



NEW ZEALAND
LAW SOCIETY

NZLS EST 1869

Lawyers Complaints Service

17 August 2018

Private and Confidential

Ms Angelica Perduta
139 MacKenzie Avenue
Woolston
Christchurch 8023

And via email: angelica.perduta@gmail.com

Dear Ms Perduta

File 17917 — Complaint by Ms Angelica Perduta against Mr Christopher Wright

Please find attached a Notice of Decision in relation to the above matter. You will see that the outcome is that no further action will be taken on the complaint and the reasons are set out in the decision itself.

Your feedback assists us to improve the complaints process. Please click on [this](#) link to complete our evaluation form. Thank you for your assistance.

Yours sincerely

pp
Diona Juriss
Legal Standards Officer

Head Office

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No.	17917
Concerning	Part 7 of the Lawyers and Conveyancers Act 2006 ("the Act")
And	
Concerning	a complaint from Angelica Perduta about Christopher Wright

Notice of Decision by Central Standards Committee 1

Background

1. Ms Perduta's mother ('Mrs Scaife') died in New Zealand on 21 August 2010. Mrs Scaife was survived by her four children. At the time of her death, only Ms Perduta and one of her brothers ('Mr Scaife') were living in New Zealand.
2. Mr Scaife was appointed to be Mrs Scaife's attorney under an Enduring Power of Attorney in Relation to Property and an Enduring Power of Attorney in Relation to Personal Care and Welfare ('the EPOAs') dated 20 April 2001. The EPAs were prepared and witnessed by Mr Wright.

Complaint

3. Against this background, Ms Perduta says that Mrs Scaife did not have mental capacity when she signed the EPOAs as she was suffering from cerebral atrophy and needing help with daily activities. Ms Perduta complains that Mr Wright should not have given effect to the EPOAs and believes Mr Wright is complicit in the reduction of Ms Perduta's inheritance from Mrs Scaife's estate.

Opportunity to respond

4. The Standards Committee can confirm that Mr Wright was invited to provide a response to the complaint but chose not to do so.
5. The Standards Committee, having first read the complaint and its supporting information, found no additional issues or questions that necessitated any further information from Ms Perduta or a response from Mr Wright, and considered that the complaint could be adequately decided with the information it held.

Issue for consideration by the Standards Committee

6. The Standards Committee must consider whether it has jurisdiction to consider the complaint made by Ms Perduta.
7. Under Section 351 (2)(b)(i) of the Lawyers and Conveyancers Act 2006, a complaint about a lawyer cannot be considered where the conduct complained about occurred more than 6 years before the Act came into force. The Act came into force on 1 August 2008.
8. The Standards Committee is therefore prevented from considering complaints regarding a lawyer's conduct that occurred prior to 1 August 2002.
9. The allegations made by Ms Perduta about Mr Wright took place in April 2001 when Mr Wright gave effect to the EPOAs. Therefore, the Standards Committee has no jurisdiction to consider the complaint about Mr Wright and declines to consider the matter further.

Decision

10. The Standards Committee, having considered the complaint, decides to take no further action on it, pursuant to section 138 (2) of the Act, as no further action is necessary or appropriate.

Right to apply for review – Legal Complaints Review Officer (“LCRO”)

You may be able to apply for a review of this decision or determination by the LCRO. On review, the LCRO may:

- a. direct the Standards Committee to reconsider the whole or any part of the complaint;
- b. confirm, modify or reverse the decision of the Standards Committee; and/or
- c. exercise any of the powers that could have been exercised by the Standards Committee in relation to this complaint.

If you want to apply for a review of this decision or determination you must lodge your application with the LCRO within 30 working days. The 30 working days start once you have become aware of this notice. Unless there is evidence suggesting otherwise it is assumed you have become aware of this notice on the fifth working day after the date of this decision or determination.

If you received this decision or determination by email, please call the LCRO on the number below to confirm when the 30 working days start.

An application for review must be on the prescribed form and be accompanied by the prescribed fee of \$50.00. Please forward your application to the LCRO at:

Level 6
Auckland District Court
69 Albert Street
Auckland 1010
(physical address, suitable for courier
and hand delivery only)

DX Box CX 10072
(Postal address only, not suitable for courier delivery)

Or per email: lcro@justice.govt.nz

For further information about the LCRO and the review process, call 0800 367 6838 (extn 2) or go to: www.justice.govt.nz/tribunals/legal-complaints-review-officer/contact-us.

Unless the Standards Committee has directed otherwise this decision must remain confidential between the parties.



Charlotte von Dadelszen
Convenor, Central Standards Committee 1

Date: 17 August 2018
To: Ms Angelica Perduta
Mr Christopher Wright
New Zealand Law Society