

**NEW ZEALAND LAWYERS AND  
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2018] NZLCDT 8

LCDT 039/17

**IN THE MATTER**

of the Lawyers and Conveyancers  
Act 2006

**BETWEEN**

**NATIONAL STANDARDS  
COMMITTEE**

Applicant

**AND**

**TIMOTHY SLACK**

Respondent

**CHAIR**

Judge BJ Kendall (retired)

**MEMBERS OF TRIBUNAL**

G McKenzie

C Rowe

W Smith

I Williams

**On the papers by consent**

**DATE OF DECISION** 28 March 2018

**COUNSEL**

Mr E McCaughan for the applicant

Mr R Mansfield for the respondent

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

[1] The respondent has admitted a charge under s 241(d) of the Lawyers and Conveyancers Act 2006 that, having been convicted of an offence punishable by imprisonment, that conviction reflects on the respondent's fitness to practice, and/or tends to bring the profession into disrepute.

[2] The respondent had earlier, on 22 August 2017, pleaded guilty to one representative charge of obtaining by deception.

[3] The maximum penalty for that offence is seven years imprisonment.

[4] The respondent's offending related to a number of false representations he knowingly made while acting as a lawyer for a building client company.

[5] On 26 September 2017, the respondent was sentenced in the High Court at Auckland to 10 month's home detention.

[6] Counsel for the applicant and the respondent have signed a joint memorandum, dated 14 March 2018, recording that strike-off is the appropriate penalty which the respondent does not oppose.

[7] Counsel, in their memorandum, have referred the Tribunal to the relevant authorities regarding dishonesty offending and striking off.<sup>1</sup> These support strike-off as the compelling result in the context of the respondent's misconduct.

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<sup>1</sup> *NZLS V Burton* [2014] NZHC 2737; *Hart v Auckland Standards Committee 1* [2013] NZHC 83 at [186]; and *Dorbu v NZLS* [2014] NZHC 564 at [35].

[8] Having considered the serious level of deception disclosed by the facts, the law, and the submissions of Counsel, the Tribunal accordingly makes the following orders:

- (a) That the name of the respondent be struck off the roll.
- (b) That the respondent pay the Law Society's costs of \$1,443.25.
- (c) The Law Society is to pay the Tribunal hearing costs which are fixed at \$367.00.
- (d) The respondent is to refund to the Law Society the Tribunal hearing costs of \$367.00.

**DATED** at AUCKLAND this 28<sup>th</sup> day of March 2018

BJ Kendall  
Chairperson