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## LEGAL COMPLAINTS REVIEW OFFICER

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3 July 2015

Paul Stichbury  
Email: paulstichbury@gmail.com

Karen Price  
c/- ChanceryGreen  
PO Box 106202  
Auckland 1143

Dear Mr Stichbury and Ms Price,

**LCRO 236/2014 – Paul Stichbury v Karen Price**

I enclose a copy of the final decision of the Legal Complaints Review Officer in this matter.

Pursuant to s 206(1) of the Lawyers and Conveyancers Act 2006, the review was conducted in private. Any publication of the contents of this decision is at the discretion of the LCRO. In the absence of an order regarding publication, the decision remains private.

Yours sincerely

Nicole Gordon  
Case Manager  
LEGAL COMPLAINTS REVIEW OFFICER

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Wellington Standards Committee 3  
PO Box 5041  
Wellington 6145

New Zealand Law Society  
DX SP20202  
Wellington

**CONCERNING**

an application for review pursuant to section 193 of the Lawyers and Conveyancers Act 2006

**AND**

**CONCERNING**

a determination of the Wellington Standards Committee 3

**BETWEEN**

**PAUL STICHBURY**

Applicant

**AND**

**KAREN PRICE**

Respondent

**DECISION**

**Introduction**

[1] Mr Stichbury has applied for a review of the decision by the Wellington Standards Committee 3 to take no further action in respect of his complaint concerning the conduct of the respondent Ms Price.

**Background**

[2] Mighty River Power (MRP) wished to build a wind farm. Objections were raised to the proposal.

[3] The Turitea Board of Inquiry (BOI) was established to consider the proposal.

[4] Ms Kenderdine was appointed the Chair of the Board. Ms Price's engagement in the inquiry was as lead counsel for MRP.

[5] Mr Stichbury was unhappy with aspects of the inquiry process, and disagreed with the outcome of the inquiry.

**The complaint and Standards Committee decision**

[6] Mr Stichbury lodged a complaint with the New Zealand Law Society Complaints Service (NZLS) on 10 September 2014. The detail of his complaint was summarised by the Standards Committee as alleging "suppression of information, collusion,



deception, conflict of interest, misleading behaviour, influencing the media, attacking democracy, subversive conduct, fraud and unethical conduct”.<sup>1</sup>

[7] The Standards Committee decision distilled Mr Stichbury’s complaint into three issues:

- Did Ms Price breach a duty owed to Mr Stichbury?
- Was the complaint process the correct forum for Mr Stichbury to resolve his concerns about the conduct of the BOI and its decision?
- Did Ms Price breach the Secret Commissions Act [1910]?

[8] The Standards Committee delivered its decision on 14 October 2014. It decided, pursuant to s 138(2) of the Lawyers and Conveyancers Act 2006 (the Act) that no further action on the complaint was necessary or appropriate, observing that “Mr Stichbury’s remedy for the concerns he has raised is through the courts”.<sup>2</sup>

[9] In reaching its decision the Committee concluded that:

- Ms Price’s duty (other than her overriding duties to the court) was to her client, MRP.
- The NZLS complaints procedure was not the correct forum for Mr Stichbury to pursue his complaints against the conduct of the Board of Inquiry, nor to “regulate the submissions made by lawyers on behalf of their clients in [such] proceedings”.<sup>3</sup>
- If Mr Stichbury had issues with the Board’s findings then he should take legal advice as to means of challenging its decision.
- It had no jurisdiction to consider whether or not there had been a breach of the Secret Commissions Act by Ms Price.

### **Application for review**

[10] Mr Stichbury filed an application for review on 6 November 2014. The outcome sought is that his original complaint be “upheld and that the basis of the Committee’s

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<sup>1</sup> Standards Committee determination dated 14 October 2014 at [2].

<sup>2</sup> At [14].

<sup>3</sup> At [11].



decision [be] deemed meritless".<sup>4</sup> Mr Stichbury rejects the decision of the Committee, summarising it as "nothing more than an empty attempt to shield [Ms Price] from the consequences of her own actions".<sup>5</sup>

[11] He submits that:

- (a) Ms Price has breached various professional obligations as set out in the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (the Rules).
- (b) He provides two examples of Ms Price's alleged corruption,<sup>6</sup> and also alleges conflicts of interest.<sup>7</sup>
- (c) He does not accept that the appropriate forum for his obvious rejection of the BOI's findings and the process leading to them is the courts.

[12] In response, Ms Price, through her counsel, submits that:

- Allegations made by Mr Stichbury are "extreme in nature and ... not supported by any evidence which could justify further action under the complaints process".<sup>8</sup>
- That Mr Stichbury "misunderstand(s)" the duties owed by Ms Price to Mr Stichbury.<sup>9</sup>
- That the complaints process is effectively "being misused for the purpose of complaining about the processes and decision of the Board of Inquiry".<sup>10</sup>

[13] Mr Stichbury provided a lengthy submission in response to Ms Price. Those submissions in large part amplified his arguments earlier advanced.

### **Review on the papers**

[14] The parties have agreed to the review being dealt with on the papers. This review has been undertaken on the papers pursuant to s 206(2) of the Act, which allows a Legal Complaints Review Officer (LCRO) to conduct the review on the basis of

<sup>4</sup> Stichbury Application for Review of Decision of Standards Committee dated 6 November 2014 at Part 8.

<sup>5</sup> Response to Decision of Wellington Standards Committee 3 dated 6 November 2014 at "Conclusion".

<sup>6</sup> At [1].

<sup>7</sup> At [6].

<sup>8</sup> Taylor letter to Legal Complaints Review Officer (15 December 2014) at [5].

<sup>9</sup> At [9].

<sup>10</sup> At [10].





all the information available if the LCRO considers that the review can be adequately determined in the absence of the parties.

### **The role of the LCRO on review**

[15] The role of the LCRO on review is to reach his own view of the evidence before him. Where the review is of an exercise of discretion, it is appropriate for the LCRO to exercise particular caution before substituting his own judgment for that of the Standards Committee, without good reason.<sup>11</sup>

### **Analysis**

[16] Mr Stichbury, in support of his application, traversed a significant amount of territory, and made request of the LCRO to review a number of web page references. A perusal of that information would, submitted Mr Stichbury, establish conclusively that Ms Price had, in the course of acting for MRP, committed numerous breaches of her professional obligations.

[17] I do not intend to present as discourteous to Mr Stichbury, or to be at all dismissive of the submissions he has filed, but it must be noted, that a case is not established simply by providing exhaustive submissions in support of the argument. The submissions filed must be relevant, on point, and assist in clarifying the argument being made. Mr Stichbury's allegations, expressed in broad terms alleging conduct issues that engage such serious allegation of conspiracy, conflict and corruption, are not supported by relevant or focused evidence.

[18] The lengthy submissions are persistently underpinned with argument that the material to which he refers establishes his case with a convincing certainty, when in fact the materials referred to are frequently so broad in their scope and reference, that it is difficult, if not impossible, to distil from that evidence any matters of specific substance which could properly form the basis for professional complaint against Ms Price.

[19] Importantly, Mr Stichbury, in pursuing allegation that Ms Price has in a variety of ways breached her professional obligations, consistently intermingles in a way which is unhelpful in terms of clarifying the precise nature of his complaints against Ms Price, his disgruntlement with the outcome of the Board of Inquiry hearing, with criticism of Ms Price.

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<sup>11</sup> *Deliu v Hong* [2012] NZHC 158, [2012] NZAR 209 at [40]-[41].



[20] Mr Stichbury commences his submissions to the LCRO, by alleging that Ms Price had acted corruptly in signing off an agreement between MRP and the Palmerston North City Council, and signing off a variation to a wind farm agreement. These two agreements are, in Mr Stichbury's view, "in their own right sufficient grounds for Price to be held accountable to the Law Society's rules and professional practice legislation".<sup>12</sup> Mr Stichbury's particular views of commercial documents recording agreements that he was not happy with does not remotely lead to reasonable conclusion that Ms Price breached her professional obligations.

[21] Mr Stichbury's further submissions focus primarily on matter relating to the Turitea Board of Inquiry.

[22] It is compellingly apparent that Mr Stichbury is endeavouring through the review process, to relitigate the matters which were before the Board of Inquiry. Several pages of his submissions reference specific technical issues addressed by the inquiry, and he has expectation that a Review Officer can, by referencing a number of website links, form a view as to where the board of inquiry went wrong. He challenges evidence produced to the inquiry by expert witnesses, and gives examples of responses provided by specific witnesses to questions put to those witnesses. He has expectation that the LCRO will extrapolate from this information conclusion that the inquiry was conducted in an improper manner, and that Ms Price played a significant role in corrupting the inquiry process.

[23] The process that Mr Stichbury has expectation that the LCRO will embark on is simply misguided. It is not the role of the LCRO to examine the evidence produced at a specialist board of inquiry, and reach conclusions as to whether that inquiry has been conducted in a proper manner.

[24] A further thread to Mr Stichbury's complaints that needs to be addressed is allegation that Ms Price was, in carrying out her role as lead counsel for Meridian, conflicted. He contends that Ms Price has interests in the carbon trading industry which create conflict. He suggests that members of the Standards Committee who considered his initial complaint may have direct or indirect conflicts, and demands that these concerns be investigated. He complains that a website promoted by Ms Price's chambers in which the chambers promotes its knowledge of and relationships with a wide range of consultants and regulatory staff, and its familiarity with members of the Environment Court, is evidence of Ms Price being compromised. He complains that

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<sup>12</sup> Above n 5 at [1].



Ms Price, and the head of the Board of Inquiry were well known to one another. He alleges that collusion between Ms Price and the head of the inquiry was palpably evident.

[25] None of the evidence advanced supports conclusion that Ms Price was conflicted in her roles. It is not uncommon for a senior practitioner to appear in various jurisdictions, where they may have a familiarity or acquaintanceship with the decision maker in charge of the jurisdiction. But allegation of collusion which reflects so seriously on both the lawyer and the decision maker, must be supported by cogent evidence.

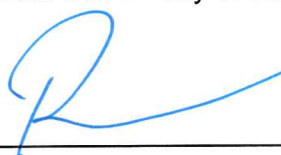
[26] It is readily apparent, that Mr Stichbury is firmly convinced that the Turitea Board of Inquiry made a wrong decision. His criticism of the process by which the decision was arrived at is wide ranging, but it is not the role of this Office to address the expansive allegations that Mr Stichbury makes in respect to the inquiry process, and various persons involved in the process. It is the role of this Office to review the determination delivered by the Standards Committee, and to consider Mr Stichbury's complaints afresh. Whilst I have not dealt in this decision with every single submission advanced by Mr Stichbury I can assure him that I have carefully read the file, and considered all of the submissions. In doing so, I find myself in agreement with the Standards Committee, in reaching conclusion that Ms Price had not breached any of her professional obligations. I am also in agreement with the Committee, that a significant number of the issues that Mr Stichbury makes complaint about, are not matters which can be addressed in the context of inquiry into a professional conduct complaint.

[27] I find no grounds which persuade me to depart from the Standards Committee's decision, and accordingly dismiss the application for review.

### **Decision**

Pursuant to s 211(1)(a) of the Lawyers and Conveyancers Act 2006 the decision of the Standards Committee is confirmed.

**DATED** this 3<sup>rd</sup> day of July 2015



**R Maidment**  
**Legal Complaints Review Officer**





In accordance with s 213 of the Lawyers and Conveyancers Act 2006 copies of this decision are to be provided to:

Mr P Stichbury as the Applicant  
Ms K Price as the Respondent  
Mr L Taylor QC as counsel for the Respondent  
Mr J Welsh as a Related Person under s 213  
Wellington Standards Committee 3  
The New Zealand Law Society