

LEX

For Law Students

Winners!

From Conference 2010

Graduating:

Where do we go now?

Negotiate **your way to victory!**

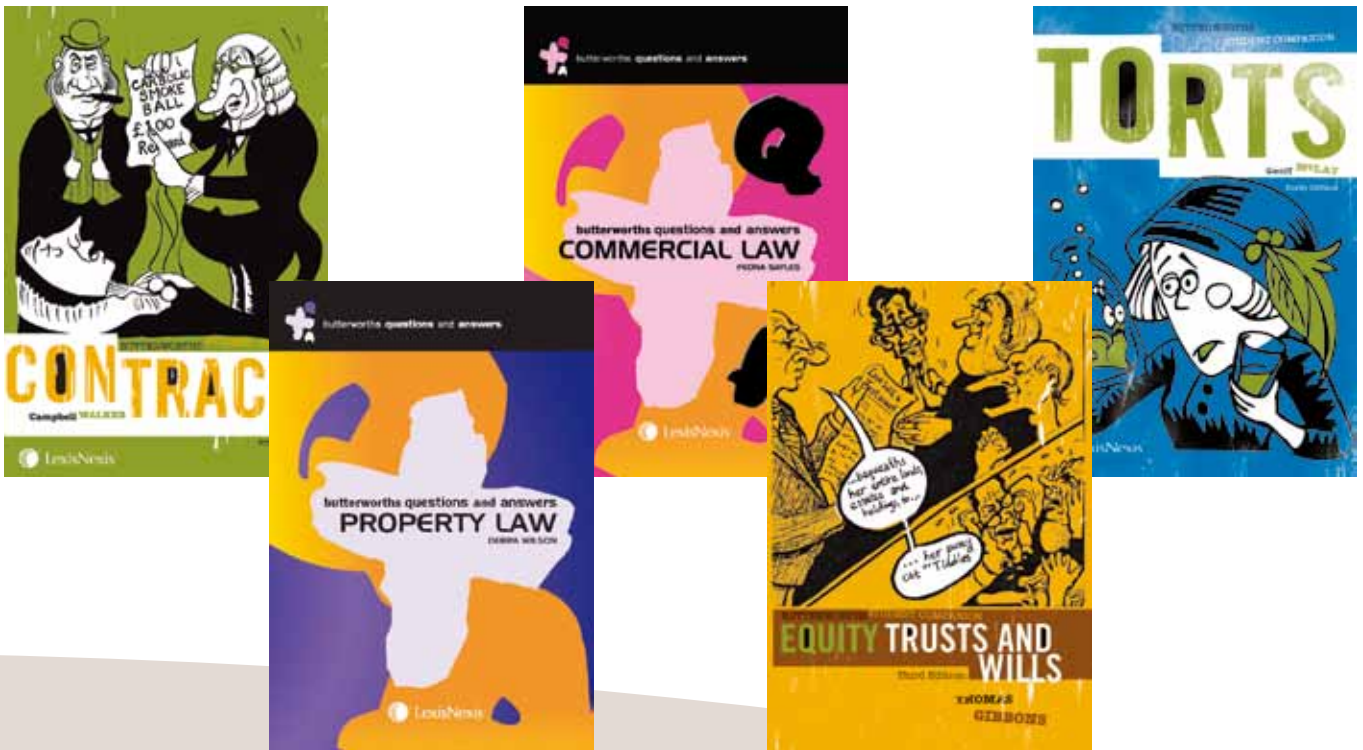
Summer:

if you didn't get a clerkship

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SUMMER!

(well almost)



Get Published!

You can still submit articles to the LEX over your summer holiday! So if you write an awesome Legal Opinion for one of your summer school papers, just revise it and send it in to get published. Or if you find yourself taking amazing photos, creating cool artwork or drawing up comics, send them in.

Issue 1 for 2011 will be about "Recruitment". If you are doing a clerkship this summer, write up a 500 - 700 word article about your experiences to give other students an idea of what they might be getting themselves into. Did you nail your interview? Walk into an great job opportunity? Have the coolest CV ever? Pass on your tips to the readers of 2011.

Send your articles, artwork, comics and photographs to: lexeditor@nzlsa.co.nz

Enjoy your summer and get writing!

- Elisha Kemp, LEX Editor

Its that time of year again! The weather is getting warmer just in time to make exam study that little bit harder. People are thinking about what they are going to do over the summer break, planning holidays or scoping out work.

For the 2010 exec, the summer holiday is certainly well deserved! It has been a busy year: a new competition (junior moot), a new law student society (AUT) and Conference 2010.

Next year is shaping up to be even more busy. For the 2011 exec, these summer holidays will be a time for planning. There is talk of opening up law competitions with Australia, redeveloping the NZLSA website and running a LEX Magazine article competition (with prize money!).

If you have any suggestions for the 2011 exec, email: admin@nzlsa.co.nz

Thank you for a wonderful 2010 and have a great summer!



Your Exec for 2011



Elections for the 2011 NZLSA Executive were held during the NZLSA Conference in early September. Voting for the 2011 LEX Editor will take place on October 22nd. Here are the people who will be representing YOU next year!



President

Guy Carter After a year as President for LawSoc at Canterbury University, Guy Carter was elected President of the NZLSA for 2011.



Administrative Vice-President

Elisha Kemp After being LEX Editor for 2010, Elisha Kemp was elected Administrative Vice President of the NZLSA for 2011.



Treasurer

Chris Dearsley From Canterbury University will be NZLSA Treasurer for 2011.



Education VP

Sarah Keast was elected to be Education Vice President of the NZLSA for 2011.



Competitions VP

Roshni Preet Kaur Competitions Convenor of the 2010 NZLSA Conference was elected Competitions Vice President of the NZLSA for 2011.



CLE Representative

Phil Thompson President of the NZLSA in 2010 was elected CLE Representative for 2011.



CLE Representative

Jamie Eng After a year as Competitions VP in 2010, Jamie Eng was elected to be CLE Representative for 2011.



LEX Editor

The 2011 LEX Editor will be voted in on the 22nd of October!

Where is Our Protection?

George McLellan from Canterbury University

On Friday the 23rd July I went along to hear retired Court of Appeal Judge William Baragwanath speak about legal practice and jurisprudence. He spoke with vigour about the function of lawyers and judges in society. One thing that struck me particularly was his explicit remark that the judiciary will one day be in a position where it has to act out of step with Parliament to protect fundamental rights. All of which set me thinking.

At present we have no higher law in NZ regarding fundamental rights, apart from some obiter that came as the result of some litigation concerning the production and ownership of chicken eggs. Meanwhile, what has happened overseas in recent years in relation to the abuse of fundamental rights - such as politically endorsed torture of illegally detained foreign citizens by the governments of, amongst others the US and the UK - should prompt alarm bells in the back of any lawyer's mind.

I doubt it's this sort of thing that has Justice Baragwanath worried - after all we live in innocent little NZ - but it is clear that state power can be abused, and the Magna Carta and the NZBORA may not always be sufficient to protect our fundamental rights.

In the United States judicial review of any action or decision relating legislation, including judicial review of the constitutionality of the legislation itself is possible.

The same cannot be said in NZ. Nevertheless in the United States the passing of the Patriot Act in 2001 was of concern to a huge number of people – for good reason.

Despite the presence of higher law, in the US people have simply disappeared during the night - the celebrated case of Maher Arar stands out as an example of how things can badly go. Arar, a Canadian/Syrian citizen, was detained whilst in transit through the US, denied access to a lawyer and then deported to Syria where he was tortured for 10 months. He was finally returned to his family in Canada after 374 days detention – none of which was subject to any court process.

Back in NZ, if our Parliament were to pass a law allowing for the detention of suspects of terrorism based on secret evidence – like those arrested during the Urewera terrorism raids – on the face of it there would be no way of challenging that law (other than its interpretation). Clearly this is a slightly more realistic scenario than the passing of a legislation calling for the death of all blue eyed children and is broadly similar to some provisions under the US Patriot Act.

In fact, this is what happened in the case of Algerian refugee Ahmed Zaoui. In December 2002 - using a newly passed provision in the Immigration Act allowing the SIS to issue a "Security Risk Certificate" based on secret evidence - Zaoui was detained in prison.

Despite his being ably represented – and being granted refugee status - the courts did nothing. Eventually – in December 2004 - the Supreme Court granted him bail, but he remained in semi-detention (under house arrest) till 2007 when the SIS lifted the risk certificate. No legal remedy was ever granted to him by a NZ court, and to this day he remains bound under the somewhat odd conditions of his release settlement which compel him to be an informer to the SIS.

The reality of the 21st century is that nation states are using increasingly questionable methods to prevent ever increasing threats to their security. The question is: will our Courts step in and protect citizens who have been detained according to an unjust law? If Guantanamo Bay were a Kiwi institution - legislated for - and if a prisoner there made a writ of habeas corpus, would our Courts be able or willing to intervene? On the evidence to date, it seems not. By contrast in the United States higher courts have considered the constitutionality of the treatment,

At present we have no higher law in NZ regarding fundamental rights concerning the production and ownership of chicken eggs.

detention and military trials of Guantanamo detainees.

So have we come to a time where no one dare speak his or her mind, when fierce, growling dogs roam everywhere, and where we have to watch our comrades torn to pieces after confessing to shocking crimes?

The world is such a complicated place at the moment in terms of what side is good and what side is evil, and there is very little information that is not susceptible to manipulation.

We are at a fragile crossroads and care must be taken to preserve freedoms, but at the same time it may also be justified for nation states to use subversive means against us in order to protect us. But where to draw the line?

This sort of stuff can drive a person insane which recalls the sentiment of Howl by Allen Ginsberg - that the minds of a whole generation can be twisted in such a way that the truth will drive one insane, and that a manufactured falsehood acts as some form of medicine.

Howl was written at a time when people in the know were genuinely scared about the state of the world. To many, nuclear war looked like a probable outcome of the cold war – though for the masses this fear was alleviated by government propaganda.

Today many would say that terror and fear have been used to subvert the truth and the course of global affairs. Terrified people will more easily be driven to consent to terrible things. And it is certainly easy to see how the sacrifice of a few, disguised under a manufactured falsehood, can be used to manipulate a population. Are there circumstances where a state would be justified in using this form of manipulation? Killing citizens to save them?

Perhaps where the truths of a real and massive threat are so complicated or unfathomable the masses can not be convinced to act upon them. This would seem to be at odds with pretty much every democratic function.

Two responses to this means justifying ends conundrum come to mind. The moral philosopher would argue that nothing but evil can come from evil, therefore the correct course is to do good, and hope for a good outcome. A rationalist philosophical argument states that it is impossible to foretell the future – i.e. to know the end – therefore any justification of an illegal means to an end is inherently delusional, as the decision maker is in effect putting themselves in the position of a god.

But leaving the issue of what truly drives international politics to one side, surely it is time for a constituted form of reassurance in the here and now. Do we trust our elected representatives and their appointed bureaucrats to make judgements like those above?

To preside over arbitrary powers of detention and punishment? Especially when we know that the elected representatives of similar nation states to ours have lost their way on such questions.

Here in NZ if more than 50% of our nation's MPs were to fall into the mistake of passing repugnant law, either through manipulation or foolishness, then it would be nice to know that our fundamental rights can be protected by an impartial judiciary. The alternative path is despotism.

Providing legal protection of fundamental rights by a higher law is relatively easy and most nation states (not including NZ) provide this sort of protection to their citizens. So why should any truly representative, honest, and rational parliament be scared of this form of reassurance?



The New Zealand Law Students Association held its annual Conference in September. This year the conference was kindly sponsored by Bell Gully and hosted by the Otago Faculty of Law. As most of us know, there are four prestigious law school competitions held during the first semester of each year: Bell Gully Mooting, Minter Ellison Rudd Watts Witness Examination, Buddle Findlay Negotiation and the Russell McVeagh Client Interviewing. - *Melissa Hammer and Roshni Preet Kaur*

2010

NZLSA Conference

OTAGO

Regional winners of the four competitions came to compete on a national level at the annual Conference, consisting of five preliminary rounds and one final round. **The national winner or winning team of each competition then gains the honour of representing New Zealand at an international level** the year after and thus far, New Zealand's track record at international competitions has been admirable.

The NZLSA executive committee also held its annual AGM and several council meetings across the week. These occasions provided important opportunities for the exchange of information between on-campus societies and the national executive.

The first day of Conference saw competitors and delegates (some from across the Tasman!) arrive into Dunedin, checking into accommodation and registering at the Richardson Building where the most of the competitions were to be held. **That night we attended the Opening Dinner sponsored by Otago Faculty of Law, held at Bennu.** The food was delicious, the wine was flowing and we were entertained with speeches from Fiona Tregonning of Bell Gully, who attended Conference as a judge for the mooting competition, and from SOULS main man, Robert Harris, who had the room in fits of laughter with his tale of the origin of the word Dunedin, and an explanation that all the student flats face the wrong direction so as to protect furniture from sun damage.

Sponsored in part by:

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The next morning competitions started bright and early from 8am onwards, all the way through till 7pm. It was a flurry of activity and it is a wonder that the Committee managed to stay sane.

The biggest drama of the day was a client interviewing actor with the wrong brief. Having had to review each brief in detail when rehearsing the actors, our very own Competitions convenor, Roshni Kaur, stepped in to perform. The rest of the day ran smoothly and we had many wonderful and supportive judges comprising of barristers, solicitors, commerce and Faculty of Law lecturers.

That night was the NZLSA Pub Crawl and the overall theme for the year was YMCA. Each university had been allocated a Village People theme: **Auckland as Construction Workers, Waikato as Bikers, Victoria as Cowboys, Canterbury as American Indians and Otago as Cops.** Of course there were some who decided to alter the theme to suit their personal style, with the end result being **Robert Harris and his team of 'Speedo Cops'.**

The pub crawl started at the Captain Cook Tavern (where else?) and we had a bus take us into the Mongrel Mob territory of South Dunedin where some delegates actually got a little worried about going that far out of the city.

We worked our way back into town and finally ended up at the infamous karaoke bar, Vivace. Each university and the Australian delegates got up on stage and sang some songs, some with better harmony than others, but all having a great time.



The second day of preliminary rounds started a little bit later to give everyone a sleep in following the epic pub crawl. There were two rounds of competition that day and in between, we had the Education Forum. **The speakers of this year's forum were Sir Bruce Robertson, Garth McVicar and Michael Woodhouse, who provided delegates with some interesting debate on whether we were sending too many criminals to prison.** The inaugural NZLSA Junior Mooting competition was held this year and saw teams from three universities – Otago, Victoria and Canterbury, competing in three rounds of competition.

That evening, at the **Kensington Swan Cocktail Break night, nerves were rife and competitors were anxiously awaiting results to find out who had made the break to the final rounds.**

Auckland and Otago made the break for Mooting, Victoria and Otago made the break for Client Interviewing, Canterbury and Otago made the break for Witness Examination and Waikato and Victoria made the break for Negotiation. Understandably, at this level of National competition, most teams who did not make the break were disappointed.

bagpipes that started to play outside the Court part-way through the negotiation.

That evening delegates boarded buses to head to **Larnach Castle for the final night closing dinner, sponsored by Russell McVeagh.**

The bus ride itself was entertaining with a couple of detours due to fire trucks and ambulances attending an emergency call on our way out to the

Peninsula. The winding roads left some of us a bit ill but once we pulled up to Larnach's Castle, **everyone was breath taken with the amazing view of the Castle lit up with candles and chandeliers.** Opening speeches were presented by Fred Ward from Russell McVeagh, 2010's NZLSA President Phil Thomson and Ian Gault from

Bell Gully. Our keynote speaker for the evening was Otago's very own icon, **Dean of Law, Professor Mark Henaghan, who managed to elicit many laughs, a few frowns but a whole lot of amusement.** After dinner, having waited just enough time to cause the finalists severe discomfort, the winners were announced.

Otago took out the titles for Client Interviewing and Junior Mooting, Canterbury won the Witness Examination competition, Waikato won Negotiation and Auckland won the Mooting competition. Overall, for the second year running, Otago also won the Anderson Lloyds President's Prize, awarded to the top performing university across all competitions during Conference. It was a proud night for the hosting University, as well as for all competition winners.



Final Dinner Sponsored by: **RUSSELL McVEAGH**

The buses took all delegates back into the city and the **after party was held at Ten Bar in the Octagon to celebrate the end of a very successful Conference.**

Ask any one of the competitors and delegates and we all feel the same sense of post-conference depression when everything is over and we return to reality (and the backlog of assignments!). This year's Conference Committee could not be happier with how everything turned out and we are extremely proud of each other. **It was a wonderful experience to meet so many bright, talented young individuals and not many people will have the opportunity to say that they had the pleasure of having dinner next to Justice McGrath** (right, Matt Gale?). **Competitions, cocktails and speedo cops aside, this year's NZLSA Conference was a memorable one, and we wish next year's Conference Committee the best of luck!**



Nonetheless, everyone carried on partying **at Innocent Bystanders** where we had quite a healthy bartab running (not for long!).

Saturday morning started very early for several of us, especially those who were woken to news of the unfortunate earthquake that hit Canterbury in the early hours of the morning. Justice William Young of the Supreme Court could not make his flight out to judge the final of the moot-ing competition, but **luckily enough, alongside Justice McGrath, Justice French of the High Court was most obliging and stepped in to judge** straight after finishing judging the witness examination final.

The negotiation and client interviewing finals were held in the majestic Historic Library of the High Court building and the only hiccup of the day were



Melissa Hammer (Conference Convenor) and Roshni Kaur (Competitions Convenor)

WINNERS!

Conference is more than just a social extravaganza. It is also the time for national competitions in Mooting, Witness Examination, Negotiation and Client Interviewing. This year, competitions were judged by some of the top judges and lawyers in New Zealand. The competition was fierce and it was no doubt an intense week for the competitors. Here are a few of the hard-working winners from 2010 Conference!

Competitions Sponsored in part by:

RUSSELL McVEAGH



Josh Pemberton and Alice Selby:
from Otago University
Winners of the Junior Mooting competition.

From Right to Left: Josh Pemberton, Joe Lill and Alice Selby.

Sarah Keast:

from Canterbury University

Winner of the Witness Examination Competition sponsored by:



From right to left: Justice French, Sarah Keast, Judith Ablett Kerr



Robert Harris,

winner of the "president's pick" for 2010. From left to right: **Nick Chapman** (Victoria President), **Phil Thompson** (NZLSA President), **Gavin Correia** (Auckland President), **Robert Harris** (Otago President), **Ben Gilbert** (Waikato President) and **Guy Carter** (Canterbury President).

Get competing at your university next year. Conference will be hosted by you - you can get a chance to compete worldwide - Andrew Cameron and Ben Gilbert



Nicholas Blumsky-Gibbs and Sean Conway from Otago University were winners of Client Interviewing.

Competition sponsored by:

RUSSELL McVEAGH

From left to right: Fred Ward, Nicholas Blumsky-Gibbs, Sean Conway, Dr. Jane Millichamp and Jan Blair.

Max Harris and Christopher Jenkins from Auckland University were winners of the Mooting competition sponsored by:

BELL GULLY

From left to right:

Max Harris, Mitchell Cooper, Justice McGrath, Justice French and Ian Gault.



Eight



Andrew Cameron and Ben Gilbert from Waikato University were winners of the Negotiation competition.

Negotiation Competition sponsored by:

BUDDLE FINDLAY
NEW ZEALAND LAWYERS

From left to right:

Dominic Lundon, Andrew Cameron, Ben Gilbert and Michael Tinkler.

Waikato in 2011 and should be a fun week! Plus, winners at the National level will be in Copenhagen next year for the negotiation world championships!

Summer: what are you doing?

Clerkships? Travel? Summer school? Read about what your fellow law students are doing over their summer break. Get inspired. Or just jealous.



Thank goodness the end of the year is nigh. I (hopefully) will have completed my undergrad law requirements by the end of 2010, with only honours papers and a management degree left to finish. This summer **I will be clerking at Chapman Tripp**. A big move over the Bombays which leaves this Waikato lad with some trepidation. Hopefully my move to Auckland doesn't turn me into a Jafa! At the least, I will always support the Chiefs and my mooloo men. I have put in my preferences to work in both the commercial and litigation teams either side of Christmas and hope to gain some priceless experience in these areas. On a side note, **for those of you reading this going "I wish I had a clerkship", I would highly recommend getting involved with your local Law Student Society**. Before my involvement in WULSA I got 0 interviews, as a result of my involvement I managed to get 4! Finally, If you are stuck for things to do this summer, there is an excellent mediation intensive course at Waikato starting the 10th November and an interesting Masters curriculum starting early Jan.

Bring on the Sunshine!

Ben Gilbert - Waikato

Over the summer break ill be going up to Auckland after exams then off to Wana-ka and Queenstown for new years and finally back to good old Dunedin for summer school in January.

Shayne Chandra



I am going home to Hawaii for a clerkship at Hartley & McGehee, a law firm that focuses on Family Law. I got **round the world** tickets, since it costs about the same as flying to Hawaii and back. On my way back to New Zealand I will fly to Munich, take the euro rail through Switzerland, visit some family in France and visit some friends in Windsor Castle in London - no joke! Then I will fly to Hong Kong, visit some friends in Shenzhen, China and then fly back to New Zealand.

Elisha Kemp - Otago



I will be a **research assistant at the Supreme Court of Sri Lanka** for two months (Nov-Dec) at a time when Sri Lanka is going through some important constitutional changes to do with the role of state and the courts. Then in January I will be heading off to the **USA to intern for US Congressman Peter Roskam 8th district Illinois** and be there until February.

Ashiq Hamid - Waikato



I am working in **Melbourne** for Ernst & Young in their Law & tax division as a summer internship.

Ben Walker

Otago

I'm working at Minter Ellison Rudd Watts for a summer clerkship.

Sophan Tep Pearson

Otago



This summer I will be clerking at **Kensington Swan in Auckland** with a great bunch of other students mainly from Auckland and Waikato. Im hoping to learn a lot and enjoy a few months in a new city with lots of sunshine to rival the "Dunedin summer."

Olivia Moller- Otago





I'll be **clerking at DLA Phillips Fox in Wellington** over summer. Next year I'll be back at Victoria for the first trimester and then I'll be all finished (touch wood). I'm not completely sure about my plans after that.

Nick Chapman - Victoria



Over the summer, I will be in **Queenstown, where I will be making the most of the activities the region has to offer.** I intend

on finding some work as an intern at a local law firm, as well as working doing a few nights doing bar work. I plan on spending my free time soaking up the sun, swimming and enjoying time with family and friends.

Grant Rewi - Otago



Ten

Over summer I'm **clerking at the Russell McVeagh office in Wellington.** There's quite a big crew of Otago students clerking there so it should be really fun, and I'm looking forward to getting to know the people from other unis.

I opted not to do summer school so I wouldn't have an excuse not to get back on top of my piano playing, and I'm keen to try out some composing this summer too. For new years I'm heading to RnV (for the first time since 7th form!) so am definitely looking forward to soaking up some sun in Gisborne.

I don't really know what I want to do when I graduate, luckily I still have 2 years to figure it out. I grew up in England, so it would be sweet to head back there for post-grad if I could. Just disappearing off to France for a year would also be tempting!

Alice Osman - Otago



This summer I will be **working in Auckland developing my paper-pushing and people skills.** Not all of my summer, however, will be spent politely addressing customers and dealing with systems. Annually, **eight of us head up north to cram ourselves into a small blue batch** (probably the size of your back-yard shed) to walk, swim, get sunburnt, fight over dishes and bond. Following this I will be boarding a boat to New Caledonia to soak up more of the summer sun.

Rhiannon Snell - AUT





By Roshni Preet K

1 Introduce yourself: Always start with pleasantries. Even if you plan on taking a competitive approach and bulldoze the other side, nothing sets the tone like a solid introduction of your client, yourselves and how you see the negotiation panning out. Be cautious with terms like 'negotiating without prejudice', which is only meant for dispute resolutions.

2 Gather the necessary (and more) information: Try to have an information gathering discussion for a few minutes to find out what they want from you, and why they want it. Use the opportunity to do the same, but reveal selective information that won't damage your client's position. Ask many questions about their reasons and **dig at information that seems suspicious**. Remember there are NO stupid questions as long as it makes your objective clearer. Working down to a framework of agreement is easier upon revealing and receiving information about each other's positions on issues that have been agreed upon for negotiating.

3 Use an agenda: It doesn't matter if they have one too. Put a list of issues from both agenda's that have been agreed upon up on a white board if possible. **A visual aid for everyone in the room is an advantage you shouldn't overlook**. If you are competing, make sure you have a copy for each judge, having one copy for a panel of three judges to share just looks bad. (This applies to any document you produce in a competition)

4 Don't play Jekyll and Hyde: Recognise your negotiating style, be it competitive, cooperative or problem solving, and fine-tune it instead of attempting to be something you are not. Empathy and active listening are so key in negotiations. Be genuine. Always be a first rate version of yourself instead of a second rate version of someone else. **Listen carefully to what information you receive and summarize often to convey that you understand where this discussion is headed.**

5



Give a little, gain a lot: A judge (super awesome hostage negotiator) once told us that you attract more bees with honey. **If you have things that you could give the other side as sweeteners while negotiating, go for it.** Play it as a smart concession. An example was spare carpark slots our client had, which we used to seal a recording contract with the other side. Saying thank you when you receive information or are given something from the other side.

6

Master the Art of Saying Nothing: There is an old Chinese proverb that says "closed mouth gathers no foot". Learn to love the awkwardness of silence. You will be surprised how much information someone will volunteer just to break the silence. **Pauses are totally acceptable**, it gives both sides time to digest information and think of what to say next without blurting out what comes to mind, forgetting how important that filter from brain to mouth is. You don't want to regret having 'foot in mouth' syndrome.



Of Negotiating

Kaur and Mitch Singh

7

Learn the tricks of the subconscious:

Become a body language guru by familiarising yourself with Albert Mehrabian's 7-38-55 rule (words account for 7%, tone of voice accounts for 38%, and body language accounts for 55%). Though this rule is often misinterpreted and far too generalised, others have found that **nonverbal cues can account for up to 70% of communication**. It is not so much what you say then, but how you say it. We both have our negotiating voices, which are as important as our game faces, which we use when at the table.



Mitch Singh and Roshni Preet Kaur at the 2010 International Negotiation Competition

8

Be as honest as you can be: Open-hearted gestures of honesty and generosity bring down the guard of even the most suspicious people. **Once your selective honesty opens a hole in their armour, let your moral compass guide your way** (or the ROCCC). Remember however that your reputation is your greatest weapon, and there is no rewind button. Again, remember 'foot in mouth' syndrome.

Twelve

9

Feign Stupidity: No one likes feeling stupider than the next person. **The trick is to make your victims feel smart – and not just smart, but smarter than you are. Once convinced of this, they will never suspect that you may have an elaborate plan to take over the world.** A brilliant example which I saw at this year's NZLSA Negotiation Final was when a member of the winning team whose client was an animation studio, used the word "extremely talented" to describe the other side's client, who they potentially were taking to court for breach of his contract as a graphic designer.

10

Wind them up and watch them go: Find the chink in their vanity through which you can rattle them and you hold the strings. On your part, **recognise that anger and emotion are strategically counterproductive**. You must always stay calm and objective. But if you can make your enemies angry while staying calm yourself, you gain a decided advantage. If one member of the team is recognizably stronger than the other, include the weaker person by directing questions at them, or singling them out for responses, which you know will tick the stronger member of the team off. It works. It works very well.

11

Know when enough is really enough: The moment of victory is often the moment of greatest peril. In the heat of victory, arrogance and overconfidence can push you past the goal you had aimed for, and by going too far, you make more enemies than you defeat. **Do not allow success to go to your head.** There is no substitute for strategy and careful planning. Set a goal, and when you reach it, stop.

Graduating:



My plan for this summer is to **capitalise on three months of free time before starting a grad position at Chapman Tripp in February**. I've got a trip to Samoa lined up in December for a couple of weeks to absorb some rays, before flipping summer on its head for three weeks of **snowboarding in Japan in January**.

The rest of summer will consist of spending time at my **bach on Great Barrier Island**, surfing around Auckland, not to mention travelling to Wellington for the 7's in February.

I'm looking forward to starting work in the **Resource Management team at Chapman Tripp**-it'll be a good chance to finally put 6 years of University learning into practice!



John Clemo - Otago

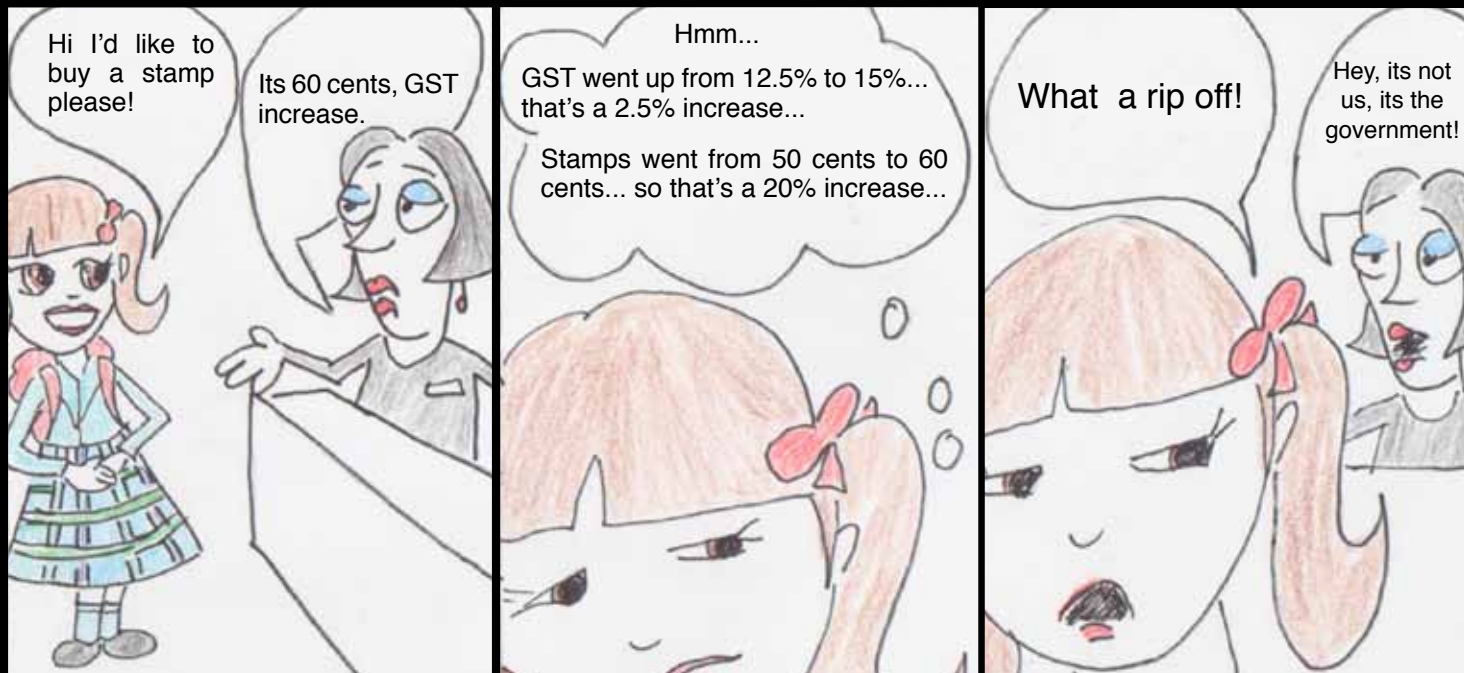
In the summer of 2009/10 I interned in business **tax advisory at Ernst & Young**. The experience was great- I got to finally apply the skills that I've learned all of the way through law school. Trust me, those essays and opinions really pay off when you end up having to trawl through the same databases for days on end! In November I will be starting in the audit division and putting my Bachelor of Commerce skills to better use for a couple of years, but as Liz Toomey from University of Canterbury told me, and as I've realised "**A law degree is NEVER a waste.**" Take any opportunity you can get and embrace it!



Emma Groufsky - Canterbury

Thirteen

Mathematics with **Stacy** by Elisha Kemp



Now What??

What your fellow law students are doing with their law degrees!

After completing profs, I worked as a junior to a high profile Barrister, **it was quite interesting being involved in the sort of things one usually only sees on the news each night, but it just wasn't my cup of tea! I have since gained a job working in the Commercial team of an established Southland Firm.** I was reading in NZ Lawyer recently that people are often reluctant to work in the regional centres and think the cities are where you need to be. Having worked for the one of the "big ones" when I summer clerked, by comparison the opportunities down here are huge; particularly in terms of the responsibility I've been allowed to take on and the scale/size of transactions given the growth of the Agribusiness Sector, you just wouldn't get that experience anywhere else!



- Ben Nettleton - Otago

Hey, I'm Chris and I am about to finish my 5th and final year of study at Canterbury University. Next year I am starting a graduate position as a consultant with KPMG in their tax advisory team based at the Christchurch office. I was fortunate to summer clerk with KPMG last summer in the same division

so I got a feel for the type of work and the people I will be working with. I found the role challenging but also interesting due to the variety of work – surprising I know for a tax based role! I was attracted to one of the Big 4 as it is an opportunity to use both my LLB and Bcom in a role that is heavily based on legislation as well as case law. I am not sure what I will be doing over the summer just yet but I am keen to make the most of being a student before starting full time work!

- Chris Dearsley - Canterbury



I will be trying to find a job at a smaller firm to gain plenty of litigation experience as **I ultimately want a job in Police Prosecutions.** Most importantly, **I want to delve into my role as CVP** and work hard. We are potentially introducing Australian competitors and we now will be having an AUT University contingent competing, so there is a lot of work to be done.

Having been a competitor, organiser and judge of competitions, I hope to be able to live up to the expectation of this role and follow in the very successful footsteps of Jamie Eng.

- Roshni Preet Kaur - Otago



Five years at law school feels like an eternity when you aren't sure its what you really want to do. **I am notorious for changing my mind,** and as a result, have tested the architectural, legal and accounting 'waters'. 2010 is my last year at the University of Canterbury. In 2011 **I am starting work with Telecom in the Graduate Leadership Programme,** rather than choosing to pursue law in the traditional context. We are so lucky as law students that we have the opportunity to do almost anything with our degrees - and that suits me just fine!

- Aimee Scofield
Canterbury



Once my law and science degrees are completed I return home to Canada where I will be **working at a heli-skiing resort.** This will involve trying to attain as much vertical and fresh powder as possible, as well as doing some snowmobiling, back country touring and cross-country skiing with my husky. After the ski season is finished this will be my first summer I have had since 2005, due to always spending my summer holidays in **Canada.** I will finally be able to ride my dirt-bike at the motocross track, go kayaking, sailing and water-skiing off our beach and hike up to the surrounding glaciers. **In late August I will be moving to Sweden where I intend to complete a Masters of European Law at Stockholm University.** But this is really just an excuse to ski the Alps and travel throughout Europe, thus I am definitely looking forward to the next step!

- Elle Cochrane - Otago



Some Things to do this Summer

If you didn't get a clerkship! - Elisha Kemp

1 Summer School: The benefits are obvious: you can graduate faster or just have a lighter workload next year. Plus most universities offer unique classes over summer school, such as Forensic law or International Tax Law. If you are tired of your own campus, summer school is a good opportunity to check out some of the other law schools!

2 Get a Job: Not fun, right? WRONG! New Zealand is the adventure capital of the world, full of interesting seasonal work. Be a hiking tour guide on the Milford Track or try your hand at wine-making at a local vineyard. It might not be law-related, but it will add depth and character to your life (and your CV).

3 The OE Job: As a student, work visas are pretty easy to get, even for countries like the United States. **Spend your summer in the Northern Hemisphere winter working at a ski resort.** Even if you aren't that great at skiing or snowboarding there are plenty of job opportunities working as a lift operator or in a cafe. What ever country you go to, an OE job can be a great way to travel, really get to know a place and meet new people.

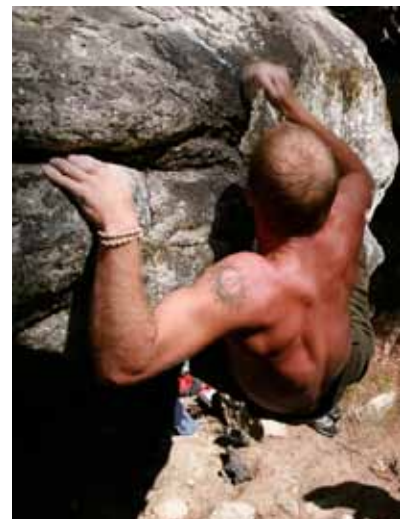


Travel: Money is always an issue on a student budget, but there are plenty of ways to travel on the cheap: standby tickets, backpackers and camping, just to name a few. Some advantages to travelling as a student are special airfare rates and under 25 rates for most things in Europe. **Plus, when you get a full-time job, it will be a bit trickier to get three months vacation.**

5 Adventure around New Zealand: Sure its home, but people travel from all over the world to visit some amazing places that could just be a few hours drive away. **New Zealand is famous for its outdoor activities.** Bike the rail trail, kayak Milford Sound, hike the Abel Tasman, camp in the Coromandel Peninsula or take a surf trip in Northland. If you plan on working overseas when you graduate, now is the perfect time to get to know home!



6 Learn something new: And not related to law! Learn how to surf, rock climb, paint or speak another language. Give your brain a break from reading cases, interpreting statutes and writing legal opinions. Universities offer summer school classes for languages and even wine tasting. And between youtube, google and local educators you can learn pretty much anything under the sun. Who knows, maybe you will discover you have a natural flair for free-diving!



The AUTLawSS at

The University for the changing world.

Located in Auckland, AUT currently has around 200 law students and is one of the fastest growing universities in New Zealand. The AUT Law Student Society, established in 2009, is **New Zealand's newest LSS**.

Mark Dignan (President) and **Rhiannon Snell** (Vice President) attended the 2010 NZLSA Conference and will look at being involved in Competitions in 2011. Just like the Law Student Associations at Auckland University, Waikato University, Canterbury University, Victoria University and Otago University, the AUTLawss are part of the New Zealand Law Students' Association (NZLSA).

Within the AUT Law Student Association there is the usual cross section of cultures and backgrounds. **In addition, we are fortunate to have a distinct element of 'working' students, with Accountants, Policemen, Journalists, School Principals and Legal Executives joining the more traditional mix of younger students.** While this mix can sometimes be less than ideal, in our case it has the enormous benefit of bringing together an experienced and enthusiastic student body possessing abilities honed in diverse fields, along with equally diverse opinions matched by a strong willingness to share them.

Subsequently, there is a strong sense of collegiality with the AUT Law department as students work together to share their views and develop a comprehensive understanding of the subject materials from all perspectives.



Mark Dignan, President of the AUT Law Student Society for 2009 and 2010

Rhiannon Snell, Vice President of the AUT Law Student Society



Sixteen



Our **AUT Law Faculty has great experience**, with academic credentials that equal those of any NZ law faculty and vitally, **a sense of humour and willingness to engage**. Accordingly, our experiences as students here at AUT Law have been uniformly positive, despite the inherent challenges facing any new faculty in its inception year.

While we as the students are held to the high standards set by the more established Law Faculties, which paved the way for us to follow, we are also aware that our efforts and results are the measure of our own Faculties performance. They are subject to equally rigorous scrutiny in the performance of their functions. While this scrutiny hasn't always told us what we want to hear, it has always told us what we need to know. **As the first few years of students in the school, we must work to ensure that we establish ourselves confidently and make our contribution a positive one.**

Getting the Answers

How to get the truth out of the most reluctant witnesses

Witness Examination could be described as the sexiest of the law competitions. It combines the best elements of the other three comps: the advocacy of mooting, the drama of negotiation, and the lack of preparation of client interviewing. It's also the only competition where you can get away with channelling Alan Shore, by jumping to your feet with vehement objections.



Sarah Keast in the Dunedin High Court

If you want to succeed at Wit ex, good use of your 90 minute prep time is key. The first thing you should do, after reading through all the materials, is **develop your case theory**. This is the narrative you want to convince the judge of.

At this point you should also be identifying any evidential issues- for instance if there's hearsay or opinion evidence that you need to avoid (or object to if the other side tries to raise it).

As a defence lawyer once told me, the object of a trial is not to discover the truth, but to convince the judge/jury of an opinion in your favour. For instance, if the problem is an assault case, as the defence lawyer you may want to put forward self-defence as an issue.

By the time you meet your witness, you should have your cross-examination, opening argument, and evidence in chief planned out. **When preparing your witness, you can tell them what to emphasise, but be careful not to put words in their mouth.**

In terms of the actual examination-in-chief and cross-examination, be aware of the rules of evidence about leading/non-leading questions, opinion evidence etc. As long as you follow those rules, and conduct your examination in a logical manner, you should do fine.

Then you need to **identify the facts that support or undermine your case theory**. From this you can plan what facts you want to emphasise in your evidence in chief and cross-examination.

Turning to the 'trial' itself, the most important thing is to **be confident** and have a clear idea of where you're going. In terms of effective advocacy, everyone will have their own style. So try and find what works for you, but avoid being too casual.

Don't get flustered if there are objections, or the judge asks you a question; see it as an opportunity to demonstrate how much you know about the subject.

There are always going to be facts that don't support your case theory, the important thing is to think about how to minimise the importance of those facts, or how to **make the other side's witness look less credible**.

During your opening and closing submissions, **eye contact with the judge will take you a long way, but when talking to the witnesses, you should be focussed on them.**

Hopefully these tips will help out if you're starting out at witex; there are plenty of sources on advocacy and the rules of evidence that you can find for further information.



Dying a Good Death

A Discussion On Whether Physician- Assisted Suicide Should Be Legalised For The Terminally Ill In New Zealand. By Kathryn Guise

Physician-assisted suicide (PAS) is when a patient asks their medical provider to administer or provide them with a lethal dose of drugs for the purpose of ending their life.¹ It is currently illegal in New Zealand. There has been much discussion surrounding this area of law with strong arguments both for and against its legalisation being put forward. No doctors have been prosecuted for PAS in New Zealand.²

The (Brief) Statutory Framework

The key statute relating to this area of law is the Crimes Act 1961; it contains the law of homicide in New Zealand, but does not provide a definition of PAS.³ PAS would be considered homicide under s158 and culpable homicide under s160(2)(a), it is also likely to constitute murder under s167(a). A physician who helps a terminally ill patient end their life could also be found liable under s179 for aiding and abetting suicide. **Even if it is carried out with the patient's consent and for their benefit, it will not prevent it from being unlawful** (s63). Medical practitioners are under specific duties to act with "reasonable knowledge, skill, and care" (s155) and to provide the standard of care expected from a reasonable person to whom the duties apply (s150A).

In the situation of PAS the doctor would be found to have breached these duties, as their primary motive for injecting the patient with the drugs would be to bring about the patient's death. No defence of necessity, duress of circumstances or the fact that a patient's death is imminent, exists for medical practitioners to invoke to justify killing a patient, even if it is at the patient's request.⁴

Legalisation?

There are convincing arguments both for and against the legalisation of PAS for the terminally ill in New Zealand. It would respect terminally ill patients autonomy as **it would give them more control over the end of their lives and allow them to escape from pain and suffering.** It would also overcome the inconsistency in the current law, which makes the participation in the non-criminal act of suicide a crime. Yet this must be balanced against the principle of the sanctity of life embodied in the common law and s8 of the New Zealand Bill of Rights. Other important factors to consider are the public interest in protecting life; the possibilities of abuse and issues of competent consent that may arise if a terminally ill patient can be killed on request. There is the possibility **detriment would be caused to the doctor-patient relationship, as patients would lose trust in the people they depend on to protect their lives** if these people are also able to kill them. Furthermore, there is the risk that life will be devalued and the terminally ill viewed as burdens on society. This may make them feel pressured to consent to their deaths.

Weighing up the arguments, the case against legalisation seems stronger than the case for it. This is further supported by the practical realities of the care of the terminally ill. In practice medical practitioners do perform a type of passive PAS.

They provide treatment that is in the best interests of the patient, often in the form of **pain relieving drugs, which can also incidentally hasten the death of the patient.**⁵ **This is not an unlawful act** and is part of the role of palliative care facilities such as Hospice that care for the dying and make the end of life process as comfortable as possible. The current law also provides patients with some choice about their deaths. **A patient cannot consent to being killed, but they can consent to being provided with adequate pain relief,** the potential consequence of which may be the hastening of death.⁶ They also have the right to refuse consent to medical treatment.

Decisions at the end of life are never going to be easy, but in a palliative rich environment like New Zealand the needs of terminally ill patients are generally provided for adequately and they are allowed to die as comfortably as possible. It is therefore concluded that PAS should not be legalised for the terminally ill in New Zealand.



Initiative: want more from your university?

Early this year Danielle Duffield and a group of University of Otago students started a **Student Animal Legal Defence Fund (SALDF)**, an animal rights group which aims to protect the lives and advance the interests of animals through the legal system.

Q: What is SALDF?



A: This is the student branch to the international organisation the Animal Legal Defence Fund, a nonprofit group devoted to enhancing the welfare and legal status of animals.

The first SALDF chapter was established in 1992 at Lewis & Clark Law School in the United States; Otago Law School has become the 151st chapter, and **the only one in the Southern Hemisphere.**



Q: What is the focus of SALDF?

A: The primary focus of the group is to **educate students and others about the laws and issues that affect animals**, in order to influence positive change. Animal welfare is very topical at the moment, and by raising awareness and petitioning MP's, the group hopes to help **encourage our Parliament** to follow other jurisdictions in enacting more humane laws for animals in New Zealand.

SALDF would also like to see an animal law course being offered at the University of Otago.

Q: What has SALDF done so far?

A: So far the group has around **forty members** who are all at various stages of their law degrees. Recently the group organised an **Animal Law Week** with great success. The events included a campus stall; film screenings; and seminars given by students, lecturers and guest speakers Green Party co-leader Metiria Turei and internationally renowned Animal Law Professor Peter Sankoff (who has just finished teaching the world's first course in comparative animal law at Lewis & Clark Law School, and author of *Animal Law in Australasia: A New Dialogue*). SALDF also managed to garner huge support from students for Sue Kedgey's Animal Welfare Amendment Bill, which holds the potential to change the lives of millions of animals. Below are extracts from some of the fascinating seminars given by members of the group to packed audiences.

Q: How can I get involved or set up a SALDF chapter at my uni?

A: For more information on the Animal Legal Defence Fund, or if you are interested in setting up a SALDF chapter at your law school, go to:

<http://aldf.org/article.php?id=439>

*Calida Smylie
Publications Manager,
SALDF*



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