

CHAIR



Lady Deborah Chambers QC, Bankside Chambers, Auckland

Deborah was admitted to the bar in 1983, commenced practice as a barrister sole in 1989 and took silk in 2007. She specialises in relationship property law, trusts, estates and fiduciary duties. Her work in this area includes complex cases frequently involving international property. Deborah is also experienced at representing clients in mediations. She is the co-author of the best-selling handbook on domestic property and estate law *For Richer For Poorer* and also a co-author of the *New Zealand Master Trusts Guide*. Deborah was counsel for Mrs Clayton in *Clayton v Clayton* in the Court of Appeal and Supreme Court.

SPEAKERS



Stephanie Ambler, Tompkins Wake, Hamilton

Stephanie graduated from Auckland University in 1999 and has always practised in family law. Prior to relocating to the Waikato in 2013 and joining Tompkins Wake, Stephanie was a solicitor at Brookfields and Simpson Grierson lawyers in Auckland. She specialises in family, matrimonial and trust law, particularly in the areas of relationship property disputes and claims against estates and trusts. Stephanie has presented a number of seminars.



Margaret Briggs, Associate Professor, University of Otago, Dunedin

Margaret teaches and researches in the areas of criminal law and family property law. She is a contributing author to *Family Law – Family Property* (2008, Brookers) and a co-author of *Relationship Property on Death* (2004, Brookers).



Dr Jane Casey, Vermont Street Specialists, Auckland

Jane is a General Adult and Old Age Psychiatrist, Honorary Senior Lecturer at Auckland University and the Bi-National Chair in the Faculty of Psychiatry of Old Age, RANZCP. Capacity is an area of special interest with experience in expert opinion in clinical and legal settings.



Amanda Donovan, Haigh Lyon, Auckland

Amanda leads Haigh Lyon's specialist family law team. Her practice covers all areas of family law with a particular focus on relationship property, trust issues, estate litigation and children matters. Amanda is a contributing author for the *Westlaw Family Law* publication (NZ) and while working in London, she was a consultant editor for *Hershman and McFarlane: Children Law and Practice*.

SPEAKERS



Hon Robert Fisher QC, Bankside Chambers, Auckland

Hon Robert Fisher QC, LL.D., F.A.M.I.N.Z., is a former High Court Judge, the author of a text on relationship property, and a full-time arbitrator and mediator.



Professor Mark Henaghan, University of Otago, Dunedin

Mark specialises in family law and is a Barrister and Solicitor of the High Court of New Zealand. He is co-author of *Family Law Policy in New Zealand* (4th ed LexisNexis 2012) and joint author of *Family Law in New Zealand*, (16th ed LexisNexis 2014). Mark is the joint author of *Relationship Property on Death, Relationship Property Consolidated Legislation and Analysis* (2001 Brookers Thomson Group) and is sole author of *Care of Children* (2005 LexisNexis) and *Health Professionals and Trust* (2012 Routledge).



Shelley Hodge, Barrister & Solicitor, Auckland

Shelley was admitted to the Bar in 1985. She spent the first 26 years of her legal career at Russell McVeagh and Chapman Tripp, specialising in corporate, commercial and finance related matters. Since 2012 Shelley has practised on her own account, carrying on with the commercial focus but applying this to relationship property matters.



Jo Hosking, Jo Hosking Barrister, Rotorua

Jo practises mainly in family law and in recent years has become focused on relationship and trust property and spousal maintenance cases. She has appeared in the Family Court, High Court, Court of Appeal and (as instructing solicitor) in the Supreme Court. Jo has recently been appointed to update *Fisher on Relationship Property* (Chapter 4: Relationship Property and Trusts). She also undertakes lawyer for child work in the Rotorua Court.



Simon Jefferson QC, Trinity Chambers, Auckland

Simon is a family law specialist with more than 30 years' experience. He joined the independent bar in 2006 and became a Queen's Counsel in 2013. Simon has had extensive involvement with NZLS CLE legal education programmes and the NZLS Family Law section. He is a fellow of the International Academy of Matrimonial Lawyers, a member of Lawasia, the NZ Bar Association and of the Australian Family Law Section

SPEAKERS



Brendan Lyne, Lyne Davis Opinion Ltd, Auckland

Brendan is a director and principal of Lyne Davis Opinion with more than 30 years' accounting and corporate finance experience. A significant portion of his time is spent on relationship property expert opinions including business and share valuations, economic disparity, bundle of rights and evidence in respect of trusts. Brendan is an experienced expert witness and has been appointed by the courts and NZICA as such. He also provides expert evidence in the areas of economic damages assessments, forensic accounting, valuation and other financial matters.



Gerard Molloy, Haigh Lyon, Auckland

Gerard has a broad range of experience in commercial, property and trust matters. He is often called upon to provide guidance and strategic advice from a commercial and property perspective in complex relationship property and trust litigation. Gerard regularly acts as instructing solicitor for senior legal counsel.



The Hon Justice Mark O'Regan, Supreme Court of New Zealand

Justice Mark O'Regan is a Judge of the Supreme Court of New Zealand, appointed in 2014. He holds a BA and LLM (Victoria University) and was admitted to the Bar in 1977. He was a partner at Chapman Tripp from 1984 to 2000. He became a Judge of the High Court of New Zealand in 2001 and was appointed to the Court of Appeal in 2004, becoming its President in 2010.

CONTENTS

In session order

The Practical Implications of *Clayton*

Clayton v Clayton: the trust you have when you do not really have a trust 1
Professor Mark Henaghan

Before You Put Pen to Paper

Before You Put Pen to Paper..... 17
Shelly Hodge & Gerard Molloy

Valuations – finding the relationship property

Valuation – finding the relationship property 49
Jo Hosking

Valuations – finding the relationship property

Valuation of Interest under Trusts and, in Particular, the Value of Discretionary Interest 69
Brendan Lyne

Hot Sections

Hot Sections 79
Stephanie Ambler & Amanda Donovan

Outside the Square Relationships

Outside the Square Relationships 135
Associate Professor Margaret Briggs

Upgrading the Tractor to a Maserati

Upgrading the Tractor to a Maserati 151
Simon Jefferson QC

Upgrading the Tractor to a Maserati

Relationship Property Arbitration 163
Hon Robert Fisher QC

Capacity – when the presumption of competence may be in doubt

Capacity – when the presumption of competence may be in doubt..... 167
Dr Jane Casey

Appendix: What About Hereditary Trusts? 177

Professor Mark Henaghan

CONTENTS

Alphabetical by author/presenter

Author		Title	Page
Ambler	Stephanie	Hot Sections <i>Joint paper with Amanda Donovan</i>	79
Briggs	Assoc Prof Margaret	Outside the Square Relationships	135
Casey	Dr Jane	Capacity – when the presumption of competence may be in doubt	167
Donovan	Amanda	Hot Sections <i>Joint paper with Stephanie Ambler</i>	79
Fisher QC	Hon Robert	Relationship Property Arbitration	163
Henaghan	Prof Mark	<i>Clayton v Clayton</i> : the trust you have when you do not really have a trust	1
Hodge	Shelley	Before You Put Pen to Paper <i>Joint paper with Gerard Molloy</i>	17
Hosking	Jo	Valuation – finding the relationship property	49
Jefferson QC	Simon	Upgrading the Tractor to a Maserati	151
Lyne	Brendan	Valuation of Interest under Trusts and, in Particular, the Value of Discretionary Interest	69
Molloy	Gerard	Before You Put Pen to Paper <i>Joint paper with Shelley Hodge</i>	17