



EDITORIAL

WELCOME

The sudden passing of partner Hugh Cottrell in December 2011 cannot go without comment for our first issue of 2012. A remembrance to Hugh remains on our website, although we have moved it to its own special place under 'a tribute'. For those of you that do not have access to our website, our tribute is also included in this issue.

The pace has picked up considerably and it is hard to believe we are already into May! We have welcomed four permanent staff to the firm: Associates Megan Brown and Kathy Page; Legal Executive Tania Lovell; and Personal Assistant Gael Clayton-Varley. Kathy and Tania are previous staff members who have returned to the city from Australia whilst Gael has previously completed temping assignments for us. Megan returned to New Zealand from the United Kingdom and we are profiling her in this edition.

In addition to these staff changes, Jessica McIntyre (previously our lauchpad student over 2010-2011) continues within our firm in a full time administration role. Our new lauchpad student for 2012 is Clare Carson.

On the horizon, our efforts to get closer to the CBD appear to be forming a far more tangible shape rather than just wishful thinking and we hope to bring you up to date in our next issue.

In this issue we introduce one or two of our staff and provide an update on firm matters, along with our standard articles. No bragging, no sales marketing, just a focus on the good people that make up our firm.

Shayne Te Aika
General Manager

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Cyber-Bullying

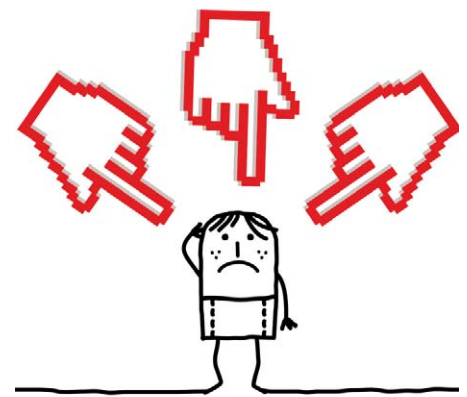
Although bullying is nothing new, the digital age has given rise to a new breed of bullying, known as cyber-bullying.

Cyber-bullying is where the internet, telephones, computers, cameras or other technology are used to deliberately inflict harm on another person. Instant communication methods and the ease by which an offender is able to torment their victim, have led to increasingly severe consequences for those preyed upon. For example, photographs can be published and circulated across global jurisdictions in a matter of minutes via the internet. In such circumstances, it is often very difficult to contain the multiplication of the photographs, and their permanent removal from cyber-space is almost impossible. Our society's growing dependence on technology has led many to question whether our laws have been able to keep up with evolving methods of this type of offending.

In October 2010, the Law Commission undertook a study that assessed the effectiveness of criminal and civil remedies for defamation, harassment, breach of confidence and privacy in the digital media environment. The year long study identified the existence of significant potential harm, particularly for young people whose lives continue to become entrenched in social media. It also noted that the current processes were too cumbersome and financially demanding for many victims of cyber-bullying to pursue a prosecution or civil remedy.

In recognising these challenges, the Law Commission proposes numerous changes to our legislative scheme to ensure that serious harm caused from digital communication is covered by appropriate offences. The proposals put forward by the Law Commission include:

- Ensuring all provisions imposing controls on communication are expressed widely enough to cover all forms of communication in the digital environment, by reviewing and amending current statutes,
- Creation of a new offence that makes the malicious impersonation of another person a criminal offence,
- Creation of a new offence for inciting or encouraging a person to commit suicide, and
- Creation of a new offence that makes it illegal to publish intimate photographs of a person without their informed consent.



The Law Commission further proposes the establishment of a 'Communications Tribunal' that would operate at a lower level than the court system. Its purpose would be to administer prompt, efficient and relatively inexpensive justice to those significantly affected by unlawful communications. The Tribunal's jurisdiction would be limited to cases where it considers the threshold for a breach of the law has been reached. Remedies available to the Tribunal include financial compensation to be made to the victim, an apology or a correction on relevant media networks.

Alternatively, it is proposed that a Communications Commissioner be appointed either as an independent body or as an extension of the Human Rights Commission. The role of the Communications Commissioner would be to provide information, and where possible, assist in resolving problems informally through mediation. The Commissioner would also make recommendations to relevant authorities and individuals where appropriate.

The Law Commission's proposals have been commended by Netsafe Executive Director Martin Cocker who stated "it gets to the heart of the problem with all of this which is that it's very easy to offend against somebody in these ways but very difficult for people to take action to remedy that."

For more information on cyber-bullying and cyber-safety, please visit www.cyberbullying.org.nz and www.netsafe.org.nz.

SNIPPETS

BEER PONG - BOUNCED OUT OF COURT

A judge in a New York City court has thrown out a lawsuit filed by a New Jersey man who got so drunk playing Beer Pong that he walked across a busy highway and was struck by a car.

Manhattan Supreme Court Justice Lucy Billings threw out Alan Berger's lawsuit against Greenwich Village's Wicked Willy's, finding Berger signed up for the beer-drinking game of his own free will. The object of the game is to bounce a ping pong ball into another player's cup and get them to drink.

"Despite the game tables, cups and alcohol [that the] defendant bar made available to plaintiff and other bar patrons without serving the alcohol or monitoring its consumption, the plaintiff voluntarily engaged in the drinking game" and "consumed alcohol to the point of diminished capacity," Billings wrote.

Berger's suit charged that the bar should have monitored the game to make sure players weren't getting visibly drunk. According to news reports, Berger engaged in a heated 3 1/2-hour match with friends playing the game, eventually left the bar, took a bus back to New Jersey and was still so drunk he tried to cross a highway and got hit by a car going 50 miles an hour.

Berger suffered numerous injuries, including a broken hip, leg and foot, tears in both his knees, and a lacerated liver, the lawyer said. When his blood was checked at the hospital about four hours after he left the bar, his blood alcohol content was almost four times higher than the legal driving limit.

The suit sought to hold the bar accountable for having "organized, created, designed and set up" the Beer Pong area in the back of the bar, and then failing to monitor it. It asked for unspecified money damages for his "severe shock, pain and mental anguish."

Justice Billings, however, found that Beer Pong players are playing at their own risk. She found the bar had "no duty" to "warn patrons regarding the risks of engaging in the drinking activity" or "monitoring its participants."

Source: nypost.com

A HARD PILL TO SWALLOW

Reality-TV stars Kim, Khloe and Kourtney Kardashian are being sued by a group of New Yorkers who claim there's no possible way a diet pill called QuickTrim could have helped the sisters lose weight.

According to the \$5 million class-action lawsuit, the sisters, who serve as celebrity spokespeople for QuickTrim, waged a campaign of lies when they claimed the diet pill helped them get their rock hard bikini bodies because the main ingredient is caffeine. "The FDA has determined [caffeine] is not a safe or effective treatment for weight control," notes the filing.

The plaintiffs claim they would never have purchased the QuickTrim products if they had known the truth. Rather, they claim they were misled for years by the unsubstantiated lies put out by the sisters through commercials, magazines and social media, including a tweet on Twitter by Kim that said, "Our QuickTrim cleanse will be massive! Khloe has already lost so much weight."

Remarkably, media reports indicate that the Kardashian camp is silent on the issue.

Source: TMZ.com



MML - Technology Upgrades 2012

Technology is a demanding facet of any law firm and its practice management, so there are no prizes for guessing why we are paying significant attention to technology across MML over the coming months.

The events of September 2010 and February 2011 taught us a lot of lessons about technology and back up plans – you can never be over prepared. Since those events we have embarked on an upgrade of our systems and processes:

- We commissioned fibre into our temporary Clarence Street premise as our primary bearer of technology and maintained our broadband connection as an alternate.
- We implemented a disaster recovery plan which sees the daily replication of our data 'off site' to an Auckland data facility controlled by our technology provider. This provides another level of safeguarding the on-going availability of our systems and data.
- Over March - July 2012 our technology provider will update and integrate our new server hardware, server software and MS Office software to form the backbone of the office systems infrastructure for the firm.

The culmination of these changes will be the integration of a new practice management system (Infinity Law) in September 2012.

Infinity Law is a very comprehensive practice management system. It will provide our staff (legal and administrative) the ability to gain faster access to your information and allow us to better manage your affairs whilst reducing our own administrative flow across the office. We expect that this will enhance our client relationship with better communication and overall better management of client matters. Eventually we will be able to enable 'direct' client access through an Extranet facility but that will come later in the year or early 2013.

The decision and reasons to upgrade our practice management system are no secret. The current system we utilise (Lawbase) has reached its life cycle, so to some degree the change has been forced upon us. We have been looking at alternative solutions for near on 12 months, narrowing down to just three available solutions for final selection. Infinity Law stood out quite clearly to our review panel and we confirmed our partnership with Fujitsu Legal Systems in February 2012. We are not the first legal firm in Canterbury (nor the wider environment) to select Infinity Law and cannot claim to be leading edge about it all. We just needed to be confident that our selection was premised on being the best 'proven' system to meet our legal needs for the next decade and beyond.

This planned upgrade will not stop at the September 2012 integration period. We will take an initial settling period with the base version before we embrace its wider capabilities over the following 12-18 months. As one can imagine - this will be a huge experience learning process across MML - but we are up for it!

Attitudes are contagious. Are yours worth catching?

Dennis and Wendy Mannering

Hugh Cottrell

Partner, Colleague and Friend

It is with great sadness that we advise of the sudden passing of Partner, Hugh Cottrell on Friday 09 December 2011.

Hugh was highly regarded throughout the law profession and his loss will be felt by many across the legal profession.

We are truly humbled that he chose to be with our firm in the twilight of his career. Hugh brought a special brand of fun and vitality to the office and his sincerity, honesty and integrity were beyond reproach and served

as an outstanding example to all of our staff and to the law profession in general.

Mediator, Singer, Guitar Player, Surfer, Tennis Player and simply, a wonderful man to know.

He taonga kua ngaro ki te po

Moe mai i te rangimarie

(A treasure taken from us, rest in peace)



Megan Brown on Intellectual Property

In February we welcomed Megan Brown, who has joined Mortlock McCormack as an Associate. Megan started her career at Russell McVeagh in Auckland, before heading off on a five year OE in London, where she worked at a large commercial firm. While sad to leave behind London culture and weekend trips to Europe, Megan is very happy to be home and excited to have the opportunity to work with Mortlock McCormack's extensive client base.



Megan has a general commercial background, with a focus on intellectual property law. Having worked for clients as diverse as Lion Nathan, Coca-Cola, British American Tobacco, Jaguar Land Rover, Louis Vuitton and Sony, we thought we'd ask Megan a few questions about her background and plans for the future.

What is intellectual property?

The main types of IP rights are patents, copyright and trade marks. These essentially prevent someone misappropriating another's idea, whether it is an invention (patent), song, story or other artistic work (copyright) or brand, logo or trading name (trade mark).

What do you enjoy about this area of law?

When someone creates IP, it is usually the result of a lot of hard work and passion. It is rewarding to be able to help such people to protect and enforce their rights and ultimately reap the reward of their hard work. It also tends to be an area of the law that is always topical and one that people tend to have opinions on one way or the other, whether it is music piracy, counterfeit handbags or the cost of patented vs generic pharmaceuticals.

What kinds of IP work have you done?

When I worked in Auckland I did a lot of brand protection work, including trade mark filing, infringement proceedings and

anti-counterfeiting actions. In London I took on a wide spectrum of commercial work, based around licensing, joint ventures and IP acquisitions (as IP can be bought and sold like any other asset). Taken together, I have ended up with a fairly good mix of contentious and commercial practice and exposure to most areas of IP law. I was also lucky enough to be sent on two client secondments, which gave me a real appreciation of the challenges that businesses (and in house lawyers) face and overcome.

Have you any other areas of speciality?

IP law tends to go hand in hand with IT law, which includes as telecommunications, software licences and internet related issues. I also regularly advise on consumer law, such as the Fair Trading Act, advertising standards, food and beverage regulations, gambling and privacy laws. Otherwise, it's reviewing and drafting the general commercial contracts that businesses deal with on a day-to-day basis.

What are you looking forward to at Mortlock McCormack?

Mortlock McCormack has a team of switched on, motivated people and fantastic clients, so I'm looking forward to working with both. The firm is committed to helping Christchurch return to its former glory and I'm excited to be part of that in any way possible.

Privacy Law Reform

The Government plans to overhaul 20-year-old privacy laws.

Justice Minister Judith Collins recently announced the Government would repeal and re-enact the Privacy Act 1993 following a Law Commission report released last year, which made more than 100 recommendations.

Ms Collins said, "Our current privacy law has been in place for almost 20 years and predates the creation of the internet, Huge changes to technology and information flows have occurred during that time and they have overtaken our privacy laws." Collins stated that, "The foundations of the Act are sound, but it needs to be updated to reflect our changing attitudes and the way people, business and government use information in the 21st century."

The Justice Ministry was reviewing the Law Commission's recommendations and would report back to the Government in September 2012. Privacy Commissioner Marie Shroff welcomed the government's plans.

"Things have changed enormously since the Privacy Act was passed nearly twenty years ago," she said.

"Privacy is as important to people as it's ever been. But the Act doesn't always give people the protection they expect and need, particularly in the context of modern technology.

"We want people to trust the new ways in which business and government work. They won't do that unless they're sure that their personal information is properly safeguarded."

Not Just Legal People!

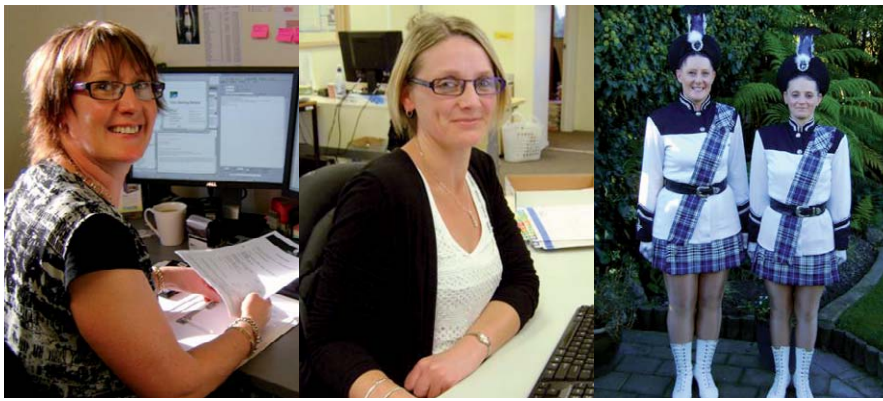
Legal Executive, Nicky Furness and Legal Assistant Stacey Hogg (pictured) are more than just staff in our firm.

Both have maintained a long and significant interest in marching as members of the 'Pioneers of Canterbury Senior Marching Team'. The team attended the New Zealand Championships in Hamilton in March 2012 gaining very credible results of placing 1st in the Gala March and Champion Display events, combined with two second placing results in the Technical and Champion Team events.

The pinnacle of Nicky and Stacey's commitment this year is a recent invite extended to their team to perform at the annual Canadian International Military Tattoo

to be held in Hamilton, (Ontario Canada) in late June 2012. This Tattoo is an inspiring musical event showcasing music, dancing, pipes and drums, ceremonial marching, as well as military displays. It is no mean feat for this team to have been invited to participate in Canada and we wish Nicky, Stacey and the team a great journey.

Both are now furiously fundraising and quite excited about this opportunity. Nicky and Stacey will be away for three weeks and we know they will be great representatives for both Christchurch and New Zealand.



Nicky Furness
Legal Executive

Stacey Hogg
Legal Assistant

Nicky and Stacey at play

Key Calls for Tougher Boat People Law

Prime Minister John Key says there is an increasing risk that boat people will make it to New Zealand's shores and new changes to the immigration law are needed to deter people smugglers and cope with a possible mass arrival of asylum seekers.

Mr Key and Immigration Minister Nathan Guy recently announced changes under which asylum seekers who arrive illegally in a big group - such as on a boat - would be immediately detained under a group warrant rather than individual warrants, which was at present the case. The new rules would apply to those who arrived in groups of 11 or more. There were no current plans to build detention centres such as Australia has and it was likely they would be detained at the Devonport Naval Base while they were processed.

Mr Guy said the changes would bring New Zealand's systems into line with those in Australia where boat people are a long-standing issue.

Mr Key said the changes were intended to make it clear to people smugglers that New Zealand was not a soft target and deter attempts to "queue jump" in as refugees. He said it would also help authorities cope if there was a sudden mass arrival of asylum seekers, rather than get bogged down dealing with them individually in court.

The legislation to make the changes to the Immigration Act will be introduced in Parliament and Mr Guy expected it to pass by the end of the year.

Meanwhile - Operation Barrier, an eight week exercise across 17 government agencies would commence early this month to practice the event of a sudden arrival of mass asylum seekers.

(Claire Trevett, New Zealand Herald May 1, 2012)

INTRODUCING



Launchpad Student
Clare Carson on reception

The accounts team
Teresa, Vicki and Jess

If you don't like something change it; if you can't change it, change the way you think about it. *Mary Engelbreit*

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