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NZLS CLE Ltd
CONTINUING LEGAL EDUCATION
NEW ZEALAND LAW SOCIETY



6

CPD hours

INTENSIVE

PRA INTENSIVE – KEEPING AHEAD OF THE PACK 2020

June 2020

IN THIS INTENSIVE

*An in-depth programme presented
by a stellar line-up of
industry experts*

PRA INTENSIVE – KEEPING AHEAD OF THE PACK 2020 FROM THE CHAIR



It is 45 years since what is now the Property (Relationships) Act 1976 was introduced into Parliament. It was then, and remains (in its much amended form), a complex and challenging piece of social legislation, a minefield for the casual or the unwary.

The many and varied provisions of the Act are engaged whether one is considering a so called “big money case”, the division of a house-car-dog property pool or signing off a contracting out agreement.

Case law has continued to evolve as legal innovators and those willing and able to think outside of the box have tested the boundaries of the Act. Those who linger, relying on their memory of last year’s case law, run the risk of being left behind.

Knowing the way the law is evolving enhances the ability to resolve disputes as the Act intended – speedily, inexpensively and (above all), justly.

We have now assembled a faculty of genuine excellence to bring you up to date with all the latest developments.

I encourage and welcome you to join us in June 2020 to explore legal developments in this challenging and complex area.

Simon Jefferson QC

PROGRAMME

8.30-9.00

REGISTRATION

9.00-9.05

INTRODUCTION TO THE DAY: Chair – Simon Jefferson QC

9.05-9.50

SESSION 1: ADVOCACY – GETTING YOUR POINT ACROSS

This session will explore, from the perspective of a retired High Court Judge, how you can best advocate for your client in a family dispute, with particular focus on the Property (Relationships) Act 1976. Paul will provide practical tips to assist in identifying the main points to be argued, getting your best points across to the Judge and keeping costs proportionate to the amount at stake.

Presenter

Hon Paul Heath QC

9.50-10.35

SESSION 2: LAUNCHING A SUCCESSFUL MEDIATION

Lynda and Grant will discuss mediation as an alternative forum for resolving differences about property and other related issues. The focus will be on practical aspects of mediating; how to prepare, what works well, what to avoid and the legal implications of the settlement.

Presenters

*Grant Allan
Lynda Kearns*

10.35-11.05

MORNING TEA

11.05-11.50

**SESSION 3: INEXPENSIVE, SIMPLE AND SPEEDY:
CHASING THE ENIGMA**

Do you or your clients feel like Estragon and Vladimir, Waiting for Godot who never comes? Have you or your client become paralysed by the spectre of delay in the Family Court? – well, wait, there's hope, and Rules to steer you to a swift conclusion.

This session tackles relationship property litigation and its champion gladiator s 1(N), looking at ways you can run your case efficiently, simply, and with reduced cost to your client, without compromising on the essentials.

Presenter

Angela Corry

11.50-12.35

**SESSION 4: LEVELLING THE PLAYING FIELD DURING
LITIGATION**

The growing trend in the Family Court is to treat interim distribution and cost orders under s 40 in a similar fashion to other civil proceedings. Lady Deborah will discuss the recent financial penalties that have been awarded for behaviour causing delay and for incidents of non-disclosure.

Presenter

Lady Deborah Chambers QC

12.35-1.20

LUNCH

1.20-2.05

SESSION 5: WHAT ARE INSURERS SEEING?

Philippa will provide an overview of the “liability landscape” looking at the trends in respect of negligence suits and complaints to the NZLS including:

- Some of the unresolved issues arising from s 21 “contracting out” agreement decisions
- Lessons learned – best practice tips to help minimise civil liability claims and complaints.

Presenter

Philippa Fee

2.05-2.50

SESSION 6: DEATH AND PRA: OPTIONS OTHER THAN HEAVEN AND HELL

Problems with the death provisions in the PRA and how to get around them. Nicola will discuss the latest issues including:

- Impact of third party claims on PRA entitlements, including new developments in third party claw backs
- Reform proposals.

Presenter

Professor Nicola Peart

2.50-3.25

AFTERNOON TEA

3.25-4.10

SESSION 7: RACE ACROSS THE WORLD - RESOLUTION OF RELATIONSHIP PROPERTY DISPUTES WITH AN INTERNATIONAL/TRANS-TASMAN CONNECTION

Frequently couples have assets in multiple jurisdictions that need to be divided upon separation. This session will explore what to do in that situation, including examining the New Zealand courts’ jurisdiction, the impact of the Trans-Tasman Proceedings Act 2010 and what practical steps you can take to best serve your client.

Presenters

*Isaac Hikaka
Simon Jefferson QC*

4.10-4.55

**SESSION 8: THE DREAM IS OVER – RESOLVING
RELATIONSHIP PROPERTY DISPUTES TO BEST
ADVANTAGE WHERE TRUSTS ARE INVOLVED**

In this session Andrew and Vanessa will discuss strategy, approach and getting the best outcome, whether acting for trustees, beneficiaries or a spouse who is not a beneficiary.

Presenters

*Vanessa Bruton QC
Dr Andrew Butler*

4.55-5.00

SUMMARY OF THE DAY – CHAIR: Simon Jefferson QC

**LEARNING
OBJECTIVES**

In this intensive you will be:

- Updated on topical issues, legislation and case law.
- Able to apply this knowledge in your practice.

**WHO
SHOULD
ATTEND**

Family and property practitioners at all levels of experience will benefit from attending. Commercial/trust lawyers of all levels who wish to up-skill will also benefit from attending.

CANCELLATION AND REFUND POLICY Please note: Minimum and maximum numbers apply. Registrations will be accepted on a first-come/first-served basis. Registrations close 10 working days before the presentation date (the closing date). NZLS CLE Ltd reserves the right to cancel any session that does not reach the budgeted minimum number of registrations. This decision will be made on the closing date and a full refund will be made to each registrant of the cancelled session. If you cancel your registration before the closing date, a refund will be made, less a \$100 administration fee. After the closing date, there will be no refund. You may transfer your registration to another person until five working days before the presentation. Please advise NZLS CLE Ltd in writing of the change.

CHAIR



Simon Jefferson QC, Trinity Chambers, Auckland

Simon has had more than 37 years' legal experience specialising almost exclusively in family law since 1983. After 20 years as a partner with Shieff Angland (where he led a family law team renowned for its ability and from which has emerged many leading family law practitioners), he left to practice at the independent bar in June 2006. He was elevated to the status of Queen's Counsel in 2013. Simon has appeared in the Family Court, the High Court and the Court of Appeal.

PRESENTERS



Grant Allan, Mediator, Masterton

Grant is a full-time mediator on the Advanced Panel of the Resolution Institute and has mediated hundreds of relationship property & related trust disputes. He was named "2018 Mediator of the Year" at the New Zealand Law Awards.



Dr Andrew Butler, Thorndon Chambers, Wellington

Andrew is a seasoned advocate with extensive experience before New Zealand's superior courts. His practice focuses on commercial, trusts and public law. Andrew is co-author of the leading textbook on the New Zealand Bill of Rights Act 1990 and is the general editor of *Brookers Equity and Trusts in New Zealand* (2nd edition).



Vanessa Bruton QC, TEP, O'Connell Chambers, Auckland

Vanessa is a litigator, practising almost exclusively in trust and estate disputes, including where relationship property is involved. She has been counsel in a number of the leading cases over recent years. She went to the independent bar in 2014 and took silk in 2016. For more about Vanessa see www.trust-litigation.co.nz.



Lady Deborah Chambers QC, Bankside Chambers, Auckland

Lady Deborah practices in the area of complex relationship property, family trusts and fiduciary relationships.

PRESENTERS



Angela Corry, Atticus Chambers, Christchurch

Angela is an experienced and efficient advocate who has practised as a barrister since 1992, with increasing specialisation in family law. She has argued cases in the Family Court, District Court and High Court at first instance and in the High Court, Court of Appeal and Supreme Court on appeal.



Philippa Fee, Fee Langstone, Auckland

Philippa is a litigation and dispute resolution lawyer. Her principal specialist area is the representation of professionals in connection with claims for negligence and disciplinary complaints.



The Honourable Paul Heath QC, Bankside Chambers, Auckland

Paul is a former High Court Judge. Between 2003 and 2016 he was assigned to sit, on occasion, in the Civil and Criminal Appeal Divisions of the Court of Appeal. Paul also sat as a Judge of the Court of Appeal of Vanuatu in 2011. He retired from the High Court Bench in 2018 and is now engaged in dispute resolution, primarily arbitration. Recently, Paul was appointed as President of the Court of Appeal of the Pitcairn Islands.



Isaac Hikaka, LeeSalmonLong, Auckland

Isaac has particular expertise in complex relationship property and international trust disputes. He appears in cases in New Zealand and the Pacific Islands, including as lead counsel before the Privy Council.



Lynda Kearns, Bastion Chambers, Auckland

Lynda is an experienced barrister specialising in all aspects of family law but with a particular interest in complex relationship and trust litigation. She has successfully represented her clients at numerous mediations. Lynda is a member of the Arbitrators' and Mediators' Institute of New Zealand.



Professor Nicola Peart, University of Otago, Dunedin

Nicola teaches property law, wills & trusts and, in the past, advanced family property law. Her research focuses on family property and succession law and she is a member of the New Zealand Law Commission's Expert Advisory Groups on the review of the Property (Relationships) Act and the review of Succession Law.

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