Lawyering in the **'Silicon Valley of New Zealand'**

LawTalk journalist Sasha Borissenko takes a look at legal practice in Tauranga

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Family Court Judge Annis Somerville

Judge Annis Somerville is the only woman among the eight judges in the Tauranga area. A Dunedinite at heart, she came to Tauranga and was appointed a Family Court Judge in 2001, 14 months after her husband Judge Peter Rollo was appointed.

Women in the profession is an issue Judge Somerville has had interest in throughout her career. In 1987 she set up an all-woman firm in Otago. She was a founding member, former convenor and is now an honorary life member of the Otago Women's Law Society that was established in 1986. She is the immediate past President and current committee member of the New Zealand Association of Women Judges, and when she was President of the Otago District Law Society, there was a mix of 50% women and 50% men elected onto the council.

"29% of women make up the judiciary, which is not terribly good," Judge Somerville says. "In the 1980s having a woman partner in a law firm was unusual. The situation is a little better now but the same arguments repeatedly come to the foreground. I think having more women and ethnic diversity in the workplace in positions of authority is a better reflection of society."

Being of Ngāi Tahu and Scottish descent, Judge Somerville was also the first Māori Family Court Judge to be appointed in New Zealand.

"I have a strong connection to my Māori roots and I think it's very important. I do think my cultural background fits well with working in family law.

"Criminal law, because of its nature, often has a public profile but I like being behind the scenes as a judge.

"I'm 100% family and I'm passionate about it. It's another world. You see the stark differences in society, from the wealthy to the poverty-stricken disenfranchised. You can see it in [the] Family Court where the law covers from the womb to the tomb."

Large Māori population

Tauranga has a large Māori population, with 18,678 being of Māori descent among the total population of 117,600 according to 2013 Statistics New Zealand census figures.

"I think Tauranga has got quite a complex community of different nationalities and ethnic groups – from the wealthy to the impoverished. Coming from outside Tauranga it is interesting to observe these differences."

The Family Court sits in Tauranga and the Bay of Plenty including circuit work in Whakatane, Waihi, Opotiki and Thames, all of which have a diverse population including a large Māori population, she says.

"Māori and Pākehā may have different world views but they can learn so much

from each other. Geographically the region is rich in marae and Māori history."

In March of this year, the Rangatahi court, Te Kooti Rangatahi o Tauranga Moana, was set up and has been successful, Judge Somerville says.

The court represents a new approach in dealing with the disproportionate involvement of young Māori in the youth justice system. It also represents an opportunity for young people appearing in the court, to "cast aside" their old behaviours and attitudes, and to adopt a new attitude or cast a "new net", the court's opening ceremony mission statement said.

Baywide Community Law Service: representing Tauranga's most vulnerable

"We are so important for our community because we supply a service that is not met in any other way," Baywide Community Law Service managing solicitor Beverley Edwards says.

"Often the most vulnerable people can't afford a lawyer and they simultaneously don't qualify for legal aid. We're the only place they can come to."

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The newly renovated Harrington Street offices, thanks to the kindness and generosity of their landlord, are a far cry from the centre's first rooms that were situated in a portacom house next to the Citizen Advice Bureau. But the fear of closure due to lack of funding and the ability to pay lawyers a decent salary was and is forever an issue, Ms Edwards says.

"We cover a huge geographical area – from Opotiki to Whakatane. The number of people coming through our doors is great. It would be a huge loss for the region if we closed our doors. But in reality, it's so hard to keep above water."

Static funding

Community law centres across the country survive on static funding – which was capped at $10.97 million in 2008 due to the global financial crisis.

"But that's an issue for the government. I'm forever gently nagging at Simon Bridges."

The centre is unique insofar as it deals with employment issues, tenancy, family, criminal, ACC, Māori land, financial assistance and education.

"We see all walks of life here. We're like the frontline. We see people coming in straight off the street with real problems. You don't see that in a traditional law firm."

Ms Edwards recalls a situation where a solo mother beneficiary came to the centre asking for help with a letter she had received from her landlord. It was in fact orders

The Baywide Community Law Service team (from left) Federico Simon, Alison Grey, Justus Frank, Bev Edwards, Alla Ishchuk, Hemi Leef and Kaywyn Barker.

Human rights lawyer and criminal barrister Craig Tuck

from the Tenancy Tribunal telling her that she was to vacate the property a week earlier. The mother was illiterate. With the help of the centre, the landlord was understanding of the situation and they came to some sort of agreement.

"We're a major part of this community. We see the real underbelly that those living at Mount Maunganui don't see necessarily. That's why it's also so important we get so many volunteers and lawyers offering their time."

From Tauranga to beyond...

International human rights lawyer and criminal barrister Craig Tuck decided to go to university later in the piece, after working 30 jobs during his 22 years of life.

Following work for the Justice and Corrections Departments as an adviser, with an interest in institutional care and personality theory, and with a Masters in psychology under his belt, he was awarded two scholarships to study at the University of Cambridge in England. As part of his Masters in Philosophy, majoring in criminology, Mr Tuck was required to complete law papers. And so it was.

"I'm passionate about standing for people who don't have a voice and who can't get a fair shake in the society they live in," he says. "I find it deeply rewarding that the privilege I've had with my education and place of birth means that I can provide something meaningful to somebody else.

"You can make a profound difference to someone's life by simply providing them with legal advocacy in a system that often is designed to crush them."

After a career working on high profile and serious criminal cases (he acted for Phil Rudd the drummer for AC/DC, Operation 8 and others), he got a phone call about five years ago from Hong Kong asking whether he could assist an Indonesian crew in a maritime dispute.

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Accolades

The world hasn't been the same since, he says. He now has a long list of international human rights accolades. He founded Slave Free Seas – the only NGO in the world with a specific focus on ending human trafficking at sea – heading an international team of lawyers and advisors. And he has represented many clients in Indonesia, China and Thailand (including three high profile death penalty cases).

"As a human rights lawyer, representing the underdog is at the core of the job description," Mr Tuck says.

"It's one thing to see injustice and talk about it, it's quite another to push back against it as a lawyer – especially in foreign jurisdictions.

"It's about giving someone the resources and confidence to fight – the information and the voice.

"You'll often find with most authority, wherever it resides, there's not a lot standing behind it. Many times it's just a person interpreting the authority they perceive they have and making an arbitrary decision. Authority, especially in criminal justice, is there to be questioned and made

to justify the way it engages and controls a citizen's life.

"I have to visit jails all over the world," he says. "You can learn a lot about how societies function and how you function as an individual by visiting the places where people are jailed.

"The longer I practise law the more I see the importance of the rule of law in civil society – [it's] more important than a health system. The standard of living for people goes out the door in societies that have a dysfunctional, corrupt, or fear-inducing criminal justice system.

"I find a lot of my work involves connecting the dots. As you pull the curtain aside and start to see some of the dirty supply chains and transnational corporations engaging in unlawful business models (using disposable people) in jurisdictions that largely leave them untouched by the criminal law and seldom brought to account – Noam Chomsky's vision of government being in the shadow of big business, becomes tangible.

Behind closed doors

"The level of exploitation is breathtaking in its diversity and magnitude.

"As a lawyer I am privileged to have the insight into criminal justice to see how things work behind 'the screen' and very much see my career as a barrister as that – you are your message. The message includes the way you dress, communicate and uphold the authority of the courts and the representation of clients regardless of what they have done or how they are perceived.

"There's such a vast contribution to be made – more than just feathering one's nest for retirement."

Together with his team of international lawyers, academics, support people, (Mr Tuck has strong links to many global NGOs and UN representatives), his mandate is to recognise and identify human trafficking problems in the maritime sector and develop strategic litigation which will change the way business is conducted at sea.

"Some mornings I could have skyped with lawyers in six or seven countries before starting a jury trial at the courthouse next door to my chambers."

No money in human rights

Despite media attention around human rights work, receiving 72 requests for interviews from the BBC in one day, for example, there's little money in human rights work, he says.

"It is very much about mustering the financial resources in ways which identify pressure points in the system and using a team approach of expertise and funding to apply pressure to change. It's not about profit through billable hours."

Mr Tuck's private criminal work in Tauranga makes his human rights endeavours financially viable.

Whether it's local criminal work, international human rights, barefoot walking, yoga or surfing at Mount Maunganui there's no part of his life he doesn't value, he says.

The contrast of coming home to his "Tauranga sanctuary" with his suit "still smelling of Bali" is hilarious in theory, he says.

"The co-ordination of an international practice with domestic time-frames and court deadlines is less so.

"I suppose I find the criminal law very emotionally pure. With the exception of sexual violation cases, I find it relatively easy to disassociate myself. Go with life or get dragged, I say. Once I cross the harbour bridge [from work to home] I feel unemployed anyway," Mr Tuck says.

What partners have to say

Mackenzie Elvin Barristers and Solicitors founding partner Fiona Mackenzie and her husband, partner Graeme Elvin, were born and bred in Tauranga, so it was a natural choice to come back to the Bay of Plenty to raise their family.

"I was part of the beginnings of an era that sought to make law work for

Mackenzie Elvin founding partner Fiona Mackenzie

Holland Beckett partner John Mackay

women practitioners in conjunction with motherhood, and for me, setting up a law practice at home seemed like the obvious thing to do."

While the family relocated once the practice expanded, the iconic brand that is the sprawling white weatherboard villa, located on Brown Street in the CBD, remains the same and now houses a staff of 20.

Ms Mackenzie has spent her life dedicated to juggling her family, her practice, her family law work and study, where she is coming to the end of completing a PhD thesis that explores motherhood and contemporary family law in New Zealand.

"Those sorts of activities and experiences keep you alive to the law in ways that you could potentially lose if your legal world becomes too small or localised. At the same time, it has enabled me to contribute at a local level too, because I'm alive and alert to broader issues.

Challenging and busy

"It's been challenging and busy, but it's also been very rewarding. I was lucky enough to be able to resume my love of academic work, where the process has been quite complementary to private legal practice – similarly with the development of a mediation practice, as an additional and complementary skill. And the work/lifestyle balance that Tauranga offers has made for an enjoyable, integrated life.

"Tauranga has been very good to us. We have strong networks here and it's a great community in which to live and raise your family," she says.

"There are also the obvious physical attractions, such as the beach, the Mount itself, and a beautiful, green environment. At a geographical level the east coast is well positioned, being close to Auckland, the Waikato, the Rotorua lakes and the ski fields.

"Housing is more realistic and still affordable despite current pressures, and there's an energy and enthusiasm about the place that's very attractive. There's also a wave of youthfulness and creativity coming into town, which is creating new synergies, bringing change and growth.

"Also it's not about living in the 'best place'. You can't just lawyer anywhere, separately from the rest of your life. It seems to work best if you make a commitment to a place and community. You become part of that place and it becomes part of you, and you grow together."

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Life and work enjoyable

Holland Beckett Lawyers partner John Mackay says he was not sure about law until he settled in Tauranga and started working with like-minded individuals at one of the oldest firms in the area, established in 1937.

Specialising in company and commercial law and succession planning, the Waikato-trained lawyer enjoys living and working in Tauranga as there's a real culture of "growing old with your clients" mentality, he says.

"It's nice to work with large closely-held family businesses as a client base. I've got a background in road transport and earth moving industries. I like dealing with business owners as opposed to managers – the classic 'mum and dad owner model'."

Outside of work, Mr Mackay chairs the Bay of Plenty Rugby Union Judiciary Board and the Aquinas College Board of Trustees, where two of his three boys go to school. He coaches his son's under 13 rugby team, is a committee member of the Tauranga Sports Junior Rugby Club and is the immediate

> “We’ve got a really great calibre of people working here

past President of the Tauranga Senior Rugby Club.

After spending some time in Auckland, Mr Mackay and his family returned to Tauranga because he wanted to be with a network of family and to have a better quality of life.

“With the boys doing their extra-curricular activities it’s so easy to nip down the road and watch a rugby game. That would be virtually impossible in Auckland.

“It baffles me why people work in Auckland. I know there’s the stereotype that provincial firms deal with low-level work. It’s a myth. We’ve got a really great calibre of people working here. I can have a nice home and live centrally without having to service a monstrosity of a mortgage. You’ve got to look at the bigger picture. You just look out the window at the beautiful scenery to realise you’ve got it good.”

Tauranga – a home for young professionals

Hailing from Kerikeri originally, Family Court lawyer Holly Hawkins decided to study law at an early age after asking her mother how she might go about getting her dream car. Law, her mother said. And so it was, Holly says.

“Family law can be emotional at times but I have a personality where it’s easy for me to switch off. I can be supportive and not get upset. I suppose commuting helps too,” she says.

After studying at Waikato University, Ms Hawkins and her husband moved to the Bay of Plenty almost five years ago for the lifestyle and the beach, she says. With her husband working in Te Aroha and Ms Hawkins working at Hamertons Lawyers Limited in Whakatane, living and commuting from Papamoa seemed like a natural option, she says.

(top) Holly Hawkins (bottom) Kylie Harper

Harriet Enright

"We moved to the Bay of Plenty because we were attracted to the beach lifestyle and we wanted to get out of the fogginess of the Waikato."

Lawyering in the Bay of Plenty is fruitful, she says. "There's obviously a great work/life balance and there's a culture where senior practitioners are really supportive of young professionals coming through."

Job landed by chance

It was by chance that Kylie Harper landed a job as a legal secretary at Sharp Tudhope Lawyers. Nearly eight years ago the now 25-year-old participated in an administration course while at Otumoetai College. After a few stints doing work for other professions, she was attracted to the fast-paced nature of working in a legal environment.

Starting in an office junior position in 2008, Kylie soon trained as a legal secretary where she now is the sole secretary for the litigation team, working for six solicitors.

"Law is quite inspiring. Secretaries do a lot of behind the scenes work, and it's so rewarding when you see the lawyers you work for achieving wonderful outcomes for our clients. It makes the work and effort you contribute as a team all worthwhile.

> "There's a buzz brewing. Tauranga is becoming the silicon valley of New Zealand

"For me I go to work, I do my job and I leave work at work – there's not the constant ticking over that seems prevalent among lawyers," she says.

"Tauranga is a beautiful place. I was born there, this is home and I'm lucky to have landed such a great role in one of the top firms in Tauranga.

It's the lifestyle

After living in various locations as a child, including Whanganui, Ashburton, Wellington and Sydney, Harriet Enright found her feet at Tauranga's oldest law firm, Sharp Tudhope Lawyers after finishing her degree at Otago University in mid-2014.

She decided against Auckland and Wellington because "there is more experience to be gained and you don't have to compromise on the work. We have partners with high levels of expertise, you get to engage with a wide variety of clients and you hit the ground running by going to court often and pretty early on in the piece".

Aside from the work, it's the lifestyle that will keep Ms Enright in the Bay, she says.

"I absolutely love Tauranga. I live in a flat with friends at the Mount where I can just run across the road and go for a paddleboard or surf. I'm involved in the community through the Presbyterian Church. There's a lot of music, there's a great cafe culture, there's craft and food markets – what's not to love?

"There's a buzz brewing. Tauranga is becoming the silicon valley of New Zealand," she says.