

**UNDER The Judicature Amendment Act 1972 and United Nations  
Covenant on Civil and Political Rights**

IN THE MATTER OF

**An Application for Judicial Review under s  
16 of the Judicial Conduct Commissioner  
and Judicial Panel Act 2004**

**BETWEEN**

**VINCENT ROSS SIEMER**

Legal News Publisher  
27 Clansman Terrace  
Gulf Harbour  
Plaintiff

**AND**

**JUDICIAL  
COMMISSIONER**

**CONDUCT**

P.O. Box 2661  
Wellington  
Fax: 04 472 6159  
First Defendant

**AND**

**ROBERT DOBSON**

High Court Judge  
Molesworth Street  
Wellington  
Second Defendant

---

**MEMORANDUM FOR PHONE CONFERENCE**

4 September 2014

---

Submitted by: Vince Siemer, plaintiff  
27 Clansman Tce.  
Gulf Harbour  
Email: [vsiemer@hotmail.com](mailto:vsiemer@hotmail.com)

## **MAY IT PLEASE THE COURT:**

### **Background Facts**

- 0.0 The first defendant and second defendant are former law partners.
- 1.0 In March 2013, the second defendant "struck out" - without notice or hearing from the parties - a judicial review of the first defendant brought by the plaintiff.
- 2.0 That strike out followed a 'mention only' appearance where the plaintiff and first defendant had filed memoranda seeking timetabling of steps in the judicial review.
- 3.0 The second defendant failed to disclose his relationship with the first defendant. The dismissal of the proceeding was by private 'Minute' and included legal advice by the second defendant judge to his former law partner as to possible defences he might adopt had the review been allowed to proceed normally.
- 4.0 The first defendant later upheld a complaint by the plaintiff against the second defendant for this failure to disclose his relationship with the first defendant but decided "to take no further action in respect" of this failure to disclose.<sup>1</sup>
- 5.0 The plaintiff filed a complaint to the statutory office of the first defendant in respect to the second defendant's disposal of the judicial review outside the bounds of due process and 'off the record', adding the first defendant had a conflict of interest which prevented him personally deciding this complaint against his former partner.
- 6.0 Despite the now established conflict of interest between these men, the first defendant dismissed the plaintiff's complaint against the second defendant, claiming his own conflict of interest need not be considered because "I am legally bound to dismiss the complaint".

### **The Judicial Review**

- 7.0 The plaintiff pleads simply that the first defendant's acknowledged conflict of interest with the second defendant was no longer limited to their former partnership (where failure to disclose this relationship had already been upheld as misconduct) but particularised misconduct arising from his former partner operating outside the rules of due process to insulate the first defendant from judicial review. Each conflict barred complaint determination by the first defendant.

---

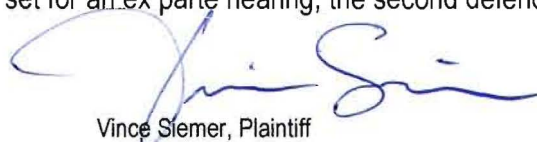
<sup>1</sup> Paragraph 62 of the first defendant's dismissal in evidence

More fundamentally, the first defendant's *approach* that he need not *consider* his multiple conflicts with the second defendant before dismissing a complaint lodged against the second defendant under the statutory regime provided by the *Judicial Conduct Commissioner and Judicial Panel Act 2004* was plainly wrong in law.

- 8.0 A pattern of judicial conflicts developed when this matter was first (and last) called on 7 July 2014, where Justice Clifford refused to hear an application by the plaintiff for his disqualification in this review due to his own conflict of interest with the first defendant. After the plaintiff left in protest, Counsel for the first defendant independently raised the issue of Judge Clifford's conflict of interest being sufficient to previously disqualify presiding where the first defendant was a party. Only then – *after* having rejected without hearing the plaintiff's application and the plaintiff leaving in protest – did Clifford J disqualify himself **with cause**.

### **Current Status**

- 9.0 This Judicial Review was filed coming up on 4 months ago. Leave to proceed was granted under the *ex parte* application process which the first defendant has confirmed again was the proper course in his counsel's Memorandum of this date.
- 10.0 Nonetheless, the first defendant seeks gratuitous treatment by this Court outside this accepted process, to accommodate his desire to prevent this judicial review.
- 11.0 The first defendant claims he needs this extraordinary deviation as protection, notwithstanding no remedy being sought against him and the general custom that bodies who are subject of similar judicial reviews abide by the decision of the court
- 12.0 Rather than file a defence or make an application provided by the rules, the first defendant prefers to defile this Court by asking it to deviate from the rules in order to summarily protect him – and do so in circumstances where not one but two judges of this Court have conceded relationships with the first defendant sufficient to compel their disqualification after failing to initially disclose their conflicts.
- 13.0 The first defendant has failed to file a defence and the plaintiff submits it is now long overdue, requiring a direction from this Court he now do so or, alternatively, a direction the matter be set for an *ex parte* hearing, the second defendant abiding



Vince Siemer, Plaintiff