

**NEW ZEALAND LAWYERS AND  
CONVEYANCERS DISCIPLINARY TRIBUNAL**

Decision No. [2009] NZLCDT 20

LCDT 016/09 and 023/09

**IN THE MATTER**

of the Lawyers and Conveyancers  
Act 2006

**BETWEEN**

**HAWKES BAY STANDARDS  
COMMITTEE**

Applicant

**AND**

**TAASHA ROMANA**

Respondent

**CHAIR**

Judge D F Clarkson

**MEMBERS OF TRIBUNAL**

Ms S Sage

Mr L Cooney

Ms A de Ridder

Mr P Shaw

**HEARING** at Napier on 23 November 2009

**APPEARANCES**

Mr R Fowler on behalf of Hawkes Bay Standards Committee

The respondent in person

**ORAL DECISION OF NEW ZEALAND LAWYERS AND  
CONVEYANCERS TRIBUNAL**

***Introduction***

[1] In the matter before the Tribunal Ms Romana faces three charges all of which she has admitted. Two arising out of convictions entered on 24 April 2009 and the background to those convictions are set out properly in the sentencing notes of Her Honour Judge MacIntosh. The outcome those convictions was that Ms Romana was convicted and discharged.

[2] The third charge was laid in October 2009 and is connected with the earlier fraudulent conduct but related to the handling of clients' funds improperly. Although Ms Romana has given an explanation to the Tribunal this morning, she was nevertheless prepared to admit this charge and so we say nothing further about the detail of that matter.

[3] The behaviour except in one minor detail occurred prior to the commencement of the 2006 Act and pursuant to ss.351 and 352 the penalties to be imposed are those contained in the Law Practitioners Act 1982. I record that this was accepted by Mr Fowler on behalf of the Standards Committee.

[4] For completeness we record that even prior to the laying of the first two charges the practitioner had admitted the behaviour complained of and acknowledged that she would be struck off and she did not renew her practicing certificate.

[5] It is clear that the practitioner made no personal gain from her misdeeds nor ever intended to personally gain as far as we can ascertain. At the time of the offending the practitioner acknowledges that she was not coping well with work pressures and stress and that she has undertaken counselling in this regard.

[6] When confronted with her behaviour Ms Romana took no steps to conceal it and openly accepted her wrongdoing. To her credit and this has been acknowledged today by the Law Society, she has appeared before the Tribunal to face up to what she acknowledges to be the inevitable final outcome of her offending.

[7] That leads me to the five areas on which counsel for the Standards Committee has asked the Tribunal to rule. The first of course is the issue of whether

Ms Romana ought to be struck off and as I have indicated there is no real or indeed no opposition from her that this is an inevitable outcome given the dishonest nature of the offending which led to her convictions.

[8] Clearly given the nature of that offending the Tribunal pursuant to s.113 has reached the unanimous view that at the present time Ms Romana is not a fit and proper person to practice as a barrister and solicitor thus she must be struck off the roll.

[9] The second matter which we are asked to address is whether there should be any further monetary penalty. Again given the really quite unusual circumstances of the offending which were referred to by Her Honour Judge MacIntosh in her decision, that there was no personal gain and that no clients or employers are out of pocket as a result of Ms Romana's offending and having regard to her personal circumstances we do not consider that any further penalty ought to be imposed.

#### ***The Issue of a Non Publication Order***

[10] There is to be a suppression order for the benefit of the named clients and law firm. Given that Ms Romana's convictions were publicised we cannot see justification for suppressing her name further.

[11] The Standards Committee's costs are claimed at approximately \$10,900.00, more than half of which is in respect of the latest charge. Given the position taken by Ms Romana to the earlier charges and her acceptance of strike off before the third charge was even laid, we consider that charge may be viewed as somewhat superfluous. Having regard to the practitioner's circumstances which are limited although she is working we fix the cost to be paid by Ms Romana to the Standards Committee in the sum of \$5,000.00.

[12] On the last matter of the fixing of the Tribunal's costs and reimbursement of those, we have had an interchange with Mr Fowler to examine whether there is jurisdiction to make an order under s.257 of the new Act for the costs of the Tribunal. The outcome of this discussion is that we do not consider, having regard to the transitional provisions relating to penalty, that we can make such an order.

[13] Finally we wish to record that we were impressed by Ms Romana's approach to the Tribunal. This has clearly been a distressing time for her and she has found it

difficult to deal with the detail at times. But she has appeared and faced her responsibilities today. We do not necessarily view her as being beyond redemption as a practitioner and in due course she may wish to refer to the recent decisions on restoration to the roll.

**DATED** at AUCKLAND this 23<sup>rd</sup> day of November 2009

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Judge D F Clarkson  
Chairperson

Addendum

Para [12] is deleted and is subject to decisions of 2 December 2009 and 22 December 2009

**DATED** this 22<sup>nd</sup> day of December 2009

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Judge D F Clarkson  
Chairperson

**DECISION NUMBER 2**

[1] Further to the oral decision of the Tribunal given on 23 November 2009 and our minute of 2 December 2009, we have provided further opportunity for Ms Romana the practitioner, and the Society to make further submissions on the s.257 order which is required to be made. We have now received further submissions from the Society and have had no response from Ms Romana. The orders we make are as follows:

- (a) There will be an order for reimbursement of the cost of the Tribunal in the sum of \$9300.
- (b) There will be an order for the practitioner to contribute towards the above costs by payment to the New Zealand Law Society in the sum of \$5000 (that is in addition to the costs order made in the course of our oral judgment referred to earlier).

**DATED** at AUCKLAND this 22<sup>nd</sup> day of December 2009

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Judge D F Clarkson  
Chairperson