

Explanation of my practising records for 2006

Neil Mallon

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Wed, Dec 12, 2018 at 7:54 AM

To:

Dear ,

I write in response to your email below. Please accept my apologies for the delay in providing this substantive response.

I confirm that the information set out in Christine Scofield's email of 19 September 2016 was based on our interpretation of the data we received from the Auckland District Law Society (ADLS) files and records. These were received when the New Zealand Law Society (NZLS) became the regulator for the legal profession on the implementation of the Lawyers and Conveyancers Act 2008. The information was a compilation of the ADLS file (including all correspondence provided) but does not appear to have incorporated the records contained in the attached ADLS Dossier Report from its database, both of which have since been provided to you. This was also the case when we wrote to you on 24 January 2018.

We subsequently contacted Marcus Martin, the former General Manager Business Development and Member Services at the ADLS, and he has confirmed his understanding of the following terms which are contained in the ADLS Dossier Report:

- MembersNP – records the person in question was non-practising and not the holder of a valid practising certificate at the relevant time;
- MembersPend – records the person had paid the application fee for a practising certificate but one was yet to be issued.
- Members – records the person had a current practising certificate.

In light of this new information, the ADLS Dossier Report appears to indicate that the interpretation that you held a valid practising certificate from the ADLS for the period 13 February 2006 to 15 August 2006 was not accurate. This was not noted on Ms Schofield's email and my letter on 24 January 2018, when we communicated our view that the records appeared to indicate you held a

practising certificate during this period. As you will appreciate, this reflects the technical difficulties in reconstructing practice records which are historical in nature and which were held by a former regulator. We sincerely apologise for our oversight.

Mr Martin is now the Chief Executive of the College of Law New Zealand. We did not provide your details when making the inquiries, however, Mr Martin has confirmed he can be contacted directly to assist with any questions relating to the interpretation of ADLS records and any further clarification you may require. Mr Martin's contact details are available via <https://www.collaw.ac.nz/>

We appreciate that this whole episode is less than satisfactory. Please be assured that the interpretations we provided after the standards committee decision was issued were performed with the best intentions and were believed to be accurate based on our understanding of the ADLS records at that time. We regret any inconvenience this may have caused you and would be available to meet with you to discuss the matter if that would assist.

Kind regards

Neil

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GENERAL MANAGER REGULATORY

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