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Announcements

Lord Cooke of Thorndon: Collected Papers Part X: The Judiciary

The Cooke Series forms part of the Victoria University of Wellington Legal Research Paper Series (VUWLRPS). Lord Cooke (1926-2006) was one of New Zealand's most prominent jurists and the first and only New Zealander to sit as a judge in the House of Lords. He was a Distinguished Fellow of the Victoria University of Wellington Law Faculty. The faculty gratefully acknowledges the generous support of the Cooke family for their sponsorship of the series. Lizzie Chan and Tim Cochrane, Wellington solicitors, abstracted and posted Lord Cooke's papers.

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"New York Appeals Court Judge Visits"

Robin Cooke, New York Appeals Court Judge Visits" [1992] NZLJ 122

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 47/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords
Email: robincookevuw@gmail.com

On 13 March 1992, Judge Stewart Hancock, Associate Judge of the New York Court of Appeals, visited the New Zealand Court of Appeal. This article contains brief remarks that Sir Robin made on the occasion. He comments that, although the focus is often on the Supreme Court of the United States,

the guardians of the common law are the State courts. These courts largely develop the common law themselves, and, in this context, are in no way under the control of, or subject to review by, the Supreme Court. Sir Robin describes the New York Court of Appeals as a "leader among the American State appellate courts" and welcomes Judge Hancock to the New Zealand Court of Appeal. Sir Robin's remarks were followed by remarks Mr James Farmer QC and then by Judge Hancock himself, also recorded in this paper.

"The Liberation of English Public Law"

Robin Cooke "The Liberation of English Public Law" in Robin Cooke The Hamlyn Lectures: Turning Points of the Common Law (Sweet & Maxwell, London, 1997) at 63

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 48/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords
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In this lecture, the fourth of Lord Cooke's Hamlyn Lectures on "Turning Points in the Common Law", Lord Cooke discusses the issue of when courts have jurisdiction to review decisions of tribunals or inferior courts, drawing on *Anisminic Ltd v Foreign Compensation Commission* [1969] 2 AC 147 (HL(E)). This lecture suggests four possible approaches the House of Lords could have taken in *Anisminic*. It also discusses Lord Diplock's approach to this issue by comparing his judgment in the Court of Appeal in *Anisminic* with his subsequent judgment in the House of Lords in *O'Reilly v Mackman* [1983] 2 AC 237 (HL(E)). Lord Cooke notes that this latter judgment extended *Anisminic* by essentially abolishing the distinction between errors of law going to jurisdiction and errors of law within jurisdiction, with two exceptions. The lecture finally remarks on the "muddled" Australian approach, and links jurisdictional issues to wider constitutional questions.

"Learning from La Forest"

Rebecca Johnson and GV La Forest (eds) Gérard V La Forest at the Supreme Court of Canada 1985-1997 Canadian Legal History Project, Faculty of Law, Manitoba, Winnipeg, 2000, 415.

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 49/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords
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This paper was originally presented at a symposium in honour of La Forest J held in Fredericton at the University of New Brunswick in October 1998, as a tribute to La Forest J from Lord Cooke. In it, Lord Cooke selects several of La Forest J's judgments that have had "special influence" in New Zealand or that had most shaped Lord Cooke's own thinking. Lord Cooke first discusses the set of judgments comprising *London Drugs Ltd v Kuehne & Nagel International Ltd* [1992] 3 SCR 299 and *Edgeworth Construction Ltd v MD Lea and Associates Ltd* [1993] 3 SCR 206 in relation to when employees will be personally liable despite the limited liability protections of companies. He then discusses La Forest J's contribution to the law of fiduciary obligations as it relates to aboriginal rights, most notably in the landmark (joint) judgment in *R v Sparrow* [1990] 1 SCR 1075 and the subsequent decision in *Delgamuukw v British Columbia* [1997] 3 SCR 1010. Finally, Lord Cooke discusses contractual relational economic loss as outlined by La Forest J in *Canadian National Railway Co v Norsk Pacific Steamship Co* [1992] 1 SCR 1021.

"The Role of Judges"

Robin Cooke "The Role of Judges" in Colin James (ed) Building the Constitution (Institute of Policies Studies, Wellington, 2000) 371

Victoria University of Wellington Legal Research Paper Series, Cooke Paper No. 50/2016

ROBIN COOKE, Victoria University of Wellington - Faculty of Law (Deceased 1926-2006), House of Lords
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This is a paper originally presented by Lord Cooke at the Building the Constitution conference of the Institute of Policies Studies in Wellington on 7 and 8 April 2000. In it, Lord Cooke stresses four themes. First, that the New Zealand constitution is unique in its form and, although "no machinery for changing its machinery had been laid down", courts may not recognise radical changes made without "overwhelming general and Maori support". Secondly, entrenchment of human rights was necessary for human civilisation. Thirdly, appeals to the Privy Council should be abolished and, fourthly an acceptable replacement could be a "Supreme Court of New Zealand, consisting of a few permanent local judges, augmented by one or two overseas judges", similar to the practice used by the House of Lords, Privy Council, Hong Kong Court of Final Appeal, and Supreme Court of Fiji.

About this eJournal

Victoria University of Wellington Legal Research Papers Series primarily contains scholarly papers by members of the **Faculty of Law at Victoria University of Wellington**. Some issues collect a number of papers on a similar theme to form a suite of papers on a single topic. Others issues are general or distribute mainly recent work.

The Student/Alumni Series is a subseries of the Victoria University of Wellington Legal Research Paper Series. The subseries started in 2015 and publishes papers by students and alumni of Victoria University of Wellington, comprising primarily work for honours and postgraduate courses. Papers are collected into thematic or general issues.

The Victoria University of Wellington was founded in 1899 to mark the Diamond Jubilee of the reign of Queen Victoria of Great Britain and of the then British Empire. Law teaching started in 1900. The Law Faculty was formally constituted in 1907. The first dean was Richard Maclaurin (1870-1920), an eminent scholar of both law and mathematics. Maclaurin went on to lead the Massachusetts Institute of Technology as President in its formative years. Early professors included Sir John Salmond (1862-1924), still one of the Common Law's leading scholars. His texts on jurisprudence and torts have gone through many editions and remain in print.

Alumni include Sir Robin Cooke (1926-2006), one of the leading judges of the British Commonwealth. As Baron Cooke of Thorndon, he sat on over 100 appeals to the Appellate Committee of the House of Lords, one of very few Commonwealth judges ever appointed to do so.

Since 1996 the Law School has occupied the Old Government Building in central Wellington. Designed by William Clayton and opened in 1876 to house New Zealand's then civil service, the building is a particularly fine example of Italianate neo-Renaissance style. Unusually among large colonial official buildings of the time it is constructed of wood, apart from chimneys and vaults.

The School is close to New Zealand's Parliament, courts, and the headquarters of government departments. Throughout Victoria's history, our law teachers have contributed actively to policy formation and to law reform. As a result, in addition to many scholarly articles and books, the Victoria SSRN pages include a number of official reports.

Victoria graduates approximately 230 LLB and LLB(Hons) students each year, and about 60 LLM students. The faculty has an increasing number of doctoral students. Ordinarily there are ten to twelve students engaged in PhD research.

Victoria University observes the British system of academic ranks. In North American terms, lecturers and senior lecturers are tenured doctrinal scholars, not legal writing teachers. A senior lecturer corresponds approximately to a North American associate professor in rank.

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