## **PRESENTER**



## Jonathan Eaton QC, Barrister, Christchurch

Jonathan specialises in criminal defence opinion, trial and appellate work. He joined the independent bar in 1998, and was appointed Queen's Counsel in 2013. Jonathan is currently the Vice-President - South Island of the NZBA and chairs the NZBA Criminal Law Committee. He is President of the Canterbury Branch of the CBA.

The statements and conclusions contained in this paper are those of the author(s) only and not those of the New Zealand Law Society. This booklet has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

## **CONTENTS**

AMICUS CURIAE IN A CRIMINAL TRIAL	1
INTRODUCTION	
A BRIEF HISTORY	
THE DEVELOPMENT OF THE ROLE IN NEW ZEALAND	
The essential facts of R v McFarland	7
Summary of the current position in New Zealand	8
AMICUS – THE UNREPRESENTED / SELF-REPRESENTED DEFENDANT	8
The amicus appointment process	9
The inherent problem with the partisan or expanded role	10
The appointment of former counsel as amicus	11
AMICUS - THE REPRESENTED DEFENDANT	
Amicus - redacted disclosure - admissibility of evidence	
The role of amicus in redacted disclosure cases	
A CASE FOR CODIFICATION?	14
Conclusion	14