

**NEW ZEALAND LAWYERS AND
CONVEYANCERS DISCIPLINARY TRIBUNAL**

[2011] NZLCDT 7

LCDT 018/10

IN THE MATTER

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

AND

IN THE MATTER OF

AC
of Auckland, Solicitor

CHAIR

Judge D F Clarkson

MEMBERS OF TRIBUNAL

Ms R Adams

Mr J Clarke

Ms S Gill

Ms J Gray

HEARING on the papers 30 March 2011

APPEARANCES

Ms K Davenport for the Law Society

Mr A H Waalkens QC for the Practitioner

DECISION OF THE TRIBUNAL
AS TO INTERIM SUPPRESSION OF NAME

[1] The practitioner faces charges brought by the Auckland Standards Committee No. 3 of the New Zealand Law Society. Pending hearing, which is scheduled to commence on 18 April next, the practitioner seeks interim suppression of his name. This is not opposed by the Law Society.

[2] In support of his application the practitioner has filed an affidavit setting out his brief background as well as providing evidence to the Tribunal of the numerous associations he has in the community, with business and charitable organisations. Because of his involvement in these organisations he has an established and positive reputation in his community. He is entitled to the presumption of innocence. He contends that there is a risk that if his name were published not only his own reputation and that of his firm would be damaged but the reputation of the groups that he belongs to and supports. As indicated a number of these organisations are charitable and provide many positive services to the local community.

[3] The Tribunal considers that while the starting point in proceedings before it is always one of openness, in this instance the practitioner has displaced that presumption on an interim basis. We consider it would be disproportionate and unfair to those organisations to which he belongs, and in some cases leads, for his name to be published in advance of any finding of the Tribunal. There is a serious risk that the particular organisations might suffer damage quite unfairly by association.

[4] For these reasons and given the stance taken by the Law Society it is the unanimous view of the Tribunal that the application ought to be granted.

DATED at AUCKLAND this 11th day of April 2011

Judge D F Clarkson
Chairperson