

**Applicant**

**AB**

**Respondent**

**Secretary for Justice**

**Date of Decision:**

**26 June 2014**

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## **DECISION**

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### **INTRODUCTION**

1. In a decision dated 4<sup>th</sup> December 2013, The Secretary for Justice (“the Secretary”) approved the Applicant as a provider under the Legal Services Act 2011 of Civil, Family and Criminal PAL3.
2. The Secretary decided that the approvals for Family and Criminal PAL3 should be subject to conditions. The condition in respect of Family was that approval excluded Property Relationship proceedings as the applicant did not hold indemnity insurance. The condition in respect of Criminal PAL3 was that the applicant was to be subject to a mentoring condition for a period of 12 months. The mentor was to be a person approved by the Secretary. The mentoring was to include the following matters:
  - a. case management,
  - b. quality of documents filed in the Court,
  - c. understanding of legal argument, and
  - d. development in the quality and clarity of her advocacy skills.
3. The applicant filed an application for review of the Secretary’s decision on or about 15<sup>th</sup> December 2013. She sought a review of the mentoring

condition in respect of Criminal PAL3. She set out a number of grounds which in the circumstances it is not necessary to detail here.

4. In respect of the condition relating to Family, her ground for review was that as she was approved for civil it was nonsensical to disapprove her for relationship property
5. In this case the Secretary granted approval against the recommendation of the Selection Committee to decline approval of the applicant.
6. There was as well advice from the Executive Judge of the Northern Region of the District Courts that the applicant was not viewed as suitable for Criminal PAL3 work. The reasons for the advice are now embodied in the mentoring condition set out in paragraph 2 above.
7. The applicant was afforded time to file submissions in support of her application. She did not avail herself of that.
8. The Secretary responded to the application in a detailed submission dated 7<sup>th</sup> March 2014.
9. The applicant has since then been granted extensions of time to reply to the Secretary's submission. She received a final extension to respond by 23<sup>rd</sup> June 2014 but has not done so.
10. I see no reason to disagree with the condition that the Applicant not undertake Relationship Property proceedings. She does not hold professional indemnity insurance. The Secretary's concern was that she could be involved in high value settlements of relationship property.
11. That is a valid concern.
12. I see no reason likewise to disagree with the mentoring condition imposed in respect of Criminal PAL3. The Secretary issued very full reasons for approval against the recommendation not to approve.
13. It was reasonable therefore for the Secretary to impose the mentoring condition. The applicant has gained the advantage of approval and been provided with the opportunity to meet the concerns expressed by the judges.

14. The Applicant noted that she held approval for Court of Appeal/Supreme Court, but that it had not been put on her schedule. The Secretary advises that Ms Pomeroy received an updated Schedule 1 after she had pointed the issue out on 17<sup>th</sup> December 2013.
15. Accordingly, pursuant to S 86() of the Act I confirm the decision of the Secretary made on 4<sup>th</sup> December 2013

BJ Kendall  
Review Authority