

**NEW ZEALAND LAWYERS AND  
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2022] NZLCDT 53  
LCDT 009/22

**IN THE MATTER**

of the Lawyers and Conveyancers  
Act 2006

**BETWEEN**

**AUCKLAND STANDARDS  
COMMITTEE 1**  
Applicant

**AND**

**PAUL FRANCIS CHAMBERS**  
Practitioner

**CHAIR**

Ms D Clarkson

**MEMBERS OF TRIBUNAL**

Mr S Hunter KC

Ms A Kinzett

Ms N McMahon

Ms M Noble

**HEARING** 12 December 2022

**HELD AT** Specialist Courts and Tribunals Centre, Auckland

**DATE OF DECISION** 23 December 2022

**COUNSEL**

Mr M Mortimer-Wang for the Standards Committee

Mr P Chambers the Practitioner in person, by Audio Visual Link

**REASONS FOR TRIBUNAL'S DECISION DISMISSING CHARGE  
AGAINST MR CHAMBERS**

***Introduction***

[1] Following the hearing of this matter, the Tribunal dismissed the single amended charge of unsatisfactory conduct. Section 257<sup>1</sup> Tribunal costs were awarded, as is mandatory, against the New Zealand Law Society. This decision provides the reasons for dismissal.

***Nature of the charge and brief background***

[2] Mr Chambers was originally charged with misconduct, alleging that he had dumped, or permitted the dumping of client and other documents in a skip on a construction site in July 2020.

[3] After Mr Chambers provided evidence that he had been out of New Zealand when this dumping occurred, the Standards Committee withdrew their misconduct charge and amended the particulars of the alternative charge of unsatisfactory conduct to:

- (a) alleged failure to secure the documents;
- (b) failing to protect and hold in confidence client information; and
- (c) failure to administer his practice to ensure these duties were adhered to.

[4] Mr Chambers, who now resides out of New Zealand, provided the Tribunal with a considerable amount of material concerning his ongoing dispute with the New Zealand Law Society, most of which did not bear on the charge under consideration.

[5] However, he also provided the Tribunal, and the Standards Committee, with a full medical report of 13 May 2020. This report, which ran to 25 pages, had only

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<sup>1</sup> Lawyers and Conveyancers Act 2006.

previously been provided to the Standards Committee in a very abridged form. In that version, the diagnoses were covered but not the extensive personal history which, understandably, Mr Chambers was reluctant to disclose.

[6] It is probably an understatement to record that Mr Chambers is particularly disappointed in the New Zealand Law Society's lack of support of him during a time of crisis for him.

[7] The relationship has become somewhat combative, with Mr Chambers filing proceedings in the Human Rights Review Tribunal against the New Zealand Law Society. We do not wish to add fuel to that fire.

[8] Mr Chambers acknowledges that he could have assisted the disposition of the current matter, had he engaged and provided full information earlier, at the Standards Committee investigation phase. He was not only oppositional to the New Zealand Law Society, based on his experiences, but he also tells us he was unable to access documents which the Society had sent to him in encrypted form.

[9] Since the matter has been case managed in the Tribunal, and with the provision of significant further information by Mr Chambers, the Standards Committee has significantly adjusted its position, as recorded above, and Mr Chambers has engaged personally with the disciplinary process.

[10] At the conclusion of the evidence, in closing submissions, the Standards Committee's counsel submitted that there was a basis (having regard to the unchallenged medical evidence in particular) for the Tribunal to find either:

1. That the charge was not proved, due to the extenuating [redacted]; or
2. While there had been a breach of the relevant rules, the case could be seen as falling within the category of *Keene v LCRO*,<sup>2</sup> in that not every breach requires a disciplinary outcome.

[11] In the end the Tribunal found that the evidence did not satisfy us that the charge had been proved to the requisite standard. We will attempt to summarise the

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<sup>2</sup> *Keene v Legal Complaints Review Officer* [2019] NZCA 559.

particular matters we found compelling without intruding too greatly on Mr Chambers' privacy and personal history.

[12] In early 2019, it is common ground that Mr Chambers suffered significant medical events which impacted on his functioning, both as a lawyer and in his personal wellbeing in general. He struggled for some months and complaints were filed against him with the New Zealand Law Society Complaints Service by clients who were finding him unresponsive. Given the medical evidence which has subsequently been adduced, these complaints were unsurprising, as was Mr Chambers' apparent inability to respond to the complaints themselves when contacted by the New Zealand Law Society.

[13] A staff member of the Complaints Service, Mr Hickman, took the initiative to contact Mr Chambers to attempt to check on his wellbeing, encourage him to engage with the Complaints Service and provide the necessary responses and information to them. Although a meeting occurred between them in November 2019, arranged by Ms C who was by that stage assisting Mr Chambers in managing his practice and attempting to get him back on track, the meeting did not eventuate in any solid practical relationship between Mr Chambers and the Law Society being established.

[14] Of particular significance in relation to this charge, the health difficulties that were being experienced by Mr Chambers led to the ending of his marriage and his leaving the family home in August of 2019.

[15] This was not only personally distressing for Mr Chambers, in addition to everything else he was coping with, but also seriously disruptive to his practice, which he had operated from a home office.

[16] He took all of his current files with him when he left the home in August 2019 and left his concluded files in the spare room where they had been stored for the previous 14 years.

[17] It seems it was these files which ended up in the skip.

[18] When Mr Chambers later attempted to contact his former wife in order to obtain some personal possessions, clothing and the rest of his files, she threatened him with the Police. Thus, he felt powerless to retrieve his possessions.

[19] At the meeting of November 2019 with Mr Hickman, Mr Chambers said he was clearly asking for help. He is clear that he conveyed his marital situation and the fact that files remained in the home where he could not access them, but Mr Hickman does not recall those particular details of the conversation.

[20] In the end, we do not find it necessary to resolve that difference in recollection. What is clear is that first, around the time of the November 2019 meeting, Mr Chambers and Ms C the office manager were being cooperative and indeed sought assistance from the New Zealand Law Society. And secondly, that Mr Chambers clearly faced significant personal barriers in relation to access to his files.

[21] By March 2020, Mr Chambers was still so clearly unwell that he was directed by a court to personally obtain a psychiatric assessment. This he obtained from Dr Bampton and it is the lengthy medical document we have referred to of May 2020.

[22] The material contained in that report need not be summarised for the purposes of understanding this decision, save to say that there is ample material to provide an understanding of Mr Chambers' personal health crisis.

[23] In addition, there were significant stressors in relation to the safety of Mr Chambers' office manager, who had become his life partner in his personal life, such that relocation to another country was a necessary outcome. For a time, as he was attempting to wind down his practice (on the advice of health professionals), he was commuting between New Zealand and Australia, which must have also provided additional stressors. This was followed by the COVID-19 pandemic and ultimate lockdown which meant that Mr Chambers was in fact not able to return to New Zealand for some time, as we understand it.

[24] It was during this time, in July 2020, when the files appeared in the skip. We accept Mr Chambers' evidence that he was unaware of this and had certainly not intentionally allowed this to occur.

[25] For these reasons, while appreciating the very serious concerns relating to client confidentiality which are raised by improper disposal of files, we do not consider that Mr Chambers ought to be held responsible for what happened, having regard to the extenuating circumstances in which he found himself.

[26] For the above reasons, we dismissed the charge.

***Orders***

[27] The Tribunal costs are certified at \$3,546, pursuant to s 257. The New Zealand Law Society is to pay these costs.

**DATED** at AUCKLAND this 23<sup>rd</sup> day of December 2022

DF Clarkson  
Chairperson