

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 132/2019  
[2020] NZSC 4**

BETWEEN RICHARD LINCOLN  
Applicant

AND NEW ZEALAND LAW SOCIETY  
Respondent

Court: Winkelmann CJ, Glazebrook and O'Regan JJ

Counsel: Applicant in Person  
P N Collins for Respondent

Judgment: 14 February 2020

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**JUDGMENT OF THE COURT**

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- A The application for an extension of time to file an application for leave to appeal is dismissed.**
- B The applicant must pay costs of \$2,500 to the respondent.**
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**REASONS**

**Introduction**

[1] Mr Lincoln applies for leave to appeal against a decision of the Court of Appeal<sup>1</sup> dismissing his appeal against a High Court decision of 23 November 2018, in which Dunningham J held that Mr Lincoln does not satisfy the character requirements to be admitted as a barrister and solicitor of the High Court of New Zealand.<sup>2</sup>

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<sup>1</sup> *Lincoln v New Zealand Law Society* [2019] NZCA 442 (Collins, Wylie and Ellis JJ).

<sup>2</sup> *Lincoln v New Zealand Law Society* [2018] NZHC 3050 (Dunningham J) at [76].

[2] Mr Lincoln's application for leave to appeal to this Court is some two months out of time. His application for an extension of time is opposed by the respondent.

### **Our assessment**

[3] No adequate excuse has been provided for the late filing of this application for leave to appeal.

[4] In any event, we do not consider the criteria for leave are met.<sup>3</sup> The decisions below do not raise any issues of principle. They are based on the particular facts. We do not consider there is any risk of a miscarriage of justice.<sup>4</sup> There are concurrent findings in the Courts below and nothing raised by Mr Lincoln suggests that the conclusion reached by those Courts may have been in error.

### **Result**

[5] Mr Lincoln's application for an extension of time to file his application for leave to appeal is dismissed.

[6] The applicant must pay costs of \$2,500 to the respondent.

Solicitors:  
New Zealand Law Society, Wellington for Respondent

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<sup>3</sup> Senior Courts Act 2016, s 74.

<sup>4</sup> In the sense required in civil cases. See *Junior Farms Ltd v Hampton Securities Ltd (in liq)* [2006] NZSC 60, (2006) 18 PRNZ 369 at [4]–[5]; and *Shell (Petroleum Mining) Co Ltd v Todd Petroleum Mining Co Ltd* [2008] NZSC 26, (2008) 18 PRNZ 855 at [4].