

## Candidates' Personal Statements

2018 Election

In alphabetical order by surname

## Candidates for Election to the New Zealand Bar Association Council for 2018-2019 Year

Candidates (in alphabetical order by surname) – **Choose up to NINE (9) candidates**

### Jenny COOPER QC (Auckland)



I joined the NZBA Council in 2016. I am standing for re-election because I want to continue to be involved in tackling the important issues facing the independent bar and the legal profession more widely. In my last 12 months on the Council I have been closely involved in the Gender Equity Committee's work on the Gender Equitable Engagement and Instruction Policy which was launched in late 2017 and has had been widely adopted by firms, chambers and corporate clients. I am co-Chair of the new Conduct and Values Committee which prepared the NZBA's recently issued Conduct and Values Policy. I have also been involved in establishing a Diversity Working Group, which is still at an early stage and I am keen to take this work forward.

If re-elected, I will continue to focus on issues of equality and diversity and will work cooperatively with other Council members, sub-committee members, and the executive officers, to promote the objectives of NZBA and the interests of members of the independent bar.

### Angela CORRY (Christchurch)



I practice from a specialist family law chambers: Atticus Chambers, in Christchurch. I graduated from Otago University in 1982 with a BA and LLB and was admitted in March 1983. I went to the bar in 1992. After practicing in Auckland for 22 years I moved with my wife Maud to Christchurch in 2005, in pursuit of a more relaxed lifestyle. I have continued to undertake family law, child law, relationship property and trust litigation, at first instance and on appeal, which has challenged the *raison d'être* of the move South, but has been rewarding all the same.

80% of Family Court work involves care and protection, parenting and guardianship disputes and domestic violence. Good advocacy, strong ethics and effective representation are as important in these contexts as they are in other areas of litigation, such as criminal, civil and resource management.

If elected, I will advocate for the interests of the Family Court bar and its ongoing pursuit of excellence. I will also be a voice for Christchurch, which has the busiest Family Court registry in New Zealand.

Meanwhile, my wife and I will continue to enjoy South Brighton beach, the nearby ski fields and other South Island wonders, raising our son, and trying to manage two small but feisty dogs, and fit in a movie. In my spare time, I like to do little else as possible.

### Maria DEW (Auckland)



I have been a barrister in Auckland for over 16 years. My practice covers a range of civil, employment and professional misconduct litigation. Currently, I also serve as a Deputy Chair of the Health Practitioners Disciplinary Tribunal. Prior to moving to the independent bar, I worked as a litigator for law firms in Christchurch, Wellington and London.

I was appointed to the NZBA in 2017 and have served one year. It has certainly been a busy year for the Council. I have had the pleasure of co-chairing the Conduct and Values Committee alongside Jenny Cooper QC as we introduced the Association's policy on harassment and discrimination and model policy for chambers. I have assisted in the Association refresh of our Mentoring Scheme that has seen us host successful meetings in Auckland and Wellington and lead to a positive jump in mentor and mentee numbers. Finally, together with Simon Foote and Gretta Schumacher, we have been putting the final touches to the NZBA Access to Justice Report due to be released later this year. I am keen to continue this and other work for the next year if elected.

My current and previous committee and board experience includes:

- Convenor of NZLS National Employment Law Committee member (current);
- Convenor, AMINZ Complaints Committee (current);
- NZLS, Auckland Standards Committee member;
- ADLS Employment Law Committee member;
- Auckland Women Lawyers Association, Member of Executive;
- Chair and board member of Bankside Chambers;
- LEADR NZ Inc board member.

### Jonathan EATON QC (Christchurch)



I am a current member of the Council and Vice-President South Island since 2015. I was a member of Council from 2005 to 2010. I Chair the Criminal Law Committee of the NZBA and, together with outgoing President Clive Elliot QC, I have responsibility for the implementation of objective 4 of the Strategic Plan, namely to ensure the NZBA is recognised as the voice of the independent bar. I am the President of the Canterbury Branch of the Criminal Bar Association of New Zealand.

I have represented the NZBA as intervenor in the Court of Appeal in *Hall v R* [2018] 2 NZLR 248 with Vicki Scott (competence of counsel) and *Fahey v R* [2018] 2 NZLR 392 with Tiho Mijatov (amicus curiae in the criminal trial) and have led the NZBA response to the Law Commission's Second Review of the Evidence Act 2006.

In my previous term on Council I was closely involved in the fostering of closer ties with both the various State Bars of Australia and the Australian Bar Association and am keen to continue to develop those relationships. Aside from representing members' interests in relation to criminal law and evidence law reform, I have a strong interest in training and in the development of pathways for a career at the independent bar.

I am confident that my extensive experience on Council will be of value and I look forward to the opportunity to further my role in the administration of the Independent Bar.

### Shane ELLIOTT (Auckland)



I am a barrister in Blackstone Chambers in Auckland. I was admitted in 2009 and joined the independent bar at the beginning of 2017. Prior to that I worked at Meredith Connell, Bell Gully and Russell McVeagh undertaking a wide range of criminal and civil litigation.

As a new member of the independent bar, I am passionate about promoting advocacy opportunities for junior lawyers. In my view, the path many senior practitioners took to gain their experience no longer exists, with fewer advocacy opportunities arising for junior lawyers particularly in larger civil firms. I am encouraged by what seems to be a rise in junior/intermediate lawyers joining the independent bar, and I know that is something the Bar Association and many leading chambers have sought to encourage.

I also have a keen interest in both criminal and civil procedure. I have seen how those processes can help or hinder individuals access the justice system. In my view the growing number of lay litigants appearing in Courts reflects the difficulty – both in terms of complexity and cost – such individuals face in progressing their claims in court.

I have enjoyed a wide variety of work throughout my career – touching on nearly every area of law (except tax) – and remain a committed generalist at the bar. I have appeared at all levels of courts including the Supreme Court on both civil and criminal matters. I believe that range of experience would be helpful in addressing the wide variety of issues the Bar Association is required to engage on.

I would be grateful for the opportunity to contribute to the Bar Association – an important institution in a profession I anticipate being a part of for years to come.

### Simon FOOTE (Auckland)



I am a barrister at Bankside Chambers at Auckland and a current member of the Council. I practise commercial litigation and arbitration. I went to the Bar in 2002, prior to which I worked at major firms in Wellington, Auckland and London and as a Crown Prosecutor in Palmerston North.

I was Deputy Chair of the 2014 World Bar Conference at Queenstown and the NZ Bar Conference at Napier in 2015, then Chair of the 2016 Conference at Taupo, 2017 Conference at Blenheim and 2018 30th Anniversary Conference at Rotorua. I am committed to the ongoing success of the annual conference. It is a vital platform for all members to discuss current issues important to the Bar such as access to justice, the rule of law and the challenges of, and skills required for, life as a barrister. It is also a central part of the Association's suite of events that enhance collegiality and cohesion within the profession.

I also serve on the Association's Gender Equity Committee, Membership Committee and participate as an advocacy trainer.

The growth in strength and size of the Bar in New Zealand has led to a marked increase in the membership of the Association over recent years. In turn, the importance of the role the Association plays in respect of training, standards, equal opportunity and the role of barristers in the maintenance of an effective and accessible justice system is ever more important. I enjoy playing a

part in advancing the important work of the Bar Association and would welcome the opportunity to continue on the Council.

### Toby GEE (Wellington)



I am in practice at Lambton Chambers in Wellington. From 1993 until 2013 I practised as a barrister at Crown Office Chambers in the Inner Temple in London. I moved to New Zealand at the end of 2013, having previously worked in New Zealand for periods in 1997 and 2005-6. From 2014 until early 2017, I was a Special Counsel at Minter Ellison Rudd Watts.

My practice is primarily in insurance and commercial disputes, product liability and professional liability. I remain an Associate Member of Crown Office Chambers, which gives me a link to ongoing procedural reform in England and Wales.

I am on the governance board of the New Zealand Choral Federation. I was the chair of UK charity Porters' Progress UK ([www.portersprogressuk.org](http://www.portersprogressuk.org)) for 6 years and have held governance roles in a London school and at Lambeth law centre, in one of the poorest boroughs in London.

I was accredited as a mediator in the UK in 2004, and in New Zealand in 2005, when I also worked as a member of ACC's policy group.

During my practice in London I worked with both the Rules of the Supreme Court, until 1999, and the Civil Procedure Rules, which introduced substantial changes in the practice of civil litigation. I believe that experience gives me a valuable perspective to add to the New Zealand bar.

Having been a member of my Chambers' parental leave subcommittee in London in the 1990s, I remain committed to gender equality and improving diversity in the legal profession. I believe the New Zealand bar has the potential to lead the way in this area.

### Felix GEIRINGER (Wellington)



I conduct a mixed practice out of Terrace Chambers in Wellington. I have been a barrister sole for 9 years, and at Terrace Chambers for 7. I spent two years at the English bar, practising from 1 Gray's Inn Square and Doughty Street Chambers. Before that, I was a financial services lawyer at the London Clifford Chance office, and a commercial litigator at Chapman Tripp in Wellington. I have also done large amounts of volunteer and pro bono work throughout my career.

I was on the New Zealand Bar Association's access to justice working group. I twice stood for, and was elected to, the Wellington Branch Council of the New Zealand Law Society. I have spent several years on Wellington Branch committees including the ethics committee and courts and tribunals committee. This is the first time I have put myself forward for a position on New Zealand Bar Association's council.

I believe very strongly in the traditions of the bar and of the vital importance of a truly independent bar. But I also see with concern that our traditional models of justice are not working for most New Zealanders. I want to work with other barristers to be at the forefront of reform. It is essential that

reform does not mean abandoning our important traditions or sacrificing any part of our independence. It is up to us, therefore, to find new models and new ways of providing justice that preserve what is good about our past but give genuine access to justice to those who need it.

#### Lisa HANSEN (Wellington)



I joined the bar in February 2010 and was previously a Crown Counsel at the Crown Law Office for 13 years.

I have been on the NZBA Council since 2010 and am the 2017/18 Wellington Vice President.

Having represented the Council at many functions and events over the years has enabled me to promote its value to the wider profession, including to law students, and recently admitted lawyers.

The experience of helping organise the annual conferences (including the 2014 World Bar Conference in Queenstown), and being a member of various subcommittees (including the management committee, and gender equity committee), is a contribution I have particularly enjoyed, and would like to continue to make for another year.

Other experience: Gambling Commissioner (since January 2011), contributing author to LexisNexis on-line publication Professional Responsibility in New Zealand, NZCLE webinar presenter - Appeals to the High Court, March 2016, co-authored with Andrew Beck, Consultation Requirements, September 2012, member of the NZLS Ethics Committee.

#### Joshua McBRIDE (Auckland)



I was admitted to the bar in 1998 and have worked at litigation practices in Auckland, Sydney and London. I joined the independent bar in 2010 and was a founding member of Richmond Chambers in 2014. My practice is largely focused on commercial litigation, although I also have an administrative law practice.

Barristers, like other professionals, are increasingly at risk of being side-stepped by emerging and disruptive technologies. We no longer enjoy the same degree of exclusive access to statutes and law reports that we once did, or the same degree of public deference to our knowledge of legal processes and the law. More and more litigants are deciding that barristers are an unnecessary cost, and that they can manage the process, the research, and the advocacy just as easily themselves. Justice systems worldwide are being tailored to better accommodate litigants in person, using sophisticated but accessible online portals that assist the parties to identify the issues in dispute and present their arguments effectively and cogently to a decision-maker.

Faced with these changes and challenges, the NZBA must ensure that the independent bar remains a relevant and vital component of the justice system, and that we can continue to offer meaningful and effective services. The bar's proud history must be respected, but we must also recognise that some degree of change is both inevitable and necessary, if we are to continue to remain relevant.

I believe that I can add value in this area. In the past few years, I have conducted a number of seminars, webinars and workshops for the NZBA, mainly focussed on technology and how we can use it to assist our practices. The most recent of these was the “Paperless Hearings” workshop which was run in Auckland and Wellington, and which received very positive feedback and will be repeated. I have also presented seminars and webinars on mobile technology and the impact of “big data” and am currently assisting the NZBA with feedback to the Court of Appeal on its electronic protocol for hearing bundles.

I would like to join the Council of the NZBA as I believe I can offer a fresh perspective on these matters, with a firm focus on three key challenges:

- how we can best utilise those technologies and work practices that will improve client care, foster collegiality and wellbeing, and improve overall professional excellence;
- how to ensure that the bar is properly consulted about any proposed changes to the way we practice, and that we move forward collectively and with a common purpose, when and if we implement any changes; and
- how to ensure that our members have access to excellent training and educational resources, to ensure that we understand and can effectively implement changes to our own practices, when these are required.

#### Tim MACKENZIE (Christchurch)



I have been at the bar, and a member of the Association, since late 2015. Recently I have been fortunate enough to be involved in Association activities through being counsel for the Association as intervening party (assisting Simon Foote) in an upcoming Supreme Court appeal.

I am currently a member of the ADLSI Health and Safety Committee, and the NZLS Canterbury-Westland Litigation Committee. I am also a faculty member of the NZLS Litigation Skills Programme and a regular volunteer at Community Law.

Issues that I consider facing barristers now and in the future are as follows. Firstly, is keeping up and keeping our place. Barristers need to appreciate the changing legal services market and the naivety of much of the consumer client base. The traditional black and white barrister has or will have an awkward fit with the future laypersons appreciation and experience of legal services, when one considers online services, autobots, litigation self-help programmes and the like. I consider that barristers may need to balance two responses. Firstly, is fiercely maintaining our distinction and point of difference from law firms (particularly value and non-delegation). Secondly is recognising that barristers must move with the times to remain credible. This requires barristers to be keeping up with the wider industry movements and technology and ensuring our spot in the market is not overtaken or made obsolete.

Another issue I am aware of, especially as a younger and more recent member of the bar, is the perception of some solicitors regarding joining the bar. This especially concerns younger solicitors. Many wish to join the bar but are unsure precisely how, consider it expensive, risky and difficult, doubt themselves, and remain unhappily in law firm roles for too long (or forever).

Ensuring entry to a career at the bar is demystified, accessible and attractive for a range of solicitors is important for the future of a strong bar. A particularly acute area for instance is younger female lawyers. I myself would be interested in any educative/seminar work in this area that might assist

and market the transition to solicitors – even as simple as some articles, to actual seminars/webinars etc.

Thank you for your consideration.

#### Tiho MIJATOV (Wellington) \*



I seek election to the NZBA Council as the junior barrister representative. I have been on the Council since 2016. I am a barrister at Stout Street Chambers, Wellington. I am an active member of the NZBA and its Council. I would like to continue to promote the practice of law at the independent bar.

*\* Junior Barrister (in practice for less than seven (7) years since admission).*

#### Esther WATT (Wellington)



I was motivated to join the independent bar by my wish to focus on advocacy and the ability to promote access to justice by acting on a range of matters and for a range of clients, including in a pro bono capacity. I am keen to become involved in the initiatives outlined in the NZBA strategic plan, particularly those that further those ends.

I started my career in 2006 as a Judge's Clerk to the Hon Justice Arnold in the Court of Appeal, before joining the Crown Law Office, where I worked in the criminal and human rights teams until late 2009. After completing my LLM at the University of Cambridge, I spent four years in the London office of a leading US litigation firm. Upon returning to New Zealand, I spent three years in the litigation team at Russell McVeagh.

Since joining Stout Street Chambers I have acted on a range of matters, including as lead counsel in several judicial review and human rights cases, and as junior counsel in significant regulatory proceedings and a complex criminal tax evasion trial.

I am keen to foster the collegiality of the independent bar and to promote it as a fulfilling career option to other litigators. Before leaving Russell McVeagh my impression was that there was little call for intermediate barristers in New Zealand. I was concerned that it would be difficult to find the work needed to stay afloat and underestimated the support and encouragement that I would receive from others at the bar. Since joining chambers I have been approached by many contemporaries who are excited to see that the bar is a feasible option. I am keen to bring the perspective of an intermediate barrister to the NZBA council.

### Michael WEBB (Auckland)



I commenced practice at the independent Bar in 1995. My work is principally in the areas of commercial, financial markets and government law. My practice includes advice, negotiation, and dispute resolution as well as law and policy reform. My practice is predominantly Auckland and Wellington centred, as well as in the Pacific.

I have governance experience on the boards of public and private sector entities, including, until 2016, the Financial Markets Authority. I am currently a Non-executive Adviser to the Board of Deloitte. I have strong working relationships across the legal, government and business sectors.

A strong and independent Bar is a key part of our legal system. Because barristers sole are self-employed individuals and do not belong to firms, I believe the Bar Association is particularly important as a body to provide services to barristers to meet their needs, address the various challenges they face, provide opportunities for their development and practice, and to speak with credibility and authority on important issues of the day.

I believe it is important the rich diversity of the Bar is at the forefront of the Bar Association's work, in terms of gender, ethnicity and types of practice or location. The latter encompasses those who practice in the senior courts, those who practice in the other courts and specialist tribunals, or who focus on arbitration, mediation, advice, negotiation, investigations or reviews, and whether in the cities or regions.

The Bar Association is relevant to all barristers, throughout all stages of their careers. It should be the body which all barristers intuitively wish to join.

If elected I am keen to work as part of the Council in continuing to develop and grow the Bar Association, the services it provides to its members, its relationships with others in the legal and government sectors, and its role generally in strengthening the Bar.

### Sam WIMSETT (Auckland)



After nine years working in law firms and as a senior Crown prosecutor, I joined the Independent Bar in 2012. I practise predominately in criminal law. The civil work that I do is related to asset forfeiture proceedings typically brought in conjunction with criminal charges.

I formerly practiced from 22 Lorne Chambers with Steve Bonnar QC, Ron Mansfield and Belinda Sellars. In 2017, I decided to 'do my own thing' and now operate from 9 High Street in the Auckland CBD. I employ one junior barrister.

I am willing to serve the Bar Association as a Council member. It would be overly ambitious to point to grand plans or intentions if elected. Your lives as barristers will not drastically improve with me on the Council. That is not to say that I am not prepared to advocate for our membership. In recent times I have been vocal in my criticism of the state of some of our Courts and the facilities provided to all participants. I am prepared to work hard on other matters that go towards the Bar being a respected and collegial part of our profession.

I am of the view that the Bar Association needs to be more vocal on matters relating to the criminal jurisdiction. In an age where politicians are unable to take an evidence based, rational approach to crime and punishment, I see the Bar Association as a potential voice of reason on criminal law matters. A number of our members have a background in criminal law - both for the prosecution and defence. Many of them are now senior members of the profession and therefore able to influence decision makers. The Bar Association is not constrained by being aligned to a particular side of the criminal law and can therefore offer credible and independent insights on all issues.

Some of you have asked if I can advocate for fewer speeches and better red wine at Bar Association social functions. I will do my best – but I am not a miracle worker.

Should any member have any questions, they should feel free to contact me by email or phone.