

Issue 5: October 2015

*Welcome* readers to the third issue of Talanoa for 2015!

Content ideas, articles, suggestions and feedback are always welcomed by the Secretariat, and we encourage you to sign up to our mailing list so you never miss an issue and are kept up to date with what's been happening in the region. We are grateful to PILON Observer Member –the ICRC; PILON member –Samoa as well as the Australian Attorney General's Department for their contributions to this issue. If you would also like to contribute to the discussion please do feel free to contact us.

### **PILON Corruption & Proceeds of Crime Working Group Meeting, Suva, Fiji 6<sup>th</sup> – 8<sup>th</sup> October**



**PILON CORRUPTION AND PROCEEDS OF CRIME  
Working Group Meeting 6 - 8 October, 2015 Suva, Fiji.**

*The* PILON Corruption & Proceeds of Crime (C&PoC) Working Group with assistance from the Attorney-General's Department of Australia recently held a meeting in Suva, Fiji from 6<sup>th</sup> – 8<sup>th</sup> October at the PIFS Secretariat Conference Centre. The working group meeting was chaired by Ms Lillian Ipu (Acting Director, Legal Policy and Governance Branch, Department of Justice and Attorney General, Papua New Guinea).

The meeting involved stocktaking the achievements of the working group to date, and discussed findings, preliminary recommendations and next steps for the PILON Typologies Project.

#### ***In this issue:***

- Corruption & Proceeds of Crime Working Group Meeting
- Pacific Prosecutors Association Meeting
- Regional Cybercrime legislation Workshop
- Spotlight on: International Prosecutors Association (IAP)
- In Focus: Litigation Skills Programme Faculty Biographies

## 6<sup>TH</sup> PACIFIC PROSECUTORS' ASSOCIATION (PPA) CONFERENCE, 29 – 31 July, Nuku'alofa, Tonga

The Pacific Prosecutors' Conference (PPC) is the annual meeting of the Pacific Prosecutors' Association (PPA) and provides prosecutors from around the Pacific with a forum to meet and discuss working-level issues of specific relevance to the region.



The 6<sup>th</sup> Annual PPC was hosted by the Attorney General's Office of Tonga, and held at the Fa'onelua Convention Centre, Nuku'alofa.

Delegates attending the technical workshop as well as the meeting proper were drawn from prosecution offices from around the Pacific. Prosecutors from Kiribati, Nauru, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Federated States of Micronesia, Tuvalu and Vanuatu attended the meeting. Tongan police prosecutors from the outer islands also attended.

The three day program commenced with a technical workshop held as a pre meeting event which looked at 'Prosecuting in the Pacific with Expert Evidence'. The workshop covered expert evidence on mental

health, forensic pathology, and forensic accounting. Experts in these fields presented at the workshop which generated lively discussions from participants.

The theme of the 6<sup>th</sup> Annual PPC was 'Pacific Prosecutions and Good Governance: Independence, Accountability and Transparency'.

The two day program featured presentations and panel discussions on the conference theme including key areas: Pacific Prosecutors and Good Governance which was moderated by Tonga; Prosecutor Welfare moderated by Vanuatu, Improving Relations with Police, moderated by Samoa; and, Prosecuting Sexual and Gender Based Violence, moderated by Tonga. There was a focus session of the program on the forensic evidence project currently being facilitated by the Australian Attorney General's Department. Another highlight of the program was the session on Fighting Cybercrime in Tonga.

The afternoon of day 2 of the meeting focused on PPA governance and administration issues. The PPA Executive Committee now comprise of: Tonga, Samoa, Nauru, Tuvalu and Vanuatu.



The 7<sup>th</sup> annual PPA meeting in 2016 will be hosted by Nauru.

## Regional Cybercrime Legislation Workshop Suva, Fiji 18 – 20 August



As the internet and new technologies open up tremendous possibilities for the Pacific, they also provide opportunities for criminals to commit new crimes and carry out old crimes in new ways. As a result, cybercrime is increasingly becoming a challenge for the region.

The United States Department of Justice, in conjunction with the Australian Attorney-General's Department, the Australian Federal Police and the Council of Europe, held a workshop in Suva, Fiji from 18 – 20 August on cybercrime legislation. Senior law enforcement and justice officials as well as communications and information technology policy officers from 12 Pacific Island countries participated in the workshop.

The workshop covered a range of legal issues including definitions relating to cybercrime, cybercrime offences, criminal procedure laws and international cooperation such as mutual assistance. Participants were also provided with an introduction to the Council of Europe Convention on Cybercrime (the Cybercrime Convention).

As the only international treaty on cybercrime, the Cybercrime Convention provides a framework for cybercrime laws and international cooperation. Participation in this Convention is not exclusively limited to member States of the Council such that non-European States can request accession to the Cybercrime Convention. Further information on the

Cybercrime Convention can be found on the Council of Europe [webpage](#).

Participants heard from Leotrina Macomber, Assistant Crown Counsel, on Tonga's experiences in reviewing its cybercrime laws and preparations to be the first Pacific Island country to accede to the Cybercrime Convention.

The Australian Federal Police provided a presentation on some of the technical aspects of cybercrime, which assisted in demystifying cybercrime terminology such as 'ransomware', 'botnets' and 'denial of service attacks' as well as a presentation on how investigators conduct online investigations, using case studies from Australia.

*'Participants discussed the current issues regarding cybercrime in the Pacific, cybercrime laws and definitions in the context of a hypothetical case study....'*

The Australian Attorney-General's Department also introduced the Pacific Forensic Model Provisions. The Provisions include laws for the collection and use of electronic evidence, including to apply the Cybercrime Convention wherever possible - see the article on the Provisions in this edition for more details.

Participants discussed the current issues regarding cybercrime in the Pacific, cybercrime laws and definitions in the context of a hypothetical case study and, at the end of the workshop, presented back to the group on their strategies for progressing cybercrime legislation in their own jurisdictions.

Overall, participants left the workshop with greater knowledge of the threats associated with cybercrime, the need for up-to-date laws and a greater awareness that emails offering something too good to be true usually are!



## Pacific Police Policy Network



Members from the police services of Fiji, Kiribati, Samoa, Tonga, Tuvalu and Vanuatu met in Port Vila from 7 to 12 September to participate in the Pacific Police Policy Network (3PN) meeting.

3PN meetings are held biannually and are co-delivered by the Australian Federal Police and the Australian Attorney-General's Department (AGD) under the Pacific Police Development Program. Meetings bring together police policy managers to participate in formal training, practical workshops and informal discussions about policing policy issues. The focus of this 3PN meeting was emergency management.

*'The workshop was delivered to support participants' development of policies to strengthen police responses to emergencies'.*

During the meeting, AGD facilitated a full day workshop on identifying the sources of emergency management law. Workshop participants were required to explore and map the legislative frameworks underpinning emergency management in their countries. The workshop also included a session on identifying and mapping key stakeholders in this area.

The workshop was delivered to support participants' development of policies to strengthen police responses to emergencies. It also served to highlight the

importance of developing internal organisational policies within and compliant with existing legislative framework.



Participants enjoyed the workshop and delivered presentations that demonstrated greater understanding and appreciation of the legislation relating to emergency management in their countries.

If you would like any further information on AGD's work under the Pacific Police Development Program or the 3PN meetings, please contact Caroline Scott from AGD at [caroline.scott@ag.gov.au](mailto:caroline.scott@ag.gov.au).

## Chiefs of Police approve Pacific Forensic Model Provisions



At their annual conference held in Niue in August, the Pacific Islands Chiefs of Police (PICP) successfully considered and approved the Pacific Forensic Model Provisions. These provisions are designed to serve as a regional resource for Pacific Island countries to draw on to address gaps in their existing legislative frameworks, in ways that are

appropriate for, and tailored to, their individual countries.

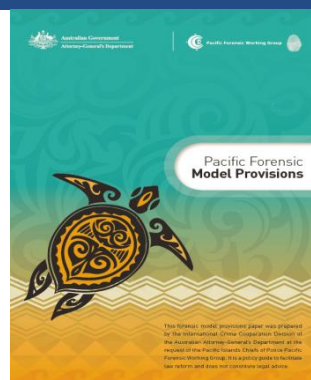
*“The objective of the model provisions is to provide clear legal powers and safeguards to assist police to efficiently and effectively collect and use forensic evidence....”*

The model provisions were developed by the Australian Attorney-General’s Department (AGD) at the request of PICP and in consultation with prosecutors, legal officers and police from across the region.

Noting the important contribution of legal officers in the development of the provisions, and the need for their ongoing support in the law reform process, the chiefs also directed the PICP Executive Director to refer the model provisions to the Pacific Islands Law Officers Network for consideration at its annual meeting in December 2015.

The objective of the model provisions is to provide clear legal powers and safeguards to assist police to efficiently and effectively collect and use forensic evidence in criminal investigations, and ensure that this evidence can ultimately be admitted in court. Most importantly the provisions have been designed specifically for Pacific Island countries and build on effective forensic provisions which currently exist in some Pacific Island countries, enabling their use as a model for Pacific neighbours.

Upon request and subject to available resources, AGD may provide countries with bilateral assistance to review their laws relating to forensic evidence and where appropriate, implement the model provisions. If you would like any further information on the model forensic provisions or to discuss possible assistance, please contact Luke Muffett from AGD at [luke.muffett@ag.gov.au](mailto:luke.muffett@ag.gov.au).



# ICRC

## **OBSERVER MEMBER UPDATE: INTERNATIONAL COMMITTEE OF THE RED CROSS**

*From* 20 to 23 July, representatives from more than 35 Commonwealth Member States and National Red Cross and Red Crescent Societies gathered in Canberra, Australia for the **4th Commonwealth Red Cross Red Crescent Conference on International Humanitarian Law (IHL)**, co-hosted by the ICRC, the Australian Government and Australian Red Cross.

Participants hailed from a diversity of countries, with Fiji, Kiribati, New Zealand, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, Vanuatu and Cook Islands (as an observer) making up a sizeable Pacific contingent.

The Conference was opened by a keynote address from the Pacific’s own Ms Katalaina Sapolu, Director of the Rule of Law Division at The Commonwealth Secretariat.



Participants of the 4<sup>th</sup> Commonwealth Red Cross Red Crescent Conference on IHL, Canberra, 20 July 2015 (credit: ICRC)

Across the four days, participants shared experiences and perspectives on current issues related to IHL and humanitarian action, with specific sessions on the changing nature of conflict, addressing sexual violence, ensuring respect for health care, protection of cultural property, and domestic implementation of IHL, among many others.

*Representatives of nearly every government in the world, ...now preparing for the 32<sup>nd</sup> International Conference of the Red Cross and Red Crescent, which takes place in Geneva every four years...*

To hear about the key themes of the Conference from Dr Helen Durham (ICRC Director of Law and Policy) and watch an interview with Fine Tui'tupou-Arnold on IHL and humanitarian issues in the Pacific (Secretary-General of the Cook Islands Red Cross) visit our [online wrap-up](#) of the Conference.

Representatives of nearly every government in the world, the Red Cross and Red Crescent Movement and partner organisations are now preparing for the **32<sup>nd</sup> International Conference of the Red Cross and Red Crescent**, which takes place in Geneva every four years and is the premier global forum to enhance and inspire humanitarian debates.

This year's Conference will examine:

- prevention of, and responses to, violence
- preservation of safety and access to humanitarian assistance and services, and
- reducing disaster risk and strengthening resilience.

For more information including registration details, visit [www.rcrcconference.org](http://www.rcrcconference.org).

### Need more information?

No matter your location, you can always access up-to-date information on a range of issues in international humanitarian law through the [ICRC Legal Advisory Service](#) fact sheets, ratification kits and model laws.

The ICRC stands ready to provide assistance, advice, information and tools to PILON members. Please contact Netta Goussac, Regional Legal Adviser (ngoussac@icrc.org, +61 2 6273 2968).

*The ICRC is an impartial, neutral and independent organisation whose exclusively humanitarian mission is to protect the lives and dignity of victims of armed conflict and other situations of violence, and to provide them with assistance.*

*The ICRC also endeavours to prevent suffering by promoting and strengthening humanitarian law and universal humanitarian principles. The ICRC's Pacific Regional delegation is based in Suva, with Missions in Canberra and Port Moresby.*

## -SPOTLIGHT-

### THE HISTORY OF THE INTERNATIONAL ASSOCIATION OF PROSECUTORS ('IAP')

The International Association of Prosecutors (IAP), which is a Non-Governmental and non-political organisation, is the first and only world organisation of prosecutors.

It was established in June 1995 at the United Nations offices in Vienna and was formally inaugurated in September 1996 at its first General Meeting in Budapest. The main impetus leading to its formation was the rapid growth in serious transnational crime, particularly drug trafficking, money laundering and fraud. The need was perceived for greater international co-operation between prosecutors and for greater speed and efficiency in mutual assistance, asset tracking and other international co-operative measures.

The International Association of Prosecutors (IAP) is the only worldwide organization of prosecutors. It was established in 1995 and now has more than 172 organizational members from over 171 different countries, representing every continent, as well as many individual members.

**This year's Annual Conference and General Meeting was hosted by the Attorney General of Switzerland. It was held in Zurich, from 13-17 September. Solomon Islands' DPP Ronald Bei Talasasa and Margaret A Suifa'asia attended from Solomon Islands.**

### 20TH IAP ANNUAL CONFERENCE - 2015

**Date:** Sunday 13 September 2015 - Thursday 17 September 2015

**Location:** Zurich, Switzerland

**Conference theme:** "White-Collar Crime, Corruption and Money Laundering"

**The Conference Theme** included the sub-themes as follows;

#### Prevention

- Prevention of corruption: democracy, guarantee of human rights, independence of justice as a condition of a clean financial and business centre
- Clean money strategy: the Swiss approach to a clean financial and business centre
- Anti-money laundering legislation in Switzerland: a duty for financial institutions
- International cooperation and assistance in the area of prevention
- Case studies

#### Repression:

- Strategies of law enforcement authorities against white-collar crime, corruption and money laundering
- International cooperation and assistance for combating white-collar crime, corruption and money laundering
- Financial analysis and investigation
- Asset recovery: identification, confiscation and recovery of illicit assets; especially political exposed persons
- Case studies



## MY EXPERIENCE AT THE IAP CONFERENCES -

***Ronald B. Talasasa, Director of Public Prosecutions, Solomon Islands.***

I first attended these in 2005. That year was the 10<sup>th</sup> Anniversary of the IAP. It was hosted by the Prosecutor General for Denmark, in Copenhagen. My introduction to IAP was by the former DPP Solomon Islands, Mr John Cauchi.

I attended subsequent IAP Conferences in Hong Kong in 2007; Singapore in 2008; Kiev, Ukraine in 2009; in Seoul, Korea in 2011; Zurich, Switzerland in 2015.

The next conference will be in September 2016, in Dublin, Ireland. In 2017, it will be in Beijing China and in 2018, in South Africa.

My attendance in 2005, 2007, 2008, and 2009 was through the assistance of the IAP Grant Scheme. This is available to young lawyers and anyone can apply for this assistance.

I found the time at the IAP very informative, as you get to hear from your colleagues in other parts of the world how they operate as prosecutors; you get to meet in person prosecutors of cases that you read about in the internet or hear on TV, such as the prosecutors in the Lockerbie case (plane crash over Lockerbie, Scotland); prosecutors in the War Crime Tribunal of the former Yugoslavia; including the Head of the Unit that prosecuted the case of Oscar Pistorius, the former Paralympic Great who charged and prosecuted for killing his partner.

IAP has enabled me to launch our Prosecutions Policy. I am able to discuss issues of common interests with my colleagues. I become more confident in my presentation through my

attendance and participation at IAP.

I would recommend all PILON colleagues who are prosecutors to attend. You will benefit a lot from it.

The PPA is an avenue by which partnership with the IAP can benefit us all.



## THE LAWYER'S CREED

**MIND YOUR MANNERS**

**TELL THE TRUTH**

**KNOW THE LAW**



## -IN FOCUS-

### PILON LITIGATION SKILLS TRAINING PROGRAMME – FACULTY BIOGRAPHIES

#### ***Robert Lithgow QC [Programme Director]***



Robert Lithgow QC is a graduate of Victoria University of Wellington.

He has practiced as a barrister since 1985 with a brief interruption as Crown Counsel at the Crown Law Office between 1994 and 1997, including holding the warrant as Crown Solicitor for Blenheim for two years.

Mr Lithgow mainly specialises in criminal law. He has for some 20 years been faculty for the New Zealand Law Society Litigation Skills course and has contributed to six previous Litigation Skills courses provided for Pacific Island Countries.

Mr Lithgow is based in Wellington, New Zealand.

#### ***Justice Simon France***



Justice Simon France is a Judge of the New Zealand High Court having been appointed a High Court Judge in 2005.

He was previously Crown Counsel in the New Zealand Crown Law Office, specialising in criminal appellate work. He has been a faculty member at several PILON Litigation skills courses.

#### ***Emma Garo***



Emma Garo is the Resident Magistrate for Nauru, Solomon Islands.

Magistrate Garo graduated with a Law Degree from the University of Papua New Guinea.

She started off working as a Senior Legal Officer with the Public Solicitor's Office in Solomon Islands from 2001 to 2007.

In September 2007 she was appointed Principal Magistrate. On the 17<sup>th</sup> of June 2010 she was appointed Acting Deputy Chief Magistrate.

In September 2014 she was sworn in as the Resident Magistrate for Nauru.

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***Penelope (Lope) Ginnen***



Lope is a barrister specialising in family law, and balances her legal practice with corporate governance work.

She is an independent director of Ngati Whatua o Orakei Whai Maia Limited, the post settlement governance entity charged with advancing the wellbeing of the hapu; a trustee of Emerge Aotearoa, which provides recovery and rehabilitation services to people affected by disability, mental illness or alcohol and other drug addictions; and a director of Vaka Tautua, a “by Pacific for Pacific” health support service provider.

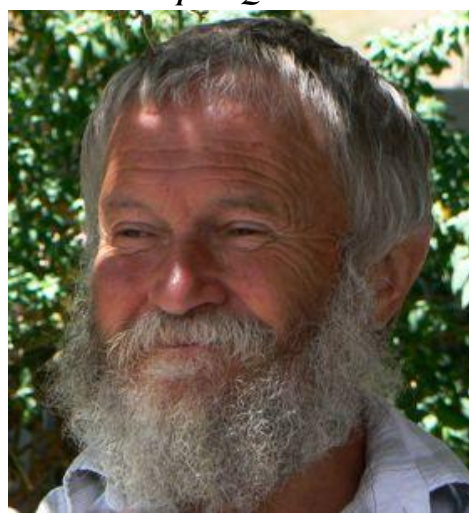
She is a trustee of Brainwave Trust Aotearoa, a charity that raises awareness of brain research about the impact of early experiences on infant brain development, which affects children's physical, social, intellectual and emotional development. Brainwave also publicises recent neuroscience about the development of the adolescent brain.

She is a member of the community advisory group of the Alcohol and other Drug Treatment Courts.

In 2013 and 2014 Lope presented to judicial workshops in Samoa related to the introduction of family violence legislation and the newly established Family Court.

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***Kenneth Hampton QC***



Nigel Hampton OBE QC is a graduate of law from the University of Canterbury (1964, gold medal for top law graduate of his year).

He has practised law continuously since then, apart from a two year term (1995-1997) as the Chief Justice of the Kingdom of Tonga. He has been, or is currently, a member (and sometimes chair) of many educational and charitable bodies and disciplinary tribunals (both professional and sporting).

He has been an office holder in a number of legal profession governance bodies, a member of various legal aid administrative and reform committees and a member of both national and international law reform associations.

He is the author of various texts and articles and a deliverer of numerous lectures and seminars.

He was the first Commissioner of standards and discipline of counsel in the International Criminal Court (ICC), The Hague (2007-2011), is presently a member of the ICC counsel Disciplinary Appeal Board; and was awarded an OBE for services to the law in 1998.

He was appointed to the rank of Queen's Counsel in 1989.

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### ***Brenda Heather-Latu***



Taulapapa Brenda Heather-Latu is a partner in the firm of Latu Lawyers, Samoa, which she joined in January 2006 after three consecutive terms as Attorney General of Samoa (1997-2006) after moving to Samoa in 1996 under the NZ Staffing Assistance Scheme to support the First Law Officer.

Brenda was educated at Victoria University of Wellington, New Zealand, was admitted to the bar in 1987, and was formerly a Crown Counsel with the Crown Law Office in Wellington (1988 – 1996), and was seconded to Meredith Connell for a time in 1994.

Brenda was a participant (in 1991) and a faculty member on the NZ Law Society's Litigation Skills course (in 1995), and helped organize the first PILOM Litigation Skills Course (in 1996), and credits this course with securing a husband, in the form of a dual international and former Manu Samoa Prop George Latu, who fortunately attended the course after playing in the 1995 IRB Rugby World Cup.

She attended a NITA faculty training course in the US in 2002 and was also a PILOM/PILON faculty member in 1999, 2003 and 2010.

Brenda aspires to specialise in commercial matters, but has an extensive *pro bono* practise where she attends to *all* her families' needs.

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### ***Martha Henry***



Martha graduated with an LLB from University of the South Pacific in 2004, later completed the



Professional Diploma in Legal Practice programme in 2005. Martha was admitted to the bar in Fiji as well as in the Cook Islands in 2005.

She commenced work at the Crown Law Office in October 2005 as Crown Counsel largely managing criminal prosecutions with appearances in both the High Court and Court of Appeal of the Cook Islands. She also provided general advice to the Crown on matters of constitutional law and general administrative law.

In 2010, Martha completed her Masters in International Law from the University of Sydney, Australia. Martha commenced work in June 2015 as a Barrister and Solicitor for Mason P.C.

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### ***Judge Brian Knox SC***



Judge Brian Knox SC is a Judge of the District Court of New South Wales, sitting in Sydney. Judge Knox has practised at the private bar in the UK and in Australia, taking silk in 2002, before being appointed to the District Court bench in 2005.

He has held various government lawyer positions including as Principal Registrar of the Family Court of Australia and NSW Crown Prosecutor and Deputy Senior Crown Prosecutor.

Judge Knox has been heavily involved in teaching litigation skills for many years including:

- Planning, developing and delivering an advocacy training program for the Malaysian Attorney-General in conjunction with the NSW College of Law Alliance. This was conducted in December, 2003 at the Institute for Judicial and Legal Training in Kuala Lumpur. The participants on the course were magistrates, former magistrates and experienced trial and appellate lawyers from various Malaysian states. The course was conducted for both criminal and civil streams.
  - As an instructor for the PILON Litigation Skills/Advocacy in Fiji in June, 2004 and Vanuatu in September, 2006, Auckland 2011 for prosecutors, public defenders and government lawyers.
  - As an instructor for the IBA/ILAC training program for Iraqi judges and prosecutors conducted in Dubai, United Arab Emirates, in October, 2004.
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### ***Judge Christopher Tuohy***



Judge Tuohy is a Judge of the District Court, Wellington, New Zealand.

Judge Tuohy was admitted in 1974 and has been a Judge of the District Court at Wellington since 1997. Before that he was a lawyer in private practice in Nelson, New Zealand, for more than 20 years specialising in general litigation, particularly civil

and criminal jury trials. As a judge, he has continued to specialise in those areas.

Judge Tuohy was appointed as a Judge of the Supreme Court of Vanuatu in 2006 based in Port Vila and served in that position for a period of 2 years during which time he learnt much about the law and culture of the country.

Judge Tuohy has participated as faculty in the PILON litigation skills programme in both 2008 and 2010.

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### ***Judge Eddie Paul***



Judge Paul is a District Court Judge in Auckland who holds Jury, General and Youth Court Warrants and designation.

Judge Paul is also a Parole Board Convenor. Judge Paul has been a District Court Judge since February 2008.

Prior to that he was Deputy Public Defender at the Public Defence Service Office, Manukau City, specialising in criminal legal aid and prior to that, Judge Paul was in sole practice for approximately 10 years at Whakatane.

Judge Paul is of Ngati Awa and Ngati Manawa descent.

### ***Kieran Raftery***

Mr Raftery was called to the Bar in England and Wales in 1970; admitted NSW 1987; admitted NZ 1988. Mr Raftery has been a Partner at Meredith Connell (Auckland Crown Solicitor's office) since 1992. Mr Raftery became a Barrister Sole in 2015.



Throughout his legal career, Mr Raftery has prosecuted major crime and other public law type Crown work in NZ, and from time to time prosecutes in some other Pacific jurisdictions.

Mr Raftery has been a faculty member on PILON litigation skills courses for many years.

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### ***Judge Coral Shaw***

Judge Shaw obtained a law degree from the University of Auckland in 1981 having earlier qualified as a teacher. She practiced as a lawyer in Criminal, Labour and Administrative law for 10 years.

In 1992 she was appointed as a judge of the New Zealand District Court and served on that court until 1999.



Judge Shaw served as a judge of the New Zealand Employment Court from 1999 until 2009 when she retired from the New Zealand Bench to take up a seven year appointment as a half-time judge of the United Nations Dispute Tribunal (UNDT).

The UNDT hears cases in New York, Geneva and Nairobi brought by staff members of the United Nations who contest administrative decisions that violate his or her rights as an employee of the United Nations.

Judge Shaw is a qualified mediator and mediates in employment related disputes in New Zealand when not acting as a Judge of the UNDT.

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#### ***Aaron Martin***



Aaron Martin is Team Manager Public Law, Crown Law Office, New Zealand. He has appeared for plaintiffs and defendants, prosecution and defence.

His work in private practise and in-house roles has involved civil, criminal, resource management, accident compensation, health and safety, employment, human rights and professional disciplinary litigation. This has included, for example, jury trials, appeals, judicial review, undertaking investigations, natural hazard and environmental management, medico-legal cases, and appearing for the Crown in the Waitangi Tribunal.

Aaron has been a faculty member for the New Zealand Law Society Litigation Skills Programme since 2008, including Deputy Team Leader 2012 and 2013.

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#### ***David Clark***



David practises primarily in Civil and Commercial Litigation at Wilson McKay in Auckland.

He has been involved in a number of complex litigation cases in many legal forums and practises with a particular emphasis on property and commercial disputes, construction litigation, statutory and regulatory compliance and enforcement, employment law, franchises and intellectual property protection.

David was the Director of the New Zealand Litigation Skills Programme in 2014.

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***Hermann Retzlaff***

After starting as a Refugee Branch Officer for the New Zealand Immigration Service as a graduate 1999, Mr Retzlaff moved to Samoa (his country of birth) and was the Senior Commercial Law Lecturer and Head of Department for the Faculty of Commerce, National University of Samoa from 2001 - 2004.



In 2005, he moved to Auckland with his family to take up a position as a Crown Prosecutor with Meredith Connell. At the end of 2009, Mr Retzlaff moved to the position which he still holds: Senior Solicitor with the Public Defence Service. This rounds up ten straight years of Litigation work experience.

His current work includes jury trials, appeal work and a team leader (of junior lawyers).

Mr Retzlaff has also acted as a Moot Judge for the Faculty of Law, and the Pacific Students Moot Court, and has completed his 3rd year in a row of being an Instructor for the *Auckland District Law Society, Introduction to Criminal Law Course*.

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***Edith Te Whata***

Ms Te Whata is of Ngati Porou and Niuean descent. She attained a BA/LLB from Auckland University in 1998 and was admitted to the bar in the same year, commencing practice as a Criminal barrister in 1999.

In 2004 Ms Te Whata started work at the Public Defence Service as one of the starting line up in the Pilot Project, returning to private practice in 2007 and then returning to the PDS in 2011 where she is currently employed as a senior lawyer.



Ms Te Whata has charge of a team of lawyers who represent legally aided clients in the Papakura and Pukekohe District Courts. These clients face a range of criminal charges across all categories of crime and she has appeared as Defence Counsel on numerous criminal jury trials in the District and High Courts of New Zealand.

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***Victoria Thorpe***

Vicki Thorpe is a sole practitioner in Gisborne New Zealand, having been admitted in 1984.

She has a mixed practice of criminal law, family law, counsel for child, mental health advocate, youth advocate and mediator.

Ms Thorpe is a current member of NZLS Youth Justice Sub-committee and has been a Litigation Skills faculty member since 2003.

A graduate of Otago University and admitted in 1995, Jacki has practiced in litigation for the past 20 years, including 13 years in Australia, most recently as the Principal Legal Officer of the Kimberley Land Council Aboriginal Corporation, assisting traditional owners of the Kimberley region of Australia in their native title claims and commercial negotiations with companies seeking access to traditional lands.

Jacki has appeared in numerous different jurisdictions in civil, commercial and criminal matters and is presently a Crown Counsel at the New Zealand Crown Law Office in the Treaty Team where she has worked since December 2014.

***Jacki Cole [Programme Facilitator]***