

**NEW ZEALAND LAWYERS AND
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2017] NZLCDT 11

LCDT 002/17

BETWEEN

**AUCKLAND STANDARDS
COMMITTEE 5**

Applicant

AND

FELICITY BLACKMAN

Respondent

CHAIR

Judge BJ Kendall (retired)

MEMBERS OF TRIBUNAL

Ms F Freeman

Ms C Rowe

Mr T Simmonds

Mr I Williams

HEARING at Specialist Courts and Tribunal Centre, Auckland

DATE 29 May 2017

DATE OF DECISION 6 June 2017

COUNSEL

Ms K Lawson-Bradshaw for the Committee

No appearance of the Respondent

**REASONS FOR THE DECISION OF THE NEW ZEALAND LAWYERS AND
CONVEYANCERS DISCIPLINARY TRIBUNAL CONCERNING CHARGE AND
PENALTY**

[1] The respondent was employed as an office manager by her employing legal firm between 1 September 2015 and 31 March 2016.

[2] During the course of her employment the respondent transferred a total of \$2,900 from the firm's trust account to her personal account:

(a) On 18 December 2015, Ms Blackman transferred \$1,450.00 from the firm's bank account to her personal ANZ bank account. The particulars of the payment referred to a client named "W".

(b) On 22 December 2015, Ms Blackman transferred a second sum of \$1,450.00 from the firm's bank account to her personal ANZ bank account. The particulars of the payment referred to a client named "A".

[3] The payments were not authorised by the principal of the firm.

[4] Ms Blackman refunded the amounts to the firm on 8 September 2016 after confessing her misappropriation to the Principal on 7 September 2016.

[5] As a result of her conduct and confession, Ms Blackman was charged with conduct that would, if it were conduct of a practitioner, render the practitioner liable to have his or her name struck off the roll pursuant to s 11(a) of the Lawyers and Conveyancers Act 2006 (Act).

[6] The charge was filed by the Standards Committee on 24 January 2017. Ms Blackman was served by email on 27 February 2017. Proof of service has been filed.

[7] Ms Blackman has not filed a response to the charge and did not participate in a subsequent teleconference held on 13 April 2017.

[8] Proof of the charge has been provided by the affidavit of Sarah Elizabeth Te'o sworn on 11 January 2017. In that affidavit an email from Ms Blackman is attached as exhibit "ST8" in which she says *"I am not sure what you want me to say, DL has covered everything in her complaint. I have already said everything is correct. I don't really have anything more to say about it -- Felicity"*.

[9] The Tribunal is satisfied that the charge has been proved.

[10] As to penalty, the Tribunal accepts the submission of the applicant that an order be made under s 242(1)(h) of the Act that no practitioner or incorporated firm employ Ms Blackman in connection with the practitioner's or incorporated firm's practice so long as the order remains in force.

[11] In reaching that decision, the Tribunal has taken into account the following matters:

- (a) Ms Blackman's dishonest handling of client funds and the resulting breach of trust.
- (b) The need to maintain standards and protect the public.

[12] The Tribunal accordingly makes the following orders:

- (a) An order pursuant to s 242(1)(h)(ii) of the Act that no practitioner or incorporated firm employ Ms Blackman in connection with the practitioner's or incorporated firm's practice so long as this order remains in force.
- (b) That Ms Blackman pay the costs of the New Zealand Law Society in the sum of \$3,132.53.

- (c) That Ms Blackman refund to the New Zealand Law Society the Tribunal's hearing costs which are certified in the sum of \$783.00.

DATED at AUCKLAND this 6th day of June 2017

BJ Kendall
Chairperson