



**FEBRUARY 2023, ISSUE 14**

# **WELLINGTON BRANCH NEWSLETTER**

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**New Zealand  
Law Society**  
Wellington Branch

# PRESIDENT'S COLUMN – ĒTAHI WHAKAARO NŌ TE TUMUAKI



Tēnā koutou, ā, ngā mihi nui ki a koutou katoa. Ko ēnei āku whakaaro tuatahi mō te tau hou. Ko te tūmanako, kua ora koutou katoa i te tīmatanga ki tētahi atu tau mahi. Ko te mea nui, ko tāku tūmanako i whai hararei koutou me ō koutou whānau. He wā tino wero mō ō tātou iwi ki te uru o Tāmaki Makaurau me Te Tai Rāwhiti. Ka tangi tātou mō ō tātou whānau me ō tātou hoa me ō tātou taongo tuku iho kua ngaro i te waipuke. Te hunga mate ki te hunga mate, te hunga ora ki te hunga ora. E ngā mana whenua o Muriwai, tēnā koutou. E ngā marae me ngā tāngata nō Ngāti Porou, nō Te Aitanga ā Māhaki, nō Rongowhakaata, nō Ngāi Tāmanuhiri, tēnā koutou katoa. E tukua ana ā mātou mihi nui ki a koutou. Mēnā he mea ka taea e mātou te āwhina i a koutou ki te whakaora, kōrero mai.

Reflecting on the effects of Cyclone Gabrielle turns my thoughts again to the ties that bind us in a community like New Zealand, and especially a region like Wellington. It is often said that there is only one degree of separation between New Zealanders. Like many of you, I can tell stories of meeting fellow kiwis overseas and realising that they were my close neighbours or related to someone I know. There would be few occasions when, walking down Lambton Quay or Willis Street, I don't bump into someone I know. To me that is quintessentially kiwi. I love that. These are some of the values that brought my family to this country and they are some of the things that keep me here.

To a degree, these kiwi values echo tikanga concepts such as whanaungatanga and manaakitanga. As the Chief Justice noted in *Ellis v R* at [172], tikanga “continues to operate in society [and] reflects values that are older than our nation”. Sir Joe Williams talked in that judgment about the evolution of pluralist common law which respects both of the legal traditions of Aotearoa. I agree with Sir Joe that that is inevitable. In the 40 years I have lived in this country, I have witnessed enormous changes in our society. Most of those changes have been for the better. I can remember a time when overt discrimination against people on the basis of their sexual orientation was not only lawful, it was viewed as entirely normal and indeed required behaviour in certain sections of society. Thank goodness we have moved on from that, even if the experience of LGBTQ+ members of our community can still be more challenging than it should be. My point is, if we have seen such great change in the last 40 years, why would we think that the pace and degree of change will be any less in the next 40 years?

It seems to me that our society faces great challenges in the next 40 years. For those who have yet to face up to the threat which is posed to humanity by anthropogenic climate change, this year's cyclone season is (or should be) a wake-up call. We should expect it to not be an isolated occurrence. And then of course we have seen pandemic and, in Europe, a return to humanity's perennial malaise; inter-state conflict. Our cousins across the Tasman clearly see the spectre of such conflict returning to this region and are taking steps to prepare for that. I will leave it for others to debate whether New Zealand is ready for that new and uncertain future.

These new threats will inevitably pose challenges for the rule of law and for our legal order, domestically as well as internationally. The parliamentary occupation is not so long ago and provided us all with a visible example of what can happen to law and order if a sizeable section of society no longer feels that it has a voice or a stake in that society. We lack a written constitution. What safeguards do we have against constitutional overreach or the dilution of the rights which we hold dear? Experience suggests that Parliament may not be as strong a safeguard of those rights as was anticipated when the New Zealand Bill of Rights Act was enacted 32 years ago. It falls to our profession to stand up for these values. Section 4(a) of the Lawyers and Conveyancers Act 2006 provides that it is a fundamental obligation of every lawyer to uphold the rule of law, but we know that lone voices will never be sufficient to confront power and defend the rights of New Zealanders at a macro level. That is why the Law Society is so important and why I urge you all to take an interest in its welfare and future development. The legal profession is very siloed in 2023. As a barrister who works across many of those silos, I would observe that they often have very little if anything to do with each other.

The Law Society is the one institution which unites us all. It allows us to pool our enormous intellectual capital and deliver a voice which is hard to ignore. It is a voice which is and has been listened to by successive Governments and the courts for over 150 years.

You can make your voice heard in a variety of ways:

- **Get involved** in our specialist committees and CPD events.
- **Attend the livestreams** of the Independent Legal Review Panel's report to the Society's Board on the future structure of our profession. That will take place on **28 March** and **3 April** – you can access all the details here (<https://www.lawsociety.org.nz/news/law-society-statements/independent-review-panel-report-received-by-law-society-board/>).
- Come along to one of our **social events**. (You can read about our wonderful Wellington Law Dinner, which was held at Pipitea Marae at the end of last month, further into this Newsletter).
- Put your name forward for election to our next **Branch Council**. Nominations will be called for on 4 April and will close on 2 May. I have been on the Branch Council since 2016, so I will not be standing again this year. In my judgment, it is time for new voices to be heard. I hope that your new representatives will be able to maintain (and increase) the momentum we have been able to develop over the past two years.

Finally, I am sure you will all want to join with me in sending aroha to our colleague in Whangārei who has been seriously injured in the line of duty in recent days. Many of us deal with conflict every day. Not all of the people with whom we have contact are in a good space to make good decisions. Let's make sure we all take care and look out for each other. If any of you experience stress or mental trauma arising from these (or similar) events, I urge you to reach out. The Society has systems in place to assist you.

Nā tō rourou, nā taku rourou, ka ora ai te iwi



Christopher Griggs



## Who did you help today?



Who Did You Help Today charitable trust is the brain child of Wellington lawyer **Stacey Shortall** and has helped over 10,000 New Zealanders in need since its inception in 2015. The trust started with a simple question: who did you help today? Since then it has provided support to thousands of Kiwi families through initiatives like the Homework Club at low decile primary schools supporting children's learning, the Mothers Project at each of our women's prisons assisting imprisoned mothers and their children, and HelpTank connecting skilled volunteers online with community organisations.

In the wake of Cyclone Gabrielle, the trust has been matching volunteer 'Navigators' with impacted whānau to work out what assistance and information they might need, where to get it from, and to connect them with those resources.

The trust has worked with MinterEllisonRuddWatts to curate from a range of official sources an information pack to help Navigators guide those in need.

How can you help?

Email [volunteer@minterellison.co.nz](mailto:volunteer@minterellison.co.nz) for information on how to become a Navigator, or visit [www.whodidyouhelptoday.org](http://www.whodidyouhelptoday.org) for more information on other ways you can support your local community.



# A Summer at the Sharp End

By George Sabonadière

*George Sabonadière is a final year LLB(Hons) student at the University of Otago. He recently concluded a summer internship in Bell Gully's Wellington office.*

In characteristically plain-spoken fashion, Emeritus Professor John Smillie once declared commercial legal practice “the sharp end of the profession” (the dull end being, reading between the lines, the judiciary). Having less life experience and, perhaps, a more diplomatic disposition than Professor Smillie, I reserve my views on that matter. I will, however, say that a summer interning in one of Aotearoa's large law firms has left me excited and energised for a career in the law. In this article, I offer a brief, contemporary insight into the experience of a summer clerk/intern in a large law firm. I note from the outset that I speak only for myself; experiences will, of course, differ from person to person and from firm to firm. I hope my reflections will nonetheless be of interest to those for whom summer clerking is now a distant memory, as well as those who are contemplating a taste of the sharp end in the near future.

I must admit, my expectations for the summer were not high at the outset. Assuming that my soon-to-be-colleagues wouldn't have much use for a par-baked lawyerling who hadn't yet studied company law, I expected to be dividing my time between manning the photocopier and honing my amateur barista skills. The reality was quite different; from day one, I was attending client meetings, drafting memos and helping to prepare court documents. The pace was a radical change from the comparatively leisurely student lifestyle, and the collaborative nature of commercial practice was a welcome departure from solo academic research. In the novel *Don Quixote*, the eponymous protagonist advises Sancho Panza, on getting a letter transcribed, “do not give it to a lawyer's clerk to write, for they use a legal hand that Satan himself will not understand.” Painfully aware of my own tendency toward the esoteric, and terrified that I would earn a similar, quixotic reputation in the office, I made it my mission over summer to write and present as clearly and succinctly as possible. The practice proved useful, and the ability to cut to the chase in Smilliesque fashion is now a treasured souvenir from my time at the sharp end. After all, time is money, and one ought never to use a big word where a diminutive one should suffice.

Beyond the work itself, I was lucky to be part of a relatively small intern cohort of six – big enough to provide a diverse mix of personalities and interests, but still small enough to bond closely as a group. This ‘goldilocks zone’ allowed us all to build strong friendships which I hope will last throughout our respective careers. This intimate network of similarly unqualified and inexperienced colleagues, all experiencing the same feelings of general excitement, occasional fear and perpetual imposter syndrome, was, in my view, a crucial element to a successful summer at the sharp end. I am excited and intrigued to see where the others end up.

In closing, I wish to thank everybody in the Bell Gully Wellington team who contributed to what was a thoroughly enjoyable – and, indeed, formative – summer experience. Special acknowledgement goes to the partners, buddies and other staff who put up with me and all my questions in each of my three rotations; to the cleaners and the administrative, secretarial and IT staff, who keep the ship afloat; and, of course, to my fellow interns, who were always there for a cheese scone and an unscheduled ‘reflection session’ when it was needed.

Pictured below is a small momento I left behind at the new Bull Gully Wellington office – a handmade Courts of New Zealand stare decisis diorama, which I produced for the office Secret Santa (complete with flashing Christmas lights).



## UPDATE FROM THE AOTEAROA LEGAL WORKERS' UNION

Tēnā tātou, colleagues – greetings from the Aotearoa Legal Workers' Union (**ALWU**).

It is astonishing to reflect that it has been four years since ALWU was founded by legal workers from across New Zealand concerned about a series of profound challenges facing the legal profession.

The revelations of bullying and harassment at some of the country's most prominent firms were the most shocking of these concerns. But they also extended to the cumulative impact of more commonplace and persistent issues, such as overwork and burnout, low and inconsistent pay, and issues with career progression.

ALWU was founded out of a recognition that these issues are aggravated by the imbalance of power between employers and employees, and that these issues will not solve themselves.

Since its establishment in 2019, ALWU has made a significant impact on the profession, helping legal workers organise collective action at workplaces, monitoring industry pay and conditions, providing advocacy services for members, and campaigning on issues affecting all legal workers.

Its focus now is on building a union capable of directly improving wages and working conditions. The new executive, which assumed office late last year, was elected on a mandate to do just that.

### **Time for overtime?**

A common theme we've heard from members in recent months has been concern over the lack of compensation for the long hours legal workers are often expected to work.

We all know that putting in long hours from time to time is part and parcel of working in the law. But the expectation that legal workers must consistently work beyond ordinary hours without being paid for that work is quite unusual. You wouldn't expect an engineer to work for free.

But that's the reality for many lawyers and other legal workers in New Zealand, who routinely work into the evening and on weekends, generating income for their employer but receiving nothing in return.

Some decades ago this arrangement made sense, since junior lawyers could expect to be made partner fairly early in their career. Those days are now long behind us, but the model for compensating legal workers hasn't caught up. Instead of being properly paid, lawyers are instead gifted Prezzy cards or paid opaque and discretionary bonuses months down the track. This is not only unfair. It also ingrains a culture of overwork and burnout, by allowing employers to get by without properly managing employees' workloads.

The profession hasn't always worked this way. That means it can and will continue to change. ALWU is committed to supporting members to help secure a fairer deal for legal workers going forward.

Right now, ALWU is engaging with its members about their aspirations for paid overtime in the legal profession. If you have thoughts on this topic, or experiences to share, we'd love to hear from you. Email us at [contact@alwu.org.nz](mailto:contact@alwu.org.nz).

### **Supporting your union**

ALWU's ability to improve wages and working conditions depends directly on the strength of its membership. We encourage all legal workers to join, whether you're in private or public practice, and whether employed as a lawyer or support staff.

If you're not eligible to join but support the kaupapa of the union, you can still support the union's work by becoming a solidarity member or by making a donation.

We look forward to working with you to help ensure this is a profession where all can thrive.

Nā māua noa, nāi,

Irenē McGlone and Oliver Neas, ALWU co-presidents



## Wellington Law Dinner

The Wellington Branch hosted a very successful dinner and night of collegiality on the evening of 23 February at Pipitea Marae, attended by our national President, **Frazer Barton**, and the NZLS Board, as well as members of the Judiciary and practitioners from most fields of practice and almost every corner of our region. Bubbles flowed as guests arrived and mingled. **Chris Griggs**, Wellington Branch President welcomed the 120 attendees before a delicious meal. After the main course we were all entertained and inspired by the typically witty and erudite words of the Honourable **Justice David Goddard**. The evening was rounded out to the fantastic tunes by Jamie and the Gents. The dance floor filled while others mingled and chatted the night away. If you missed out this year, make sure you look out for the next one in 2024!









# UPDATES AND EVENTS

## Stepping Forward - Well-being programme 2023

Registrations now open. Stepping Forward is a science-informed intervention designed specifically to promote wellbeing and resilience within the legal community in New Zealand.

The programme is most relevant for Lawyers and Barristers 6–12 years PQE. Stepping Forward has been developed as an eight-session programme, facilitated monthly from April to November 2023. This was originally due to start in March, but was postponed due to the disruption of Cyclone Gabrielle. Registration covers all 8 sessions (they are not available as individual seminars).

The programme will be facilitated by **Dr Sarah Anticich** (Clinical Psychologist) and **John Quinn** (Director of Performance Wellbeing) – along with an additional key presenter bringing their valuable expertise and experience.

Wellbeing is no longer seen as a “nice to have” for employee engagement. It is a pivotal driver of performance, happiness and human capacity. In order to build daily, intentional habits and practices that promote wellbeing and buffer us from overwhelm and burnout, it is critical that we understand the neuroscience of engagement, wellbeing and performance. A substantial body of international research suggests significant problems exist in the realm of health and wellbeing for many within the legal profession and further, that the legal community are at an elevated risk for mental health difficulties, substance use disorders, sleep deprivation and burnout.

In February 2022, the Canterbury-Westland Branch Legal Culture Committee initiated the Stepping Forward Programme for lawyers having six to twelve years PQE and the Committee have been overwhelmed by the positive feedback received by the attendees.

From April – November 2023 (13 April, 18 May, 15 June, 26 July, 17 August, 7 September, 26 October, November date TBA), 4.00 – 5.30pm. Fee (incl GST) includes individualised Workbook: \$2,050 per person for 8 sessions (NZLS members), \$2,250 per person for 8 sessions (non-members). 1.5 CPD points per session for a total of 12 points.

## Prison Panorama 2023 (Snapshot of NZ prisons today) panel discussion

The Parole Law Committee presents an interactive panel discussion on prison life in New Zealand.

Panellists will be:

- **Digby Livingstone** - community lawyer and author of recent report on prisoner pay rates in NZ.
- **Monique Van Alphen Fyfe** - barrister at Stout Street Chambers - focus on human rights & prisoners.
- **Amanda Hill** - barrister & **Victoria Casey KC** - focus on women in NZ prisons - recent developments.

**Where:** High Court Library, Kate Sheppard Place, Wellington

**When:** 5pm - 7pm, Wednesday 22 March

**Cost:** \$10.00

**CPD:** 1 hour. Register here.



Listen to *Tory Whanau's plan for transport, housing, and the future of Wellington City* on *When the Facts Change*.



Visit [Who Did You Help Today?](#)



Watch Alice Snedden's *Bad News, Prisoner Voting Rights* on [The Spinoff](#).



Read *He Kupu Taurangi: Treaty Settlements and the Future of Aotearoa New Zealand* by Christopher Finlayson KC.