



# ADLSI

Independent Voice of Law

LAWNEWS THIS ISSUE:

Winning friends and influencing people  
Young lawyer with broad horizons – Kingi Snelgar  
Turning on the tap ... does fluoridated water = medical  
treatment?

# LAWNEWS

ISSUE 23 17 JULY 2015

[www.adls.org.nz](http://www.adls.org.nz)

+ *Legal practice*

## INFLUENCING AND PROFESSIONAL SUCCESS

By Emily Morrow

**Bill, an equity partner in a large law firm, advocated for a change in the way the firm utilised secretarial support staff to ensure continuity when secretaries were absent or when staffing changes occurred. Although Bill is a senior partner, to his surprise, his seniority and authority proved to be of little help in getting other lawyers to support the initiative, despite the logic of his approach. They balked at the added level of collaboration and communication the initiative required.**

In frustration, Bill asked Anna, his senior associate, to take over the project. Because colleagues frequently sought her advice and respected her judgement, making her central to the firm's informal networks, she quickly succeeded in getting others to support the change. She spoke with individuals across the firm, including those more senior to her, peers and subordinates, using both substantive and personal arguments.

Because Anna was perceived as being both knowledgeable and authentic, people listened to her. Several weeks later, the partners voted overwhelmingly to adopt the new proposal. Thereafter, Anna was actively involved in successfully implementing the changes.



*Influencing is a critical leadership competency. The inability to influence those to whom you report, your peers and/or your subordinates can derail your career more quickly than your lack of a particular technical skill.*

Interestingly, Anna proved to have much greater influence within the firm than Bill did, despite his seniority and seeming power. She was a successful change agent as a result of her informal networks within the firm. She had access to information, knowledge, opportunities and personal support and could therefore mobilise others.

Despite the importance of hierarchy, formal authority often matters much less than network centrality – high rank does not necessarily correlate with increased organisational efficacy. People at any level within a law firm who wish to exert influence as change agents need to be strategic in how they seek to utilise influence.

The situation in which Bill and Anna found themselves involved the use of influence and their success depended on their ability to deftly practise the art of influencing. I define influencing as “the ability to lead others outside your control so they make better decisions affecting you and your work”. Influencing, therefore, is a critical leadership competency. The inability to influence those to whom you report, your peers and/or your subordinates can derail your career more quickly than your lack of a particular technical skill.

*Continued on page 2*

# INFLUENCING AND PROFESSIONAL SUCCESS

*Continued from page 1*

## “Influencing” versus “advocacy” or “authority”

Here is an interesting point in regard to lawyers, who are trained to be advocates and/or negotiators. We know how to frame arguments, make a case, present it in court or elsewhere and be assertive (if not aggressive) when appropriate. You might expect, therefore, that lawyers would naturally be highly-skilled influencers. In my experience, this is often not the case.

In fact, counter-intuitively, your skills as an advocate may get in the way of your ability to influence. Advocacy involves direct and often transparent presentation of arguments, frequently in an adversarial context. Influence has to do with leadership, suggestion, active listening and careful management. It relies heavily on “people skills”, an understanding of human nature and emotional intelligence, capabilities lawyers often do not cultivate in themselves. In fact, as lawyers, we often underestimate the importance of these “soft” skills.

Further, there are significant differences between exercising authority and influencing capabilities. The former can appear in the short term to be an effective tool, but is often a very blunt and transient instrument. The latter is subtle, elegant and can ultimately be more effective and enduring. When stressed, lawyers often instinctively use authority to obtain results, even though the use of influence might be more appropriate. Think about this as you work with peers and direct reports and when you observe how others to whom you report manage you.

### Types of influence

Consider first the exercise of internal influence in your workplace. What “unspoken” networks exist behind the scenes, as opposed to the defined lines of power and authority? Whose advice is sought and followed? Whose opinion causes others to change theirs? Who confides in whom? At whom do people look when they make a recommendation?

Identifying these networks, getting feedback from others about how you are seen, and developing relationships with the key players will be critical to your success. Indeed, “personal selling” – selling your views, ideas and self to others, expanding your network of “allies” and successfully negotiating with others both within and outside of your immediate work environment – is essential.



Emily Morrow

*Although having a high level of internal influence at your workplace is important, in today's turbulent business and legal environment, you would also be well advised to develop external influence and allies. Doing so will enhance your reputation and that of your office, will strengthen your future position and will provide you with greater insight and objectivity.*

Although having a high level of internal influence at your workplace is important, in today's turbulent business and legal environment, you would also be well advised to develop external influence and allies. Doing so will enhance your reputation and that of your office, will strengthen your future position and will provide you with greater insight and objectivity. Try to develop an entrepreneurial attitude. Set realistic and achievable goals, monitor these regularly, and expand your network of external allies. For example, schedule one networking luncheon weekly, plan to make four presentations to external groups annually, liaise monthly with both your internal and external key constituents. The cumulative effect of these small but regular actions will be much greater than that of the occasional “big thump” event.

Influencing can be done both formally and informally. Formal influencing is generally done through oral presentations or in writing, both of which require well-developed self-presentation and communication skills. The key with formal influencing is to tailor your presentations to the interests and needs of your audience.

Use a bit of imagination and put yourself into the shoes of your listeners or readers. What are their concerns, interests and goals? What background do they have on your topic? How much detail is it appropriate to provide so they understand critical concepts while not being inundated with data? How formal or informal should the tone of the presentation be? To what extent is it important to establish rapport with the audience versus just transmitting information? How can you best establish such rapport?

Informal influencing depends upon excellent relationship-building skills and the ability to network by connecting people with other people and with new ideas or opportunities. It is helpful, but not essential, for people to like you in the context of informal influencing. That said, informal influencing is most effective when others respect and trust you. Without that, the scope of your influence is likely to be limited and short-lived.

As with other “intangible” skills, some people are naturally gifted with excellent relationship-building skills or networking capabilities and are therefore better informal influencers. However, with some focus, attention and practice, such skills can be perfected by anyone.

*Continued on page 10*

## LAWNEWS

LAW NEWS is an official publication of Auckland District Law Society Inc. (ADLSI).

Editor: Lisa Clark

Publisher: Auckland District Law Society Inc.

Editorial and contributor enquiries: Lisa Clark, phone (09) 303 5270 or email [lisa.clark@adls.org.nz](mailto:lisa.clark@adls.org.nz)

Advertising enquiries: Chris Merlini, phone 021 371 302 or email [chris@mediacell.co.nz](mailto:chris@mediacell.co.nz)

All mail for the editorial department to: Auckland District Law Society Inc., Level 4, Chancery Chambers, 2 Chancery Street, Auckland 1010, PO Box 58, Shortland Street, DX CP24001, Auckland 1140. [www.adls.org.nz](http://www.adls.org.nz)

*Law News* is published weekly (with the exception of a small period over the Christmas holiday break) and is available free of charge to members of ADLSI, and

available by subscription to non-members for \$130 plus GST per year. If you wish to subscribe please email [reception@adls.org.nz](mailto:reception@adls.org.nz)

©COPYRIGHT. Material from this newsletter must not be reproduced in whole or part without permission. *Law News* is published by Auckland District Law Society Inc., 2 Chancery Street, Auckland.

# Young Māori lawyer with a vision for others – Kingi Snelgar

**There are some people who you meet and, without even trying, they make you wonder how on earth they have managed to cram so many achievements into their lives to date, and whether they even understand the concept of having “spare time”:**

Such is the impression one gets after meeting young lawyer, Kingi Snelgar. After an outstanding university career laced with awards and scholarships (including the Judge Karina Williams Prize for the best law student of Māori descent, a Dean’s Academic Excellence Award and being the Māori Moot winner for 2009), Mr Snelgar has spent the past four years as a prosecutor at Meredith Connell, while also tutoring Māori studies papers and judging the annual Māori Moot at the University of Auckland.

Amidst all of that, this passionate advocate for Māori and indigenous rights has found the time to mentor and assist other young Māori and Pasifika lawyers on their own career paths, and to contribute to international discussions on indigenous issues, including appearing before the United Nations Expert Mechanism on Indigenous Peoples in Geneva.

“When you have skills in the law, you feel obligated to use them to help. I want to give back in any way I can,” he says.

Somewhat unsurprisingly, he was recently awarded a Fulbright scholarship which will take him to Harvard Law School for one year, where he will pursue his interest in how Māori are treated within the criminal justice system by looking at different ways of sentencing and the possibility of using alternatives to traditional court processes to deal with some offenders.

Some such models are already in use here (he cites by way of example the Rangatahi scheme of marae-based youth courts in which young offenders are referred to a marae for subsequent hearings after initial contact with the traditional youth court, and the relatively recent Alcohol and Other Drug Treatment Court). Part of his studies at Harvard will focus on ways in which these and other types of alternative justice models have been used in the United States, and how these could be translated to New Zealand for Māori adult offenders.

So what was it that prompted this bright star to pursue law as a career? Mr Snelgar was the first person in his whanau and from his marae to study law and be admitted to the bar, and says his admission ceremony was one of the proudest moments of his life.

“When I was about ten or twelve, I had a real interest in the law and its impact on Māori. I never thought I would be working in a law firm in Shortland Street. But I was always interested in the law from a Māori perspective, and I have always aimed to one day be able to make a difference.”



*Kingi Snelgar*

*“When you have skills in the law, you feel obligated to use them to help. I want to give back in any way I can.”*

*Kingi Snelgar*

Despite his whanau (and particularly his grandparents) not having had the same opportunities that were available to him, Mr Snelgar cites their encouragement and support as key motivating factors that helped propel him along his chosen path.

“The experience of my parents’ and grandparents’ generations was that (generally speaking) Te Reo was not encouraged, nor was higher education. They fostered in me the desire to aim higher.”

He also credits his pre-university education with giving him both the tools and the drive to make a difference. For his early schooling, he attended a full Māori language immersion school, but then his path veered a little differently from “the usual Māori student”, when his parents moved home to Whangarei and he had the opportunity to attend King’s College in Auckland as a boarder.

“At the time I was reluctant to go there and it took a while for me to feel like I fitted in, but now I am really grateful for the opportunities it gave me and the good friends I made there. The school itself has come a long way – Te Reo

is now taught there as a compulsory subject, whereas when I was there I had to do it by correspondence.”

Mr Snelgar began studying at the University of Auckland in 2006 and ultimately graduated with a conjoint BA/LLB(Hons) degree. While there, he worked hard on the academic front (which is certainly apparent from the number of awards and scholarships he received) and also became involved with Māori and Pasifika groups on campus and was elected by his peers as co-president of the University of Auckland Māori Student Society, Nga Tauira Māori.

In between study, exams and student life, Mr Snelgar had the unique (and somewhat daunting) opportunity to speak before the United Nations in both New York and Geneva on questions of indigenous rights. Speaking before an audience of some 400 people, including top academics and government representatives, was an experience which Mr Snelgar says has given him the desire to become involved with the United Nations in some capacity or other in the future.

The opportunity to work at Meredith Connell was another proud moment in his life, and he has enjoyed and thrived on the challenges of prosecuting criminal cases for the Crown.

“Standing up in front of a jury and trying to persuade them and dealing with challenging cases and witnesses can be stressful, but you get a lot of satisfaction out of it as well. Criminal law is quite fluid – there are things that go wrong and you have to work around that.”

Mr Snelgar says he frequently sees the same problems coming through generationally as part of his job, and considers that “there has got to be something different we can do to break through the cycle”. He feels very grateful for his own upbringing which took him in a different direction, and says that “being compassionate is a big part of being a prosecutor and a criminal lawyer”.

“Even though we have our role, I do feel for people, especially young offenders with difficult upbringings, and the situations they get into.”

But the rigours of practice and a demanding court workload (he has over 400 appearances under his belt already) still have not stopped him from giving back and extending a helping hand to others following him upwards on the legal ladder. One of Mr Snelgar’s passions is to see greater numbers of Māori and Pasifika lawyers coming through law school and into the profession – so he helped to set up an internship programme for Māori and Pasifika law students to work at Meredith Connell one day a week.

“It’s a bit hard for them because many Māori and Pasifika law students do not have the same amount of support and encouragement to apply for clerkship roles in the big firms. They are no

*Continued on page 7*

# Fluoridation of the water supply and mass-medication

Prepared by the New Zealand Centre for Human Rights Law, Policy and Practice

## When fluoride was added to the water supplies of two Taranaki towns not everyone was happy.

The District Council had relied on powers in the *Local Government Act 2002* and the *Public Health Act 1956*. But the plaintiff – an advocacy group – argued that the decision was ultra vires, unlawful, and that it breached section 11 of the *New Zealand Bill of Rights 1990* (NZBORA) – the “right to refuse medical treatment” (*New Health NZ Inc v South Taranaki District Council* [2014] NZHC 395). Hansen J dismissed all arguments and found for the Council.

### Ultra vires

Hansen J held that there was an implied power to fluoridate in the *Local Government Act 2002*. That had been the result in a 1964 case, *Attorney-General v Lower Hutt City*, which went to the Privy Council. The relevant provisions in the old *Municipal Corporations Act 1954* had been carried over into the *Local Government Act 1974*, the predecessor to the 2002 Act. And the semantic change in terminology from “pure water” to “drinking water” was not material – if anything it was more accurate. Moreover, in requiring local bodies (some of whom had been supplying fluoridated water) to “maintain” their services, Parliament implied an intention to empower local authorities to make such a decision.

Hansen J also identified an implicit power to fluoridate in the *Public Health Act 1956*. Part 2A has provisions about promoting the supply of safe and wholesome drinking water. They include duties on suppliers to take all practicable steps to comply with drinking water standards issued by the Minister. One provision states that any standard issued or adopted must not include a requirement that fluoride be added to drinking water. This stipulation, reasoned Hansen J, was consistent with a *parliamentary* intention to authorise fluoridation by local government. It fits with an expectation that a decision to fluoridate is “quintessentially a function of local government”.

On this ground, Hansen J also rejected a number of the plaintiff’s counter-arguments. It had been alleged that the power of local authorities is delimited by what an individual or corporate can lawfully do. Hansen J said this principle was no more than a starting point. Fluoridation was a physical act that took place in the course of a local authority providing one of its core services. Finally, Hansen J rejected the contention that fluoridated water required the consent of the Minister of Health under the *Medicines Act*. Water is not a food for the purpose of the Act, as was authoritatively determined in *Diet Tea Company Limited v Attorney-General*.

### Section 11 of the NZBORA

Section 11 states that “everyone has the right



*A state or local government public health intervention such as adding fluoride to the water supply would not engage the right to refuse to undergo medical treatment. Hansen J considered that if he were to find otherwise he would be granting individuals a power of veto over all public health initiatives.*

to refuse to undergo medical treatment”. This was clearly applicable to the Council because it provides a “public function”. The judge considered there to be two significant questions: first, the meaning and scope of “medical treatment” (we’ll call that “defining the right”); and, second, the nature of the obligation on the state not to interfere with the right to refuse (we’ll call that the “reasonable limits” question).

A survey of the international authorities showed a range of answers to these questions. Courts had found that fluoridation fell short of “medical treatment”, but for different reasons. The Irish Supreme Court in *Ryan v Attorney-General* stressed that the process merely involved raising the levels of a natural element to that found in wholesome water. In *Quiles v City of Boynton Beach*, the Florida District Court of Appeal (4th Circuit) relied on the fact that the legislation did not compel anyone to drink the water. In the Canadian case *Millership v British Columbia*, the court regarded fluoridation as a drug or a medicine, but such a minimal intrusion in

to the relevant Charter right (security of the person in section 7) as not to trigger it. Further, in the US case *Dowel v City of Tulsa*, the court rejected the argument that fluoridation could be distinguished from the addition of chloride to water, in that both processes aimed at public health benefits.

Ultimately, Hansen J found the international jurisprudence of limited assistance, contending that the section 11 provision is unique and raises different issues from the rights relied upon in these cases.

Hansen J did not find it necessary to adjudicate between the range of characterisations of the fluoridation process. While leaning toward the view that it did constitute medical treatment, he did not consider this decisive. In agreement with *Dowel*, he held that the fluoridation process could not be relevantly distinguished from other therapeutic processes such as adding iodine to salt or folic acid to bread. All are therapeutic. Yet he argued this did not require they amount to medical treatment for the purpose of section 11. Here, he relied upon the word “undergoing” which, he maintained, suggested “something that is done”. In contrast is the phrase “not to be subjected to” in section 10. Hansen J found that section 11 applies more narrowly to situations involving the direct interference with someone’s body or state of mind. A state or local government public health intervention such as adding fluoride to the water supply would not engage the right. Hansen J considered that if he were to find otherwise, he would be granting individuals a power of veto over all public health initiatives. He concluded that fluoridation did not fall within the purview of medical treatment for the purpose of section 11.

Having reached this conclusion, it was unnecessary to consider the alternative submission, that the section 11 right was not engaged since no one was compelled to drink the water. Contra *Quiles*, he did not think a consumer could realistically avoid fluoridated treatment. In any case, he felt that such matter was dealt with under a section 5 analysis.

In case he was wrong in the “definitional point” and section 11 was engaged, he undertook a “reasonable limits” analysis. He was satisfied that the health benefits of fluoridation were a sufficiently important objective, that there was a rational connection between the process and the objective, and that the health benefits outweighed the minor (admitted) risk of fluorosis. While admitting there were other means of reaching this objective, such as good dental hygiene and regular dental check-ups, he had no problem finding that fluoridation was within the range of reasonable alternatives available to Parliament.

*This case summary was prepared by the New Zealand Centre for Human Rights Law, Policy and Practice at the Faculty of Law, Auckland University, and is reproduced here with permission.*

+ *ADLSI event review*

# North Shore Lawyers' Lunch, Tuesday 30 June 2015

**The ADLSI Lawyers' Lunch Series is a great opportunity to meet and network with fellow practitioners in your local area, and to provide feedback to ADLSI on ways in which we can further support you in your professional career.**

Practitioners from around the North Shore area came together on 30 June 2015 at GPK Bar & Grill in Takapuna for a relaxed and convivial get together and meal, which included a short presentation by North Shore Lawyers' Lunch sponsor OfficeMax.

There was a great turnout of local lawyers who took time out of their busy day and enjoyed catching up with old and new friends.

Thank you to OfficeMax for sponsoring this event.



*Margaret Birdsey and Susan Howard*



*Amber Davis, Emily McKibbin, Nick Smith and Sarah O'Grady*



*Emily Lay and Michael Oomen*



*Siva Rajadurai and David Munn*



*Odette Gillard, Peter Bates and Abbie Featherstone*



*North Shore lawyers enjoying the chance to chat over lunch*

## + ADLSI event

“Meet the Judiciary” evening for recently admitted members, 11 August 2015

Recently admitted members are invited to ADLSI's annual “Meet the Judiciary” evening on Tuesday 11 August 2015.

Don't miss this valuable opportunity to meet with members of New Zealand's judiciary in a relaxed and social environment, over a few refreshments.

Space at this popular evening is limited, so register now to avoid missing out.

**Time & date:** 5.30pm, Tuesday 11 August 2015

**Venue:** Norman Shieff Room  
Level 6, Chancery Chambers  
2 Chancery Street  
Auckland

To register for this event, please visit [www.adls.org.nz](http://www.adls.org.nz) or email [adls.events@adls.org.nz](mailto:adls.events@adls.org.nz) before Friday 7 August 2015, subject to availability. 

## + ADLSI event

Annual Immigration and Refugee Law dinner, 27 July 2015

The ADLSI Immigration and Refugee Law Committee is again holding its annual dinner with the Minister of Immigration, the Hon Michael Woodhouse.

Immigration lawyers, licensed advisers and other senior figures in the immigration sector are invited to this valuable opportunity to meet and build rapport in a convivial setting. The evening will include pre-dinner drinks and a three-course dinner, plus a short address from the Minister.

**Date:** Monday 27 July 2015

**Time:** 7.00pm arrival and drinks  
7.30pm dinner

**Dress code:** Business attire

**Venue:** Northern Club,  
19 Princes Street, Auckland

**Tickets:** \$83.00 + GST (\$95.45 incl. GST) for ADLSI members and the judiciary;  
\$95.00 + GST (\$109.25 incl. GST) for non-members.

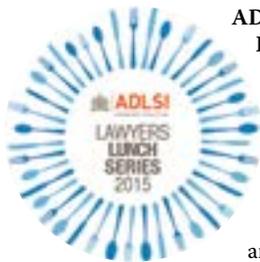


To register for this dinner visit [www.adls.org.nz](http://www.adls.org.nz); alternatively, email [adls.events@adls.org.nz](mailto:adls.events@adls.org.nz) or phone (09) 303 5287. Spaces are limited, so register before Wednesday 22 July 2015 to secure your spot, subject to availability.

ADLSI's standard cancellation policy applies for this event. 

## + ADLSI event

West Auckland Lawyers' Lunch, 28 July 2015



ADLSI is continuing its successful Lawyers' Lunch series for 2015 with an event in West Auckland.

We have a Lawyers' Lunch coming up in Henderson on Tuesday 28 July 2015 at The Falls. Practitioners from across West Auckland are invited to join us for a relaxed lunch and enjoy a short presentation by ADLSI and Lawyers' Lunch sponsor, Mainprice King.

The lunch will be \$24.95 (incl. GST) from a set menu, and we are pleased to offer ADLSI members an exclusive Lawyers' Lunch rate of \$14.95 (incl. GST). Numbers are limited, so register now to avoid missing out.

**Date & time:** Tuesday 28 July 2015, 12-2pm

**Venue:** The Falls, 22 Alderman Drive, Henderson

**Tickets:** \$13.00 + GST (\$14.95 incl GST) per person for ADLSI members;  
\$21.70 + GST (\$24.95 incl GST) per person for non-members.

Register before Monday 20 July 2015 to secure your spot, subject to availability. Visit [www.adls.org.nz](http://www.adls.org.nz) to register and pay online; alternatively, contact [adls.events@adls.org.nz](mailto:adls.events@adls.org.nz) or 09 303 5287. ADLSI's standard cancellation policy applies for this event.

ADLSI West Auckland Lawyers' Lunch sponsored by Mainprice King.



## Online magazine version of LAWNEWS now available to subscribers.

LAWNEWS subscribers who prefer to read LAWNEWS online, can now switch their weekly subscription from the printed format, to the new, online magazine format.

Simply email [membership@adls.org.nz](mailto:membership@adls.org.nz) and let us know you'd like to switch your weekly print subscription to online, and we'll arrange to send you an email every Friday with a link to the latest issue of LAWNEWS.



If you'd like to start a subscription to LAWNEWS, it's free for ADLSI Members and \$130+GST per year for non-members. To enquire about subscribing, email [reception@adls.org.nz](mailto:reception@adls.org.nz) or visit [www.adls.org.nz/adlsi-store](http://www.adls.org.nz/adlsi-store)

+ **Book**

# Adams on Criminal Law 2015 (Student Edition)

**Authors:** Bruce Robertson, Jeremy Finn

**Pages:** 909

*Adams on Criminal Law* has been New Zealand's most trusted criminal law reference for over 40 years.

This student edition of *Adams* is a comprehensive introduction to criminal law and combines definitive commentary – a feature of the *Adams* approach to criminal law – with the portability and accessibility of a handbook.

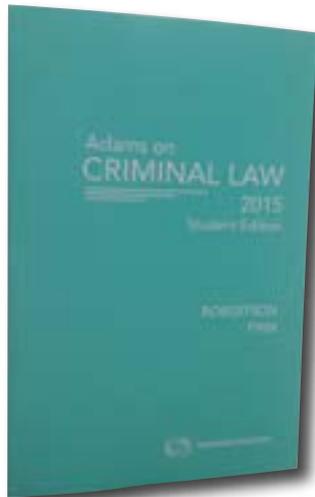
The concise way in which it is written and the easy to follow format make it an ideal resource for practitioners looking for a quick reference tool.

**Price:** \$85 plus GST (\$97.75 incl. GST)\*

**Price for ADLSI Members:** \$76.50 plus GST (\$87.98 incl. GST)\*

(\* +Postage and packaging)

To purchase this book, please visit [www.adls.org.nz/adlsi-store](http://www.adls.org.nz/adlsi-store) or contact the ADLSI bookstore by phone: 09 306 5740, fax: 09 306 5741 or email: [thestore@adls.org.nz](mailto:thestore@adls.org.nz).



+ **Book**

# It Was All Legal

**Author:** Graham Wear

*It Was All Legal: The Auckland District Law Society and its members 1879-2009* is a fascinating story of Auckland's colourful lawyers and the District Law Society to which they all belonged.

Set against the history of Auckland and New Zealand as a whole, it spans from the mid-19th century to the first decade of the 21st century.

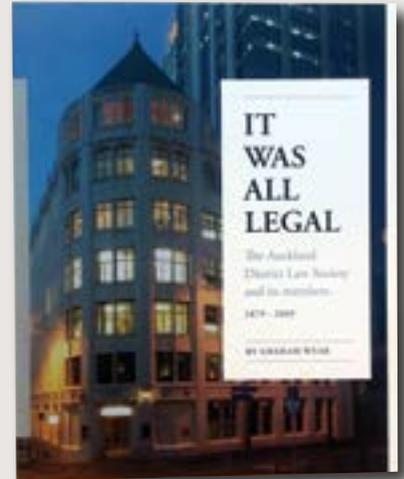
The Auckland District Law Society was replaced in 2009 by an incorporated society, which has published this book as a record of an eventful 130 years.

**Price:** \$43.43 plus GST (\$49.95 incl. GST)\*

**Price for ADLSI Members:** \$34.73 plus GST (\$39.95 incl. GST)\*

(\* + Postage and packaging)

To purchase this book, please visit [www.adls.org.nz](http://www.adls.org.nz) or contact the ADLSI bookstore by phone: 09 306 5740, fax: 09 306 5741 or email: [thestore@adls.org.nz](mailto:thestore@adls.org.nz).



Continued from page 3, "Young Māori lawyer with a vision for others – Kingi Snelgar"

less qualified than any other law students but may be more reluctant to put themselves out there given the big firms have very few Māori and Pasifika lawyers. So I thought, if there were some dedicated internship spots for Māori/Pasifika people, that would encourage them to give it a go. I do hope that other law firms see the potential in dedicated internship or clerkship positions for Māori and Pasifika students."

While he will miss many aspects of his current job, especially the court work, Mr Snelgar is looking forward to being a student again, and having more time to stop and think about important issues. And what does the future hold for him after that? When he comes back to New Zealand, he

would like to eventually try his hand as a defence lawyer for a while.

"I think it would be good to gain some experience on the other side of the fence," he says. However, he also confesses a hope that there may be an opportunity to stay on in the States, perhaps continuing his studies at the University of Hawaii and spending his spare time surfing.

Mr Snelgar heads off to the United States in mid-July and will commence his studies in August. ADLSI and *Law News* wish him all the best and look forward to hearing about further developments in the career of this promising young change-maker.



## Member Benefits Programme

A range of preferential offers, available to ADLSI members, from carefully selected partners.

To view the latest offers visit [www.adls.org.nz](http://www.adls.org.nz)



## Featured CPD

Wednesday  
5 August 2015  
12pm – 1pm

At your desk or  
on your portable  
device

**1 CPD Hour**



Webinar

### Privacy in the Digital Age: The Risks and Opportunities of New Technology

Technology and social media are now inescapable aspects of modern life. Privacy issues have, as a result, become increasingly complex. It is essential for lawyers to know how their clients' professional and personal privacy may be affected by technology and how to advise clients on avoiding privacy breaches or protecting them from unwanted attention.

#### Learning Outcomes

- Learn more about what privacy considerations need to be taken into account when using or developing technology and learn best practice tips to avoid potential problems.
- Gain a better understanding of how technology and social media can impinge upon the privacy of both corporate and individual clients.
- Learn more about the potential consequences that arise when a client's privacy has been compromised.

#### Who should attend?

General practitioners, litigators and in-house counsel. HR managers may also benefit from attending.

*Presenters:* **Daimhin Warner**, Customer Governance and Privacy Manager, Sovereign Insurance; **Joe Edwards**, Senior Associate, Russell McVeagh

Tuesday  
21 July 2015  
4pm – 6:15pm

Live streamed |  
Auckland  
(venue TBC)

**2 CPD HOURS**



Seminar



Live stream

### Commercial Law Series: Offers of Equity Securities under the Financial Markets Conduct Act 2013

This seminar will provide a practical overview of the new regime (including the key departures from the former regime under the Securities Act 1978) as it relates to offers of equity securities. Participants will then be better able to identify and overcome the challenges of the FMCA regime and maximise opportunities for their clients.

#### Learning Outcomes

- Gain an understanding of the key differences between the former Securities Act regime and the new FMCA environment.
- Learn when and how the FMCA applies to offers of equity securities, as well as the exceptions and exemptions to the regime.
- Understand the potential liability of offerors and others under the regime and obtain practical guidance on how to mitigate liability.

#### Who should attend?

Junior and intermediate corporate lawyers and general practitioners with significant corporate clients.

*Presenters:* **Stephen Lowe**, Partner, Chapman Tripp; **Jeremy Gray**, Senior Associate, Chapman Tripp

*Chair:* **Andrew Lewis**, Principal, Andrew Lewis Law

Wednesday  
22 July  
12pm – 1pm

At your desk or  
on your portable  
device

**1 CPD HOUR**



Webinar

### Bankruptcy: Uses and Abuses

Bankruptcy is a tool available to both debtors and creditors but it needs to be used carefully for the parties to obtain any real benefit. This webinar will explore some of the key issues when advising debtors and creditors on bankruptcy, as well as the role of the Official Assignee in the proceedings.

#### Learning Outcomes

- Gain insights into the advantages and disadvantages of the bankruptcy regime and strategies for avoiding bankruptcy.
- Learn more about the alternatives to bankruptcy, including the No Asset Procedure, and the potential problems of each.
- Discover more about the Official Assignee's position in respect of the disclaiming of property and rights as well as the assignment of actions and vesting orders.

#### Who should attend?

General practitioners, in-house lawyers, litigators and debt collectors.

*Presenters:* **Gareth Neil**, Partner, Meredith Connell; **Nick Moffatt**, Senior Associate, Bell Gully

Wednesday  
29 July 2015  
1pm – 2 pm

At your desk or  
on your portable  
device

**1 CPD HOUR**



Webinar

### Self-Represented and Vexatious Litigants – Civil Cases: Judicial Perspective and Practitioner's Dilemma

An increasing number of High Court cases involve self-represented litigants. Effective civil litigators need strategies and skills to deal with such situations. This webinar will provide invaluable insights into the Court's role and how it strives to balance the interests at play. It will also provide practical guidance on how to advocate effectively when the other party self-represents.

- Gain a better understanding of the Court's approach to self-represented, querulant and vexatious claimants, directors representing a limited liability company and the appointment of guardians ad litem.
- Recognise the duties and rights of counsel and identify the relevant Rules of Conduct and Client Care.
- Receive guidance on procedural considerations, including in relation to discovery, the admissibility of evidence, objections, procedure generally and costs.
- Learn useful strategies to manage the increased burden for counsel and reduce the risk of delays and/or complications.
- Learn to anticipate and better approach issues arising when engaging in settlement discussions with a self-represented person.

#### Who should attend?

Civil litigators and lawyers practising in the civil law area in contentious matters involving self-represented persons.

*Presenters:* **The Honourable Justice Wylie**; **Noel Ingram QC**

## CPD in Brief

### Dispute Resolution Clauses: Uses and Analysis

Thursday 30 July 2015 | 12pm – 1pm

Recent Supreme Court judgments have highlighted the importance of having knowledge of dispute resolution clauses when including them in contracts. Learn how best to advise clients on what form, if any, dispute resolution clauses might take and gain insights into how best to tailor them to suit clients' needs.

Presenters: **Paul Cogswell**, Principal, Cogswell Law; **Nick Gillies**, Partner, Hesketh Henry



### Courtroom Advocacy – The Essential Skills: Part 3

Tuesday 11 August 2015 | 4pm – 6.15pm

The next part in this well-received series will focus on procedure and objections. Attend this seminar to receive practical guidance with judicial insight on these important topics. (Attendance at the previous seminars in this series is not a prerequisite for this session.)

Presenters: **David Bigio**, Barrister, Shortland Chambers; **Adam Ross**, Barrister, Shortland Chambers

Chair: **Her Honour Judge Mathers**



### Independent Trustees: Avoiding the Perils of Personal Liability

Wednesday 19 August 2015 | 12pm – 1pm

The role of the independent trustee appears to be increasingly onerous. The consequences of even minor oversights are often severe and can cost a trustee dearly, both financially and professionally. Understanding the duties and obligations associated with being a trustee and how best to ensure compliance with those duties and obligations is crucial for lawyers both acting as trustees and advising clients taking on the role of trustee.

Presenter: **Tammy McLeod**, Director, Davenports Harbour Lawyers



### Rural Law Series: Best Practice for Tailored Succession Planning

Tuesday 28 July 2015 | 12pm – 1pm

With focus on both legal and financial aspects, this webinar will equip lawyers with knowledge of how best to advise rural and farming clients according to their individual needs when planning their future, that of the farm and their children.

Presenters: **Warwick Deuchrass**, Partner, Anderson Lloyd, Queenstown; **John Adams**, Director – Tax, KPMG, Hamilton



## CPD On Demand

### Working Through Changes to the Employment Relations Act – 1 CPD HOUR

Long-anticipated changes to New Zealand's key piece of employment law legislation took effect on 6 March this year. They relate to good faith, collective bargaining, flexible working arrangements, continuity of employment for specified employees, rest breaks and meal breaks, and the Employment Relations Authority. This webinar will help you become appraised of "problem areas".

Presenters: **Kate Ashcroft**, Senior Associate, Buddle Findlay; **Helen White**, Barrister and **Mark Donovan**, Barrister.



### Making Money from IP: The Ins and Outs of Licence Agreements – 1 CPD HOUR

Given the innovative nature of business and technology today, the chances are high that clients may seek legal advice on strategies to leverage off their potentially valuable intellectual property. An understanding of how intellectual property may be commercialised and the intricacies of licence agreements is essential for commercial lawyers and general practitioners advising both large and small business clients in today's world.

Presenters: **Allan Bowie**, Partner, Bowie Yorke; **Scott Yorke**, Partner, Bowie Yorke



## CPD Pricing

Delivery Method	Member Pricing	Non-Member Pricing
Webinar	\$75.00 + GST (= \$86.25 incl. GST)	\$95.00 + GST (= \$109.25 incl. GST)
Seminar (in person)	\$125.00 + GST (= \$143.75 incl. GST)	\$180.00 + GST (= \$207.00 incl. GST)
Seminar (live stream)	\$125.00 + GST (= \$143.75 incl. GST)	\$180.00 + GST (= \$207.00 incl. GST)
On Demand (1-hour recording)	\$85.00 + GST (= \$97.75 incl. GST)	\$110.00 + GST (= \$126.50 incl. GST)
On Demand (2-hour recording)	\$95.00 + GST (= \$109.25 incl. GST)	\$130.00 + GST (= \$149.50 incl. GST)

For group bookings for webinars & CPD On Demand, see the ADLSI website at: [www.adls.org.nz/cpd/help-and-faqs/group-bookings/](http://www.adls.org.nz/cpd/help-and-faqs/group-bookings/).



**ADLSI LIVE STREAMING**  
Bringing seminars to you,  
wherever you are.

Visit [www.adls.org.nz/CPD](http://www.adls.org.nz/CPD)



### Influencing up, across and down

Different skills and approaches are appropriate depending on whether you are influencing someone to whom you report ("influencing up"), a peer ("influencing across") or someone who reports to you ("influencing down").

For lawyers, influencing up typically occurs when you report to a partner or someone else more senior than you in a firm or general counsel's office, to the board of your firm or to a major client. Therefore, sometimes the person(s) whom you want to influence may not be lawyers, so you will need to tailor your approach accordingly.

Pay close attention to your use of technical language, define terms, ask open-ended questions that will let you determine the extent to which your "audience" understands your position, and so forth. Actively listen to how those whom you seek to influence discuss issues (what type of language and approach they use), as this will give you clues about how to structure your formal presentations. Make it clear how your suggestions will add value organisationally – what will the ROI (return on investment) be and how do your suggestions further the work of the firm, etc? You are there to help, even when you have to raise concerns. Be scrupulously and consistently respectful, but do so firmly and self-confidently. Gravitas is critical when you seek to influence up.

When influencing across with your professional peers, you will need to gain their goodwill so they respect and trust you, and hopefully like you as well. Be flexible and good-natured where appropriate, "give until it hurts", support the

success of others, be an excellent team member, and let others know your intentions are positive and benign. I call this "making deposits into the bank of goodwill and social capital". If you have a healthy deposit on account at this particular bank, when you need to step into the "withdrawal queue" and ask for help from others in achieving your objectives, you will find that influencing across occurs naturally and easily.

The more senior you become in your workplace, the more critical influencing down will become to your long-term success. You may be put in charge of a team of lawyers and other professionals, all of whom will need to collaborate with you to achieve essential outcomes.

Again, goodwill is critical here. Get to know each and every team member, take note of their unique contributions and let them know how highly you value them. This is all part of cultivating and retaining high potential employees, and, as someone who manages other people, you must always be investing in the success of others. It never stops – you will never arrive in this regard, so embrace the journey.

Building loyalty and trust is a key component of influencing down – your team must fully believe that you always "have their backs". If the work of those you manage is sometimes repetitive and even boring, you would be well-advised to articulate why and how such work is critical to the team's overall mission and success – what is it that makes even the most pedestrian work meaningful and compelling? A little bit of "creative inspiring" can go a long way in influencing down.

Interestingly, I have noticed that those who work in the not-for-profit sector, such as non-governmental organisations (NGOs), are often highly skilled in the art of influencing. Because they frequently work with volunteers and donors, over whom they have no authority, they must deftly use influence to obtain results, while avoiding being viewed as manipulative. Perhaps those who work in the business sector can learn something from the not-for-profit sector in this regard. You might want to consider this the next time your firm is designing a leadership development programme or the like for high potentials. What can lawyers learn about influencing while working as volunteers?

Ultimately, influencing (like many other capabilities) truly is an art and not a science. You must rely on your intuition about people and situations to get it right. You must be genuine and honestly motivated by a desire to support the success of others and attain meaningful organisational outcomes. If you do so, I expect your scope of influence will be extensive and robust.

*Emily Morrow, BA (Hons), JD (Hons, Juris Doctor), was a lawyer and senior partner with a large firm in Vermont, where she built a premier trusts, estates and tax practice. Having lived and worked in Sydney and Vermont, Ms Morrow now resides in Auckland and provides tailored consulting services for lawyers, in-house counsel and law firms focusing on non-technical skills that correlate with professional success; business development, communication, delegation, self-presentation, leadership, team building/management and the like. *

## + People in the law

# Sir Ronald Keith Davison GBE, CMG, QC

**ADLSI and Law News were saddened to learn of the passing of former Chief Justice Sir Ronald Davison, who died on 2 July 2015, aged 94.**

Sir Ronald was New Zealand's tenth Chief Justice and served as such between 1978 and 1989. He was one of the last remaining members of the New Zealand judiciary who had served in the Second World War.

Sir Ronald was also well-known for having headed up the Winebox Inquiry between 1994 and 1997, as well as a 1994 Family Court Inquiry which resulted in a number of changes to our child protection legislation.

"Perhaps this background influenced his strongly held belief in the importance of

protecting the legal rights of individuals and minority groups, and that the judiciary must strive to remain in tune with responsible public opinion," said Chief Justice Dame Sian Elias in a statement last week.

As Chief Justice, Sir Ronald had been responsible for overseeing significant and widespread reform of New Zealand's justice system. Dame Sian said changes introduced during Sir Ronald's tenure included the renaming of the Supreme Court as the High Court, Magistrates' Courts becoming District Courts, and the introduction of new High Court Rules and court management systems.

"The years when he was Chief Justice marked a period of active change to New Zealand's justice system, and indeed helped bring it into the

modern era. Sir Ronald's contribution to the New Zealand legal landscape was immense, and his legacy continues to be experienced by anyone coming into contact with today's court processes," Dame Sian said.

Attorney-General Christopher Finlayson also paid tribute to Sir Ronald, saying, "Sir Ronald was a highly respected New Zealander who made a significant contribution to law and justice system reforms. I appeared before Sir Ronald many times and will always remember his thoughtfulness and courtesy."

A service for Sir Ronald was held at St Mary's in Holy Trinity, Parnell, Auckland on Wednesday 8 July. ADLSI and Law News would also like to extend our sympathies to Sir Ronald's family and friends at this time. 

## NEW ADDITION TO BROOKFIELDS BUSINESS PROPERTY & FINANCE TEAM

Lizandra Bailey joins Brookfields Lawyers as a Partner in their Business Property & Finance Team. As a commercial lawyer Lizandra Bailey has been specialising in franchising for over 10 years; she acts for both franchisors and franchisees. She has also provided advice in relation to many of the major franchising systems in New Zealand. Lizandra is experienced in all areas of franchising – including negotiating and drafting franchise documentation, providing clients with the advice they need before they purchase or sell a franchise, assisting clients with franchising their business and reviewing and negotiating lease documentation and leasing structures, advising clients in relation to their rights and obligations under their lease, providing advice in relation to disputes and breaches of both franchise agreements and leases.

Lizandra also provides advice to business owners, assisting them with structuring their businesses and drafting the contracts they need, including shareholder and joint venture agreements, manufacturing supply and distribution agreements, terms of trade and licence agreements.



Lizandra Bailey  
Partner

**BROOKFIELDS**  
LAWYERS

[www.brookfields.co.nz](http://www.brookfields.co.nz)

## WILL INQUIRIES LAW NEWS

The no-hassle way to source missing wills for  
**\$80.50 (GST Included)**

Email to: [reception@adls.org.nz](mailto:reception@adls.org.nz)

Post to: Auckland District Law Society Inc.,

PO Box 58, Shortland Street, DX CP24001, Auckland 1140

Fax to: 09 309 3726

For enquiries phone: 09 303 5270

### + *Wills*

Please refer to deeds clerk. Please check your records and advise ADLSI if you hold a will or testamentary disposition for any of the following persons. If you do not reply within three weeks it will be assumed that you do not hold or have never held such a document.

Clarrie Herbert Charles HENRY, late of 5/2132 Great North Road, Avondale, Auckland, Aged 50 (Died 05'04'2015)

Christie Jacob JAMES, late of 143-147 Parkhurst Road, Parakai, Helensville, Aged 86 (Died 17'05'2015)

Jiannong Johnson YANG, late of 14A Lilian Place, Farm Cove, Auckland, Aged 55 (Died 08'04'2015)



## Residential Capped Conveyancing Insurance

A new approach to managing risk in residential conveyancing

Mainprice King in association with the DUAL Group has developed a Residential Capped Conveyancing Insurance policy backed by Lloyd's of London.

For one low premium per policy, per conveyancing transaction (provided it's purchased for all your New Zealand conveyancing transactions), lawyers and their clients can now better manage their risks in residential conveyancing than ever before, as the capped policy covers most unknown risks at settlement.

Each policy is available for only \$50+GST for ADLSI members (\$56+GST for non-members) for lawyers practising in New Zealand.

For more information call Mainprice King on 09 336 1006 or visit [www.adls.org.nz](http://www.adls.org.nz).

Terms and conditions apply.

**MAINPRICE KING**

CHARTERED BROKERS LIMITED



LAWNEWS

Get your message in front of 5500 legal professionals.

Booking deadline is 12pm Thursday, 6 working days prior to publication date.

Email [chris@mediacell.co.nz](mailto:chris@mediacell.co.nz) or call 021 371 302 to book your advertisement.

Wilson McKay have recently appointed Tina Wilson as a Senior Associate.

Tina has been a solicitor at Wilson McKay for a number of years and specialises in Trust and Estate Administration and Property Law.

## Offices Available at Chancery Chambers

Two large offices have recently become available in the centrally located ADLSI Chancery Chambers. These spacious offices are both suitable for 2 – 3 people. Meeting room, kitchen and photocopier facilities available.

Please contact Monique on [monique.porter@adls.org.nz](mailto:monique.porter@adls.org.nz) or 09 303 5277 for more details.



## MOBILEARTGALLERY ART LEASING & CONSULTANCY

Your local New Zealand art specialists for corporate, residential and homestaging short and long term art hire.

Text 'art' to 215

Open week days: 9am-4pm

 [info@mobileart.co.nz](mailto:info@mobileart.co.nz)

 [Mobileart.nz](https://www.facebook.com/Mobileart.nz)

 [www.mobileart.co.nz](http://www.mobileart.co.nz)

 09 630 6543

 23 Edwin St, Mt Eden, Auckland

WANTED

Work experience opportunities  
for 4th and 5th year  
law students

ADLSI, in association with the Auckland University Students Society (AULSS), has recently launched a pilot initiative which aims to connect 4th and 5th year law students from the University of Auckland seeking volunteer or paid work experience, with Auckland-based law firms offering such opportunities.

The programme also provides law firms with an opportunity to work with those students they may select, to help the firm with tasks that may require some additional assistance.

If you, or your firm is able to offer a paid or volunteer work experience opportunity to a 4th or 5th year law student, you will be able to post the details free of charge on the ADLSI noticeboard at [www.adls.org.nz](http://www.adls.org.nz).

For more information on the work experience pilot programme, please contact ADLSI on (09) 303 5270 or email [workexperience@adls.org.nz](mailto:workexperience@adls.org.nz)  
*Terms and conditions apply.*



AUCKLAND DISTRICT LAW SOCIETY INC  
INDEPENDENT VOICE OF LAW



AUCKLAND UNIVERSITY STUDENTS SOCIETY  
LAWSTUDENTS SOCIETY  
AUCKLAND UNIVERSITY