

NZ firm seconded third lawyer to Cook Islands

Geoff Adlam – Capital Letter, Thu, 1 Aug 2024

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Hamilton-based Norris Ward McKinnon has sent its third lawyer for a three-month secondment to work in Rarotonga with the biggest Cook Islands law firm, Matysik & Marshall.

Solicitor Danielle Robinson from NWM's commercial and corporate team was admitted in September 2023 and is now avoiding New Zealand's winter while she gains an unforgettable work experience.

Senior solicitor Levi Harris was the "test pilot" for the first secondment, followed by senior solicitor Moira Gray earlier this year. The secondees receive return flights and visas and are provided with accommodation in a one-bedroom cottage, a vehicle, and a local cell phone. They continue to be paid their usual salary. The secondee takes care of day to day living expenses.

Focus on firm culture

Managing partner Sam Hood says the catalyst was NWM's focus on culture and a desire to provide a unique and rewarding experience for its best and brightest.

"We were looking to create opportunities that people might not find in other firms, and this is one of those opportunities. It's a product of the partners wanting to be a firm known for its culture and the opportunities given to staff to really advance their professional careers in a unique environment."

The instigator of the secondment scheme, Hood practised in the Cook Islands from 2005 to 2007 early in his career.

"I absolutely loved it. I loved the tropical environment, which is the obvious drawcard, but I also loved practising up there. I was exposed to such a wide

range of interesting cases, including criminal law, civil litigation, admiralty, judicial review and electoral petitions."

At one stage Hood went to one of the outer islands, Manihiki, for a Court case. Manihiki is a remote atoll famous for its pearl farming, about four hours' flight from Raro.

"En route to Manihiki, the airline ran out of jet fuel so I was stranded on Manihiki for eight of the best days of my career," he recalls.

Hood and his wife returned to New Zealand for the birth of their first child, but the experience he had there endured.

"When I reflect on my career and life to date, my time in Raro was so rewarding from a professional and personal perspective. It opened my eyes to different areas of law in a different jurisdiction. I'm excited that some of our staff get to experience something similar."

Choosing a partner firm

Hood is still admitted to practise in the Cook Islands. The firm he worked for no longer exists and when he was investigating the idea of giving a memorable experience to young lawyers in his firm, Matysik & Marshall was the obvious option.

"It's no small thing to send a young lawyer to a new country to work with people they have never even met before," Hood notes. But he says Matysik & Marshall have a great reputation, and NWM was confident that "they had the values, culture and resources" to take its staff under their wing and give them a great experience.

Hood's approach coincided with a time when the Cook Islands firm was looking for staff.

"Strangely it's not easy recruiting lawyers to work in the Cook Islands, so Matysik & Marshall were very open to the possibility of a secondment.

"Neither of us had any idea how it was going to work, but from the early days, there was a reciprocal commitment to making it work for both firms and most importantly, the person on secondment."

Secondee experience

In 2023 NWM sent litigator Levi Harris as its first secondee. He had been admitted for nearly three years and Hood says he made a great impression.

“I think they really enjoyed having Levi to assist with their busy workloads, and they gave Levi some great training, a great experience and really looked after him.”

NWM general manager Carmen Simmonds says Harris is now keen to return to the islands and to complete another secondment.

“He did a wonderful job, and on that basis NWM and Matysik & Marshall agreed to extend the secondment for another year.”

Because the NWM lawyers aren't admitted to the Cook Islands Bar they cannot practise during their secondment. However, they are able to provide valuable assistance to the Cook Islands lawyers with research and drafting.

“Matysik & Marshall have not asked us to provide lawyers with any particular experience,” says Simmonds.

“Just lawyers who are highly competent, can learn, and can adapt to a new culture and way of living and working. People who are comfortable with independent living and who will make the most of the experience.”

NWM asks staff for expressions of interest, supported by a one-page CV which is then passed on to Matysik & Marshall.

“We discuss the applicants together and Matysik & Marshall generally decides who the secondee will be,” Simmonds says. “The lawyers who apply are usually in their second or third year of practice.”

Keeping in touch

The secondments happen between March and September, which suits the Matysik & Marshall workflow. NWM sends the secondee over with a “care package” of New Zealand goodies, plus branded merchandise to share with the Matysik & Marshall team.

“Matysik & Marshall have been superb with settling our staff in, bringing them in fresh produce, showing them great local places to visit, eat, swim, snorkel, etc,” Simmonds says. “NWM keeps in touch with the secondee regularly via Teams and email, to ensure the NWM connection remains strong. We post their adventures and updates on our socials.”

Everyone has appeared to be a winner from the secondments so far. It is a unique and safe way for the young secondees to experience living and working overseas, with strong support in place and the chance to work on matters outside the typical Hamilton legal diet.

“NWM benefits from strengthening its relationship with Matysik & Marshall, and from having staff who return to us engaged, motivated, with broadened horizons and the ability to adapt and work on new issues and new legal concepts. The secondment is a unique recruitment and retention proposition,” Simmonds says.

“Matysik & Marshall have the benefit of highly competent and well-trained lawyers who also have the right personality fit to cope well with an overseas environment. Feedback from Matysik & Marshall has been hugely positive in regards to the calibre of people working on secondment.”

Cook Islands and NZ law

Hood says the big differences between the two legal systems include the property law system (native title) and personal injury litigation. The Cook Islands also has a sophisticated, and world-renowned offshore financial industry, so lawyers are often exposed to interesting cross-border work, particularly in relation to asset protection.

“It’s a unique jurisdiction in that the Head of State is the King of New Zealand, and the judges are usually from New Zealand yet the highest court is the Privy Council.”

He says apart from occasional references to *Halsbury’s Laws of England* and the *All England Law Reports Index*, it’s an easy transition for a New Zealand-trained lawyer.

With retired High Court Judge Patrick Keane as Chief Justice, the other Cook Islands High Court justices are from our High Court, District Court, and Māori Land Court. Former New Zealand Court of Appeal Judge Sir Douglas White KC presides over the Cook Islands Court of Appeal, with three former NZCA or Supreme Court justices also sitting on the court.