

November
2009

WWLA

Wellington Women Lawyers' Association

Inside:

- **Next event: Trade Aid Shopping Night, 17 November**
- **Come to Christmas drinkies – Monday 7 December, from 5.30pm at Green Room, Queens Wharf**
- **Report on Shirley Smith address**
- **Celebrating Lisa Foese – WWLA scholarship winner**
- **Report from the AGM**
- **Submission presented to select committee - provocation defence**
- **Membership survey**

The views expressed in this newsletter are not necessarily those of the WWLA committee or any particular member of WWLA.

Contributions for this newsletter are welcome from members and can be sent to:

wwla@wwla.org.nz

or

PO Box 118 Wellington

Welcome to spring everyone!

It was great to see you at our AGM on May 26th.

Cathy Rodgers, our outgoing Convenor presided over the night and reported on the last year of WWLA work.

You will find more detail about the AGM on page 2.

Thanks to Shed 5, and the hardworking organising committee for putting together a splendid night!

And thank you to outgoing WWLA committee members: Cathy Rodgers, Alison Mills, Karen Spackman, Nicola Leslie and Frieda Crawford. Thank you all for your hard work!

Special mention must go to Cathy who stepped down as convenor after 3 very successful years. We wish you all luck and thanks for your hard work.

This year's WWLA committee are:

Cathy Blakely (Convenor)
Emma Sweet (Secretary)
Nancy Watters (Treasurer)
Alana Bowman
Natalie Cannon
Stephanie Edwards
Charlotte Miller
Wendy Matthews
Sue Shone

Welcome to our new committee members!

We have some great ideas for activities that are coming up...which we will keep you informed about.

We are looking for people interested in making submissions, so email wwla@wwla.org.nz if you would like to do so.

Janna Sullivan was lucky enough to get a great opportunity to move to Auckland for a new job. We've also had the lovely Esther Watt make her way to Oxford to do some very interesting study, **SO** we need more people on the WWLA Committee. Please email Cathy if you are interested!

Cathy.blakely005@msd.govt.nz

SHIRLEY SMITH ADDRESS

If you didn't have a chance to make it to the Shirley Smith Address 2009, presented by the Chief Justice, Rt Hon Dame Sian Elias, read on....

The Shirley Smith address event honours legal pioneer Shirley Smith – New Zealand's first woman lecturer at the Victoria University of Wellington Law School. Shirley Smith was a feisty defender of justice and was also instrumental in breaking down gender barriers that existed in the legal fraternity at the time. She was a criminal and family law practitioner, a defender of justice for all, and an inspiration to colleagues, clients, students and particularly women in the law.

The Shirley Smith Address is organised by the Women-in-law branch of the NZLS who have kindly allowed us to provide you with a link to their blog site which contains the text of the speech, as well as the varied reactions to it: <http://wellingtonwomeninlaw.blogspot.com/>

WWLA SCHOLARSHIP NEWS!

We are very proud to announce that **Lisa Foese** won this year's WWLA scholarship.

Lisa is studying Law and is completing an Honours degree in Pacific Studies. She is heavily involved in community and youth work in the Hutt Valley. As one of her referees for the scholarship application said, Lisa is a tremendous role model for Pacific women and she is a keen promoter of legal literacy for Pacific people. Lisa wants to make a difference studying law, and hopes to be a positive role model to women and girls from backgrounds like hers who wish to study law. Congratulations, Lisa, we are very proud of you!

About the WWLA scholarship

The aim of the scholarship is to assist women studying law at Victoria University of Wellington. Applicants need to be:

- Female
- Full-time undergraduate students studying at 200 level or above
- Studying for their LLB at Victoria University (Students studying for their LLM may also be considered).

Selection of recipients is mainly based on financial need. Factors such as each applicants commitment to study, family and community involvement will also be assessed. Consideration is also given to academic achievement although the successful students will have proven ability to continue in the study of Law.

REPORT FROM THE AGM

Our AGM this year was at Shed 5.

Cathy Rodgers warmly welcomed members, who sat down to some delicious nibbles, followed by a tasty dinner.

The 2008 AGM minutes were adopted. Cathy delivered the Convenor's report, which touched on a number of exciting achievements and activities over the last year. These included the WWLA mentoring scheme, submissions made by WWLA about proposed domestic violence legislative reforms, a film night, a wine tasting, and the very interesting Judges function.

The annual Treasurer's report was presented, discussed, and accepted.

The new WWLA committee was nominated. Committee members for 2009-2010 year are: Phirak Appleton, Cathy Blakely, Alana Bowman, Natalie Cannon, Wendy Davis, Stephanie Edwards, Charlotte Miller, Sue Shone, Janna Sullivan, Emma Sweet, Esther Watt and Nancy Watters.

There was no general business to discuss.

Cathy Rodgers was presented with a fabulous bunch of flowers and gift to acknowledge her hard work for WWLA. Thank you Cathy!

Judith Collins, Minister of Police, Corrections and Veterans Affairs then delivered a very interesting speech, touching on her role as a Minister and lawyer amongst other things.



Cambodia's spirit is embodied in the stunning, ancient temples of the Angkor Empire, a civilisation which once presided over most of present day Southeast Asia.

People are wonderful, the rural landscapes are gorgeous and its cities are Asia at its bustling best. However, 30 years of war, and cultural genocide during the Khmer Rouge regime had a devastating effect on the country, particularly on the education system.

Can you imagine going through school not having access to a good school library or a local library? No opportunity to read on your favourite subject? No books just to read for pleasure? No books to help with school assignments? That's the experience of many school students in Cambodia.

BOOKS FOR CAMBODIA is helping to change that.

Who are we?

Books for Cambodia is a New Zealand based charitable trust that supports education and libraries in rural school communities in Cambodia. Books for Cambodia sources books, facilitates access to librarian training, and renovates or establishes libraries, in rural schools, with the support of the school community. The trustees and [Pacific Discovery](#) cover all administrative costs associated with Books for Cambodia so that 100% of funds donated to Books for Cambodia is spent on purchasing books, training teachers as librarians and establishing or renovating libraries in Cambodia.

BOOKS FOR CAMBODIA TRUST is a registered charitable trust. Our New Zealand Charities Commission number is CC11467.

How can I make a difference?

We are seeking donations to purchase books for school libraries and train and support the librarians in the six schools in Takeo province, a rural area just south of Phnom Penh. Books are very inexpensive in Cambodia compared to NZ or the US. This means your donation can buy many more books than it could in NZ or the US. For example the average price of the books purchased recently was NZ\$3.00 and that included a very thick Oxford Khmer—English dictionary.

Please visit our website at www.booksforcambodia.org.nz, or make a donation to:

Books for Cambodia
C/- Helen Walch
170 Ringawhati Road
RD3

Otaki 5583, New Zealand
Tel. (+64) 0-6-364-6602

Email. info@booksforcambodia.org

Our bank account is 15-3953-0614339-30

Oral Submission to the Justice and Electoral Select Committee – Repeal of Provocation Defence 10 September 2009 Alana Bowman

I am making my submission today as a Trustee of the Roundtable on Violence Against Women and I will also speak to the submission by Wellington Women Lawyers, of which I am also a member. I am not a practicing lawyer in New Zealand but I retain my license in California.

My remarks reflect the views of the Roundtable and for me specifically from my work on legal issues of domestic violence since 1971, as a 20 year prosecutor and the supervisor of the Los Angeles Domestic Violence Prosecution Unit, and as a former member of the United States Department of Justice National Council on Violence Against Women.

I also wrote the California evidence code that permits the use of evidence of the "battered woman syndrome".

I have worked on the repeal of the provocation defence since 2007 with the previous government and my remarks are not made in a knee jerk reaction to the events of the Weatherston prosecution.

I do want to specifically address the issue of provocation and the 'battered woman defence'.

The two concepts are completely different but often confused, even among advocates for women who have experienced domestic violence.

Although there is no law establishing the 'battered woman defence' the evidence of the need to use force for self protection is often dependant on 'battered woman syndrome'.

Many advocates for battered women often mis-understand the "battered women's defence" and believe that it is a separate defence in itself that will be eliminated should the provocation defence be repealed.

The motivations and perceptions of a battered woman who is threatened with violence and uses violence to defend herself can be made more understandable to the jury through expert testimony on "battered woman syndrome" because her actions may be counter-intuitive to jurors who have not experienced domestic violence. Her failure to leave the abusive partner, the heightened awareness of benign events which are known to her to be actual threats, and even her flat narrative of horrific violence when testifying are all made more understandable through introduction of expert witness evidence. In addition, evidence specific to the facts of each case such as the failure of past attempts to achieve safety, lack of viable alternatives, or specific knowledge of the perpetrator's actual propensity for violence may serve to explain her need or perception of need to use violence.

Often women in the violence relationship are hyper-vigilant and are able to correctly interpret the abuser's actions and potential danger more accurately than other observers. Women may be forced to use violence to protect themselves in circumstances where they are alone, cornered and are smaller than the male partner. She may use a weapon where a man so threatened would use only his fists. She may use pre-emptive force to avoid suffering a blow.

All these circumstances are actions of self-defence. Too often defence attorneys believe that the defence is provocation. The legal difference is crucial – the concept of self-defence – the need or the perceived need to use force to protect oneself and the use of force under circumstances against the focus of section 169 on the loss of self-control, which may be understandable, but which allows a legal justification and a partial defence to include within the legal protection of losing self-control to the extent that results in the killing of another person.

We believe that it is no unreasonable expectation of the law that people should be required to refrain from violence when the circumstance before them is not one of defending one's safety or the safety of another. In short, we do not accept the assumption that the ordinary person would ever kill.

Women on Boards: The Ministry of Women's Affairs Nominations Service

Women lawyers interested in becoming involved in governance are encouraged to consider registering with the Nominations Service of the Ministry of Women's Affairs.

The Ministry of Women's Affairs is a government agency that provides policy advice on issues specific to New Zealand women. One of the Ministry's functions is promoting the appointment of women to state sector boards, and the department achieves this by recommending suitable women nominees through its Nominations Service.

The Nominations Service is regularly consulted on appointments to over 400 state sector boards and committees. The Service puts forward the names of women with relevant skills and experience for positions on state sector boards. Women who wish to be considered for appointment may apply to the Ministry to register with the Service and be placed on the nominations database.

The appointment process works in the following way. The Nominations Service receives a request from an appointing agency such as the Ministry of Health or the Department of Conservation, detailing the skills, knowledge and criteria required for the appointment. The Nominations Service then searches their database to find women who fit the criteria. Those women are contacted by the Service and their interest in the role and fit with the specified criteria is discussed. The Service then sends a list of nominees to the appointing agency, accompanied by profiles and CVs. The responsible Minister makes appointments from all nominations received.

Pamela Cohen, Director of the Nominations Service, says:

"We are often asked to nominate lawyers with specific levels of experience and areas of specialisation for positions on state sector boards and committees. We are therefore currently looking to recruit lawyers with seven or more years of experience, especially partners of legal firms, or lawyers with significant commercial expertise."

The appointments process is highly competitive and the Ministry is only one source of advice for the appointing agencies. A single vacancy on a statutory board can attract 100 nominations in total. Once the nominations are provided to the appointing agency, the Nominations Service has no further role in the appointments process.

Recently the Ministry has also published a report in partnership with Business New Zealand and the Institute of Directors in New Zealand, promoting an increase in the participation of women on company boards. That report notes that in New Zealand, 45 women hold 54 directorships out of a total of 624 positions in the top 100 companies on the NZX. Pansy Wong, Minister of Women's Affairs, has said:

"New Zealand is the first country where women gained the right to vote. We have never looked back and world holds us in high regard for our forward thinking and fair go attitude. It is important that women and men stand shoulder to shoulder in our boardrooms. Combining the different strengths of men and women will provide a strong lever for business performance."

The report suggests that aspiring directors should seek out governance experience on non-for-profit organisations, for example, professional bodies, charities, local and national sports organisations and school trustee boards. Taking on roles of responsibility will demonstrate a commitment to governance.

If you have the relevant skills and experience required for directorship on state sector boards and would like to be considered by the Nominations Service, consult www.mwa.govt.nz/women-on-boards. A copy of the report promoting women on company boards is also available under the publications section of the Ministry of Women's Affairs website (Women on Boards – Why women on company boards are good for business).

YOU
are invited to
CHRISTMAS DRINKS and SNACKS



From 5.30pm on **Monday 7 December 2009**
At THE GREEN ROOM
On Queens Wharf
www.greenroomwellington.co.nz

Please bring a gift (like a toy, or toiletries) for the women's refuge of about \$10 value – or koha of \$10-\$15

*RSVP by **Wednesday 2 December 2009** with numbers attending (note that prospective members are also invited) to Alana.bowman@mac.com*

SHOPPING WITH A CONSCIENCE



WWLA
Christmas Shopping Night
at
Trade Aid
Victoria Street (opposite Lido Cafe)

Tuesday 17 November 2009

6:00pm to 8:00pm

Wine & nibbles provided

10% discount on all purchases

Please RSVP to stephanie.edwards@crownlaw.govt.nz
by Friday 13 November
for catering purposes



MAKING A WORLD OF DIFFERENCE

MEMBERSHIP SURVEY

We would like to learn more about our members. We would love to hear from you about whether we are meeting your needs. We would be grateful if you could complete this brief survey, which should only take a few minutes. Please write Y for yes beside the most relevant answer below.....

About you

1. What area of law are you working in?
 - Commercial
 - Criminal
 - Family
 - General
 - Government
 - Human rights
 - In-house counsel
 - Public
 - Other
2. What level of experience do you have?
 - Manager/Partner
 - Senior associate/legal advisor
 - legal advisor
 - associate
 - solicitor
 - 1-2 years PQE
 - 2-4 years
 - 5-8 years
 - 9 years +
3. Our membership fees are \$50.00 for employed members, \$20.00 for unwaged, and free for life members and students.

Do you think this is:

- Too low
- about right
- too high

Do you have any comments?

About WWLA

4. Which of the following activities are you aware that WWLA provide?
 - member functions
 - submissions on law/policy changes
 - mentoring
 - newsletters
 - website
 - anything else
5. Which of the activities in question 4 would you like to see WWLA do more of?

Do you have any comments?

6. What time do you prefer to attend functions?
Breakfast (before 9:00)
Lunchtime
Evening (starting 5:30-6:00)
Evening (starting 7:30-8:00)

Do you have any comments?

7. What kind of functions would you like WWLA to organise?

8. What are your main reasons for belonging to WWLA

- Professional networking
- Social
- Supporting a professional voice outside of the Law Society
- Interest in legal issues concerning women
- ??
- other

9. Is there anything else you would like to say to the committee?

Once you've completed the survey, please send it to Cathy at Cathy.Blakely005@msd.govt.nz.
Thanks very much for your participation!