

**IN THE NEW ZEALAND LAWYERS AND  
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2011] NZLCDT 33

LCDT 015/09

**IN THE MATTER** of an appeal against a decision of the  
former CANTERBURY LAW  
PRACTITIONERS DISCIPLINARY  
TRIBUNAL

**BETWEEN** THERESE ANNE SISSON of Christchurch,  
Barrister and Solicitor  
Appellant

**AND** CANTERBURY STANDARDS  
COMMITTEE  
Respondent

**TRIBUNAL**

**Chair**

Mr D J Mackenzie

**Members**

Ms S Gill

Mr C Rickit

Mr P Shaw

Mr S Walker

**HEARING** at Christchurch on 23 November 2011

**COUNSEL**

Mr P James for the Canterbury Standards Committee

Ms T Sisson, self represented

## **REASONS FOR THE DECISION OF THE TRIBUNAL OF 23 NOVEMBER 2011**

### ***Introduction***

[1] This was an appeal, originally to the New Zealand Law Practitioners Tribunal, against a decision of the Canterbury Law Practitioners Disciplinary Tribunal. The Appellant commenced the appeal by notice dated 2 September 2008. The appeal has been in the hands of this Tribunal under the transitional provisions of the Lawyers and Conveyancers Act 2006.

[2] The appeal had not been satisfactorily pursued by the appellant. She had continually failed to comply with directions of this Tribunal to provide further and better particulars of her points on appeal and to note the grounds in support of each point. She had also not made any application seeking leave to bring further evidence, despite intimating to this Tribunal that she would be seeking to introduce further evidence, and being directed to so apply.

[3] The background to this matter is fully set out in the Tribunal's memorandum of 7 November, 2011, in which the Tribunal advised the parties that it would convene to consider dismissal of Ms Sisson's appeal on the basis of her failure to comply with directions.

### ***Hearing***

[4] At the hearing convened on 23 November 2011 for the purpose of considering dismissal of the appeal for failure to comply with directions, the Appellant did not appear, nor was she represented. Neither did the Appellant file any submissions on the issue of dismissal, which she had been requested to do by 21 November, 2011.

[5] Mr James, for the Standards Committee, appeared and asked that the appeal be dismissed. He noted the factual background to this appeal, and the Appellant's continued failures to observe directions, as set out in the Tribunal's memorandum of 7 November 2011. Mr James submitted that the Appellant's non compliance, on a continuing basis, justified the appeal being dismissed.

[6] The Tribunal agreed, and considered that background justified it dismissing the appeal for non compliance with directions. It made such an order, and indicated that it would provide its full reasons in writing. The Tribunal noted also that the Appellant had not filed any submissions on the issue of dismissal of her appeal arising from her failure to comply with directions, as requested, nor had she appeared at the hearing. The Registrar confirmed service on the parties of the Notice of Hearing and the associated Tribunal memorandum of 7 November 2011.

[7] Notwithstanding the failures and delays in having this appeal heard, caused by the Appellant, the Tribunal had been prepared to give the Appellant the chance to make submissions so that those submissions could be weighed up as part of the Tribunal's consideration of all the circumstances when considering dismissal for failure to comply with directions.

[8] In the circumstances before the Tribunal, and considering the circumstances of this matter as set out fully in the Tribunal's memorandum of 7 November 2011 provided to the parties, the Appellant's continuing failures to comply with directions, and the Tribunal's consequent inability to hear and dispose of the appeal, required that it be dismissed.

### ***Decision and Orders Made***

[9] Under the transitional provisions of the Lawyers and Conveyancers Act 2006, this Tribunal was to determine the appeal pursuant to Ss.353 and 358 of that Act, exercising duties and powers of the New Zealand Law Practitioners Disciplinary Tribunal, as if the Law Practitioners Act 1982 had not been repealed. The New Zealand Law Practitioners Disciplinary Tribunal had power to dismiss an appeal for non compliance with directions,<sup>1</sup> and that is a power this Tribunal can exercise when operating under Ss 353 and 358 Lawyers and Conveyancers Act 2006. This Tribunal also has its own similar power under the current legislation.<sup>2</sup>

[10] Accordingly, and for the reason that the Appellant has continually failed to meet deadlines and comply with directions regarding her appeal, as more fully set out in the Tribunal's memorandum of 7 November 2011 issued to the parties, and after considering all the circumstances before it, the Tribunal dismissed the appeal at the hearing of 23 November 2011.

[11] The Standards Committee did not seek costs, given the appellant's financial situation.

[12] As a consequence of the disposal of this appeal, compensation and costs amounts to be paid by the Appellant under the decision of the Canterbury Law Practitioners Disciplinary Tribunal dated 15 July 2008 appealed against, (which costs and compensation we understand have not been paid pending appeal outcome), are due by the Appellant.

[13] It was not clear at the hearing if the Appellant had refrained from holding herself out as competent to act in any transaction involving the registration of instruments under the Land Transfer Act and accepting such work, as ordered in the determination appealed against. Mr James was not aware of any formal stay, but in any event, with the dismissal of the appeal, the determination appealed against is fully operative in all respects, and such work is prohibited in accordance with the tenor of the original determination of the Canterbury Law Practitioners Disciplinary Tribunal of 15 July 2008.

Dated at Auckland this 25<sup>th</sup> day of November 2011

D J Mackenzie  
Chair

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<sup>1</sup> R.28 New Zealand Law Practitioners Disciplinary Tribunal Rules 1984

<sup>2</sup> R.28 Lawyers and Conveyancers Act (Disciplinary Tribunal) Regulations 2008