

12. The application and affidavits in support shall be lodged by the applicant with the Clerk. Upon receipt thereof by the Clerk, the Committee shall fix a date, time, and place for the hearing and the Clerk shall serve or cause to be served notice thereof on the applicant and on the Law Society of the district in which he last practised.

13. Unless the Committee otherwise directs, the applicant shall give notice of his application and of the date appointed for the hearing through the Secretary of the District Law Society to all practitioners practising in the district in which the applicant last practised. The Committee may, if it thinks fit, require the applicant to give notice as aforesaid to all practitioners practising in any other district and to advertise his application in such manner and in such form as it directs. The Committee may modify, vary, or revoke any direction made under this rule and substitute any other direction therefor.

14. If any person desires to object to the application, such person shall give notice in writing to the Clerk and to the Secretary of the said District Law Society at least seven days before the day fixed for the hearing, specifying the grounds of his objection.

15. The New Zealand Law Society and any District Law Society may appear at the hearing of any such application.

16. The Committee may refuse to consider any application for restoration to the roll until any order for costs and/or expenses made against the applicant in respect of any proceedings under Part III of the Law Practitioners Act 1955 and its amendments whether before any Court or before the Disciplinary Committee shall have been paid or complied with.

PART IV—GENERAL

17. Whenever any charge affidavit or application is lodged with the Clerk under these rules there shall be lodged with it 11 additional copies and such copies shall be printed, cyclostyled, or produced by some similar process.

18. The Committee shall hear all applications in private.

19. At any stage of the proceedings, the Committee, may, if it thinks fit, appoint Counsel to represent the applicant or the practitioner charged, and may order that the costs of such Counsel be paid out of the funds of the New Zealand Law Society.

20. No application shall be withdrawn after it has been sent to the Clerk, except by leave of the Committee. Application for leave to withdraw shall be made on the day fixed for the hearing unless the Committee otherwise directs. The Committee may grant leave subject to such terms as to costs or otherwise as it shall think fit, or it may adjourn the matter under the next succeeding rule.

21. The Committee may of its own motion, or upon the application of either party, adjourn the hearing upon such terms and conditions including any order as to costs as to the Committee may appear just.

22. If upon the hearing, it shall appear to the Committee that any charge ought to be amended, or added to, and that such amendment or addition is not within the scope of the original charge, the Committee may permit such amendment or addition provided always that if such amendment or addition shall in the opinion of the Committee be such as to take the practitioner by surprise, or prejudice the conduct of his case, the Committee shall grant an adjournment of the hearing, upon such terms as to costs or otherwise as to the Committee may appear just.

23. Shorthand notes of proceedings may be taken by a person appointed by the Committee; and any party who appeared at the proceedings shall be entitled to inspect the transcript thereof. The shorthand writer shall, if required, supply to the Committee and to any person entitled to be heard upon an appeal against an order of the Committee, and to the New Zealand and/or District Law Society concerned, but to no other person, a copy of the transcript of such notes on payment of his charges. If no shorthand notes be taken the Chairman shall take or cause to be taken a note of the proceedings and the provisions of this rule as to inspection and taking of copies shall apply to such note accordingly.

24. Service of any notice or document required by these rules may be effected either personally or by registered letter addressed to the last known place of abode, or business, of the person to be served, and proof that such letter was so addressed and posted shall be proof of service, and such service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post.

25. Any notice or document required to be given or signed by the Clerk may be given or signed by him or by the Secretary of the New Zealand Law Society, or by any other person duly authorised by the Committee.

26. The Committee may dispense with any requirements of these rules respecting notices, affidavits, documents, service, or time, or any other matter in any case where it appears to the Committee to be just so to do.

27. The Committee may extend the time for doing anything under these rules.

28. All affidavits and other records shall be filed and kept by the Clerk. The Committee may order that any books, papers, or other exhibits, produced or used at a hearing, shall be retained by the Clerk until the time for appealing has expired, and, if notice of appeal is given, until the appeal is heard or otherwise disposed of.

29. The several expressions to which meanings are assigned in the Law Practitioners Act 1955, shall have the same meanings in these rules.

30. These rules shall come into force on the 1st day of April 1968 and may be cited as "The Law Practitioners Act (Disciplinary) Rules 1968".

SCHEDULE

Form 1

NOTICE TO THE SOCIETY BY THE CLERK TO THE DISCIPLINARY COMMITTEE

IN THE MATTER OF the Law Practitioners Act 1955 and

IN THE MATTER OF C.D., a Barrister and/or Solicitor

To.....Law Society.  
.....day the.....day of.....

.....19.....is the date fixed for the hearing of your charge in the matter of C.D., a Barrister and/or Solicitor, by the Disciplinary Committee constituted under the Law Practitioners Act 1955.

You are required, at least 10 clear days before the day of hearing:

- 1. TO lodge with the Clerk to the Committee:
  - (a) Any further affidavits with 11 additional copies thereof.
  - (b) A list of all documents on which you propose to rely.

2. TO serve a copy of any such affidavit and list upon the practitioner.

The Committee will sit at.....at.....o'clock in the.....noon.

You are requested to acknowledge receipt of this notice without delay.

Dated this.....day of.....19.....

Clerk to the Committee.

Form 2

FORM OF NOTICE TO THE PRACTITIONER BY THE CLERK TO THE DISCIPLINARY COMMITTEE

IN THE MATTER OF the Law Practitioners Act 1955 and

IN THE MATTER OF C.D., a Barrister, and/or Solicitor

To C.D. of.....Barrister and/or Solicitor.

A charge of professional misconduct and/or of conduct unbecoming a barrister or solicitor has been made against you by.....Society (the grounds of which charges are set out in the affidavits, copies whereof accompany this notice) to the Disciplinary Committee constituted under The Law Practitioners Act 1955. You are required to answer the allegations contained in the affidavits.

.....day the.....day of.....19.....

is the date fixed for the hearing of the application by the Committee. The Committee will sit at.....at.....o'clock in the.....noon. If you fail to appear, the Committee may, in accordance with The Law Practitioners Act (Disciplinary) Rules 1967, proceed in your absence.

You are required, at least 10 clear days before the day of hearing:

- 1. TO lodge with the Clerk to the Committee:
  - (a) The original and 11 copies of any affidavits upon which you propose to rely.
  - (b) A list of all documents upon which you propose to rely.

2. TO serve a copy of any such affidavit and list upon the Secretary of the.....Law Society.

Either party may inspect the documents included in the list furnished by the other and a copy of any document mentioned in the list of either party must, on application and at the expense of the party requiring it, be furnished within three days after receipt of the application.

You are requested to acknowledge receipt of this notice without delay.

Dated this.....day of.....19.....

Clerk to the Committee.

The foregoing rules were duly made by the Disciplinary Committee of the New Zealand Law Society at a meeting of the said Committee held at Wellington on the 8th day of December 1967.

L. P. LEARY, Chairman of the Disciplinary Committee.

FRANCES PARKER, Clerk to the Disciplinary Committee.