

**NEW ZEALAND LAWYERS AND
CONVEYANCERS DISCIPLINARY TRIBUNAL**

Decision No. [2011] NZLCDT 4

LCDT 012/10

IN THE MATTER

of the Lawyers and Conveyancers
Act 2006 and the Law Practitioners
Act 1982

BETWEEN

**TARANAKI STANDARDS
COMMITTEE**
Applicant

AND

RICHARD JAMES FLITCROFT
Respondent

CHAIR

Judge D F Clarkson

MEMBERS OF TRIBUNAL

Ms S Gill

Mr S Grieve QC

Mr C Rickit

Mr P Shaw

HEARING DATE On the Papers

APPEARANCES

Mr P Collins for applicant

Mr B Squire QC for respondent

DECISION OF NEW ZEALAND LAWYERS
AND CONVEYANCERS TRIBUNAL

[1] The Tribunal has considered the submissions received from both counsel on the question of costs. The Standards Committee seeks an award to cover its costs of \$24,117.50. It further seeks a reimbursement order in respect of the Tribunal costs ordered against it pursuant to section 257, of \$6600.

[2] This is a matter where, as set out in our written reasons of 20 December 2010, the practitioner made immediate admissions of his wrongdoing, and fully co-operated with the investigation process. While an early admission does not remove the responsibility on a prosecutor to provide a full and accurate narration of the facts to support the charges, we do consider the costs to be relatively high in the circumstances.

[3] Further we consider that some discount for co-operation and early plea is a proper response and provides a standard for other practitioners in the future. On the other hand, it would be unfair to expect the profession as a whole to bear the bulk of the costs in this matter.

[4] We are aware from submissions that Mr Flitcroft's financial circumstances have been rendered marginal by his inability to practice since this matter began in 2009.

[5] For all of the above reasons we make the following orders as to costs:

- (a) Pursuant to section 249 the practitioner is to pay towards the costs of the Standards Committee, the sum of \$12,000.

- (b) Pursuant to section 249 the practitioner is to reimburse to the New Zealand Law Society the sum of \$6600, being the costs of the Tribunal awarded under section 257.

DATED at AUCKLAND this 14th day of March 2011

Judge D F Clarkson
Chairperson