

NZL Lawyer



THE COST OF COMPLEXITY: LAWYERS AND CONVEYANCERS BILL UPDATE 10



EDUCATION & TRAINING REPORT: THE ONLINE CHALLENGE 11

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NZLS embroiled in fidelity fund furore

By Andrea Ruffell

THE NEW ZEALAND Law Society has been accused of being in breach of its fiduciary duty to the New Zealand public by a Waikato Bay of Plenty barrister as well as a member of the Justice and Electoral Committee.

The Lawyers and Conveyancers' Bill now before

Parliament provides for the NZLS to acquire approximately \$6 million from the current Solicitors' Fidelity Guarantee Fund, of which the NZLS is presently trustee.

Under the Bill, two-thirds of the fund balance will pass to the NZLS to be held in trust for use in carrying out representative functions for its members; such as the provi-

sion of services and facilities for lawyers and publication of periodicals, pamphlets, and other materials. Membership of the NZLS will become voluntary if the Bill is passed.

The remainder of the fund will become the new lawyers' fidelity fund.

Ultimately, the requirement that the balance of the old fidelity fund be held in trust

for representative purposes will cease under clause 337. There will then be no restrictions on the ownership and use of the funds by the NZLS.

Cheryl Simes, barrister and former editor of the Waikato Bay of Plenty District Law Society newsletter, says that "the NZLS has persuaded the government that lawyers think it's a brilliant idea". She

thinks the money should remain in trust for fidelity fund purposes, or be refunded to contributors. "I think it's sad that this hasn't been fully explored openly or honestly in *Law Talk* or elsewhere."

In her view the NZLS is acting against the interests of the beneficiaries of the fund for which it is trustee, being

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Concerns raised over equality of arms

LAWYERS NATIONWIDE are increasingly concerned by the disparity between rates of legal aid remuneration paid to defence and prosecution counsel. Apprehension is growing over the undesirable consequences of senior defence counsel dropping out of legal aid work, leaving less experienced lawyers to carry the load.

President of the Waikato and Bay of Plenty District Law Society Warren Pyke says, "in terms of the district law society membership here, one of the issues that a lot of people doing legal aid work are concerned about is the widening gap

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New Zealand lawyers to hit US Bars



NEW ZEALAND LAWYERS are about to be given the opportunity to demonstrate that they can mix it with the best of them thanks to a program allowing them to complete either one or two of the toughest legal examinations in the world.

Following on from the recent success of a similar program that has been rolled out in Australia this year, the New York Bar Review Quality Program has been designed to afford members of the Australian and New Zealand legal profession the chance to complete the New York Bar exam or the Californian Bar exam, or both. The exams are conducted over two days [for New York] and three days for [California] – that is 12 hours actually undertaking those exams.

The brainchild of US and Australian attorneys

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New Zealand lawyers to hit US Bars

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practising in high-profile New York City law firms, the programs are also suitable for those pursuing work opportunities in New York, California or other US jurisdictions, and those hoping to enhance their CV and deal with American and international clients with US interests.

Because pass rates have been declining over recent years, there has been great demand for preparatory programs. Generally no US JD qualified candidates take the bar exam without first undertaking a preparatory program like the ones offered here. The first of the Programs will be sat in New Zealand this coming December.

Pressed as to why Antipodean lawyers might be interested in undertaking the US Bar's exams, Beatrice O'Brien, Australian expatriate lawyer and director and founder of New York Bar Review Pty Ltd, said "the world is getting much smaller with globalisation". The relationship between the US, Australia and New Zealand "is going to help those with this kind of qualification".

O'Brien is also a member of the Committee for Legal Education and Admission to the Bar of the Association of the Bar of the City of New York.

New Zealand universities are showing an interest, and it is understood that

some have offered to take the program into their Graduate Diploma of US Legal Practice. O'Brien said the program had also received a positive response from lawyers and undergraduates.

The programs are complete training solutions, said O'Brien. "[It] has been specifically developed to prepare Australian and New Zealand legal practitioners, law graduates and law students for what are regarded as two of the world's most notoriously difficult, yet highly acclaimed and recognised legal benchmarks," O'Brien said.

The program draws on the experience and knowledge of New York and Californian academics who are practising attorneys and have been training Bar candidates for more than 30 years in the US. These Bar Exam Experts undertake each bar examination scheduled to keep at the cutting edge, which is now being delivered to Australians and New Zealand legal practitioners. This means it offers the opportunity for long-term career advancement and academic development and recognition, without the costly exercise of traveling to New York or California in preparation for the exam.

"It bridges the gap to the practice of law in the US," O'Brien said. "A lot of lawyers have easy access to London, but New York in particular seems to be

one step more difficult. It overcomes that obstacle that a prospective lawyer would face if they wanted to practise in New York."

The programs have been designed so that students are equipped with all available information and do not have to undertake their own research in preparation for the exams. They each comprise three courses, one of which is compulsory. All will be delivered in New Zealand on an exclusive basis.

The workshops will be delivered using video lectures, including representatives in CBD venues throughout New Zealand, followed by face-to-face review sessions in New York and Los Angeles.

The program will comprise 200 hours of lecture time over 48 sessions in New Zealand. This includes the New York Bar Review Course, a compulsory 42-day lectures component, to be taken part-time, as well as two supporting optional courses, the 'New York Essay & Multistate Performance Test' and the 'Multistate Bar Exam' intensive courses.

The New York Bar Exam requires candidates to master thousands of principles and concepts, O'Brien said.

Refugee wins employment law prize

KURDISH REFUGEE Karwan Eskerie has taken out the Simpson Grierson Employment Law Prize. Mr Eskerie, who has a passion for employment and immigration law, topped the University of Auckland's employment law class and was awarded the annual prize for his outstanding results.

As a child, Mr Eskerie fled chemical bombing in the Kurdish region of Sulamania, Northern Iraq to move to Iran with his family in 1988. The family then moved to Pakistan where he was educated and finally moved to New Zealand as refugees in 1999, when Karwan was 17. For Mr Eskerie, who won the employment mooting prize earlier this year, the prize is a huge achievement for both himself and his family.

"It's very special for my family because they have been involved in politics and the movement against the Sadaam Hussein regime for some time. Through all this they wanted to make sure I got a proper education ... They will be very happy that it has worked out."

Karwan has been accepted as an intern for the United Nations High Commission for Refugees in Canberra where he will practice refugee law for three weeks this summer.

For more information see <http://www.nybar.com.au/>

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