and other manoeuvrings on that score.

Finally, I have been catching up on some back issues of *American Lawyer* (as one does). The July 2003 issue revisits the magazine's 1993 analysis of the position of, and outlook for, women in US firms.

The issues have not changed. The common complaint is that the demands of the workplace cannot be reconciled with the demands of the rest of life, whether that be family or simply a wish to work fewer hours. Many of the women interviewed considered that the difference between a "good" firm and a "bad" one, is the attitude of partners. If they want to make it work for women, they will and if they don't, all the part-time/childcare/family friendly policies in the world won't matter a bit.

The percentage of women partners also remains low. In the top 20 firms ranked by profits, the percentage of women equity partners ranged from 6.9% to 20.7%. Look outside those rarefied ranks and the figures reaches as high as 28.4%.

Remember – today's graduate lawyers will be employers in 10 year's time. Now is the time to start talking to them about these issues.

All the best for the next couple of months. I look forward to seeing you at the evenings ahead and, or course, at the dinner on 14 November. **Mary Peters**

UPCOMING EVENTS

Please note the following key dates now for forthcoming AWLA functions:

Wednesday 22 October 2003

Business Development Workshop – Bell Gully

Friday 14 November 2003

AWLA Christmas Function – Royal New Zealand Yacht Squadron

See page 2 for details

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 7 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 7.)

Name(s): _____

Firm: _____

Address: _____

BOOK REVIEW

Harry Potter and the Order of the Phoenix by J.K Rowling

Reviewed by Suzie Abdale

It's a rather difficult task to review a Harry Potter novel. First, you don't want to give too much away. Second, there's the hype. And then, it's really easy to get caught up in treating this book like you would treat any adult fiction – despite it being a book about children and for children.

In essence, the story line is pretty straightforward. While Harry's version of the Goblet of Fire competition and his state of mind are openly challenged by many different factions (including the usual suspects – those students in Slytherin), Voldemort grows stronger. As usual, Harry and his sidekicks, Ron and Hermione, get caught up in some seriously adult business. Along the way there's the usual trials and tribulations such as the rivalry with Slytherin, Professor Snape, Quidditch, studying and Hagrid's Care of Magical Creatures class. I am loathe to reveal any more because the details are really worth being revealed page-by-page – as intended by Rowling.

In several ways, number five in the Harry Potter series is a bit different to its predecessors. A fair chunk of the book is not set in Hogwarts School of Witchcraft and Wizardry. And then when Harry gets to Hogwarts, he has to take care of himself. Dumbledore and most of the adult witches

and wizards in Harry's life are preoccupied with more pressing matters. Also, at times Harry just isn't the likeable kid he was in the earlier books. He's a little whiny, frustrated and takes things out on his friends. However, despite all his strange traits and his outbursts, he is still a good guy taking on the bad guys. He's also treated unfairly by unreasonable and biased government cronies and teachers. That's reason enough to keep cheering for Harry and his friends.

While still a great page-turner, *The Order of the Phoenix* does not have the pace, or is as dramatic or exciting as the *Prisoner of Azkaban* and the *Goblet of Fire*. You almost get the impression that Rowling is setting out information so that the last two books in the series "go off with a bang". Yet, if you are caught up in Harry's world, you'll still enjoy *The Order of the Phoenix* – even if it's just a fix to tide you over until number 6 comes off the production line.

And a word of advice – in case you are one of few that haven't delved into this series yet, it's worth starting from the start. Get a copy of *Harry Potter and the Philosopher's Stone* and work your way through to *The Order of the Phoenix*.

NEWSLETTER BY E-MAIL

Have we got your correct e-mail address?

Your newsletter has probably come to you by way of e-mail.

If so – congratulations – you have provided us with your e-mail address and in doing so have saved AWLA considerable cost in reduced photocopying and postage.

You can also help us by ensuring that we have your correct e-mail address and by checking that you are able to receive attachments.

Up-dated information or queries can be directed to: awla@xtra.co.nz

AGM and Executive Nominations

The Annual General Meeting of AWLA will be held at 6.15pm on 14 November 2003, before the Christmas function at the Royal New Zealand Yacht Squadron.

A nomination form for the 2003 AWLA Executive is on page 6 of this newsletter.

Please complete the nomination form and return it to the Association Secretary by **11 November 2003**.

Smokefree Women's Suffrage Breakfast

This event was held at the Ellerslie Racecourse on 19 September 2003 – 106 years since the granting of women's suffrage in 1893. The breakfast was organised by the Women's Health Action Trust, a charitable trust that aims to educate women on health issues affecting them. The keynote speaker was the Hon Margaret Wilson, who spoke on areas of discrimination, an issue she had been asked to address at the first United Women's Convention held in September 1973. As a lawyer, it was her view at the time that legislation was an important vehicle through which change to discriminatory practices against women could be effected.

Following the 1973 Women's Convention, there was a flurry of legislative activity aimed at improving the position of women, including the Human Rights Commission Act, the Contraception Sterilisation and Abortion Act, the Maternity Leave and Employment Act and the Matrimonial Property Act. Since that time, there has also been a marked increase in the number of women in parliament, from 4 women MPs in 1973, to the present day, when there are 35.

Can the same be said in relation to the judiciary? There were no women in judicial office in 1973. Dame Augusta Wallace was the first female judicial appointment in 1975. However, come Suffrage Day 2003, there is one female Court of Appeal judge, six female High Court judges (including the Chief Justice), one female High Court master, 30 women District Court judges, one woman on each of the Environment and Employment Court benches, and three women judges of the Maori Land Court.

Margaret Wilson concluded her speech with a call to women to continue to challenge the remaining structural and systemic inequalities preventing women's full economic and social participation in New Zealand society. The breakfast was an enjoyable way to spend a morning. It concluded with a raffle, with proceeds going to worthwhile women's causes.

An Evening with Lynley Hood

Review by Jane Norton

On 12 August 2003 AWLA hosted an evening with Lynley Hood, author of *A City Possessed: the Christchurch Civic Creche Case* (2002, Longacre Press). After obtaining an M.Sc in Physiology, Hood worked in medical research before becoming a parent and a freelance writer. Her award-winning book has recently sparked a petition seeking a Royal Commission of Inquiry into the Peter Ellis case.

Hood spent seven years researching the Christchurch Civic Creche case which saw Ellis sentenced to 10 years' jail in 1993 for sexually abusing seven children. *A City Possessed* is the culmination of these years of research. In the book Hood points out flaws in the criminal justice system and what she regards as the flimsy nature of the prosecution case, concluding that that Ellis was innocent – the victim of a city's moral panic. She argues that the justice system, consisting not only of judges and lawyers but police, social workers, and psychologists, failed to act thoroughly and dispassionately. Whether you agree with Hood's criticisms or not, her 600-page book is evidence of extensive research and is a thought-provoking read.

In the course of the evening Hood read from her book and described the child abuse hysteria surrounding the Christchurch Civic Creche case as just one manifestation of an international phenomenon comparable to the great witch hunts of the 16th and 17th centuries where an increasing number of ordinary women (and some men) were sent to the stake with all but the most outspoken critics remaining silent. She described a witch hunt as being, in the classical sense, a combination of three separate, but related, phenomena: a moral panic, an epidemic of mass psychogenic illness, and an outbreak of scapegoating.

In Hood's view there were no monsters in the Civic Creche story. Instead, the problems arose when the winds of panic swept through Christchurch and the moral compasses of ordinary, decent, well-intentioned people became so disoriented that they ended up doing harm when they thought they were doing good. That said, she reminded us that one of the lessons of the great witch hunts is that we shouldn't under-estimate the power of those in authority to either inflame or dampen down these panics. By way of example, she asked us to imagine what would happen if ACC offered financial

compensation to the alleged victims of alien abductions.

As Hood pointed out, we don't need to imagine what happened in Salem, Massachusetts in 1692. We know that the governor brought that panic to an end by declaring "spectral evidence" (the dreams, visions and hallucination of people who believe themselves to be bewitched) to be inadmissible in court. Hood noted that the fact that the governor's wife had been accused of witchcraft probably helped to focus his mind! In any event, the community had been calling for an end to witch hunting for some time, so the governor's actions weren't all that remarkable.

James I of England is an even more interesting case. Earlier, as James VI of Scotland, he had been a rabid witch hunter, but in 1604 he moved to England and became a sceptic. One of his most famous cases was that of 20-year-old Anne Gunther, who foamed at the mouth and vomited pins. After questioning her closely, the King concluded that Anne's real problem was a desperate need for love, and promptly gave her a dowry, whereupon – according to the King's physician William Harvey – she married and found herself miraculously cured.

So what can we learn from this remarkable history? While Hood warns against people who claim to have all the answers, she says that we can learn to challenge pessimists who say that nothing can be done about the Civic Creche case, and that we must do this not only for the sake of the past, but also for the sake of the future.

The most interesting, and at times controversial, part of the evening was when Hood opened the floor up to questions. Fielding incisive questioning from AWLA members and guests, Hood went into detail about various aspects of the criminal justice system that she thinks needs reforming if future injustices are to be avoided. She claimed that the battle cry "protect the children" has been used to dramatically expand coercive state power and that the capriciousness of laws and attitudes sparked by child sexual abuse campaigns have put up a destructive barrier between caring adults and children. Hood cited as examples changes to the Evidence Act in the late 1980s (in particular the Evidence Amendment Act 1989) which contributed to a judicial environment that

Continued on page 5 ➤

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"This issue has been a women's initiative for many years. It is pleasing to see it come to fruition at last."

AWLA Business Development Workshop

5:30pm 22 October 2003
at Bell Gully
Level 21, Vero Centre
Shortland Street

Great opportunity for intermediate and senior barristers and solicitors to learn business development techniques and insights from senior lawyers, businesswomen and business development consultants.

\$5.00 for members
and \$10.00 for non-members.

Spread the word!
Drink and nibbles will be provided.

Further details
will be provided shortly.

Part-time Judging – One Step Further

by Usha Patel???

The opportunity to work as a part-time judge is approaching reality with the proposed provisions contained in the Judicial Matters Bill. This Bill, currently before Parliament, provides for judges to sit on a part-time basis in "appropriate circumstances".

The overview of the general principles to the Bill states that *"the proposal will ensure that Judges have good work conditions consistent with EEO policies. In the modern workplace, flexible working arrangements are increasingly desirable and achievable. The proposal may also assist with recruitment and retention of high calibre members of the judiciary... It is envisaged that part-time work would be sought for a definite period of time for reasons of health, family commitments or approaching retirement."*

The Bill provides that a judge will work on a full-time basis unless otherwise authorised by the Attorney General with the concurrence of the relevant Head of Bench to act on a part-time basis for a specified period of time. However, the Bill goes on to provide that any judge who is acting on a part-time basis must resume acting on a full-time basis at the end of the authorised part-time period. These provisions apply to all courts, including the Court of Appeal and High Court.

The Bill also provides for masters to be called associate judges, probably a relief

for women who are in this position. They too can work on a part-time basis on the basis of the above provisions.

Women will welcome these provisions after many years of hard work by groups such as the Women's Consultative Group and the AWLA. In a survey carried out by AWLA in 2002 a majority of respondents said that they were more likely to put themselves forward for judicial appointment if a part-time appointment was available.

However, an issue of concern with the proposed provisions is that judges must, as a general rule, be available to work full time. This will remain a constraint on likely judicial applicants, and may serve to negate one of the stated objectives of the legislation, ie to recruit and retain high calibre members of the judiciary. Availability of part-time positions will be further constrained by the specific needs of individual courts and by issues of resourcing.

If the provisions remain in their current form it will be interesting to see whether more women put themselves forward for judicial appointment and to see how many men take advantage of the possibility of part-time appointments.

This issue has been a women's initiative for many years. It is pleasing to see it come to fruition at last. Submissions on the bill need to be in by 22 November 2003.

An Evening with Lynley Hood – Continued from page 4

made it easier to convict suspected child sex offenders without reliable evidence. Under the Amendment Act children no longer have to deliver their evidence-in-chief free of leading or coaxing.

Hood also specifically criticised the s23G amendment to the Evidence Act, which permits the giving of expert evidence about whether the behaviour of a child is consistent or inconsistent with sexual abuse. To those who are scientifically trained, "inconsistent" means "logically impossible in combination with" and "consistent" simply means "not inconsistent". There is no behaviour that is inconsistent with sexual abuse and so expert witnesses, such as child psychologists, report all behaviour as consistent with sexual abuse. This is not what is understood by lawyers, police, and lay people, who interpret "consistent"

as meaning "provides supporting evidence for".

Hood's overriding theme, which became apparent through questioning, was that the criminal justice system is not effective in distinguishing between true and false allegations of child sexual abuse. If this is in fact the case, we as a society should be more than a little bit concerned. Although Hood has been the subject of sustained criticism from other academics, her comprehensive research acts as a catalyst for a reflective examination of how allegations of child sexual abuse can most effectively be dealt with by our criminal justice system. While the thought that a group of workers entrusted to look after children may have preyed upon them sexually is terrifying, so too is the thought that our justice system may have allowed the conviction of an innocent man.

A.W.L.A. EXECUTIVE COMMITTEE 2003 – CONTACT DETAILS

President Karen Price	Minter Ellison Rudd Watts DX CP 24061 Ph 353 9759 karen.price@minterellison.co.nz	WCG Representative Sandra Alofiavae	King Alofiavae Malosi P O Box 76 521, Manukau City DX EP75541 salofivae@kam.co.nz Ph 263 9120	Susie Abdale	Barrister Crescent Chambers Ph 309 9636 suzieabdale@xtra.co.nz
Vice President Mary Peters	Russell McVeagh P O Box 8, Auckland Ph 367 8222 mary.peters@russellmcveagh.com	WCG Representative Usha Patel	Ph 360 1186 ushapatel@xtra.co.nz	Natalie Fraser	2/19 Parrish Rd, Sandringham Ph 846 1767 NKF@xtra.co.nz
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		Gina Cole	Beaconsfield Chambers Barrister P O Box 78 055, Grey Lynn Ph 376 5376 ginacole@paradise.net.nz	Lucy Hudson	Baldwin Shelston Waters PO Box 5999, Wellesley Street, Auckland DX CP 24055 Ph 359 7734 lucy.hudson@bsw.com
				Jane Norton	Auckland High Court Ph 916 9642

PROFILES OF EXECUTIVE MEMBERS

We are profiling members of the 2003 AWLA Executive Committee in this and upcoming newsletters. This month we profile two more Executive members for you.

**MARY HILL**

Mary joined the AWLA Executive in July of this year. She practices in the areas of commercial litigation and competition law at Minter Ellison Rudd Watts and is studying part time towards a Master of Commercial Law at Auckland University. Mary was married to Matt in February.

They have no children to date, apart from substitute baby Doug (their Burmese cat).

**GINA COLE**

I am of Fijian and Scottish descent. I am a barrister working in the areas of family, civil and resource management. I was admitted in 1991. I went to the bar in November last year and am thoroughly enjoying my new direction. This is my third year on the executive. It has been a very

rewarding experience working with other executive members and having the opportunity to participate in various AWLA activities.



Auckland Women
Lawyers' Association Inc.

PO Box 6568, Wellesley Street, Auckland
www.adls.org.nz/prof/awla.html

I, _____ being a financial member of the AWLA nominate
(your name)

_____ also a financial member of the AWLA as a member of the 2004
(name of nominee) Executive Committee.

Signature of Nominator

Signed consent of Nominee



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.