LCRO 04 /08

CONCERNING	An application for review pursuant to Section 193 of the Lawyers and Conveyancers Act 2006
AND	
CONCERNING	A determination of the Auckland Standards Committee 2
BETWEEN	**CLIENT Z** and **CLIENT Za** Auckland
	Applicant
AND	**LAWYER D** of Auckland
	Respondent

DECISION

Background

[1] This is a review of a decision of the Auckland Standards Committee 2 in respect of a complaint by Client Z and Client Za against Lawyer D. Client Z and Za complained to New Zealand Law Society both in respect of conduct by Lawyer D in respect of certain trust and property work he undertook on their behalf (or on behalf of entities they controlled) and in respect of the amount charged for that work. The bills in question were dated 25 March 2008 and 17 April 2008. The matter was considered by the Auckland Standards Committee No 2 on 13 November. The Committee declined to consider the question of whether the amounts charged by Lawyer D were reasonable on the basis that it had no jurisdiction to deal with the matter. It also found that there was no indication of fees so unreasonable to justify the commencement of disciplinary proceedings. In making the finding that it had no jurisdiction to consider the matter it relied on s 351 of the Lawyers and Conveyancers Act 2006.

[2] Consideration of the other aspects of the complaint relating to the conduct of Lawyer D was postponed to give the parties an opportunity to resolve the matters in issue by negotiation, mediation, or conciliation. Accordingly, the only questions for this review are:

- whether it was appropriate for the Standards Committee to decline to consider the reasonableness of the amounts charged by Lawyer D on the basis that no jurisdiction to do so existed, and

- whether the Standards Committee was correct to conclude that that there was no indication of fees so unreasonable to justify the commencement of disciplinary proceedings.

[3] The application for review was received on 27 November 2008. The Auckland Standards Committee 2 provided its file to this office. Lawyer D was informed of the application and given an opportunity to respond on 8 December 2008. The files and time cost records in respect of the two invoices in issue were requested from Lawyer D. Lawyer D provided to this office not only the files in respect of the invoices in issue, but also numerous other files which he considered were relevant, as well as copious electronic documents both in relation to the matters in issue, and other matters. It was also signalled that further material was available if desired. A substantive response was provided by Lawyer D on 2 February 2009, along with a supporting letter from Mr X (the partner of Lawyer D) and Ms B (a legal executive in that firm). The response of Lawyer D was replied to by Clients Z and Za on 24 February.

[4] On 20 March 2009 the time cost records were provided to me by the respondent. They were forwarded to the applicant for comment, as required by s 208 of the Act. The applicants commented by a letter dated 3 April 2009. That letter contained new allegations and so the respondent was given an opportunity to respond. That response was received by this office on 20 April 2009.

Scope of Review

[5] This review has been limited to issues in respect of the two bills of costs complained about. Lawyer D, in his submission of 2 February 2009 sought to broaden the review to take into account the nature of work undertaken on other matters and the amounts charged on those files. In reply the Applicants objected to such an approach sought to limit the consideration to the two files complained about.

[6] It is not appropriate to take into account the amount of fees charged on other files in determining whether a fee on a particular file is reasonable or is grossly excessive. It is the obligation of a lawyer who bills on a time-costed basis to keep accurate time-cost records. The suggestion that amounts charged “might just as well have been attributed to any of the jobs we handled” (p 6 of the submission of 2 February 2009) is

inappropriate. While there will obviously be some work which relates to more than one file, or work of a general nature which might properly be recorded one of several files, this will be only a small part of any invoice. It would also of course be possible to have a single file devoted to "general" or "miscellaneous" matters. I note that Lawyer D stated in his email of 22 December 2008 that general attendances were charged on the trust work file (which I understand to be "abc1/9"). It was explained to the applicants that this had occurred in an email of 1 April 2008 from Lawyer D. This is an acceptable billing approach (provided clients are informed of the approach) and I have taken this into account.

[7] Where a lawyer issues an invoice which purports to be in respect of a particular matter it must be justifiable by recourse to the work undertaken in that matter. I observe that for their own reasons parties may wish to charge fees on one matter which were incurred on another, or to discount some invoices and not others. This may particularly be the case where the clients operate through a number of entities. There is evidence that Lawyer D took the approach that a global amount was chargeable and the clients were free to elect how the fees were allocated between entities and how the work was described (see the penultimate paragraph of the email of 19 March 2008). There is also evidence from the files and email correspondence that on other matters it was not uncommon for the applicants to ask that certain work be billed to certain entities. Such an approach has obvious perils. One such peril is that if a lawyer adopts such a course they must be prepared to justify each of the bills charged on their face.

[8] In light of my conclusion that the fees must be justified on the basis of those files in respect of which the invoices were issued, a large amount of the information provided to this office was of little or no relevance to this review. In particular, the files and documents in respect of acquisitions, leases and rent reviews on other properties were not considered relevant to this review. The bills in question note the relevant client matters as "abc1/20" and "abc1/9". I was supplied with the corresponding files on 30 January 2009. The time records upon which the bills were based were not included with those files and they were requested by me. They were provided to me on 20 March 2009. It is on the basis of those files, time records (and related electronic documents) and the subsequent submissions of the parties, that this review is conducted.

Jurisdiction to revise bills of costs

[9] The complainants have raised numerous points relating to the reasonableness of the bill of costs. They maintain that the amount charged was excessive in relation to the nature of the work undertaken. Many of the matters they raise would be relevant to a revision of the bill of costs but not to any disciplinary action based on the bill of costs. Due to the reform of this area of the law I must consider whether the Standards Committee had jurisdiction to revise the bill of costs if they were unreasonable.

[10] This review concerns two bills of costs which were rendered prior to 1 August 2008. The complaint was made on 4 September 2008. Complaints made subsequent to 1 August 2008 (when the Law Practitioners Act 1982 was repealed and the Lawyers and Conveyancers Act 2006 came into force) but which concern conduct prior to that date are dealt with in accordance with the s 351 of the Lawyers and Conveyancers Act 2006. Importantly, by virtue of the repeal of the Law Practitioners Act 1982 no application could be made to the District Law Society for a revision of the bills of Costs under Part VIII of that Act.

[11] Section 351(1) of the Lawyers and Conveyancers Act sets out the basis upon which the newly constituted complaints service of the New Zealand Law Society may consider complaints regarding conduct which occurred prior to 1 August 2008. It provides that:

> If a lawyer or former lawyer or employee or former employee of a lawyer is alleged to have been guilty, before the commencement of this section, of conduct in respect of which proceedings of a disciplinary nature could have been commenced under the Law Practitioners Act 1982, a complaint about that conduct may be made, after the commencement of this section, to the complaints service established under section 121(1) by the New Zealand Law Society.

It was on the basis of this provision that the Standards Committee declined to consider whether the fees were reasonable, and concluded only that the fees were not so unreasonable to justify the commencement of disciplinary proceedings. Lawyer D made submissions in support of this conclusion to this office.

[12] In particular, that section provides that complaints may only be made in respect of "conduct in respect of which proceedings of a disciplinary nature could have been commenced under the Law Practitioners Act 1982". Cost revision has never been considered a proceeding of a disciplinary nature. Rather it was an administrative review of the reasonableness of the fee. Where there was gross or dishonest overcharging the

matter may have been considered by a Complaints Committee or Disciplinary Tribunal however, the vast majority of costs revisions involved no issues of misconduct or discipline.

[13] It should be recognised that what appears to be a legislative oversight has caused a perverse lacuna in the remedies available to clients. This is particularly anomalous in light of the fact clients who complained prior to 1 August 2008 were entitled to have the matter considered under s 145 of the Law Practitioners Act 1982. Similarly clients whose bills were rendered after 1 August 2008 have the right to complain and have the bill examined for reasonableness under s 132(2) of the Lawyers and Conveyancers Act.

[14] Where a literal reading of legislation leads to a perverse result it is permissible to look to some alternative available reading which accords with common sense however, in this case such an approach is not available for a number of reasons. Section 351 sets out those matters which occurred prior to 1 August 2008 which may be considered under the new regime. As such it determines the regulatory reach of the New Zealand Law Society. Given the nature of the Act as imposing a regulatory structure on the legal profession it is necessary for the section to explicitly specify those matters in respect of which the authority to regulate is claimed. It is not open to write-in matters which might have been made subject to regulation but which have not been made express in the legislative provision.

[15] I note that in *Dental Council of New Zealand v Bell* [1992] 1 NZLR 438 the court interpreted new legislation concerning professional regulation generously to correct a legislative oversight. This conclusion was reached on the basis that Parliament could not have intended the alternative of a regulatory gap. However, I am of the view that this case is not good authority for concluding that costs complaints made after 1 August 2008 in respect of conduct prior to 1 August 2008 can be brought within the ambit of the Lawyers and Conveyancers Act 2006. In particular, in *Bell* there were no transitional provisions at all (relating to the disciplinary framework) in the Dental Act 1988. This was suggestive of the fact that the legislature failed to turn its mind to the question. The legislative silence on this point provided no bar to the Court's conclusion that the new regulatory regime applied to conduct predating its commencement.

[16] In the present case the Lawyers and Conveyancers Act 2006 has comprehensive transitional provisions relating to the complaints and discipline

framework in ss 350 to 361. The plain meaning of those transitional provisions omits costs complaints predating 1 August 2008 from the ambit of the new regulatory framework. While it can be said that those complaints "fall into a hole" it is not a matter in respect of which the Act gives no guidance (as was the case in *Bell*). Rather the Act, by a flaw of drafting, excludes these particular costs complaints from the scope of the Act.

[17] I have also considered whether the provisions of the Interpretation Act 1999 permit me to read the legislation as preserving the rights to a costs revision under the Law Practitioners Act 1982. In particular s 17 of the Interpretation Act 1999 provides that "[t]he repeal of an enactment does not affect … an existing right, interest, title, immunity, or duty". Section 18 further states:

> The repeal of an enactment does not affect the completion of a matter or thing or the bringing or completion of proceedings that relate to an existing right, interest, title, immunity, or duty.

[18] Section 18 deals specifically with the completion of proceedings and provides a strong presumption that where a matter has been commenced the applicable rules will be those which existed when the matter was commenced. Importantly in the matter under consideration no proceedings (which a costs complaint might reasonably be construed as) were commenced under the old system.

[19] The argument based on ss 17 and 18 of the Interpretation Act also seems further weakened by the fact that it is doubtful that a right to complain under the earlier system could be seen as an "existing right". It appears well established that an entitlement to bring an action is not an "existing right" to use the words of the Interpretation Act. In *Dental Council of NZ v Bell* [1992] 1 NZLR 438; [1991] NZAR 385 Tipping J considered this question at p 390 stated:

> The essence of an accrued right in this context is that something must have happened to give the person claiming the right the ability to prosecute the same to judgement. Although the right need not have matured into formal legal relief the facts entitling the person concerned to relief must have happened before the repeal in such a form that the right, although not having matured into judgement or relief, can nevertheless be described as inchoate or contingent.

[20] These words are consistent with a requirement that some formal steps to obtain the relief sought (such as an application for costs revision) need to have been taken before a right can be said to exist or be accrued. “Accrued right” is the phraseology used in s 20(e) of the former Acts Interpretation Act 1924. In this regard the Court of Appeal has stated that there has been no substantive change in meaning as between those two Acts: *Claydon v A-G* [2004] NZAR 16 (CA) per McGrath J at para 85.

[21] It is my view that the applicants who had received a bill of costs but as at 1 August 2008 had not yet applied for a review of that bill of costs did not have an “existing right” to have that bill of costs reviewed. The ability to apply for a review could not be seen to be an existing right to have the matter considered until an application was made. The existence of the ability to apply did not give rise to a right to have the costs revision conducted. That right existed (or accrued) only when the application for a costs revision was made. It was only then that the Law Society had a duty to conduct the review and the client (or other party charged) had the corresponding right to insist that this occur.

[22] The consequence of this analysis is that the Standards Committee was correct to decline jurisdiction to consider whether or not the fees were reasonable and to frame the question as one of whether or not the conduct complained of was such as to justify the commencement of disciplinary proceedings.

Standards for disciplinary intervention

[23] By s 352 of the Lawyers and Conveyancers Act 2006 a Standards Committee may only impose penalties in respect of conduct which could have been imposed for that conduct at the time the conduct occurred. The relevant standards in respect of conduct prior to 1 August 2008 are set out in s 106 of the Law Practitioners Act 1982. That section provides that disciplinary sanctions may be imposed where a practitioner is found guilty of:

- misconduct in his professional capacity, or
- conduct unbecoming a barrister or a solicitor,
- or negligence or incompetence in his professional capacity, of such a degree or so frequent as to reflect on his fitness to practise as a barrister or solicitor or as to tend to bring the profession into disrepute.

[24] The threshold for disciplinary intervention under the Law Practitioners Act 1982 is therefore relatively high. In the present case the only ground in respect of which discipline would follow in this case is if the bills of costs were found to be so grossly excessive as to amount to misconduct. Misconduct is generally considered to be conduct which is 'reprehensible' 'inexcusable', 'disgraceful', 'deplorable' or 'dishonourable'. (See for example *Atkinson v Auckland District Law Society* NZLPDT, 15 August 1990; *Complaints Committee No 1 of the Auckland District Law Society v C* [2008] 3 NZLR 105).

Were the bills grossly excessive?

[25] For billing practices to amount to misconduct the bill must be "grossly excessive". While I am applying the standards in force prior to 1 August 2008 I note that the statutory definition of misconduct which came into force on that date (found in s 7 of the Lawyers and Conveyancers Act 2006) includes conduct that "consists of the charging of grossly excessive costs for legal work…". This is a statutory recognition of the common law position that grossly excessive charging may amount to misconduct. Where the charges are grossly excessive it is indicative that the lawyer in question knew that he or she was not entitled to the amount claimed or at the least was reckless as to whether they were entitled to the amount claimed. Importantly it is not necessary to show that actual dishonesty was involved to establish that fees were grossly excessive. In *Mijatovic v Legal Practitioners Complaints Committee* [2008] WASC 115 Beech AJA stated at para 227 "an allegation of gross overcharging does not of itself involve any element of dishonesty. Dishonesty may be involved in gross overcharging, but need not be".

[26] In determining whether a fee is grossly excessive it is often helpful to determine first what a reasonable fee would be. Where a fee is many times that of what is reasonable this is prima facie evidence that the fee is grossly excessive: *D'Alessandro v Legal Practitioners Complaints Committee* (1995) 15 WAR 198. In the present case there has been no inquiry into what would be a reasonable fee and as such the starting place for analysis is not immediately apparent. However, I note that the applicants have paid portions of the invoices to which they object. In particular, the invoice of 26 March 2008 is for $18,205.09 and the applicants have paid $9,356.96. The invoice dated 17 April 2008 is for $7,992.96 and the applicants have paid $4,280.46. Thus in both cases it would appear from the applicant's perspective the bills were not quite twice what they considered would have been reasonable. I note that in para 15 of the document headed "Request for Review…" of 26 November 2008 the applicants state

that “We paid what we thought was fair and reasonable pretty much straight away”. While I do not find that the amounts paid by the applicants are a reasonable fee (noting that Lawyer D rejected the applicants views on this in his letter of 2 February 2009), I have taken the views of the applicants as to what was fair and reasonable into account in determining whether the bills were grossly excessive.

[27] I also note for completeness that Lawyer D has referred to the fact that he made an offer by letter dated 22 May 2008 to reduce the amount owing by a further $2500. That offer was not accepted. There is also evidence provided by Lawyer D (in his email of 22 December 2008 and in the submission of 2 February 2009) that the applicants offered to settle the matter if the total amount claimed was reduced by $5000. That offer was purported to be made on 10 April 2008 over dinner. The offer was not accepted. The applicants did not challenge that assertion. In one sense therefore it can be seen that there was only $2500 between what the applicants would have settled this fees dispute for, and what the respondent would have settled for. Once again, this does not show whether or not the amounts charged (or the amounts at which the offers were made) reflected a fair and reasonable fee. It is, however, relevant to take into account in determining whether the amounts charged could be considered “grossly excessive” and therefore misconduct.

[28] For a fee to be grossly excessive and therefore amount to misconduct it must bear no rational relationship with what would have been within the band of a fair and reasonable fee. I have taken some guidance from Australian courts which have considered this question. Thus in *Mijatovic v Legal Practitioners Complaints Committee* [2008] WASC 115 it was found that a reasonable fee would have been $5,500 whereas the practitioner charged $22,000. In *Nikolaidis v Legal Services Commissioner* [2007] NSWCA 130 it was found that a reasonable fee would have been $5,820.60 whereas $28,365.60 was actually charged. In *New South Wales Bar Association v Amor-Smith* [2003] NSWADT 239 it was found that a reasonable fee was $32,500 whereas $151,441.05 was actually charged. In *Franconi v Legal Practitioners Complaints Committee* [2001] WASCA 431 it was found that a reasonable fee would be $1,359 whereas $4,154 was actually charged.

[29] It can be seen from these examples that for a fee to be grossly excessive it must cross a threshold of egregiousness. I do not consider that for fees to be grossly excessive they necessarily must be many times the amount which would have been reasonable (which seems to be a feature of the Australian cases). However, it is clear

that the level of overcharging required to amount to misconduct is not present in this case.

[30] I note that a large amount of the material and arguments provided by the complainants is aimed at demonstrating that the bills were too high in all of the circumstances. In doing so they compare the work done with other transactions, argue that some work was unnecessary or duplicative, or that the practitioners involved lacked expertise. Lawyer D responded at length to many of the matters raised by the complainants in this regard. All of these matters go to the reasonableness of the fee. As I have already noted, this is not a matter which I have jurisdiction to determine and accordingly those matters will not be considered in this decision.

[31] I find that the bills of costs complained of in this matter are not so grossly excessive as to amount to misconduct.

Were there dishonest billing practices

[32] I observe that in the letter to this office from the applicants of 3 April 2009 (commenting on the time records) certain allegations are made against Lawyer D. They amount to assertion that he has engaged in dishonest billing practices. The applicants raise numerous points in this regard including the suggestion that some matters were charged to the wrong client, that amounts understood to be written off were later billed, and charging for discussing costs. This is not a costs revision and I am not required to comment on whether the billing practices were reasonable or whether mere errors were made. As explained above, my focus is of a disciplinary nature only. I will consider only those allegations which, if substantiated might amount to misconduct. I also do not propose to go through every assertion made by the complainants, but will deal with the assertions generally, identifying only the most salient points.

[33] The applicants maintain that it was stated to them that certain time would be written off and that it appears that the time purportedly written off was then transferred and charged in later bills on different files and not written off at all. Particular reference is made to time transferred from the “Z road” file. Lawyer D replied to this in his letter of 20 April 2009 by stating that while the time was transferred between files this was for internal record keeping and does not mean that the time was actually billed. Lawyer D denies that he charged in respect of time he had undertaken to write off and maintains that where he said time was written off it was in fact written off. In respect of the

particular bill queried Lawyer D states that work was undertaken on the two different matters contemporaneously and that it was not the case that one file was billed more to recoup time written off on the other file.

[34] The complainants state that on a number of occasions time was billed to the wrong client and that the proper client was other entities controlled by the complainants. Lawyer D seems to accept that some time on the files in question there was some work which could have been billed to other clients, though he maintains that it was not inappropriate to bill those entities which were in fact billed.

[35] The complainants also stated that in some instances where Lawyer D said he would not charge for his activities (such as work on 19 March 2008, and a site visit) he in fact did charge. Lawyer D replies that while he always recorded the time for such matters for his own purposes, he did not charge for it. He accepts a minor error (in charging 1 time unit) in respect of 19 March 2008.

[36] Lawyer D also places considerable emphasis on his billing exercise undertaken on 19 March 2008. He states that on that day he undertook a thorough revision of the time spent on the complainant's work across a number of files and made allowances in that regard. He states that the amount finally billed was significantly less than would have been arrived at on a purely time based calculation. He notes that he considers ZOE1/9 file was a "wash up" file and the bill was aimed at reaching a fair and reasonable overall bill for the various miscellaneous attendances. He states that he took into account the various matters that he said he would not charge for in reaching the final bill (though they were not clearly set out in the email of 19 March 2008 in which he set out his proposed approach to the bills now in dispute).

[37] I have considered carefully all of the material provided by the parties in this matter. It is important to note that billing for professional services is an inexact science. The applicants examined the time- cost records very closely and made numerous criticisms of them. Lawyer D considered that the time records were internal records and stated that clients do not have a right to them, as they are to assist the lawyer in the preparation of a bill and not intended as a record for the client. He repeatedly emphasised that it is not appropriate to undertake a line-by-line review of time cost records. Against that background it should be noted that Lawyer D employed in an explicitly time-based charging framework and eschewed any suggestion that "value billing" or other non-time based system was being used.

[38] Time-costing is generally considered as the appropriate starting place for a billing exercise (unless the parties agree otherwise). I note that in this case the final bill was less than the amount that would have been arrived at by an arithmetical calculation of the time recorded. While it is not entirely clear why some amounts of time were transferred between the respective files, the amounts in question were comparatively small. In a global sense (which is how time based billing should be approached) there does not appear to have been any inappropriate billing practices in this regard such as to warrant disciplinary sanction.

[39] The applicants suggest that Lawyer D could not have spent all of the time claimed on the matters in question (on p 7 of their letter of 24 February 2009). Charging for time in which no legal work was done for the client would amount to a fraud on the client and would doubtlessly amount to misconduct: *Mijatovic v Legal Practitioners Complaints Committee* [2008] WASC 115. The inference is that time has been recorded which was not spent on the matters of the applicants. Lawyer D vigorously refutes this. This is a serious allegation of dishonesty and would require cogent evidence to support it. No evidence has been provided to support this suggestion, and none is apparent from my examination of the files in this matter.

[40] Having examined the time costs records and the associated files, and read the comments of the applicants and reply of the respondent, I do not consider that there is any evidence of dishonest billing practices by Lawyer D.

Costs

[41] The respondent in this matter has sought costs from the applicants. He has made this application on the basis that the application is vexatious and not made in good faith. He also notes that the applicants did not pursue their rights to a costs revision under the now repealed Law Practitioners Act in a timely way. The applicants only challenged the bills when court action was threatened. The respondent suggests that he is a victim of an unreasonable approach taken by the applicants to his charges. He suggests that at normal rates his firm would have spent $10 000 worth of time in responding to these matters. A sum of $3 000 was sought in costs in the letter of the respondents of 2 February 2009. This was increased to a claim of $5 000 in the letter of 20 April 2009.

[42] In his application for costs Lawyer D argues that his delays in producing the time records in this matter should not be taken into account. Those records were required to be produced on 8 December 2008. There were eventually produced on 20 March 2009. There was no justification for this delay. While this clearly would be a relevant consideration in the making of an order for costs, I have not found it necessary to take it into account.

[43] The power of the LCRO to impose costs orders is found in s 210 of the Lawyers and Conveyancers Act 2006. A general power to "make such order as to the payment of costs and expenses as the Legal Complaints Review Officer thinks fit" is found in s 210(1). Subsequent subsections refer to specific cases where costs orders may be made. They refer to orders that costs be paid by the Law Society to a practitioner and orders that costs be paid by the practitioner to the Law Society. They make no reference to costs orders against lay applicants. I also refer to the *Guidelines for Parties to Review* of this office which provides in para 42:

> While there is also a power to award costs as between complainant and practitioner in respect of the review, such power will be exercised sparingly. Where the application for review was reasonable (even though the decision of the Standards Committee may not have been changed) and the parties have acted appropriately, parties will generally be expected to bear the costs they incurred in being party to the review.

[44] I do not consider that this application was vexatious or made in bad faith. The applicants are understandably frustrated at being caught in a regulatory lacuna which only became apparent after the Lawyers and Conveyancers Act 2006 had come into force. The jurisdictional question in this review was not straightforward and it was not inappropriate for the applicants to bring this application for review. In terms of the conduct of the review, the applicants (while pursing what they considered to be their rights forcefully) have acted appropriately throughout. In accordance with the provisions of the *Guidelines for Parties to Review*, which I am bound to take account of, there will be no order for costs in this matter.

No Certification

[45] Pursuant to s 161 of the Lawyers and Conveyancers Act where a bill of costs is considered under s 132(2) the Standards Committee or this Office is required to certify the amount due under that bill of costs. Such a certification is conclusive as to the

amount owing in subsequent proceedings. However, this application was made under s 351 of the Act. Accordingly, because no application was made (or could be made) under s 132(2) neither the Standards Committee nor this office is able to certify the amount due in respect of the bills of costs complained about.

Decision

[46] The application for review is declined pursuant to s 211(1)(a) of the Lawyers and Conveyancers Act. The decision of the Auckland Standards Committee 2 is confirmed.

DATED this 23rd day of April 2009

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Duncan Webb
Legal Complaints Review Officer

In accordance with s 213 of the Lawyers and Conveyancers Act 2006 copies of this decision are to be provided to:

Client Z and Za as Applicants
Lawyer D as Respondent
The Auckland Standards Committee 2
The New Zealand Law Society