

**NEW ZEALAND LAWYERS AND  
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2023] NZLCDT 34

LCDT 014/23

**IN THE MATTER**

of the Lawyers and Conveyancers  
Act 2006

**BETWEEN**

**MARK LLEWELLYN FRANCIS  
SAUNDERS**

Applicant

**AND**

**NEW ZEALAND LAW SOCIETY**

Respondent

**DEPUTY CHAIR**

Dr J Adams

**MEMBERS OF TRIBUNAL**

Ms K King

Mr G McKenzie

Ms M Noble

Prof D Scott

**On the papers**

**DATE OF DECISION** 16 August 2023

**COUNSEL**

Mr M Saunders the Applicant

Mr D Bohinc for the Respondent

## **DECISION OF TRIBUNAL ON APPLICATION TO PRACTICE ON OWN ACCOUNT**

[1] Since 2004, Mr Saunders has been subject to an order that he not practice on his own account without permission from the Tribunal. He now applies for permission to practice on his own account. The New Zealand Law Society does not oppose, nor does it seek the imposition of any condition.

[2] This application is well-made. We have no hesitation in making the order sought. This brief decision provides our reasons for doing so.

[3] Our jurisdiction does not encompass technical issues such as his current knowledge and skills to comply with rules about running a practice. Those are matters to be addressed if he applies for a practising certificate. Our jurisdiction concerns Mr Saunders' personal characteristics of fitness to practice and whether there is any need to protect the public.<sup>1</sup>

[4] His record since the restrictive order was made has been unblemished. There is no evidence suggesting any repetition of the behaviour that led to the making of the order. His engagement with the New Zealand Law Society about this matter has been "forthright and candid."<sup>2</sup> His record of practice prior to 2004 was unblemished. He has committed to not undertaking transactional work that might pose a similar situational risk to that leading to the disciplinary findings in 2004.

[5] We accept the genuineness of his remorse for his previous shortcoming.

[6] Since 2004, he has operated successfully as a mediator and, for almost eight years, as an employed barrister and solicitor. He has been a lawyer for about 35 years and has an impressive Curriculum Vitae.

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<sup>1</sup> *L v Canterbury District Law Society* [1999] 1 NZLR 467, esp at 475.

<sup>2</sup> New Zealand Law Society submissions at [4(b)].

[7] In short, we are satisfied that Mr Saunders has regained those qualities of character and fitness to practice as a barrister and solicitor.

[8] The order preventing him from practicing on his own account is discharged.

**DATED** at AUCKLAND this 16<sup>th</sup> day of August 2023

Dr J Adams  
Deputy Chair