

## FOREWORD

DR JESSE WALL

LECTURER, FACULTY OF LAW, UNIVERSITY OF OTAGO

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This Journal was founded on a simple notion: that worthwhile legal research is not the sole preserve of law lectures, professors and academics, but rather, the very best of student research and writing is worth showcasing. This edition of the New Zealand Law Students' Journal is a testament to this notion. As one of founders of this Journal, it is a delight to see such rigorous research and eloquent work being published. Now that I stand behind (rather than sit in front of) a lectern, I can appreciate how much student research has its own refreshing character. This adds to the value of annually showcasing the very best research and writing by New Zealand law students.

To start, student research is ambitious research. Whereas seasoned (and perhaps weathered) academics may resign themselves to microscopic inquiries, law students appreciate the full potential of academic research and writing. Hence, in this edition we encounter refreshingly ambitious projects: Inura Fernando condemns the approach of the majority of the United States' Supreme Court's decision in *Holder v Humanitarian Law Project* as being superficial and without a principled basis, Rachel Dunning details the potential impact of jurors' use of social media during a trial and considers procedural options to assist the court in detecting this juror misconduct, Sarah Price takes aim at the law surrounding disclosure of jury deliberations and the broader law of contempt in New Zealand, Ian Ko argues that the New Zealand Court of Appeal jurisprudence has wrongly assumed child sex offenders to be a homogenous class when assessing the probative value of propensity evidence, Nathan Luscombe addresses

the question of what role (if any) should morality play in considering whether something should be allowed to be patented, David Kraitzick outlines the need for international law to break free of tradition of upholding the rights of sovereign states to exploit the environment, Elizabeth Somerfield takes on the history of marriage, legislative changes to marriage, its modern purpose, its state in other jurisdictions and potential future developments, and Maanya Tandon assesses the legality under international law of the 2011 invasion of Libya by NATO whilst reviewing the troubling human impact of the intervention. These are all very worthwhile and ambitious projects.

A further characteristic of law students' is that it is refreshingly contemporary. Since law students are trained to be up-to-date with the most recent legal developments, and since they confront the most recent legal puzzles, the issues that concern law students are invariably current, topical and pressing issues. Moreover, as this edition of the Journal illustrates, there is a great variety of research that is undertaken in our law schools. Hence, in this edition we encounter a wide range of refreshingly contemporary issues, such as: the legality of recent military invasions, recent legal and social changes to the institution of marriage, the current failings of traditional conceptions of international law, the pressure on patent law in light of on-going developments in biotechnology, the non-adherence to the Evidence Act 2005, contemporary challenges for our institution of trial by jury, and recent jurisprudence on counter-terrorism policy. The relevance and variety of these articles makes for compelling reading, and has become a characteristic strength of the Journal.

When you consider the competitive process through which these papers have progressed through, we can also appreciate how law students compete for the limelight. A third characteristic of the New Zealand Law Students' Journal is that in each edition we encounter the

most outstanding student scholarship that has been produced in our law schools and hand-picked by a series of review processes. Every contributor to this edition should be very proud of his or her achievement in being chosen to feature in this Journal. In each article, the analysis is developed diligently, arguments are presented persuasively, and claims are premised upon thorough research.

I would like to also congratulate Calum, Stacey, Frances, Jordan, Lida and Masum for all your hard work in receiving, reviewing, curating and editing this excellent collection of articles. You should be equally as proud of your contribution to this Journal, and I am grateful to you for carrying on a recent, but worthwhile, institution. Finally, since I am writing this forward in my capacity as the founding editor of the NZLSJ, I would like to express my on-going gratitude to my friends and fellow-founders of this Journal - Adrienne Booth, Marisa Macpherson, Marcelo Rodriguez Ferrere and Tim Wilson - who started working on this initiative a decade ago. We must have done something right.

**Dr Jesse Wall**

Lecturer, Faculty of Law, University of Otago