SOME NAMES PERMANENTLY SUPPRESSED AS RECORDED IN PARAGRAPH [53], PURSUANT TO S 240 OF THE LAWYERS AND CONVEYANCERS ACT 2006.

NEW ZEALAND LAWYERS AND CONVEYANCERS DISCIPLINARY TRIBUNAL

[2022] NZLCDT 38

LCDT 002/22

IN THE MATTER	of the Lawyers and Conveyancers Act 2006
BETWEEN	**CENTRAL STANDARDS COMMITTEE 3** Applicant
AND	**CAROLINE ANN SAWYER** Respondent

DEPUTY CHAIR

Dr J G Adams

MEMBERS OF TRIBUNAL

Ms N Coates

Ms J Gray

Mr K Raureti

Ms S Stuart

DATE OF HEARING 11 October 2022

HELD AT By remote hearing

DATE OF DECISION 28 October 2022

COUNSEL

Ms N Pender for the Standards Committee

No appearance by or for the respondent Practitioner

DECISION OF THE TRIBUNAL RE LIABILITY AND PENALTY

[1] Dr Sawyer is charged with misconduct.[1] Her alleged misconduct includes intentionally breaching a binding settlement (including disparaging persons in contravention of the settlement); engaging in a course of meritless attacks on lawyers and judicial officers (extending to claiming fraud and deceit without any supportive evidence); making dishonest and misconceived allegations. The charges include lack of independence in her conduct of a case for two clients which, in isolation, may not amount to misconduct, but does so in context of the other particulars.

[2] Although Dr Sawyer has not engaged with this hearing, her email of 15 February 2022[2] indicates her belief that the court system is "a corrupt system" where judges have been "enforcing contracts to pervert the course of justice." She elaborates that the corruption is to do with "laundering" and "[i]t is actually about enabling the drug trade and child pornography." She has not provided evidence to substantiate her views.

[3] The Standards Committee argues that Dr Sawyer's conduct amounts to misconduct because it would reasonably be regarded by lawyers of good standing as disgraceful or dishonourable[3]; because she wilfully or recklessly contravened the Act or Rules[4]; and because, even when the conduct was unconnected with the provision of regulated services, it would justify a finding that she was not a fit and proper person or is otherwise unsuited to engage in practice as a lawyer.[5]

[4] Although Dr Sawyer has had no prior disciplinary history, the Standards Committee argues that the relentless pattern of her misconduct, her lack of engagement with these proceedings, and the associated lack of any sign of insight or remorse, require the severe penalty of strike-off. The Standards Committee argues that suspension for a lengthy period is, in these circumstances, unrealistic. This decision explains how we have come to the same view.

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[1] Had we not found misconduct, we would have considered the alternative of unsatisfactory conduct.
[2] Exhibit 2 to affidavit of K L Corbett 23 March 2022.
[3] Section 7(1)(a)(i) Lawyers and Conveyancers Act 2006 (the Act).
[4] Section 7(1)(a)(ii) of the Act and rules under the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care Rules) 2008.
[5] Section 7(1)(b)(ii) of the Act.

[5] This decision is organised under the issues:

- What was Dr Sawyer's conduct?
- Is it misconduct?
- What is the appropriate penalty response?

What was Dr Sawyer's conduct?

[6] The charges arise, in part, from Dr Sawyer's conduct in her own case (with Victoria University of Wellington) and, in part, from her later conduct in another employment case. Dr Sawyer is thought to be residing overseas currently. She was bankrupted in 2021 and does not have a current practising certificate. For some years, she was employed as a Senior Lecturer in the School of Law at the University.

Dr Sawyer's own employment case

[7] The next few paragraphs of this decision sketch the history of her own case. In July 2014, she entered into a settlement agreement (recorded in a Record of Settlement) with the University. The terms included that it was in full and final settlement of all matters including "*any claims against any officer or employee"* of the University; that her employment would cease on 25 February 2015; and that she would not make disparaging remarks about two named employees of the University.

[8] In August 2016, Dr Sawyer filed a statement of problem with the Employment Relations Authority claiming the Record of Settlement should be set aside. In December 2016, the Authority found against her, holding that the settlement was final and binding, and it acted as a complete bar to her statement of problem. The Authority made a permanent non-publication order in relation to the confidential details of the Record of Settlement.

[9] Only two months later, the University filed a statement of problem, alleging Dr Sawyer had made disparaging remarks about University employees. The Authority determined by consent that she had breached the term and ordered her to comply fully with the settlement. On 1 November 2017, the Authority found she had

intentionally breached the settlement by sending five emails that were disparaging to University employees. She was ordered to pay a penalty of $8,500.

[10] Dr Sawyer appealed, and, on 22 June 2018, the Employment Court not only determined that the settlement was binding and dismissed her application to extend time for challenge to the Authority's findings, it found she had given untruthful evidence in court. The Court of Appeal declined her application for leave to appeal.

[11] In 2019, Dr Sawyer filed proceedings in the High Court against the Vice Chancellor of the University, the lawyers who acted for the University, and her own former lawyers. She sought to challenge the validity of the Record of Settlement; she asserted claims of fraud and deceit, falsification of her records, conspiracy to defraud and to interfere with her contract of employment. In August 2019, the High Court struck out her proceedings as an abuse of process.

[12] In November 2019, Dr Sawyer filed an application for judicial review in the Court of Appeal in which she sought judicial review of ten determinations of the Authority and two decisions of the Employment Court regarding her dispute with the University. Her applications to debar the University's solicitor and counsel from acting were declined. The Court of Appeal found her substantive applications were misconceived and an abuse of process. Her proceedings were struck out.

Acting for H and C in their employment case

[13] The pattern of Dr Sawyer's repeated actions and court actions to challenge her own settlement reflected in her actions for clients, "H" and "C". H was an employment advocate and C was his company. Before Dr Sawyer became involved, an employer successfully brought actions in the Authority against H and C for repeated breaches of a non-disparagement term in a settlement agreement; repeated breaches of Authority orders and directions, including a non-publication order; and disparagement of and hostility directed at those involved in the proceeding that "*extended far outside the bounds of appropriate, reasonable or professional representation of H and C's clients".* Among those targeted was Complainant 1, a practising lawyer who was a partner in a law firm. In respect of Complainant 1, the Authority characterised the attacks as "*disgraceful on-going personalised attack*s" that could be reasonably

described as "*abusive*" and which were "*without any objective justification*".[6] H and C were ordered to pay a total of $52,800 in penalties, including an award of $6,000 to complainant 1 personally, plus costs. About November 2019, Dr Sawyer began to act for H and C.

[14] Dr Sawyer applied for an extension of time to challenge five Authority decisions concerning H and C (including the decision referred to above). She also applied to have complainant 1 and his firm recused from acting for the opposing party. In documents filed in support of these applications, including her supporting submissions, Dr Sawyer alleged serious misconduct by complainant 1, by a junior solicitor who was employed in complainant 1's law firm (EW) and by Authority Member Larmer.

[15] Both applications to the Employment Court were unsuccessful. In dismissing them, the Court found no support for the allegations Dr Sawyer had made and was critical of her conduct of the litigation.[7] It awarded increased costs against her clients, H and C.[8]

[16] Complainant 2 is a practising lawyer and a consultant in a law firm. In 2020, he was acting for an employer in a case in which H and C acted for two former employees. When establishing C's right to represent the employees, H and C produced copies of authorities to act (*ATAs*). Complainant 2 raised with the Authority an issue with one of the terms in the ATAs because it purported to assign the clients' rights of resolution to C. The Authority then issued a minute in which Member Urlich:

> [i] agreed that there was an issue about whether the ATAs complied with s 236 of the Employment Relations Act; and
>
> [ii] invited C's clients to refile amended ATAs which did not include purported assignments of their rights of resolution.

[17] This minute caused Dr Sawyer to write to the Chief of the Authority on behalf of H and C, in which she alleged concerted impropriety on the part of both complainant 2

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[6] As recorded in *RPW* v *H&C* [2019] NZERA AK 121 CB vol 2 pp 399-468.
[7] As recorded in *H and C* v *RPW* [2020] NZEmpC 141, at [37], [53] CB vol 2 at pp 521, 525.
[8] As recorded in *H&C* v *RPW* [2020] NZEmpC 192 at [7] CB vol 2 p 529.

and Member Urlich and asked him to take action against the Authority member.[9] The Chief subsequently declined to intervene for jurisdictional reasons.[10]

[18] When acting for H and C in litigation, Dr Sawyer filed court documents containing unfounded, scandalous allegations against complainant 1, a junior member of his firm (EW) and a member of the Authority, who is a judicial officer. These allegations included that:

[i] An Authority Member had given a $6,000 "*kickback*" or "collateral reward" or "*forced gift*" to complainant 1;[11]

[ii] Three people, including EW, had procured H's signature on a document "*by deceit*" or a "*trick*", intending "to *close down his rights to free speech and eventually close down his business*" and "*to suppress the evidence of false accounting and fraud*";[12]

[iii] Complainant 1 and his firm had:[13]

(a) provided advice that was in serious breach of their duties as officers of the Court especially by misleading the Court;

(b) knowingly assisted in the concealment of fraud or crime (alleged payroll fraud);

(c) failed to discharge their duty of absolute honesty to the Authority or Court and were central to an abuse of a judicial process;

(d) were involved in an "*audacious campaign*" whereby they carried out the instructions given by a client after having themselves advised the client to give those instructions;

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[9] Email CB vol 1 pp 221-223.
[10] Letter CB vol 1 pp 209-210.
[11] Court documents CB vol 1 pp 28, 29, 40, 53 at [7], [9(w)], [71], [163]; p 68 at [18]; p 79 at [25]; pp 104-105 at [36].
[12] Court documents CB vol 1 pp 29, 34, 40, 41, 49 at [9(g)], [28], [71], [82]-[84], [141]; p 90 at [95]-[96]; pp 92-96 (grounds for recusal).
[13] Submissions CB vol 1 pp 98, 101-102, 103, 109-111, 113-114, 117, 119 at [3], [17]-[19], [26], [29],[57]-[62], [76]-[78], [92]-[93], [102]-[105].

(e) advised and carried out "*publicly-funded predatory litigation"* with the effect of causing illegal damage to a close business rival; and

(f) were central to an abuse of process.

[iv] An Authority member responsible for five determinations involving H and C was party to a "*long-term plan*" and "*concerted and premeditated exercise to cripple [H]'s business and order him to pay a kickback to [complainant 1]".*[14]

[19] The Employment Court dismissed the applications, finding that the repeated assertions made by Dr Sawyer against complainant 1 and his firm were "*immoderate*", were "*not supported by any evidence*", and were "*insulting and unacceptable*".[15] In its decision to award increased costs against H and C, the Court observed that the applications for recusal and rehearing were "*so clearly without merit that their purpose could only be assessed as an attempt to create difficulties and obfuscate the issues raised in the challenges, which dealt only with issues of quantification of penalties and costs in the Authority*".[16]

[20] In a written submission dated 13 March 2020 filed in the Employment Court on behalf of H and C, Dr Sawyer partially repeated the disparaging allegations that she had made during her own employment dispute with the University.[17] These details were subject to a permanent non-publication order.[18]

[21] In response to a minute from Authority Member Urlich, which raised a legal impediment to C's representation of employee clients, Dr Sawyer did not file a memorandum in response or otherwise engage with the legal issue. Instead, she complained about Member Urlich to the Chief of the Authority.

[22] In her email to the Chief, Dr Sawyer alleged that:[19]

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[14] Submissions CB vol 1 pp 127, 133-134 at [10], [34]-[36].
[15] As recorded in *H and C* v *RPW* [2020] NZEmpC 141, at [37], [53] CB vol 2 at pp 521, 525.
[16] As recorded in *H&C* v *RPW* [2020] NZEmpC 192 at [7] CB vol 2 p 529.
[17] Dr Sawyer's further reply submissions CB vol 1 p 84 at [55].
[18] As recorded in *Vice Chancellor of Victoria University of Wellington v Sawyer* [2017] NZERA Wgtn 106 at [16] CB vol 2 p 298**.**
[19] Email CB vol 1 pp 192-194.

[i] Complainant 2 was unlawfully interfering in a contract between C and its clients;

[ii] Complainant 2 was in breach of his duties as a lawyer, which required him to use the law for a proper purpose;

[iii] Authority Member Urlich was acting outside of her lawful powers in support of this allegedly unlawful interference by complainant 2; and

[iv] this instance was part of a common theme in which Authority members and lawyers, acting in concert, abused the process to disadvantage C's clients.

Is it misconduct?

[23] Lawyers are entitled to represent clients fearlessly, even colourfully. Nevertheless, a lawyer's conduct must comply with the Act and the Rules.[20] In part, this helps maintain public confidence in the provision of legal services. Where judicial services are engaged, challenges and appeals can be expected but the conduct of those challenges operate within the larger view that rulings (except where successfully appealed) must be accepted.

[24] Similarly, interactions between a lawyer and the judicial system, and interactions between lawyers, need to operate courteously so the system can function as it should. That so many legal issues are emotionally charged underscores the importance of courtesy. The rules require good manners because that supports functionality.

[25] Practitioners carrying out regulated services have a fundamental obligation to uphold the rule of law and facilitate the administration of justice.[21] While these obligations ordinarily arise when carrying out regulated services, the Tribunal has previously found that a flagrant disregard of a court order by a lawyer undermines the integrity of the justice system, even when the breach does not occur within a

[20] Lawyers and Conveyancers Act 2006 and the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008.
[21] Section 4(a) of the Act and rule 2 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (*the Rules*).

professional context. For instance, convictions for driving while disqualified can constitute serious misconduct and warrant suspension.[22]

[26] Section 4(a) obliges lawyers to "uphold the rule of law and to facilitate the administration of justice in New Zealand." Section 4(b) records the obligation to be independent.

[27] The Standards Committee cites several pertinent rules. Rule 2.3 provides:

> A lawyer must not use, or knowingly assist in using, the law or legal processes for the purpose of causing unnecessary embarrassment, distress, or inconvenience to another person's reputation, interests, or occupation.

Rule 10.1 provides:[23]

> A lawyer must treat other lawyers with respect and courtesy.

Rule 13.1 provides:

> A lawyer has an absolute duty of honesty to the court and must not mislead or deceive the court.

Rule 13.2 states:

> A lawyer must not act in a way that undermines the processes of the court or the dignity of the judiciary.

And Rule 13.2.1 adds:

> A lawyer must treat others involved in court processes with respect.

[28] As to independence in litigation, Rule 13.5.4 states:

> A lawyer must not make submissions or express views to a court on any material evidence or material issue in a case in terms that convey or appear to convey the lawyer's personal opinion on the merits of that evidence or issue.

[29] The Rules protect the reputation of other parties. Rule 13.8 provides:

> A lawyer engaged in litigation must not attack a person's reputation without good cause in court or in documents filed in court proceedings.

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[22] *Otago Standards Committee* v *Copland* [2019] NZLCDT 29 at [7].
[23] As it read at the relevant time.

And Rule 13.8.1 provides:

> A lawyer must not be a party to the filing of any document in court alleging fraud, dishonesty, undue influence, duress, or other reprehensible conduct, unless the lawyer has taken appropriate steps to ensure that reasonable grounds for making the allegation exist.

[30] The evidence shows repeated instances by Dr Sawyer of including unjustifiable allegations in court documents and using the law or legal processes for the purpose of causing unnecessary embarrassment, distress, or inconvenience to the reputations of other practitioners and judicial officers. At a minimum, the conduct shows a lack of disrespect and courtesy to other lawyers; to the extent that it targeted members of the Authority, it also risks undermining the dignity of the judiciary.

[31] Consistent with their overriding obligation to uphold the rule of law and facilitate the administration of justice, practitioners must not act in ways that undermine court processes or the dignity of the judiciary;[24] nor use legal processes to cause unnecessary embarrassment, distress, or inconvenience to another person's reputation or interests.[25] They are also obliged to treat other lawyers with respect and courtesy and afford respect to others involved in court processes.[26]

[32] Litigation lawyers have a duty not to attack a person's reputation in court, including in documents filed in court proceedings, unless there is good cause.[27] Specifically, before filing any document that alleges reprehensible conduct including fraud or dishonestly, lawyers must independently satisfy themselves that there are reasonable grounds for that allegation.[28] When assessing the issue of "good cause" or "reasonable grounds" in a disciplinary context, the Tribunal does not have to determine whether an allegation is true, but it does need to be satisfied that there was an evidential foundation for the assertions and/or a rational connection between the assertions and established facts.[29]

[33] In *Orlov* v *New Zealand Lawyers and Conveyancers Disciplinary Tribunal*, a full bench of the High Court found that in correspondence sent to the Judicial Conduct

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[24] Rule 13.2.
[25] Rule 2.3.
[26] Rule 10.1 (as it read at the relevant time); rule 13.2.1.
[27] Rule 13.8.
[28] Rule 13.8.1.
[29] *Orlov* v *New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2014] NZHC 1987, [2015] 2 NZLR 606; *JK* v *Molloy* [2016] NZLCRO 15.

Commissioner and the Chief High Court Judge in which he complained about a High Court Judge, the practitioner had utilised "*extreme, denigrating language*" that was "*both without foundation and unbecoming a member of the profession*".[30] The offending communications, which risked undermining the dignity of the judiciary, were not protected by the right to freedom of expression[31] and amounted to misconduct.[32]

[34] During her employment dispute, Dr Sawyer was the subject of judicial criticism and censure -

[i] On 1 November 2017, the Authority found that Dr Sawyer intentionally breached the non-disparagement terms of a Record of Settlement between her and the University on multiple occasions. The content of the disparaging remarks was also subject to a non-publication order. Dr Sawyer was ordered to pay a penalty of $8,500.

[ii] On 22 June 2018, the Employment Court found that Dr Sawyer had given evidence in court that was "*untruthful*", was at times "*evasive*" and "*stretched credibility beyond breaking point*".[33]

[iii] On 29 August 2019, a judicial review proceeding filed by Dr Sawyer as a litigant in person was struck out by the High Court for being an abuse of process in that it attempted to litigate issues that had already been or ought to have been determined in the employment jurisdiction.[34]

[iv] On 15 June 2020, after Dr Sawyer attempted to relitigate her employment issues in an omnibus judicial review application, the Court of Appeal struck out the proceeding, finding it to be "*misconceive*d" and "*clearly an abuse of process of the Court in that it is a collateral attack*

[30] *Orlov* v *New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2014] NZHC 1987, [2015] 2 NZLR 606 at [145].
[31] Ibid at [83]-[85]; the applicability of freedom of expression in this context was also considered as a preliminary issue in *Orlov* v *New Zealand Law Society* [2013] NZCA 230, [2013] 3 NZLR 562 at [77]-[79].
[32] Ibid at [146].
[33] As recorded in *Sawyer v Vice Chancellor of Victoria University of Wellington* [2018] NZEmpC 72 at [26], [31], [35]-[36], [41] CB vol 2 327-339**.**
[34] As recorded in *Sawyer* v *Vice Chancellor of Victoria University* [2019] NZHC 2149 CB vol 2 pp 469-502.

> *on the final determination of the Employment Court that the settlement agreement is valid and binding*."[35]

[35] Notwithstanding s 50 of the Evidence Act 2006, civil judgments are admissible as evidence in disciplinary proceedings under s 239(1) of the Act. It is for the Tribunal to determine the appropriate weight to be afforded to any conclusions contained within them.[36]

[36] For the purpose of these disciplinary proceedings, we find that Dr Sawyer deliberately disregarded a non-publication order and pursued successive proceedings in a manner so unrestrained as to amount to repeated abuses of process that demonstrated marked disrespect for the rule of law and the administration of justice. Notwithstanding that the conduct occurred in the context of personal litigation, the departure from the standards expected of an officer of the court is significant enough to justify a finding that Dr Sawyer is not a fit and proper person to practise law.[37]

[37] The issue here is not that Dr Sawyer disagreed with positions advanced by opposing counsel nor that she sought to challenge orders and decisions made by the Authority: it is the way she went about it. Like Mr Orlov, Dr Sawyer's accusations were scandalous and decoupled from concrete proof. The language she used was extreme and unbecoming of a member of the profession. The nature of the allegations, which became increasingly excessive over time, also indicate that she too "*had lost any sense of judgement or perspective*".[38]

[38] Dr Sawyer's communications constitute misconduct on two sufficient bases. We find that lawyers of good standing would view them as disgraceful, and we also find that the repeated nature of the conduct demonstrates a wilful disregard of provisions of the Act and Rules cited above.

[39] Additionally, the Standards Committee raises concern about Dr Sawyer's lack of independence in representing H and C. She was engaged by H and C to challenge

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[35] As recorded in *Sawyer* v *Employment Relations Authority* [2020] NZCA 237 at [7] - [8] CB vol 2 pp 503-508 at [8].
[36] *Orlov* v *New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2014] NZHC 1987, [2015] 2 NZLR 606 at [80].
[37] Section 7(1)(b)(ii) of the Act.
[38] *Orlov* v *New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2014] NZHC 1987, [2015] 2 NZLR 606 at [161].

decisions of the Authority, including findings that were reminiscent of ones made against Dr Sawyer personally, namely that H and C had breached non-disparagement terms and non-publication orders arising from employment litigation. When she started acting for H and C, in late 2019, Dr Sawyer was also still attempting to relitigate her own personal issues by way of judicial review.

[40] The commonality of their mutual grievances should have served as a red flag to Dr Sawyer from the outset that she may be insufficiently detached from H and C to provide independent professional judgement and legal advice.

[41] The nature of the allegations made by Dr Sawyer against complainants 1 and 2 and others show a patent lack of objectivity and professional judgement on her part. They appear in many instances to read as her own personal viewpoints. Dr Sawyer's reference to confidential details pertaining to her own employment dispute is further evidence of a deficiency of boundaries between her interests and those of H and C.

[42] Her letter to the Chief of the Authority further indicates Dr Sawyer's failure to give independent legal advice to H and C. In the employment proceeding involving complainant 2, H and C had the onus of establishing their right to represent their employee clients.[39] Complainant 2's questioning of the legality of C's representation of the employees was supported by a 1992 decision in which the Employment Court had ruled that an assignment of rights fell outside the ambit of representation.[40] This left H and C with two options: either accept the invitation by the Authority member and file amended ATAs that removed the offending provision; or seek to differentiate the binding Employment Court decision on its facts or the law.

[43] Dr Sawyer's letter to the Chief in response to the minute of Member Urlich was misconceived. Had Dr Sawyer engaged professionally with complainant 2 and/or the Authority and had she provided objective legal advice to H and C, these efforts should have informed her that the issue raised required proper legal analysis and response.

[44] Dr Sawyer's lack of independence while acting for H and C would not amount to misconduct, if viewed in isolation. However, this conduct cannot be decoupled

[39] This was a requirement under s 236(3) of the Employment Relations Act which states: "*Any person purporting to represent any employee or employer must establish that person's authority for that representation*".
[40] *NZ Baking Trades etc Union Inc* v *Foodtown Supermarkets Ltd* [1992] 3 ERNZ 305, which was followed by Member Urlich in her subsequent ruling on the issue: *K* v *M* [2021] NZERA 26.

from the other contraventions raised by complainants 1 and 2. When the circumstances are evaluated cumulatively, all factors contribute to an overall finding of professional misconduct.

What is the appropriate penalty response?

[45] Our finding of misconduct follows a sustained, even relentless, series of unprofessional actions by Dr Sawyer. The wildness of her many unfounded allegations against other practitioners and judicial officers and her pursuit of meritless litigation distinguish her case from that of the lawyer who has temporarily lost their way professionally. We can detect no insight.

[46] Dr Sawyer's last email to the Standards Committee not only repeats her belief that she is beset by a corrupt system, but her proposition also that there is a conspiracy to perpetrate injustice, and that this is to support the drug trade and child pornography, concerns us with regard to her overall balance of mind.

[47] We agree with Ms Pender that the cases of *Orlov*[41] and *Young*[42] are useful comparators. This case is Dr Sawyer's only disciplinary matter but the breadth of her departure from acceptable standards, and her repetitions of similar behaviours despite judicial warnings, offer no basis upon which we can find she might be rehabilitated as a member of the legal profession. She has not engaged with these proceedings.

[48] A Full Bench of the High Court recently outlined the factors relevant to determining whether to strike-off a practitioner:[43]

> [The] Tribunal (and this Court on appeal) will look at the nature and circumstances of the misconduct, the practitioner's past history, and the steps the practitioner has taken and is taking to ensure that such conduct does not occur again. In some cases, it will be apparent the practitioner is not able or willing to change or address his or her behaviours sufficiently so that they will remain unfit to practise law.

[41] *Orlov v New Zealand Lawyers and Conveyancers Disciplinary Tribunal* [2014] NZHC 1987, [2015] 2 NZLR 606.
[42] *National Standards Committee 1 v Young* [2020] NZLCDT 30.
[43] *National Standards Committee No. 1 v Gardner-Hopkins* [2022] NZHC 1709 at [50].

[49] We find this case to be one in which it is apparent that the practitioner is not willing, or perhaps not able to change or address the troublesome behaviours so that they will remain unfit to practise law.

[50] Dr Sawyer's behaviour has been disruptive and scandalous. Her attacks on fellow practitioners and members of the judiciary are well outside what can be tolerated. Her conduct in managing her own case, and the case of clients, demonstrate that she cannot be trusted to behave within acceptable bounds. Public confidence in the provision of legal services requires strike-off.

[51] We are unanimously of the view that Dr Sawyer must be struck off the roll.

[52] We are obliged to Ms Pender for the calibre of her submissions. The Tribunal thanks her for her assistance.

[53] We make the following orders:

1. An order pursuant to ss 242(1)(c) and 244 of the Lawyers and Conveyancers Act 2006 (the Act) that Dr Sawyer's name be struck off the roll.

2. An order pursuant to s 249 of the Act requiring Dr Sawyer to pay the costs of the Standards Committee amounting to $31,530.

3. An order pursuant to s 249 of the Act requiring Dr Sawyer to reimburse the New Zealand Law Society for the Tribunal s 257 costs which are certified at $2,318.

4. An order pursuant to s 240 of the Act permanently suppressing the names of the complainants and their employees, and Dr Sawyer's clients whose names were anonymised in this decision.

DATED at AUCKLAND this 28th day of October 2022

Dr JG Adams
Deputy Chairperson