

CHAIR



Stephen van Bohemen, Barrister, Christchurch

Stephen is a barrister, practising in Christchurch. He is a member of Atticus Chambers. His practice is predominantly family law and his current caseload is approximately 60% relationship property and 40% child law. Stephen has presented seminars both locally and internationally on a variety of family law topics. He is a contributing editor to *Brookers Family Law – Family Procedure and Family Property*.

KEYNOTE SPEAKER



Professor Jeremy Waldron, New York University School of Law, New York

Jeremy is University Professor and Professor of Law at New York University, a position he holds conjointly with the Chichele Chair in Social and Political Theory at All Souls College, Oxford. He was previously University Professor in the School of Law at Columbia University.

He was born and educated in New Zealand, where he studied for degrees in philosophy and in law at the University of Otago. Jeremy was admitted as a barrister and solicitor of the Supreme Court of New Zealand in 1978. He studied at Oxford for his doctorate in legal philosophy, and taught at Oxford University as a Fellow of Lincoln College from 1980-82. From 1982-1987, he taught political theory at the University of Edinburgh, and from 1987-1995, he was a Professor of Law in the Jurisprudence and Social Policy Program in the School of Law (Boalt Hall) at the University of California, Berkeley. Jeremy was briefly at Princeton, as Laurance S Rockefeller University Professor of Politics, before moving to New York in 1997.

Professor Waldron has written and published extensively in jurisprudence and political theory. His books and articles on theories of rights, on constitutionalism, on democracy, international law, property, torture, and homelessness are well known, as is his work in historical political theory (on Aristotle, Thomas Hobbes, John Locke, Jeremy Bentham, John Stuart Mill, and Hannah Arendt).

Professor Waldron gave the second series of *Seeley Lectures* at Cambridge University in 1996, the *1999 Carlyle Lectures* at Oxford University, the *2007 Storrs Lectures* at Yale Law School, the *Tanner Lectures* at Berkeley in 2009, and the *Holmes Lectures* at Harvard Law School in fall 2009. He travels widely and has delivered public lectures all over the world, from Buenos Aires to Jerusalem. He was elected to the American Academy of Arts and Sciences in 1998. In 2011 he was awarded the American Philosophical Society's Henry Phillips Prize for Lifetime Achievement in Jurisprudence.

INTERNATIONAL SPEAKERS



Dr Sandra Hacker, Psychiatrist, Melbourne

Sandra is a psychiatrist in private practice, and liaison psychiatrist to the Alfred Hospital Heart-Lung Transplant Unit. Her clinical interest is severe psychological trauma, treating adult victims of severe childhood sexual assault. Her medico-legal interests are crimes compensation, workcover and medical negligence. Sandra chairs the Board of the Mental Health Research Institute, and is chair of the Australian Health Ethics Committee of the National Health & Medical Research Council. Formerly she chaired the Board of the Northern Metropolitan Health Service and the Australian Institute of Health and Welfare and was Australian Medical Association Victoria president and AMA federal vice president. Sandra was appointed an Officer of the Order of Australia (AO) in 2005 for services to the medical profession.



Dr Jennifer McIntosh, Family Transitions, Melbourne

Jennifer (better know as Jenn) is a clinical child psychologist, family therapist and research consultant. She is the director of Transitions. Jenn is adjunct Associate Professor at La Trobe University. She is on the Editorial Boards of the Family Court Review and the Journal of Family Studies. Jenn has a high profile in national training and conference forums, in the mental health, welfare and legal sectors. She is highly regarded for her ability to articulate and advocate for the psychological wellbeing of children. Jenn has directed several research studies for the Australian Government Attorney General's Department and Family and Community Services, including a current longitudinal study of child consultation in family law mediation. She has conducted three studies into the Family Court of Australia's reforms. Uniquely, Jenn is both a clinical specialist and researcher, with a particular interest in making developmental theories "user friendly", enabling parents, carers and professionals to consider the experience of children more sensitively, and to act on this within systems and structures where a child focus has traditionally been difficult to achieve. Most importantly, children love talking to Jenn!

SPEAKERS



Trish Allen, Family Therapist, Christchurch

Trish specialises in working with children and adolescents and has been extensively involved in Family Court disputes. Her work is influenced by behavioural theories with a strong developmental perspective. She is also involved in training, facilitation and supervision. She is the author of *You're still Mum and Dad*. Trish was co-presenter of the 2004 NZLS seminar *Child Development* and has been a presenter of the NZLS *Lawyer for the Child* workshop since 1989.



Stephanie Ambler, Senior Associate, Simpson Grierson, Auckland

Stephanie has extensive family law and civil litigation experience. She specialises in family, matrimonial and trust law, particularly in the areas of relationship property disputes and claims against estates and trusts. She has presented a number of seminars.

SPEAKERS



His Hon Principal Family Court Judge Peter Boshier, Wellington

Judge Peter Boshier was appointed as the Principal Family Court Judge of the New Zealand Family Court in March 2004, after serving on the District Court Bench since 1988. In 1993 he completed a review of the Family Court, which resulted in a number of changes to court processes. Judge Boshier has a particular interest in Pacific youth justice and child offenders. In 1999 he wrote the *Child Offenders Manual*, which gives practical guidance to intervention with child offenders. In 2002 he was seconded by the New Zealand Government to join the Pacific Judicial Education Programme based in Suva, and while there completed a Graduate Certificate in Tertiary Teaching. As Principal Family Court Judge, Judge Boshier is committed to working with the Government to continue to reform the court to ensure efficient and economic access to justice. In 2006 Judge Boshier was nominated by the *New Zealand Listener*, as being in the top fifty outstanding New Zealanders, and in April 2009 was made a distinguished alumnus by the Victoria University of Wellington, for outstanding contribution to the law.



His Hon Judge David Burns, District Court, Auckland

Judge David Burns was appointed as a Family Court Judge in March 2005. He practised previously as a specialist family court barrister for many years. Prior to his appointment he was chair of the NZLS Family Law Section for three years. He has presented a number of seminars for the NZLS, ADLS and for other organisations.



Dr Andrew Butler, Russell McVeagh, Wellington

Andrew obtained his BCL from University College Dublin, LLM from Osgoode Hall, Toronto and PhD from the European University Institute, Florence. When he first arrived in New Zealand, Andrew taught in the law faculty at Victoria University, specialising in equity, trusts, restitution, human rights and public law. From 1999-2005 he was Crown Counsel working in the Human Rights Team at the Crown Law Office. Andrew has written extensively here and abroad on human rights and public law, and is the general editor of *Equity and Trusts in New Zealand* (2nd ed, Brookers, Wellington 2009).



Margaret Casey, Barrister, Auckland

Margaret commenced as a barrister sole in 1992, specialising in family law with an emphasis on relationship property disputes and Hague Convention cases. She taught relationship property at the Auckland University faculty of law for three years and has presented many seminars and workshops for the NZLS, ADLS and other organisations, as well as contributing to a number of family law texts and publications. Margaret has extensive mediation experience and regularly conducts mediations in cases involving family property and estate disputes. She is frequently appointed as counsel to assist in Family Court cases to mediate and is a member of the High Court panel of mediators. Margaret was the inaugural chair of the Family Law Section.

SPEAKERS



Anita Chan, Barrister, Dunedin

Anita is a specialist family law barrister. Her practice is in complex relationship property and child law cases. She is a former chair of the NZLS Family Law Section and a Fellow of the International Academy of Matrimonial Lawyers (London) (IAML). Anita was elected as a Governor of the Academy in 2008, and presently serves as its Parliamentarian. Anita has presented at numerous national and international family law conferences including in Seoul, Brisbane, Shanghai, Adelaide, Capetown and Vancouver. She is a regular guest lecturer at the University of Otago and a director of Disputes Resolution Services Ltd. Anita was a foundation director of the NZLS Continuing Legal Education Board, and a former director of ChildFund (New Zealand).



Garry Collin, Barrister, Christchurch

Garry is a family law barrister based in Christchurch. Most of his work involves children's issues and a significant part of his practice is acting as lawyer for children. Garry completed a post graduate diploma in Child Advocacy in 2005. He is on the Board of Trustees of Shirley Boys High and is on the Executive Committee of the NZLS Family Law Section.



Catriona Doyle, Family Law Specialists Ltd, Porirua

Catriona has worked in private practice since her admission in 1993. Catriona acts for parties and has accepted appointments from the Family and High Court to act as lawyer for child and counsel to assist in Care of Children Act and CYFS Act matters since 1998. She also undertakes relationship property, trusts, wills and estate work and Hague Convention matters on appointment from the Central Authority. Catriona has completed LEADR mediation training and is appointed as a mediator under the Early Intervention Programme. She was co-opted to the Family Law Section Executive in 2010 and elected in 2011 for a three year term. Catriona undertook the role of manager of the Symposium held at Parliament in June 2011 on the *Future of the Family Court*.



Rashi Gadekar, Therapist and Clinical Supervisor, Christchurch

Based in Christchurch, Rashi has experience in many areas of counselling, therapy and clinical supervision. She is accredited with the Family Court, ACC, EAP and WINZ and MSD. Rashi has provided counselling services for 16 years in Christchurch, and works with adults, children, whanau and groups. Her clinical experience relates to; managing responses to the Canterbury Earthquakes, mental health issues, relationship counselling, sex therapy, sexual abuse counselling, and cross-cultural work.

SPEAKERS



Lope Ginnen, Barrister, Auckland

Lope is a barrister specialising in family law. She has been lawyer for the child since 2000 and is regularly appointed by the Manukau, Waitakere and Auckland Family Courts as lawyer for the child and counsel to assist. Lope balances her family law practice with corporate governance work. She recently finished terms on the boards of Housing New Zealand Corporation, Hobsonville Land Company and Counties Manukau District Health Board. Lope currently chairs the Audit Risk and Finance Committee of Ngati Whatua o Orakei and is on the board of Eastcliffe Retirement Resort. She is also the chair of Brainwave Trust Aotearoa, a charity that raises public awareness of brain research about the impact of early experiences on infant brain development. Lope is of Samoan and New Zealand Pakeha descent. She and her husband Johnny have two children and she has a teenage stepdaughter in England.



Professor Mark Henaghan, Dean and Professor of Law, University of Otago

Mark specialises in family law and is a barrister and solicitor of the High Court of New Zealand. He is sole author of *Care of Children* (2005), co-author of *Family Law Policy in New Zealand* (2009), joint author of *Family Law in New Zealand, Relationship Property Consolidated Legislation and Analysis* (2001) and also of *Relationship Property on Death* (2004). He is an author and member of the editorial board for LexisNexis *Family Law Service* and the *New Zealand Family Law Journal*.



Jane Hunter, Barrister, Auckland

Jane is a barrister practising from William Martin Chambers in Auckland. She graduated with an LLM (Hons) from Auckland University. Jane has practised law since 1990. In latter years she has concentrated on family, civil and commercial litigation, specialising in cases involving trusts, or closely held companies and parallel claims in equity, agency or for breach of contract. Jane is the author of a number of publications and currently writes for *Brooker's Family Law Procedure* on costs and *Family Property Property (Relationships) Act* part 4. She has also spoken at a number of conferences on family law related topics and written articles on her practice areas. As someone who in her early career benefited from the pupillage of senior practitioners, Jane is a staunch supporter of CLE and the opportunities for sharing knowledge and experience amongst the profession. For balance Jane is a keen kayak fisher and francophile. She is the immediate past president of the New Zealand Truffle Association.



Simon Jefferson, Barrister, Auckland

With more than 25 years' experience specialising in family law and 20 years as a partner of Shieff Angland, Simon is highly regarded throughout NZ for his legal skills and abilities both in and out of the courtroom. Appointed a Fellow of the International Academy of Matrimonial Lawyers in 2005 he was also a member of the Section's Executive Committee from 2001 to 2006. Simon has presented numerous seminars and papers for the NZLS and has chaired the NZLS Family Law Conferences in 2003 and 2005. Between 2001 and 2005 he led the faculty created by the NZLS to train lawyers for appointment as legal representatives for children in the Family Court. In 1989 he was admitted to the Roll of Solicitors in the United Kingdom.

SPEAKERS



Lynda Kearns, Barrister, Auckland

Lynda is a barrister specialising in family law, particularly the division of property on separation and related trust issues. She has presented seminars for the NZLS, ADLS and LexisNexis on a variety of property matters, including sham trusts, estate planning, the death provisions under the act and best remedies for clients. She previously chaired the ADLS Family Law Sub-committee and has served on committees of the Family Law Section. She has acted in numerous cases involving spousal maintenance issues.



Greg Kelly, Greg Kelly Law Ltd, Wellington

Greg has 30 years' experience in the wills, trusts and estate area. He is a member of the Wills and Trusts Committee of the NZLS Property Law Section, and a member of STEP. Greg is a contributor to *Butterworth's Law of Trusts*, probate and administration author for *McGechan on Procedure*, co-author of *Garrow and Kelly's Law of Trusts and Trustees* (6th edition) and of *Dobbies' Probate and Administration Practice* (5th edition). He has presented papers at numerous seminars and conferences for both the NZLS and other organisations throughout New Zealand and was the chair of the NZLS Trust Conference in 2009 and 2011.



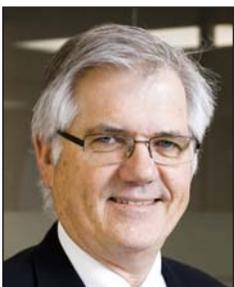
Dr Patrick Kelly FRACP, Paediatrician, Starship Children's Hospital, Auckland

Patrick is a paediatrician and a Clinical Senior Lecturer in Paediatrics at the University of Auckland. He is the Clinical Director of the Starship Child Protection Team (Te Puaruruhau) which is based in Puawaitahi, New Zealand's first multi-agency child advocacy centre. He chairs the Child Protection Special Interest Group of the Paediatric Society of New Zealand, and was a founding member of the National Child Mortality Review Committee and the National Family Violence Death Review Committee.



Brendan Lyne, Lyne Opinion Ltd, Auckland

Brendan is a director and principal of Lyne Opinion Ltd. Prior to establishing Lyne Opinion Ltd he was a corporate finance partner with Grant Thornton, with more than 30 years' 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. He has regularly appeared as an expert witness in the High Court, Family Court and other tribunals.



Antony Mahon, Barrister, Auckland

Antony is a family lawyer practising in Auckland who has specialised in all aspects of family law for over 20 years. He has been a lawyer for the child since 1989 and in 2004 was co-presenter of the NZLS seminar *Child Development* and is co-presenter of the NZLS *Lawyer for the Child* workshop. Antony is the chair of the NZLS Family Law Section, and a regular presenter at family law forums.

SPEAKERS



Andrea Manuel, Barrister, Auckland

Andrea graduated with BA/LLB degrees from Auckland University and has been in practice since 1986, as a civil litigator until 1994 and specialising in family law since then. Formerly a partner with the Auckland firm Wynyard Wood, she celebrated four years' at the separate bar on 1st October 2010. She has lectured at law professionals, written articles for legal and general publication and chaired or presented at various LexisNexis, Law Society and NZICA seminars. Currently she co-authors a family law column in *NZ Lawyer* and is the new author of chapter 6 of *Fisher on Matrimonial and Relationship Property*.



Lynda Moore, Chartered Accountant, Auckland

Lynda, a chartered accountant for over 20 years and former practice owner, supports lawyers and their clients in the review and preparation of financial data and records for relationship property cases. This can involve assessing the value of matrimonial assets especially concerning business assets, understanding the actual costs of living again important for business owners who may have tax shelters for some living expenses, budgeting for their new life and preparing submissions for the courts.



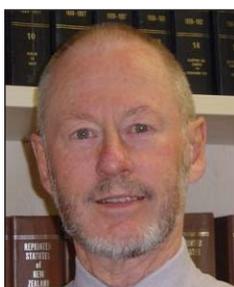
Robb Newberry, Barrister, Wellington

Robb has specialised in family and disability law since 1987. His present work has an emphasis on relationship property disputes, disputes concerning children, and mental health law. He commenced as a barrister sole in 1999, after 12 years' as a litigation partner in a Wellington law firm. Robb is presently a Deputy Lawyer member of the Mental Health Review Tribunal, and prior to this statutory role was a District Inspector since the commencement of the current Mental Health Act.



The Hon Justice Mark O'Regan, Court of Appeal, Wellington

Justice Mark O'Regan is the President of the Court of Appeal of New Zealand. He graduated from Victoria University BA/LLM, and was admitted as a barrister and solicitor in 1977. He was a junior lecturer in the law faculty at Victoria in the late 1970s. After travelling and working in the UK and France he returned to New Zealand and joined Chapman Tripp, where he was a partner from 1984 to 2000, specialising in commercial law. He also acted for the Crown in relation to a number of Treaty of Waitangi settlements in the 1990s. He became a Judge of the High Court in 2001 and was appointed to the Court of Appeal in 2004, becoming its President in 2010.



Bill Patterson, Patterson Hopkins, Auckland

Bill has an extensive trust, commercial and equity litigation practice. He has presented many papers for NZLS, ADLS and the Institute of Chartered Accountants, including the 1999, 2001, 2003, 2005, 2007, 2009 and 2011 NZLS CLE Trusts Conferences. He was chair of the 2003, 2005 and 2007 Trust Conferences. Bill also does regular topics for the ICANZ's Trusts Special Interest Group.

SPEAKERS



Pete Roe, ThinkWell Limited, Wellington

Pete is a Marist, born in Wellington. After the completion of his training at the Marist Seminary in Napier Pete was able, through his chaplaincy positions with the Royal NZ Navy and NZ Police Force, to begin to introduce the concept of an integrated wellness service into these workplaces. During this time he also continued his studies and completed a post graduate degree in Organisational Management and Administration, through Massey University. Along with a number of others in the Marist community Pete developed the City Ministry as an organisation focused on health, support and wellbeing in the city and within businesses. For the past 15 years Pete has continued his onsite work for a number of organisations in Wellington, such as Wellington Free Ambulance, NZ Fire Service and Lifeflight NZ. Pete is also a trained and experienced coach and supervisor.



Dr Simon Rowley, Paediatrician, Auckland

Simon is a neonatal paediatrician at National Womens Hospital as well as working with children of all ages in private practice in Auckland. His concern for the health and wellbeing of our children has led him to become a presenter for Brainwave Trust as well as a Trustee. Simon's clinical experience, depth of medical knowledge and relaxed friendly manner make him a popular speaker to medically oriented groups as well as at conferences, seminars and talks to parents and caregivers.



His Hon Judge Paul von Dadelszen, QSO, District Court, Napier

Judge Paul von Dadelszen was appointed a judge of the District and Family Courts in 1987 and he presided over the Family Courts in Hawkes Bay until retiring as a full time judge in May 2011. He has continued to sit with an Acting Warrant in various courts around the country. He was Acting Principal Family Court Judge for periods in 2005, 2006, 2007, 2008, 2009 and 2010 and is a member of the Association of International Family Judges. Positions held prior to appointment included President of the Hawkes Bay District Law Society and Chancellor of the Anglican Diocese of Waiapu and as a member of the NZ Council of Social Services and the Hawkes Bay Hospital Board. He has published articles on family law topics in international and New Zealand family law journals and delivered papers at national and international seminars and conferences. The judge is married with three children and five grandchildren.



The Hon Justice John Wild, Court of Appeal, Wellington

Justice John Wild was admitted to the Bar in 1969. After a brief stint with Bell Gully & Co, interrupted by a lengthy period of OE, he commenced practice as a barrister in April 1976. For the next 22 years he practised at the independent bar, dealing with almost everything except family law! He took silk in 1993. Justice Wild served on the Council of the New Zealand Bar Association for several years, and was its President in 1998. Justice Wild was appointed to the High Court in July 1998, and to the Court of Appeal earlier this year.

CONTENTS

In session order

Opening address	413
<i>His Hon Principal Family Court Judge Peter Boshier</i> <i>(Appendix 1)</i>	
Keynote address: Dignity and respect within family law – what does it mean?	421
<i>Professor Jeremy Waldron</i> <i>(Appendix 2)</i>	
Marshalling the evidence – beyond the “any evidence rule”	3
<i>Judge David Burns</i>	
Marshalling the evidence – beyond the “any evidence” rule	15
<i>Robb Newberry</i>	
Surrogacy in New Zealand: the legal process	27
<i>Margaret Casey</i>	
Surrogacy in New Zealand and comparable jurisdictions	55
<i>Judge Paul von Dadelszen</i>	
Professional support services – supervision	67
<i>Pete Roe</i>	
After the wake – dividing the cake	75
<i>Greg Kelly and Bill Patterson</i>	
Will the truth out? – Sexual abuse cases in the Family Court	89
<i>Garry Collin</i>	
Risk assessment	121
<i>Rashi Gadekar</i>	
Money, money, money; must be funny in a rich (wo)man’s world – spousal maintenance	135
<i>Lynda Kearns and Lynda Moore</i>	
State of the nation	425
<i>Antony Mahon</i> <i>(Appendix 3)</i>	

Relocation: “this town ain’t big enough for the two of us” <i>Professor Mark Henaghan</i>	155
Shared time parenting and relocation – two ends of a complex spectrum <i>Dr Jennifer McIntosh</i> (Appendix 4)	435
Valuing compensation claims <i>Brendan Lyne and Andrea Manuel</i>	205
Wiring the brain <i>Lope Ginnen and Dr Simon Rowley</i>	253
Equity and trusts in a family law context <i>Dr Andrew Butler and Hon Justice Mark O’Regan</i>	267
Appeals and judicial review in family law <i>Jane Hunter and Hon Justice John Wild</i>	301
Section 21 agreements <i>Stephanie Ambler</i>	323
Section 21 and s 21A agreements – Property (Relationships) Act <i>Anita Chan</i>	345
The things you learn in New World supermarket <i>Trish Allen</i>	359
Unravelling the mystery: dealing with psychological evidence in care of children proceedings <i>Simon Jefferson</i>	369
Breaking the cycle – child protection at the front line <i>Dr Patrick Kelly</i> (Appendix 5)	469
Dealing with difficult clients <i>Dr Sandra Hacker</i>	399

Appendices

Appendix 1

Opening address 413

His Hon Principal Family Court Judge Peter Boshier

Appendix 2

Keynote address: Dignity and respect within family law – what does it mean? 421

Professor Jeremy Waldron

Appendix 3

State of the nation 425

Antony Mahon

Appendix 4

Shared time parenting and relocation – two ends of a complex spectrum 435

Dr Jennifer McIntosh

Appendix 5

Breaking the cycle – child protection at the front line 469

Dr Patrick Kelly

Alphabetical by author

Author		Title	Page
Allen	Trish	The things you learn in New World supermarket	359
Ambler	Stephanie	Section 21 agreements	323
Boshier	His Hon Principal Family Court Judge Peter	<i>Appendix 1</i> Opening address	413
Burns	Judge David	Marshalling the evidence – beyond the “any evidence rule”	3
Butler	Dr Andrew	Equity and trusts in a family law context	267
Casey	Margaret	Surrogacy in New Zealand: the legal process	27
Chan	Anita	Section 21 and s 21A agreements – Property (Relationships) Act	345
Collin	Garry	Will the truth out? – Sexual abuse cases in the Family Court	89
Gadekar	Rashi	Risk assessment	121
Ginnen	Lope	Wiring the brain	253
Hacker	Dr Sandra	Dealing with difficult clients	399
Henaghan	Prof Mark	Relocation: “this town ain’t big enough for the two of us”	155
Hunter	Jane	Appeals and judicial review in family law	301

Jefferson	Simon	Unravelling the mystery: dealing with psychological evidence in care of children proceedings	369
Kearns	Lynda	Money, money, money; must be funny in a rich (wo)man's world – spousal maintenance	135
Kelly	Greg	After the wake – dividing the cake	75
Kelly FRACP	Dr Patrick	<i>Appendix 5</i> Breaking the cycle – child protection at the front line	469
Lyne	Brendan	Valuing compensation claims	205
Mahon	Antony	<i>Appendix 3</i> State of the nation	425
Manuel	Andrea	Valuing compensation claims	205
McIntosh	Dr Jennifer	<i>Appendix 4</i> Shared time parenting and relocation – two ends of a complex spectrum	435
Moore	Lynda	Money, money, money; must be funny in a rich (wo)man's world – spousal maintenance	135
Newberry	Robb	Marshalling the evidence – beyond the “any evidence rule”	15
O'Regan	Justice Mark	Equity and trusts in a family law context	267
Patterson	Bill	After the wake – dividing the cake	75
Roe	Pete	Professional support services – supervision	67
Rowley	Dr Simon	Wiring the brain	253

von Dadelszen	Judge Paul	Surrogacy in New Zealand and comparable jurisdictions	55
Waldron	Prof Jeremy	<i>Appendix 2</i> Keynote address: Dignity and respect within family law – what does it mean?	421
Wild	Justice John	Appeals and judicial review in family law	301