

**CONCERNING**

an application for review pursuant to section 193 of the Lawyers and Conveyancers Act 2006

**AND**

**CONCERNING**

a determination of the [City] Standards Committee [X]

**BETWEEN**

**RV**

Applicant

**AND**

**GK**

Respondent

**Decision**

[1] Mr RV applied for a review of the determination by the [City] Standards Committee [X] to take no further action in respect of his complaint concerning Mr GK's conduct in relation to litigation by Mr RV<sup>1</sup> against the Accident Compensation Corporation (ACC). Mr GK acted for ACC.

[2] On receipt of the review application, a copy was sent to Mr GK together with an invitation for him to respond and/or comment on the content of the review application.

[3] Mr GK responded in a nine page letter to the substantive issues raised in the complaint, together with some 31 or more supporting documents. Importantly Mr GK advised:<sup>2</sup>

I note that the decision of the Standards Committee was reached without reference to me. I was not asked to provide any comment to that Standards Committee before the decision of 13 February 2014 was reached. Indeed, I was not aware that a complaint had been made (although I was aware that Mr RV had indicated he intended to make a complaint) until I was advised of the decision itself.

[4] There is no evidence on the Standards Committee file of compliance with reg 9(1)(d) and 9(2) of the Complaints Service and Standards Committees

---

<sup>1</sup> Footnote deleted.

<sup>2</sup> Letter GK to LCRO (13 May 2014).

Regulations.<sup>3</sup> These regulations require the Complaints Service to provide a copy of the complaint to the person to whom the complaint relates, and to advise that person of the right to make a written submission in response to the complaint. The only reference to any contact with Mr GK is in the letter dated 14 February 2014 forwarding the determination to Mr GK, in which the Legal Standards Officer refers to a “recent email and phone message”. Neither a copy of the email or the content of the phone message is on the file.

[5] Mr GK has still not seen Mr RV’s two and a half page letter of complaint together with some 170 pages of supporting documentation. It seems to me that a lawyer must be entitled to view a complaint made about him or her regardless of how the Complaints Service processes it, and reg 9(1)(d) is absolutely clear that a copy of the complaint must be provided to the person to whom the complaint relates.

[6] On receipt of Mr GK’s response to the review application it was open to me to forward this response to Mr RV for comment and to effectively continue with this review. However, I have serious reservations that this would be an appropriate course of action, as it could not be said that I was reviewing a determination of the Standards Committee made with reference to all of the same material I would be considering, and effectively I would be undertaking the role of the Standards Committee. I note again, that Mr GK has not received a copy of the complaint and is entitled to this before the process continues.

[7] I therefore proposed to the parties that they consent to this review being completed on the material to hand on the basis that the matter would then be remitted back to the Standards Committee pursuant to s 209 of the Lawyers and Conveyancers Act 2006 with a direction that the matter be reconsidered generally.

[8] Mr GK reluctantly (understandably) agreed to this course of action<sup>4</sup> given the further delays that this would occasion. Mr RV has also consented to this course of action.<sup>5</sup>

[9] Accordingly, pursuant to s 209 of the Lawyers and Conveyancers Act 2006 I direct the Standards Committee to reconsider this complaint generally and in conjunction with this redirection I forward the following documents/correspondence to the Standards Committee:

---

<sup>3</sup> Lawyers and Conveyancers Act (Lawyers: Complaints Service and Standards Committees) Regulations 2008.

<sup>4</sup> Letter GK to LCRO (2 March 2015).

<sup>5</sup> Email RV to LCRO (24 March 2015).

- Letter GK to Legal Complaints Review Officer (LCRO) 13 May 2014 with all supporting documents.
- Letter RV to LCRO 15 September 2014.
- Letter GK to LCRO 26 January 2015 with supporting documents.
- Letter LCRO to parties 20 February 2015.
- Letter GK to LCRO 2 March 2015.
- Email RV to LCRO 12 March 2015.

**DATED** this 7<sup>th</sup> day of September 2015

---

**O Vaughan**  
**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:

Mr RV as the Applicant  
Mr GK as the Respondent  
Mr LT as a Related Person under s 213  
The [City] Standards Committee [X]  
The New Zealand Law Society

**CONCERNING**

an application for review pursuant to section 193 of the Lawyers and Conveyancers Act 2006

**AND**

**CONCERNING**

a determination of the [City] Standards Committee [X]

**BETWEEN**

**RV**

Applicant

**AND**

**GK**

Respondent

**Supplementary Decision**

- [1] On 7 September 2015 I issued a decision in this matter and directed the Standards Committee to reconsider this complaint generally.
- [2] For the sake of clarity, and supplementary to that decision:
- (i) Pursuant to s 209(1)(a) of the Lawyers and Conveyancers Act 2006, I direct the Committee to reconsider and determine the whole of the complaint; and
  - (ii) Pursuant to s 211(1)(a) of the Act, the determination of the Committee dated 13 February 2014 is reversed.

**DATED** this 9<sup>th</sup> day of September 2015

---

**O Vaughan**  
**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:

Mr RV as the Applicant  
Mr GK as the Respondent  
Mr LT as a Related Person under s 213  
The [City] Standards Committee [X]  
The New Zealand Law Society