

CONTENTS

In session order

Residential Property Sale and Purchase Update

Residential Property Sale and Purchase Agreement Update 1
Nicola Harrison

One Way to Bust a Trust

One Way to Bust a Trust 15
Andrea Manuel

Employment Contractual Issues You Should Know

Employment Contractual Issues You Should Know 25
Kylie Dunn & Simon Mitchell

Retirement Villages, Rest Homes and Residential Care Subsidies

Retirement Villages and Rest Homes 39
Residential Care Subsidies 51
Jenny Baldwin & Theresa Donnelly

Residential Builders’ Responsibilities – Recent Changes

Recent Changes to Residential Builders’ Responsibilities 61
Geoff Hardy

Current Immigration Issues

Current Immigration Issues 71
Carole Curtis & Ioana Uca

Resource Management Act Issues

Common Resource Management Questions 81
Bill Loutit

Ethics

Ethics: Issues Faced by Sole Practitioners and Lawyers in Small Firms 91
Paul Collins

Wills and Estates – Challenges in Practice

Wills and Estates: Challenges in Practice from the Practitioner’s Perspective 101

Wills and Estates: Challenges in Practice from the Litigator’s Perspective 115

Vicki Ammundsen & Stephen McCarthy

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Ammundsen	Vicki	Wills and Estates – Challenges in Practice	101
Baldwin	Jenny	Retirement Villages, Rest Homes and Residential Care Subsidies	39
Collins	Paul	Ethics	91
Curtis	Carole	Current Immigration Issues <i>Joint paper with Ioana Uca</i>	71
Donnelly	Theresa	Retirement Villages, Rest Homes and Residential Care Subsidies	51
Dunn	Kylie	Employment Contractual Issues You Should Know <i>Joint paper with Simon Mitchell</i>	25
Hardy	Geoff	Residential Builders’ Responsibilities – Recent Changes	61
Harrison	Nicola	Residential Property Sale and Purchase Update	1
Loutit	Bill	Resource Management Act Issues	81
Manuel	Andrea	One Way to Bust a Trust	15
McCarthy	Stephen	Wills and Estates – Challenges in Practice	115

Mitchell	Simon	Employment Contractual Issues You Should Know <i>Joint paper with Kylie Dunn</i>	25
Uca	Ioana	Current Immigration Issues <i>Joint paper with Carole Curtis</i>	71

CHAIR



Vivienne Crawshaw, Barrister, Auckland

Vivienne has been in practice as a barrister sole since 2008. She has appeared as counsel in a number of relationship property and children's cases. Vivienne has presented papers on a range of family law issues to NZLS CLE and other conferences.

SPEAKERS



Vicki Ammundsen, Vicki Ammundsen Trust Law, Auckland

Vicki is a trust practitioner. She has an appreciation of the issues that confront older clients in the context of and interaction between estate planning, residential care subsidy concerns, relationship, family and trust related issues.



Jenny Baldwin, Anthony Harper, Auckland

Jenny provides specialist advice in retirement village law. She is particularly experienced in the preparation of compliance documents, general operational advice and dispute resolution. She acts for a range of operators, from large national groups to small charitable entities, and also advises statutory supervisors. Jenny is a partner in Anthony Harper which has NZ's largest expert legal team focusing on retirement villages.



Paul Collins, Barrister, Shortland Chambers, Auckland

Paul has wide experience in areas of professional discipline and regulation in the legal profession. He has prosecuted numerous cases in the Disciplinary Tribunal and has also appeared in the High Court and Court of Appeal in cases relating to professional discipline and other aspects of regulation of the legal profession. Paul is a convener of the National Standards Committee and has been extensively involved in Standards Committee training since the outset of the LCA. Paul is the author of the Practice Note concerning the functions and operations of lawyers' Standards Committees and was the consulting editor for *The Laws of New Zealand: Lawyers and Conveyancers*.



Carole Curtis, Marshall Bird, Auckland

Carole has practised law for about 25 years and specialises in immigration and refugee law. She also practises in Mental Health, Civil, Family and Criminal law. She has mentored many practitioners and especially loves refugee law because it involves learning not only the claim, but all about the claimant's country: culture, religion, geography, history, political structures and way of life. Carole finds this fascinating. Skills that she has acquired in other areas of law often apply to refugee law, a rewarding and sometimes complex area of law.

SPEAKERS



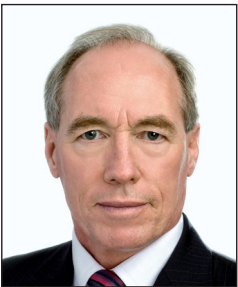
Theresa Donnelly, Ministry of Social Development, Auckland

Theresa is a Senior Solicitor with the Ministry of Social Development and is a specialist in Social Security law. She graduated from Auckland University in 1991, was admitted in 1992 and has worked in several private practice litigation areas as well as in-house counsel within the public sector. Theresa was a solicitor for Land Information New Zealand before taking employment as a senior solicitor for the Ministry of Social Policy in 2000 (subsequently MSD). Theresa has presented several Webinars and Seminars for the NZLS CLE.



Kylie Dunn, Russell McVeagh, Auckland

Kylie is an employment law specialist, with advocacy experience at all levels of the court system. Her practice includes advising on all aspects of relationships with unions (including collective bargaining and industrial action), the protection of confidential information, personal grievances (including misconduct and redundancy), employment issues arising in relation to the sale of a business and professional misconduct/shareholder disputes.



Geoff Hardy, Madison Hardy, Auckland

Geoff is the senior lawyer in the boutique law firm Madison Hardy and has 40 years' experience in commercial and construction law. He is the legal adviser to the Certified Builders Association and his firm acts for several hundred of their 2,500 builder members. He is an expert adviser to the Building Practitioners Board, is a prolific publisher of articles and presenter of seminar papers on construction law, and is heavily involved in law reform and continuing education initiatives.



Nicola Harrison, Glaister Ennor, Auckland

Nicola looks after commercial property investors and developers, government entities, incorporated societies, commercial landlords, NZ-wide franchisors and various high profile SMEs. Nicola works closely with Stephanie Harris, Joint Managing Partner, and they ensure that the commercial goal is kept foremost in mind and achieved in the most time and cost effective manner possible.



Andrea Manuel, Barrister, Auckland

Andrea's practice covers complex, multi-party and high net-worth trust and relationship property cases. Andrea appears in the Court of Appeal, High Court and Family Court. She has considerable experience in acting in estate claims and general civil litigation arising from the family law context, such as professional negligence claims, or claims in equity, contract and tort. She provides advice by way of formal opinion, and is frequently instructed to become involved in challenging cases which require her particular expertise. Andrea is also involved in spousal maintenance, child support, domestic violence, and Hague Convention and other child-related work.

SPEAKERS



Bill Loutit, Simpson Grierson, Auckland

Bill heads the resources and infrastructure department. He is a leading litigator and an expert in alternative dispute resolution in the administrative law, environmental, resource management, and local government fields. He advises local authorities, corporates and developers and has had numerous appearances before the Environment Court, the High Court, the Court of Appeal, and the Supreme Court. He has been involved in many of the 'landmark' environmental cases in New Zealand which have shaped how the country's environmental legislation is administered.



Stephen McCarthy, Barrister, Auckland

Stephen practises in family and civil litigation. He has a particular interest in property and estate disputes. Stephen has practised as a barrister since early 2006 and prior to that was a litigation partner in a Manukau City firm for over 20 years. He was convener of the ADLS Mental Health and Disability Law Committee 1991-1995 and Family Law Committee 2001-2003. Stephen has presented Law Society seminars and conference papers on mental health, family and property law topics.



Simon Mitchell, Unity Chambers, Auckland

Simon is a barrister based in Auckland. He specialises in acting for unions and employees with a special interest in bargaining issues.



Ioana Uca, Barrister, Auckland

Ioana is originally from Romania and migrated to New Zealand in 1999. She graduated from Law School (Auckland University) in November 2003 and has practised law since April 2004. Ioana specialises in immigration law (visa applications, applications for ministerial special directions, deportations and humanitarian appeals, immigration fraud and cancellation of refugee status cases) and refugee/protection law, mental health and family law.