



4 July 2011

PRIVATE AND CONFIDENTIAL

Ms Grace Haden
P O Box 17463
Greenlane
Auckland

and

Mr Nick Wright
Wright Solutions Law
Level 20 ASB Tower
Corner Albert and Wellesley Streets
Auckland
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Dear Ms Haden and Mr Wright

FILE 3864: Grace Haden/ Nick Wright of Wright Solutions Law

We advise that Standards Committee 3 at its last meeting considered the complaint pursuant to Part 7 of the Lawyers and Conveyancers Act 2006 ("the Act") and decided that no further action would be taken in respect thereof. The reasons for the Committee's decision are as follows:

[1] Ms Haden complained about the following alleged conduct of Nick Wright in the context of defamation proceedings:

- i. Misleading the Court (LCCC 2.1);
- ii. Being a party to an attempt to pervert or defeat justice (LCCC 2.2.);
- iii. Using proceedings for an improper purpose (LCCC 2.3);
- iv. Assisting in the concealment of fraud (LCCC 2.4);
- v. Failing to make a disclosure (LCCC 8.4(d));
- vi. Failing to prevent fraud or crime (LCCC 11.4);
- vii. Failing to treat a self represented person with integrity, respect and courtesy (LCCC 12);
- viii. Failing to observe overriding duty to Court (LCCC 13);
- ix. Misleading and deceiving the Court (LCCC 13.1);
- x. Undermining the process of the Court and abusing Court processes (LCCC 13.2);
- xi. Attacking a person's representation without cause in Court documents (LCCC 13.8);
- xii. Alleging reprehensible conduct without taking steps to ensure that reasonable grounds for making the allegation exist (LCCC 13.8.1);
- xiii. Prevention of discovery (LCCC 13.9);
- xiv. Presenting false evidence (LCCC 13.10);
- xv. Failing to put all relevant and significant law known to the lawyer before the Court (LCCC 13.11);
- xvi. Failure to comply with the requirements for prosecution a lawyer (RCC 13.12).

Auckland Office

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- [2] Nick Wright acted for the plaintiffs, AWINZ and Neil Wells in his own right in defamation proceedings filed against Grace Haden in 2006. Mr Wright at that time was a senior litigation lawyer at Brookfields. He carried out his work in this matter under the supervision of David Neutze, a partner of that firm. Ms Haden also complained about the conduct of Mr Wells, Mr Neutze and others.
- [3] Mr Wright is now a sole practitioner practising as Wright Solutions Law. He responded to Mrs Haden's complaint on 11 April 2010. His response was drafted as a joint response to two complaints, on behalf of himself and Mr Neutze, at the request of Mr Neutze. Mrs Haden was sceptical about this approach, alleging collusion between the lawyers. Mr Wright further noted that Mrs Haden had complained about Neil Wells and other lawyers involved in the AWINZ matter, and restricted his comments to these specific allegations that related to his conduct and that of Mr Neutze. He responded to the complaint against Mr Neutze under the following headings:
- i. Failing to obtain facts before acting, unprofessional conduct, threatening letter, inaccurate statement of claim;
 - ii. Misleading the Court;
 - iii. Inaccurate statutory demand; and
 - iv. Attacking the character of a litigant.
- [4] Mr Wright responded to each of these points, and Mrs Haden made further responses to his comments. In essence she disagreed with his explanation on behalf of Mr Neutze. She considered that many of the matters contained in the pleadings for the defamation case led to her defence of truth and honest opinion in the defamation matter being struck out. Mr Wright defended the actions of Mr Neutze and himself in sending the preliminary letter dated 26 June 2006 outlining the points at issue, requesting her undertaking to change the name of her charity and in essence cease defamatory communications and publications. Mr Wright referred to affidavits that were filed in the context of the District Court proceedings, the research conducted prior to issuing a statutory demand, and to the "unjustifiable" behaviour of Mrs Haden in pursuing her complaint against Mr Wells and AWINZ.
- [5] He confirmed that Mr Neutze's role was as a peer reviewer, and supervising partner.
- [6] Mr Wright then turned to the allegations against himself and divided those into key points regarding the appeal in judicial review proceedings, and key points relating to the District Court and High Court appeal proceedings. In some detail in parts he responded to the allegations that related to his conduct at and prior to the Court proceedings. In summary, Mr Wright broadly refuted all grounds on which Mrs Haden had complained, while expressing the willingness to respond in further detail on any specific points at the Committee's request. He also offered to appear in person to assist the Committee if required to do so.
- [7] Mrs Haden provided a further detailed and annotated letter, in which she responded to Mr Wright's explanation. She continued in her further comments to deal with her complaint about the legitimacy of AWINZ and alleged collusion between the lawyers. It should be noted that Mrs Haden had attempted to make a complaint against Brookfields the firm, but had been advised by the Society that complaints could only be directed at incorporated law firms or individual lawyers. For this reason she had clarified that her complaint was against Mr Wright and Mr Neutze. She also mentioned Vivienne Holm, about whose conduct she subsequently also complained (file 4192).
- [8] Mrs Haden complained that Nick Wright misled the Court, was a party to an attempt to pervert justice, assisted in the commission of fraud and neglected his overriding duty to the Court. She also alleged discourtesy and that he spoke to her in a derogatory manner. She claimed Mr Wright presented false evidence in Court.
- [9] Mr Wright denied all allegations made in the complaint and denied all charges of collusion and corruption before the various Courts. He provided a detailed summary of the narrative of facts relating to this matter. He provided copies of all relevant Court decisions which comprise the

now completed proceedings which underlay the complaints. He gave a detailed response to each allegations made by Mrs Haden in his letter to the Law Society dated 12 April 2011.

[10] Mr Wells' letter to the Law Society dated 25 May 2011 set out the sequence of events related to the formation of AWINZ, the making of the original deed in 2000, the appointment, resignation and replacement of trustees in 2006, and the giving of authority to file proceedings of Trustees of the AWINZ (Attachment 7 – File 3345). Mr Wells confirmed that Nick Wright properly sought this information in the process of taking instructions in 2006. Nick Wright was also particular about each trustee signing an authority to proceed with filing the statement of claim. Mr Wells said there was no basis for any complaint against Mr Wright.

Applicable Legislation

[11] This complaint is in respect of conduct that occurred both prior to and subsequent to 1 August 2008. On 1 August 2008 the Lawyers and Conveyancers Act 2006 (the LCAct) came into force.

[12] The pre-1 August 2008 conduct falls under the transitional provisions in section 351(1) of the LCAct. This means the relevant standards of conduct are those set out in ss. 106 and 112 of the Law Practitioners Act 1982, being conduct such that disciplinary proceedings could have been commenced under that Act. Disciplinary proceedings for negligent or incompetent conduct could only be justified if that conduct had been of such a degree or so frequent as to reflect on the practitioner's fitness to practise.

[13] The post-1 August 2008 conduct falls to be considered under sections 7 and 12 of the LC Act.

The Committee's deliberations

[14] The Committee considered those aspects of the complaint that related to Mr Wright's conduct prior to 1 August 2008 and resolved that it had no jurisdiction pursuant to Section 351(1) of the Act to consider the complaint as the allegations against Mr Wright did not reach the required threshold for consideration of complaints under the Law Practitioners Act 1982.

[15] In respect of Mr Wright's conduct from 1 August 2008 onwards, the allegations forming part of Mrs Haden's complaint had all been exhaustively dealt with in the various Court proceedings in which Mrs Haden, AWINZ and other entities had been involved culminating in the Court of Appeal decision in late 2010. The Committee did not consider it appropriate to use the forum of a complaint about the professional conduct of one solicitor involved in this matter, namely Mr Wright, to re-litigate matters dealt with by the Courts.

Outcome

[16] Having carefully considered the matter the Committee **resolved**:

[17] In respect of the conduct that took place prior to 1 August 2008, to decline jurisdiction pursuant to section 351(1) of the Act to consider the complaint;

[18] In respect of the conduct since 1 August 2008, the Committee considered Mr Wright's conduct to have been reasonable and not such as to raise any professional standards issues, and further noted that many aspects of Mrs Haden's complaint related to matters that had been dealt with by the District Court, the High Court and the Court of Appeal and on which judicial rulings had been obtained. Accordingly the Committee resolved to take no further action pursuant to section 138(2).

The date of this letter is deemed to be the date of the decision.

Entitlement to Review by Legal Complaints Review Officer (LCRO):

The complainant, the person in respect of whom the complaint related and the NZ Law Society are entitled pursuant to section 193 of the Act to apply to the LCRO to have this decision of the Committee reviewed within 30 working days after the date of this letter. Any application for review must be

directed to the LCRO's office, be on the prescribed form and accompanied by the prescribed fee of \$30.67. On review, the LCRO may:

- (a) Direct the Standards Committee to reconsider the whole or any part of the complaint; or
- (b) Confirm, modify or reverse the decision of the Standards Committee; and
- (c) Exercise any of the powers that could have been exercised by the Standards Committee in relation to this complaint.

The LCRO's contact details are set out below:

Website: <http://www.justice.govt.nz/tribunals/legal-complaints-review-officer/contact-us>

Email: lcro@justice.govt.nz

Phone number: 0800 367 6838

Postal Address:

Legal Complaints Review Officer
Private Bag 92020
Victoria Street West
Auckland 1142

Physical Address:

Legal Complaints Review Officer
Tribunals Unit - Level 10
Auckland District Court Building
69 Albert Street
Auckland 1010

This notification is provided pursuant to section 139 of the Act.

Yours sincerely



Kristin Percy

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cc: The Chief Executive Officer
NZ Law Society
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