NEW ZEALAND LAWYERS AND CONVEYANCERS DISCIPLINARY TRIBUNAL

[2012] NZLCDT 39

LCDT 023/12

IN THE MATTER of the Lawyers and Conveyancers Act 2006

AND

IN THE MATTER OF **HELEN DAVIDSON**, Lawyer, of Dunedin

CHAIR

D J Mackenzie

MEMBERS OF TRIBUNAL

Mr A Lamont

Mr C Lucas

Mr S Maling

Dr I McAndrew

HEARING at Dunedin on 17 December 2012

REPRESENTATION

Mr F Barton, for the Standards Committee

Mr A Logan, for the Respondent

RESERVED DECISION OF THE TRIBUNAL ON PENALTY, COSTS, AND SUPPRESSION

Introduction

[1] Ms Davidson faced a charge of misconduct, and in the alternative, charges of unsatisfactory conduct, or, negligence or incompetence in her professional capacity of such a degree as to reflect on her fitness to practise or tending to bring her profession into disrepute. The charge of misconduct was admitted by Ms Davidson, and on 17 December 2012 the Tribunal convened to hear the parties' on penalty, costs, and suppression.

[2] The misconduct charge arose from circumstances occurring in July 2011, involving the deliberate insertion into the will of a client, a Mrs J, of a date of execution known by Ms Davidson to be incorrect.

[3] At the conclusion of the hearing the Tribunal reserved its decision. This determination now records the Tribunal's decision.

Background

[4] At a meeting on 1 July 2011, Ms Davidson had been instructed to prepare a revised will for Mrs J, who was in residential care. The instructions came from members of her family.

[5] The changes proposed in Mrs J's revised will did not involve substantive changes to the operative provisions of her former will. The revisions to her will provided for the removal of the Public Trustee as an executor, clarified some existing provisions, and updated the will to recognise that since her last will Mrs J's husband had died. At the meeting on 1 July 2011 Ms Davidson was alerted, by one of the family members, to the fact that Mrs J may no longer have testamentary capacity.

[6] Following this meeting a revised will was prepared by Ms Davidson, and arrangements were made for her to visit Mrs J at the rest home where Mrs J was a resident. Ms Davidson intended to go through the will with Mrs J, and, if it was approved by Mrs J and provided Ms Davidson was satisfied as to Mrs J's testamentary capacity, to have it executed.

[7] Shortly before seeing Mrs J on 6 July 2011, Ms Davidson was advised again, in a telephone discussion with Mrs J's daughter (Mrs E), that there was some doubt as to whether Mrs J had the necessary capacity to sign a new will. Mrs E noted a recent medical certificate to that effect. Ms Davidson decided to proceed with the meeting with Mrs J, and to form her own view about capacity.

[8] The medical certificate referred to by Mrs E regarding Mrs J's capacity had been given by Mrs J's General Practitioner on 27 May 2011. It was provided at that time for the purposes of the operation of an Enduring Power of Attorney that Mrs J had granted her son-in-law, Mr E.

[9] When Ms Davidson later saw Mrs E at the rest home, before she saw Mrs J on 6 July 2011 to have Mrs J sign the revised will, Mrs E suggested to Ms Davidson that Mrs J's execution of the will be backdated to avoid any argument with the Public Trustee about Mrs J's testamentary capacity. Mrs E noted that the Public Trustee was being replaced, and was concerned that the Public Trustee might challenge the revised will. She considered that there was a risk that the General Practitioner's medical certificate might cause the Public Trustee to question the validity of the revised will, and to suggest that the will it held should prevail.

[10] When Ms Davidson met with Mrs J on 6 July 2011, the revised will was signed on that day. Mrs Davidson said that as an experienced practitioner she was able to assess capacity issues, and after observing and engaging with Mrs J she was satisfied that Mrs J wanted the changes made to her will and understood the changes.

[11] When the will was executed on 6 July 2011, Ms Davidson deliberately backdated the will to a false date, "3 June 2011". She thought that was the date

required to pre-date the medical certificate she had been told about, but as it turned out she had been given the incorrect date of the medical certificate. Ms Davidson said that she had backdated the will to help overcome family concerns that the pre-existing medical certificate might otherwise allow a suggestion of lack of capacity for Mrs J at the time she had executed her will.

[12] Some months later, on 26 October 2011, Mrs J's daughter, Mrs E, told another lawyer about the backdating of her mother's will that had been undertaken in an effort to overcome the existence of the General Practitioner's medical certificate. That led to the New Zealand Law Society being notified by that other lawyer, as that lawyer was obligated to do, and the investigation which subsequently resulted in the charge of misconduct now admitted by Ms Davidson.

Submissions of the parties

[13] For Ms Davidson, it was submitted that the backdating was "*an error of judgment"* and that it was done by Ms Davidson at the request of Mrs E "*solely to put the issue of capacity beyond doubt and avoid a dispute between the Public Trust and the family as to whether the later will, prepared by Ms Davidson, was valid."* [1]

[14] It was also submitted that Ms Davidson had no personal gain in this, but had succumbed on the spur of the moment to pressure from the family to ensure the Public Trustee was successfully replaced as executor. She said that she was responding to the family's instructions that she was to help ensure the Public Trustee would not administer Mrs J's estate. This was due to what the family saw as a wholly unsatisfactory experience with the Public Trustee regarding Mrs J's late husband's estate, she said.[2]

[15] The position of the Standards Committee was that this deliberate action by Ms Davidson involved serious misconduct involving high levels of culpability. In mitigation it acknowledged that Ms Davidson had co-operated with its investigation and readily admitted what she had done.

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1 Affidavit of Helen Irene Davidson dated 10 December 2012, Exhibit "D" at paragraph 15 – 17.
2 Ibid, paragraph 21 of Affidavit.

[16] Other factors the Standards Committee accepted as mitigating the position were that Ms Davidson had received no personal gain, she had been trying to assist the family, and she was under some stress at the time, involving serious health issues, work pressures, and personal pressures. She had shown genuine remorse and the Committee accepted the matter as a one-off incident in an otherwise long and successful career.

[17] Balancing these mitigating factors against the gravity of Ms Davidson's actions, which represented serious misconduct, it considered that nothing short of a short period of suspension would be appropriate.

[18] In all, the Standards Committee sought a censure of Ms Davidson, suspension from practice (it suggested a period of three months), and prohibition from practising on her own account. It also sought reimbursement by Ms Davidson of the costs of the Tribunal incurred by the New Zealand Law Society under s 257 Lawyers and Conveyancers Act 2006, an amount certified under that section at the hearing as $6,500, and payment by Ms Davidson of the Committee's costs, an amount of $12,144.

[19] Ms Davidson accepted that censure was warranted, and said she did not oppose an order that she not practise on her own account, but she did not agree that suspension was necessary.

[20] For Ms Davidson, it was submitted that she had cooperated at all times and readily admitted what she had done when first approached about this after Mrs E had told another lawyer about what had occurred. Ms Davidson accepted that she should not have done what she did, and while she did not seek to excuse her conduct, there was a context for her actions that the Tribunal should take into account it was submitted. In addition she had demonstrated remorse and contrition, and had no previous disciplinary history. Numerous affidavits and references were lodged with the Tribunal testifying to Ms Davidson's character and usual high standards of professionalism. Any likelihood of repetition was remote, it was submitted.

[21] In particular counsel for Ms Davidson drew the Tribunal's attention to Ms Davidson's motive in acting as she did, which was to help the family. She had succumbed on the spur of the moment it was submitted, to a desire to help the family. It was emphasised that this was not a matter where there was any personal benefit to Ms Davidson.

[22] It was noted for Ms Davidson that there was no attempt by her to seek probate of the will concerned, and after Mrs J died on 12 November 2011 probate of the earlier will held by the Public Trustee was sought and obtained.

[23] The stress being suffered by Ms Davidson at the time was raised as providing a context for her lapse. This arose from personal circumstances relating to the death of her brother, concern for an elderly father caught up in the aftermath of Canterbury seismic activity, coping with the physical and psychological effects of menopause, and the stress and tension involved in undertaking the building of a new home.

[24] There was also stress arising from professional circumstances it was submitted, involving an high and demanding workload, and restructuring of the firm in which she was a partner at the time. Also Ms Davidson's significant community involvement added to the demands made on her and increased her stress.

[25] With regard to costs, Ms Davidson had no objection to the costs orders sought, but noted that in her financial circumstances time for payment was required. Ms Davidson submitted some financial detail to the Tribunal showing her position, both as to income and capital.

Discussion

[26] The Tribunal agrees with the Standards Committee that the conduct here represents an episode of misconduct which is serious. The fact that it was a single episode does not diminish its gravity. The nature and character of the actual conduct is too serious, and we do not consider that its nature allows it to be

classified as a momentary lapse in judgment. It was a deliberate decision taken for a particular purpose, and once undertaken was not corrected after reflection.

[27] Ms Davidson took no steps to rectify the situation prior to the matter being raised by Mrs E with another lawyer on 26 October 2011, and the matter becoming known outside the family and Ms Davidson. Ms Davidson had had nearly four months since she backdated the will to rectify the situation she said was caused by a momentary lapse, but she had taken no steps. According to the lawyer who approached Ms Davidson early in November 2011, to raise the issue of the falsely dated will with her, Ms Davidson indicated to her following that meeting that it was at that point (ie when the matter came to light) that it had been decided not to seek probate of that will.[3]

[28] Ms Davidson, an experienced practitioner, has made a decision to deliberately falsify the date on a will. Her motive was said to be to help the family, but what that effectively required was that she mislead anyone enquiring into Mrs J's testamentary capacity. The objective of the family, supported by Ms Davidson, was to reduce the risk that the Public Trustee, the executor appointed under Mrs J's earlier will, could call into question the validity of the revised will which replaced the Public Trustee as an executor, and substituted family members. The false dating of the revised will was intended to limit the ability of the Public Trustee to call Mrs J's testamentary capacity into question. As noted above, Ms Davidson took no steps to rectify what was described as her momentary error of judgment in the months that followed, and did nothing until the matter became known outside the family.

[29] In our view the appropriate regulatory response to this misconduct is removal from practice. The conduct was deliberate, motivated by a desire to assist the family in avoiding questions of Mrs J's testamentary capacity. The clear intention was to mislead the Public Trustee as to time of execution of the will, on the basis that would lessen the risk of the Public Trustee considering testamentary capacity issues based on the medical certificate that had been provided. Ms Davidson said it was a momentary error of judgment, but she took no steps to correct the matter.

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[3] Affidavit of David James More dated 20th August 2012, Exhibit "A" at page 18 of the Standards Committee Bundle.

[30] The need to protect the public and the need to maintain public confidence in the legal profession are key elements in the professional disciplinary regime in which we operate. These elements were spelt out in *Bolton v Law Society*[4] and they have subsequently been included as key purposes of the Lawyers and Conveyancers Act 2006.[5]

[31] The reputation of the legal profession is a valuable commodity, and anyone putting that at risk has to be held to account. The seriousness of Ms Davidson's conduct demands suspension, at least. That is necessary to maintain the standing of the profession and the complete trust required of practitioners.[6] We do not consider that Ms Davidson is irretrievably unfit for practice, given her reputation and record prior to this unfortunate event, which is why we propose suspension, rather than striking off.

[32] We also appreciate that there are personal and professional factors that should be taken into account for Ms Davidson, but they are matters that mitigate the length of suspension in this case, not the fact of suspension, given the gravity of the conduct.

[33] As was said in *Bolton*:[7]

> "Because orders made by the Tribunal are not primarily punitive, it follows that considerations which would ordinarily weigh in mitigation of punishment have less effect on the exercise of this jurisdiction than on the ordinary run of sentences imposed in criminal cases. It often happens that a solicitor appearing before the Tribunal can adduce a wealth of glowing tributes from his professional brethren. He can often show that for him and his family the consequences of striking off or suspension would be little short of tragic. Often he will say, convincingly, that he has learned his lesson and will not offend again. On applying for restoration after striking off, all these points may be made, and the former solicitor may also be able to point to real efforts made to re-establish himself and redeem his reputation. All these matters are relevant and should be considered. But none of them touches the essential issue, which is the need to maintain among members of the public a well-founded confidence that any solicitor whom they instruct will be a person of unquestionable integrity, probity and trustworthiness."

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4 *Bolton v Law Society* [1994] WLR 512 (CA).
5 Section 3(1)(a) and (b).
6 *Bolton,* supra, at 492.
7 Ibid, at 518 – 519.

[34] In *Daniels v Complaints Committee 2 of the Wellington District Law Society* a Full Court noted:[8]

> "It is well known that the Disciplinary Tribunal's penalty function does not have as its primary purpose punishment, although orders inevitably will have some such effect. The predominant purposes are to advance the public interest (which include "protection of the public"), to maintain professional standards, to impose sanctions on a practitioner for a breach of his/her duties, and to provide a scope for rehabilitation in appropriate cases."
>
> and also:[9]
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> "A suspension is clearly punitive, but its purpose is more than simply punishment. Its primary purpose is to advance the public interest. That includes that of the community and the profession, by recognising that proper professional standards must be upheld, and ensuring there is deterrence, both specific to the practitioner, and in general for all practitioners. It is to ensure that only those fit, in the wider sense, to practise are given that privilege. Members of the public who entrust their personal affairs to legal practitioners are entitled to know that a professional disciplinary body will not treat lightly serious breaches of expected standards by a member of the profession."

[35] The deliberate backdating of Mrs J's will, intended as it was to reduce the risk of questions from the Public Trustee as to the capacity of Mrs J to make a revised will, is serious misconduct. Quite apart from the failure, by a significant margin, to observe required standards of professional behaviour, it had the result of Mrs J's revised will not being proven for probate purposes and consequently Mrs J's wishes contained in the revisions could not be achieved.

[36] The Tribunal considers a suspension of at least 12 months is the appropriate starting point for this misconduct. It was serious, deliberate, and improperly motivated (to assist in the Public Trustee not becoming aware of a possible testamentary capacity argument). We have noted also that Ms Davidson took no steps to correct the matter. We accept that her ready acknowledgment of wrongdoing when the matter came to light, her co-operation with the Standards Committee, and her remorse and contrition all contribute to mitigating the length of the suspension, as do her previously good character and reputation. We also give

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[8] *Daniels v Complaints Committee 2 of the Wellington District Law Society* HC Wellington CIV -2010-485-0227, 8 August 2011 at [22].

[9] *Daniels v Complaints Committee 2 of the Wellington District Law Society* HC Wellington CIV -2010-485-0227, 8 August 2011 at [24].

some weight to her personal circumstances which may have contributed to her conduct. The appropriate period of suspension, weighing up all the factors noted, is six months in our view.

[37] We consider that the fact of suspension obviates the need for a censure, because there is censure evident in the regulatory response of suspension. Similarly, once Ms Davidson re-commences practice at the end of her suspension, we do not see a continuing need to prevent her from practising on her own account. She has had a good reputation in the past, and we are confident that six months out of practice is all that is required to fulfil the needs of the public interest in this regard.

[38] Ms Davidson did not resist the orders against her for costs sought by the Standards Committee, but did note that she would need time to pay. She lodged detail of her assets and liabilities with the Tribunal, which indicated some financial capability. Her income situation was less clear (she currently works for a small law firm, having been required to leave the larger firm in which she was a partner as a consequence of these charges), and certainly she will not be able to work in that firm while suspended from practice.

[39] We will make costs orders as sought by the Standards Committee, but would expect that Ms Davidson will be given a reasonable period to meet her cost obligations, having regard to her financial circumstances.

Suppression

[40] Name suppression was sought by Ms Davidson. She had sought interim name suppression, which had been granted to protect her position until the Tribunal had the opportunity to hear full argument at the hearing of the charges. The Tribunal made it clear to Ms Davidson, in granting interim name suppression, that it should not be taken as indicating the merits of her position for permanent suppression. The application for permanent suppression was opposed by the Standards Committee.

[41] Ms Davidson's grounds were that suppression of her name was necessary having regard to her interests as well as the interests of her current and former places of work. She currently works in a small Dunedin law practice, after leaving a larger practice where she was a partner at the time of her misconduct, as noted above.

[42] Ms Davidson also submitted that it was in the interests of persons and organisations associated with her that her name not be published, so that those persons and organisations were not adversely affected. She said there was a public interest that her name not be published.

[43] In support Ms Davidson noted that publishing her name would undermine her value in her role as a child advocate in the Family Court, undermine her credibility as a person working with children facing school disciplinary processes, and affect the standing in which she was seen as a representative of the Dunedin Community Law Centre. She also noted the professional work load stress she was under, and the fact that if her clients who had followed her to the firm in which she now worked after resigning from her partnership were aware of the matter they may feel the need to again change firms. That was an adverse situation they should not have to face she said. Ms Davidson also noted the personal stress the disciplinary proceedings had brought on her, which supported suppression.

[44] Mr J D Polson, a senior Dunedin practitioner, and a principal in the firm for which Ms Davidson now works, filed an affidavit in support of suppression. He commented on her professional and personal qualities which he held in high regard. His position was that publication of Ms Davidson's name could adversely affect his firm, and he considered it unjust that his firm be "tainted", and the partners of his firm negatively affected, by a professional error which occurred while Ms Davidson was a partner in another firm. He also expressed the view that Ms Davidson's emotional and mental state was fragile, and would not be helped by publication of her name.

[45] Mr P J Page, a partner in the firm in which Ms Davidson had formerly been a partner until she resigned as consequence of these charges, provided an affidavit in

support of suppression. He was concerned that publication of Ms Davidson's name had the potential to adversely affect the reputation of his firm. He said that as Ms Davidson had been a partner with a long association with his firm, people in Dunedin and particularly some of the leading public sector organisations in Dunedin, might form an unjustified view about his firm.

[46] He was particularly concerned with the characterisation of Ms Davidson's actions as a form of fraud by the Standards Committee in its determination to refer the matter to the Tribunal. He thought that had the potential to cause undeserved reputational damage to Ms Davidson, which in turn could unduly affect his firm.

[47] The Tribunal has power to suppress if it considers it is proper to do so having regard to the interests of any person and to the public interest. There is now a well-established bank of precedents in this Tribunal regarding suppression, reflecting the general precedent outside this jurisdiction.

[48] In *R v Liddell*[10] the discretion to suppress was held by the Court of Appeal not to be the subject of any code or legislative prescription. Instead, when considering an application for suppression, a balancing exercise is to be undertaken, weighing the public interest in knowing against the private interests of the person seeking the suppression.

[49] The starting point was said to be the importance of freedom of speech recognised by s 14 New Zealand Bill of Rights Act 1990, the importance of open judicial proceedings, and the right of the media to report court proceedings.[11] This principle was reaffirmed in the Court of Appeal in *Muir v Commissioner of Inland Revenue,*[12] where the Court held that the open justice principle was equally applicable to civil cases.

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[10] *R v Liddell* [1995] 1 NZLR 538.
[11] Ibid, 546-7.
[12] *Muir v Commissioner of Inland Revenue* (2004) 17 PRNZ 365 (CA) at [29].

[50] Factors it is usual to take into account in considering name suppression were noted by the Court of Appeal in *Lewis v Wilson & Horton Limited & Others*[13] and included:

> (a) Whether the person seeking suppression has been found guilty of the charge, acquittal allowing a greater possibility of suppression;
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> (b) The seriousness of the offending, where a truly trivial charge might mean that any particular damage from publication could outweigh the public interest in knowing;
>
> (c) Any adverse impact on the prospects of rehabilitation;
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> (d) The public interest in knowing the character of the person seeking name suppression;
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> (e) Circumstances personal to the person seeking suppression, that person's family or co-workers, and impact on financial and professional interests that take matters beyond normally expected distress, embarrassment, and adverse personal and financial consequences. The effects must be disproportionate to the public interest in knowing, if they are to be given weight in displacing the expectation of openness.

[51] In this case, when weighing up Ms Davidson's suppression application and considering the factors set out above, we note that: Ms Davidson admits the charges; the charges are serious; there is no particular rehabilitative aspect to this matter; those dealing with a practitioner should have the opportunity of knowing about the practitioner's disciplinary history so that they can make an informed judgment about whether to use a particular practitioner;[14] there was no medical evidence regarding the effects on Ms Davidson of publication; and the possible affects on organisations with which she is or was associated, does not demonstrate any compelling point in favour of suppression having regard to the normal principles of openness and transparency.

[52] In this professional disciplinary jurisdiction, and having regard to the express purposes of the Lawyers and Conveyancers Act 2006 with its requirements to maintain public confidence in the provision of legal services and to protect the

[13] *Lewis v Wilson & Horton Limited & Others* CA 131/00, 29 August 2000, at [41] and [42].
[14] The submission made by Ms Davidson that she did not want her clients to find out about this matter because that might result in them feeling they needed, again, to change firms, highlights the importance of publication in assisting a person in deciding with whom they wish to deal professionally.

consumers of those services,[15] there would need to be a strong case for any suppression which prevented an open and transparent disciplinary process. The question we have to weigh up is whether Ms Davidson has made out a case of sufficient weight to displace the normal requirements of openness in the Tribunal's processes.

[53] On balance, we do not consider that she has made out such a case. There was a suggestion of publication being allowed, but limited to a Law Society journal circulated to members of the legal profession. Apart from doubts as to the efficacy of such limited suppression, and noting that suspension requires publication of the name of the practitioner concerned in the Gazette, we do not consider that any suppression is justified after considering and weighing up all matters. Certainly we do not consider that professionals should be told but not the general public, which would be one effect of limiting publication to "Law Talk" – the public have a prime interest in knowing.

[54] The Tribunal granted Ms Davidson interim suppression of her name and identifying particulars pending the hearing of the charges. At the time of granting interim name suppression the Tribunal confirmed to Ms Davidson that the grant was only to protect her position until the Tribunal had the opportunity to consider all matters before it, and that the interim grant should not be taken as indicating a final outcome of her application. Having now considered all the matters raised, the case for permanent name suppression is not made out in our view.

Other matters

[55] There is a further matter we should address. In light of the submission of the Standards Committee that a period of suspension was appropriate, Mr J D Polson and Ms S L McMillan, the principals of the firm for which Ms Davidson currently works, filed an application with the Tribunal for consent to employ Ms Davidson under s 248 Lawyers and Conveyancers Act 2006.

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[15] Section 3 Lawyers and Conveyancers Act 2006.

[56] This application was made in case Ms Davidson should be suspended from practice or struck off the roll as a result of the Tribunal's determination. Mr Polson was present at the hearing of the charges and indicated that he would like the Tribunal to consider that application at the hearing. The suggestion was that if the Tribunal did interfere with Ms Davidson's right to practise then an approval for Ms Davidson to work in their law firm would assist both that firm and Ms Davidson's clients.

[57] This application to employ is of course a separate matter from the charges, and the Tribunal declined to deal with it at the hearing. It did that because the Tribunal was not prepared to receive evidence (some of which, having regard to the provisions of s 248, could not have been available at that point in any event) and hear argument and submissions about a situation (ie that Ms Davidson was either struck off or suspended) that did not exist. The outcome for Ms Davidson was the subject of a reserved decision at the hearing, and until a final determination was made such an application was inappropriate.

[58] Without wishing to indicate any view on the merits of any such application that may proceed in due course, we noted also at the hearing that the requirements of s 248(3) Lawyers and Conveyancers Act 2006 imposed an extremely difficult hurdle for an applicant wanting this matter heard at the same time as the charges were being dealt with. Even if the Tribunal had agreed to hear the application, which it did not consider it could do for the reason noted, the matters that would support a strike-off or suspension are the very matters that would militate against the threshold test imposed by s 248(3).

[59] The relevance of the nature of the penalty imposed is also a matter to be considered,[16] and it is made quite clear in s 248 that personal circumstances of Ms Davidson are to be subordinated to the other factors applicable.[17]

[60] Now that suspension has been imposed, it will be for the applicants seeking consent to employ Ms Davidson to advise the Tribunal when they want the matter to

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[16] Section 248(4)(f) Lawyers and Conveyancers Act 2006.
[17] Ibid, s 248(5) and (6).

progress. In that case there will be interlocutory conferences arranged to resolve issues of evidence and timetabling. The Tribunal's approach to such applications is set out in previous determinations it has made in applications under s 248.[18]

Determination and Orders

[61] The Tribunal hereby Orders that Helen Irene Davidson:

(a) Be, and is hereby suspended from practice as a barrister, or as a solicitor, or as both, for a period of six months. The period of suspension shall commence at the close of 21 December 2012, and end at the close of 21 June 2013;

(b) Pay the Otago Standards Committee its cost of $12,144; and,

(c) Reimburse the New Zealand Law Society the sum of $6,500 it is to pay the Crown under s 257 Lawyers and Conveyancers Act 2006

[62] Ms Davidson's application for permanent name suppression is declined. The interim suppression granted shall expire one month from the date of this determination. This time is granted acknowledging the time of the year and availability of access to Courts should Ms Davidson want to take this suppression matter further.

[63] The names and identifying details of Mrs J and her family are permanently suppressed, as are the name and identifying details of the lawyer who notified the Law Society of the misconduct by Ms Davidson.

DATED at AUCKLAND this 20th day of December 2012

D J Mackenzie
Chair

[18] See *Coxon v New Zealand Law Society* [2010] NZLCDT 1; *McDonald and Brummer v New Zealand Law Society* [2012] NZLCDT 3.