Johanna McDavitt is the 2017 winner of the New Zealand Law Foundation Ethel Benjamin Scholarship, an award that supports postgraduate research in law that will protect and promote the legal interests of the New Zealand public.

Johanna studied at Victoria University (VUW), graduating with an LLB (first class honours), and a BA (International Relations, minor French), completing her studies in 2013.

Johanna is presently a solicitor in the competition and regulatory team at Simpson Grierson in Auckland. She is a member of Simpson Grierson’s Pride Network, and was part of the group responsible for the firm becoming New Zealand’s first Rainbow Tick certified business. Johanna is also a leader of JustSpeak, a national network of young people speaking up and speaking out for better criminal justice policy in Aotearoa New Zealand.

She plans to study towards an LLM at Harvard Law School. The focus of her study will be on antitrust (competition) law and financial markets regulation. In particular, she will write a research paper examining New Zealand’s civil pecuniary penalties regime, which allows New Zealand courts to impose civil penalties for conduct that in many countries is dealt with as a criminal offence, for example cartel conduct, market manipulation and insider trading.

Johanna states, “The stability and continued growth of New Zealand’s economy depends on a regulatory regime that encourages innovation and competition, while at the same time deters conduct that is anti-competitive or that may destabilise financial markets. The penalty regime is an important part of achieving this delicate balance. My research will consider whether the level and nature of penalties imposed in the New Zealand regime is effective at deterring illicit conduct, without deterring legitimate business conduct; and whether regulatory defendants receive appropriate protection from the coercive powers of regulators.”

Through this research paper and through her coursework she aims to gain a deeper understanding of the principles, economics, and public policy that underpins competition law and financial markets regulation in New Zealand and internationally. Johanna says, “The ultimate aim of my research is to contribute to discourse in New Zealand, and internationally about how to design the most effective penalty regime for commercial conduct.”

The Ethel Benjamin scholarship honours New Zealand’s first woman barrister and solicitor, who was admitted to the bar in 1897. Since the centenary of this event, the Law Foundation has awarded this scholarship annually to outstanding New Zealand women law graduates for post-graduate study. The award is worth up to $50,000 and details of the award and previous winners can be found on the Ethel Benjamin Scholarship page of the Foundation’s website.