



NEW ZEALAND
LAW SOCIETY

NZLS EST 1869

Law Society Building, 25 Waring Taylor Street, Wellington
DX SP20202, Wellington
PO Box 5041, Wellington 6140, New Zealand

TEL +64 4 472 7837 · FAX +64 4 473 7909
E inquiries@lawsociety.org.nz · www.lawsociety.org.nz

24 January 2018

Private & Confidential

Ms X

via email only to: X16@gmail.com

Dear Ms X

Thank you for your email of 10 January 2018. We have now had an opportunity to consider the issues raised in your email. I hope my response below addresses your concerns and provides a constructive way forward.

In your email you have raised concerns about an apparent factual error contained in a decision of the Auckland Standards Committee dated 4 July 2011 and carried over into the decision of the Legal Complaints Review Officer (LCRO 184/2011) dated 11 March 2013. **That error relates to your practising status between the months of March to August 2006 under the former regulatory regime. The decision of the Standards Committee erroneously records that you did not hold a practising certificate during those months in 2006.** The decision of the LCRO repeats this factual conclusion.

I understand that as a result of a regulatory enquiry in late 2016, a review was undertaken of your historical practising records. These records pre-date the establishment of the current regulatory regime and electronic Register of lawyers and include records of the former Auckland District Law Society. A review of the historical records now indicates a practising certificate record for you as a barrister and solicitor during the months March -August 2006.

Unfortunately, it appears that in 2011 the parties to the relevant complaint and the Standards Committee laboured under the misapprehension that you did not hold a practising certificate at the relevant time. The complaint that you did not hold a practising certificate appeared to be uncontested at the time. We refer to your submissions to the Standards Committee quoted in the LCRO's decision [at para 9], which appear to confirm that you were undertaking work for Brookfields as a law clerk without a practising certificate, in this regard. As a consequence of this confirmation, it appears that verification of historical records is unlikely to have been undertaken.

We note that ultimately the factual error did not have any material impact on the outcome of the relevant decisions. However, we recognise the distress caused to you through belatedly identifying the mistake. We apologise for our oversight in not formally checking the historical records in this instance. We hope, however, that we are able to resolve your concerns through the steps we have taken to address them.

We have written to the LCRO advising of the factual error and asking that our correspondence correcting the error be attached to every record of the decision that office holds. We will also attach a copy of that letter as an erratum to the Law Society's record of the Standards Committee's decision.

As you will be aware decisions issued under Part 7 of the Lawyers and Conveyancers Act 2006 are strictly confidential avoiding the prospect of any wider dissemination of the relevant decisions beyond the parties and the two complaint processes.

You have also indicated that you believe that the original complainant, Ms Haden, is publishing material indicating that you did not hold a practising certificate in 2006. We are unable to comment or intervene in any civil matter outside the Lawyers Complaints Service process. We expect you may be taking your own advice. We will, however, provide Ms Haden, as party to the original complaint, with a copy of our erratum letter to the LCRO.

Please do not hesitate to contact me if you had any queries about the steps we intend to take. Thank you for taking the time to raise your concerns with me

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil Mallon', written in a cursive style.

Neil Mallon
Acting General Manager Regulatory

24 January 2018

Private and Confidential

Ms Jan Pilkington
Legal Complaints Review Officer
DX CX10072
Auckland

Dear Ms Pilkington

LCRO 184/2011 - Grace Haden and

A factual error in a decision of the Legal Complaints Review Officer (LCRO) has recently come to the attention of the New Zealand Law Society. That decision is LCRO 184/2011 dated 11 March 2013. We are writing to draw this matter to your attention.

The relevant error appears in paragraph 6 of the LCRO's decision. The error relates to the practising status of Ms X between the months of March to August 2006 under the former regulatory regime. The error was carried over from the Standards Committee decision dated 4 July 2011. Paragraph 6 of the LCRO's decision records that Ms X did not hold a practising certificate during the relevant months in 2006.

A review of the historical records held by the New Zealand Law Society relating to Ms X now indicates a practising certificate record for her as a barrister and solicitor during the months of March-August 2006.

Unfortunately, it appears that in 2011 the parties to the relevant complaint and Standards Committee staff laboured under the misapprehension that Ms X did not hold a practising certificate at the relevant time. Accordingly, the complaint that no practising certificate was held appeared to be uncontested at the time. We refer to submissions made to the Standards Committee and quoted in the LCRO's decision [at para 9], which appear to confirm that Ms X was undertaking work as a law clerk without a practising certificate. As a consequence, it appears that verification of historical records is unlikely to have been undertaken. We apologise for any inconvenience created by this oversight.

We note that ultimately the factual error did not have any material impact on the outcome of the relevant decisions. It is also noted that the prospect of any wider dissemination of the relevant decisions beyond the parties is avoided because of the statutory confidentiality around the two processes.

The Law Society requests that a copy of this letter correcting the error be attached to the relevant review file and decision. We look forward to receiving confirmation of this. A copy of this letter will also be attached to the relevant Lawyers Complaints Service file by way of erratum.

Please do not hesitate to contact me if the Office of the LCRO has any concerns or queries in relation to this matter. Thank you for your assistance with this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Neil Mallon', written in a cursive style.

Neil Mallon
Acting General Manager Regulatory

cc. Ms X
Ms Grace Haden