

PRESENTERS



Paul Collins, Barrister, Shortland Chambers, Auckland

Paul has wide experience in areas of professional discipline and regulation in the legal profession and legal ethics. He has prosecuted numerous cases in the Disciplinary Tribunal and has also appeared in the High Court and Court of Appeal in cases relating to professional responsibility and other aspects of regulation of the legal profession. Paul lectures in the Legal Ethics course at the University of Auckland Law School. He was a convenor of the National Standards Committee until his nine year tenure expired last year and has been involved in Standards Committee training since the outset of the LCA. Paul is a contributing author to *Professional Responsibility in New Zealand* (LexisNexis) and was the consulting editor for *The Laws of New Zealand: Lawyers and Conveyancers*.



Tim Mullins, Partner, LeeSalmonLong, Auckland

Tim practises primarily in commercial litigation, regulatory/competition law and intellectual property. He advises and acts for lawyers, and occasionally the NZLS, in relation to legal professional and regulatory issues. Tim also taught Legal Ethics as an adjunct Lecturer at the University of Auckland, Faculty of Law for several years.

The statements and conclusions contained in this presentation are those of the author(s) only and not those of the New Zealand Law Society. This presentation has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.

CONTENTS

ADVOCACY ETHICS UPDATE.....	1
DISQUALIFYING CONFLICTS – UPDATE	1
<i>Introduction</i>	1
<i>Principles, Sources and Types of Application</i>	2
<i>Acting against an existing or former client – Confidential information</i>	4
<i>Lawyer as a witness / Lawyer’s advice in question</i>	9
<i>Lack of independence – interest in the litigation</i>	12
IRRESPONSIBLE PLEADINGS AND SCANDALOUS ALLEGATIONS	12
DEALING WITH WITNESSES	16
<i>Introduction</i>	16
<i>“Coaching” versus preparation</i>	17
<i>Expert witnesses in New Zealand</i>	21
WITHDRAWAL OF COUNSEL DURING A HEARING.....	23
DUTY NOT TO MISLEAD THE COURTS	25