

RESPONSE TO THE DECISION BY THE WELLINGTON STANDARDS COMMITTEE 3

FILE 11989

COMPLAINT BY PAUL STICHBURY ABOUT THE CONDUCT OF MS KAREN PRICE

REVIEW SOUGHT BY THE LEGAL COMPLAINTS REVIEW OFFICER

I reject the decision of the Wellington Standards Committee 3 on the following grounds.

[1] The Standards Committee has not taken into correct consideration the following standards as legislated.

Standards and the legal profession

New Zealand lawyers are required to act at all times in accordance with the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008. These outline the obligations lawyers owe to clients. **The obligations are subject to other overriding duties, including duties to the courts and to the justice system.** (Emphasis added)

The Justice system operates on the explicit understanding that it is not subject to the abrogation of New Zealand law.

I gave the Committee specific examples of where Price acted corruptly. Two are repeated here.

(i) She designed and signed off a formerly secret Wind Farm Agreement between Mighty River Power and Palmerston North City Council. I, along with thousands of property owners, was denied justice and had my property rights abrogated secretly and arbitrarily. A \$3 million dollar penalty prevented PNCC from defending the fundamental rights of its ratepayers. This contract was provided to the Standards Committee.

(ii) She designed and signed off the Variation to the Wind Farm Agreement which secretly planned to bypass the judicial system. This contract was provided to the Standards Committee.

Both these documents substantially predate the Call-In, which established the Turitea Board of Inquiry (BOI).

They are the foundation documents for the wind farm and in their own right are sufficient grounds for Price to be held accountable to the Law Society's rules and professional practice legislation.

The Standards Committee decision in paragraph [2] has slyly attempted to move the focus away from these documents.

[2] Legislation directing proper professional practice is very specific. The Standards Committee has ignored these legal requirements.

Chapter 11

Proper professional practice

- 11A lawyer's practice must be administered in a manner that ensures that the duties to the court and existing, prospective, and former clients are adhered to, and that the reputation of the legal profession is preserved.

Misleading and deceptive conduct

- 11.1A lawyer must not engage in conduct that is misleading or deceptive or likely to mislead or deceive¹⁵ anyone on any aspect of the lawyer's practice.

Note: 11 above covers duties to prospective clients. Since there is no way of knowing who prospective clients may be this category in effect covers and includes all New Zealanders, including potentially myself and affected landowners. This matter is examined further in my rebuttal – see [3]

Chapter 13

Lawyers as officers of court

Duty of fidelity to court

- 13.1A lawyer has an absolute duty of honesty to the court and must not mislead or deceive the court.

Note: the Standards Committee claims “no jurisdiction” to consider a breach of the Secret Commissions Act 1910 – see their response [13] and yet provides no evidence to back this claim, despite Price's clear breach of 11.1 and 13.1, which it deliberately ignores. Note section [8] below in my rebuttal also applies.

The question then arises, which breaches of New Zealand legislation, if any, can the Law Society rule on? From their response it appears none.

This raises the further question as to what is the actual of purpose the Law Society.

[3] The Standards Committee claims Price's duty is to her client.

MRP was until the partial privatization a State Owned Enterprise. In other words MRP was owned in full by the Government for and on behalf of all New Zealanders, including myself and all property owners affected by the wind farm. Furthermore PNCC is in partnership with

MRP and acted on my behalf as a ratepayer. The legal representations at the BOI were simply a matter of arranging deck chairs on the Titanic, i.e. how many turbines there would be and where. Her legal fees were paid from the public purse. As a taxpayer I contributed to these payments.

The Standards Committee cites this case law in Price's defence.

<http://swarb.co.uk/lisc/ProNe19801984.php>

Allied Finance and Investments Ltd -v- Haddow & Co [1983] NZLR 22

1983 Commonwealth, Legal Professions, Professional Negligence

1
Cites

(New Zealand Court of Appeal) The fact that a certificate is sent by a solicitor to a lender confirming the giving of independent advice and that guarantors had signed the guarantee voluntarily may place a duty of care on the solicitor in relation to the lender. Cooke J said: "the relationship between two solicitors acting for their respective clients does not normally of itself impose a duty of care on one solicitor to the client of the other. Normally the relationship is not sufficiently proximate. Each solicitor is entitled to expect that the other party will look to his own solicitor for advice and protection."

The operative words in this case are "**does not normally**" My original complaint was sent on 10 September 2014. It took the Standards Committee until 16 October to respond. This was the best the Standards Committee could come up with during the intervening period. To a layman the case the Standards Committee is making is laughably weak.

The Standards Committee has extrapolated from a qualified, open ended statement to falsely make an absolute determination, not intended in this case law, to absolve Price by ignoring all her legal obligations covered in citations from NZ statutes presented in this rebuttal in sections [2], [6] and [8].

The case law cited by the Standards Committee relates to a negligence claim in relation to a financial transaction and has no relation whatsoever to my complaint against Price of wilful, premeditated, self interested, corrupt practice.

I note that the basis for this case law cited by the Law Society, and quoted above, was deliberately left out in its decision communicated to me.

[4] The Standards Committee's decision [4] (ii) questions as to whether the complaints process is the correct forum for me to resolve my concerns about the conduct of the Board of Inquiry.

In [5] of the Standards Committee's decision it states

" Mr Stichbury's complaint seems to be targeted at bringing Ms Price, or more correctly, Ms Price's client in to line with his own views, that the wind farm should not be built"

Note their use of the word “seems” as they switch the pea under the thimble.

At no time did I ask in my complaint re Price for the Standards Committee to review the BOI decision. This is the Standards Committee’s deliberate misinterpretation and it is false.

My submissions to the BOI did not oppose the wind farm in total. To claim otherwise is completely false. Did Price make this false claim to the Standards Committee?

I asked that specific turbines be removed. See Section B paragraphs 8 and 10

<https://web.archive.org/web/20130214130919/http://www.mfe.govt.nz/rma/call-in-turitea/draft-report-decision-docs/325-stichbury-paul.pdf>

See paragraph 20.

<https://web.archive.org/web/20130214131250/http://www.mfe.govt.nz/rma/call-in-turitea/draft-report-decision-docs/comments/236-325-stichbury-monica-paul.pdf>

Note: Submissions to the Turitea BOI were deleted from the Ministry for the Environment website on or about the 29 October 2014 but have of course been preserved permanently on the internet archive.

All subsequent effort has been expended by myself and others in getting corrections made to the corrupt wind farm decision.

I asked for Price to be held accountable under New Zealand legislation and Law Society rules and simply provided detailed evidence which spanned a number of years up to and including the farcical BOI.

Certainly it is widely known in legal circles that Kenderdine was and is a fraud but the Standards Committee has deliberately widened the focus of my complaint in an attempt to engineer a loophole to get Price off the hook.

I have been absurdly characterized as “dissatisfied” This is also a slur by association on the more than 1,000 submitters from households who strenuously opposed the wind farm; *most of whom did oppose it outright.*

The Standards Committee claims I am intentionally attempting to bring Price and Mighty River Power in line with my own views that the wind farm should not be constructed. The word used “views” is a substitute for “opinions.” Opinions are not facts and I have provided facts.

The Standards Committee’s view is that I should accept the corruption which has taken place, which is why not one single factual issue raised by me has been addressed by them.

Their response has been, in a less than subtle way, to simply move the focus from Price to Mighty River Power.

[5] The Standards Committee has twice in its response, [11] and [14], inappropriately suggested that I take expensive legal action in the NZ courts in an attempt to seek an improbable redress.

This is from the EPA website

“Board of inquiry decisions can only be appealed to the High Court on points of law.

This means that there is no general right of appeal against the board's overall decision to approve or decline the matter. It is only where the board's process or decision is legally deficient that it may be appealed.”

The time frame for an appeal on these grounds has long since expired. Submitters were totally unaware of the corruption surrounding the BOI final decision and its legal deficiency, until it was too late.

It is very mischievous and devious of the Standards Committee to suggest I take legal action they know full well is futile.

Furthermore the Standards Committee astonishingly, but none the less accurately states, that the BOI was simply Mighty River Power in disguise, where in its response it says in paragraph [9]

“The matters that Mr Stichbury has complained about are all examples of Mighty River Power not accepting his interpretation of the situation with respect to the impact of the wind farm.”

[6] Price has a very substantial conflict of interest. This has been willfully ignored by the Standards Committee.

From her bio (ChanceryGreen website)

“Director, the New Zealand Carbon Exchange, (2004 – present)

She negotiated the only two Negotiated Greenhouse Agreements with the Crown, and has facilitated securitisation and trading in carbon credits on international markets for a range of clients”

New Zealand legislation states:

“The rules are based on the fundamental obligations of lawyers set out in [section 4](#) of the Act, namely—

- to uphold the rule of law and to facilitate the administration of justice in New Zealand;
- **to be independent in providing regulated services to clients:**” [emphasis added]

Price’s vested interest, as a carbon trader, in the successful granting of consents for Turitea and Puketoi, continues to be a highly motivating factor in her unethical conduct.

Submitters on the Turitea wind farm did not know that Price was acting for MRP’s Puketoi wind farm which is planned to join up with the Turitea wind farm. This has only just come to light in the last three weeks.

[7] A Board of Inquiry is an extension of the New Zealand Court system with the same powers.

Price breached the requirement to be independent at the BOI in particular when ignoring requests in written submissions placed online for all to see, in respect of

- the fraudulent noise standard,
- the corrupt contract,
- earthquake fault lines

See Price’s legal obligations, sections [1], [2], [6] and [8].

[8] The Standards Committee has furthermore deliberately ignored the following legal obligations, falsely claiming that it amounts to revisiting the BOI decision. These obligations are specific to Price’s conduct.

The legislation is clear:

Presenting evidence and witnesses

- 13.10A lawyer must not adduce evidence knowing it to be false.
 - 13.10.1If a witness (not being the lawyer’s client) gives material evidence in support of the lawyer’s client’s case that the lawyer knows to be false, the lawyer must, in the absence of a retraction, refuse to examine the witness further on that matter. If the witness is the client of the lawyer, the lawyer must, in the absence of a retraction, cease to act for that client.

Submissions on law

- 13.11 The duty to the court includes a duty to put all relevant and significant law known to the lawyer before the court, whether this material supports the client's case or not. Subject to the procedure required by the practice direction contained in *Practice Note* [1968] NZLR 608, this duty continues until final judgment is given in the proceeding.

[9] The Standards Committee by failing to address or challenge any of the factual issues raised by me in my original submission has by default confirmed them as being correct.

[10] The Standards Committee has not followed its own legislative obligations in order to give Price a free pass.

- The regulatory functions of the New Zealand Law Society are—
 - (a) to control and regulate the practice in New Zealand by barristers and by barristers and solicitors of the profession of the law:
 - (b) to uphold the fundamental obligations imposed on lawyers who provide regulated services in New Zealand:
 - (c) to monitor and enforce the provisions of this Act, and of any regulations and rules made under it, that relate to the regulation of lawyers:
 - (d) to monitor and enforce, throughout the period specified in any order made under [section 390](#), the provisions of this Act, and of any regulations and rules made under it, that relate to the regulation of conveyancers:
 - (e) to assist and promote, for the purpose of upholding the rule of law and facilitating the administration of justice in New Zealand, the reform of the law.

[11] The Standards Committee has pleaded the equivalent of the 5th amendment in refusing to answer specific questions.

It has required of me that I keep their decision secret. This is a red flag.

[12] Price's carbon trading interests are based in Wellington. The anonymous lawyers on the Wellington Standards Committee 3 may therefore have conflicts of interest both direct and indirect and while I have no evidence that this is the case it is very important that this be investigated.

Conclusion

Irrespective of the outcome of this review by the LCRO the material currently gathered over a number of years makes for a compelling tale of fraud which deserves to be written up. Whatever commercial gain I might make in this endeavour, however, pales into insignificance against the financial loss we have endured under the guidance of one Karen Price.

She has acted out of self interest at the expense of the residents of an entire city, Palmerston North, and a rural town, Pahiatua, and surrounding districts.

The Standards Committee's decision is nothing more than an empty attempt to shield Price from the consequences of her own actions. This is a disgraceful failure by a regulatory body set up to police its members.

I want all the concerns raised in my submission to the Law Society responded to in full without my being dismissed and marginalized on the grounds of having opposed the wind farm.

Paul Stichbury

6 November 2014

NB: This banner appeared prominently on the ChanceryGreen website but was deleted along with Price and her colleagues' CVs and all mention of Turitea *after* my complaint to the NZ Law Society.

Since the deletion of the Turitea submissions on the MFE website on or about 29 October the ChanceryGreen website has returned to normal. This banner, however, has not been reinstated as of 6/11/2014. My complaint included this screenshot.

“Karen Price is ‘exceptionally good strategically’, Jason Welsh is rated for ‘being able to see the bigger picture and foresee any particular issues before they occur’, and Mark Sly holds ‘invaluable knowledge of the law and current state of legislation’.”

Asia Pacific Legal 500 2010/2011



Source:

<https://web.archive.org/web/20140516195708/http://chancerygreen.co.nz/>