

**NEW ZEALAND LAWYERS AND  
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2020] NZLCDT 37

LCDT 030/19

**IN THE MATTER**

of the Lawyers and Conveyancers  
Act 2006

**BETWEEN**

**NATIONAL STANDARDS  
COMMITTEE 2**

Applicant

**AND**

**RICHARD THOMAS HARKER**

Respondent

**DEPUTY CHAIR**

Judge J G Adams

**MEMBERS OF TRIBUNAL**

Hon P Heath QC

Mr G McKenzie

Prof D Scott

Ms P Walker

**On the papers**

**DATE OF DECISION** 11 November 2020

**COUNSEL**

Ms K Davenport QC and Mr J Kleinbaum for the Applicant

Mr W Pyke for the Respondent

## **DECISION OF THE TRIBUNAL RE COSTS**

### ***Introduction***

[1] This supplemental judgment completes the public record in this case in two respects. Firstly, it records the precise terms of the undertakings given by Mr Harker. Following the orders in para [62] of our judgment of 31 August 2020, the precise wording was agreed by the parties and approved by the Tribunal. Secondly, it clarifies the costs outcome.

[2] Mr Harker's undertakings are in the following form:

I, **RICHARD THOMAS HARKER**, of Auckland, give the following undertakings to the NZLCDT in my professional capacity:

1. I will not, for a period of five years from 31 August 2020, commence practice as –

(a) an employed lawyer; or

(b) on my own account (subject to obtaining prior approval from NZLS or leave of the High Court to practise on own account pursuant to s 30 of the Lawyers and Conveyancers Act 2006);

without the prior written approval of the New Zealand Law Society. The Law Society's approval (if granted) will be subject to a condition that I will not, as a lawyer, be in the presence of any person aged 16 years or under, except in the physical presence of another lawyer or my supervisor.

2. On expiration of the five year period, I will be automatically discharged from the undertaking.

3. I will continue to undertake therapy in accordance with the recommendations of the psychologist Nathan Gaunt or such other psychologist as Nathan Gaunt or a member of the New Zealand Psychologist's Board may recommend for a period of not less than two years from 31 August 2020.
4. I shall file six-monthly reports of the psychologist treating me with the registry of the New Zealand Law Society, for a period of two years following 31 August 2020, which shall state whether I have been undertaking therapy in accordance with undertaking 3, the final report advising whether the two year period of therapy has been completed in terms of undertaking 3 (it shall not be necessary for the psychologist to describe the therapy undertaken).
5. Upon the filing of the final report of the psychologist under undertaking 4, I will be automatically discharged from the undertaking.

Solemnly undertaken this 30<sup>th</sup> day of September 2020.

**Richard Thomas Harker**

[3] The Tribunal s 257 costs certified in the sum of \$1,308.00 are payable by the New Zealand Law Society.

[4] By consent, Mr Harker shall pay costs to the New Zealand Law Society of \$8,871.22 and he shall reimburse the New Zealand Law Society for the s 257 costs in the sum of \$1,308.00.

**DATED** at AUCKLAND this 11<sup>th</sup> day of November 2020

Judge J G Adams  
Deputy Chair