

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 118/2022
[2023] NZSC 14

BETWEEN	CHRISTOPHER JOSEPH O'NEILL Applicant
AND	NEW ZEALAND LAW SOCIETY First Respondent
	B A GALLOWAY, R MAIDMENT AND J PILKINGTON Second Respondents

Court: O'Regan, Ellen France and Williams JJ

Counsel: Applicant in person
R S May and S B McCusker for First Respondent

Judgment: 3 March 2023

JUDGMENT OF THE COURT

- A The application for leave to appeal is dismissed.**
- B There is no order as to costs.**
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REASONS

[1] The applicant seeks leave to appeal against a decision of the Court of Appeal.¹ In that decision, the Court of Appeal dismissed the applicant's appeal against the decision of the High Court to strike out the applicant's proceeding in that Court against the respondents.²

¹ *O'Neill v New Zealand Law Society* [2022] NZCA 500 (Miller, Brewer and Moore JJ) [CA judgment].

² *O'Neill v New Zealand Law Society* [2021] NZHC 607 (Cooke J).

[2] The High Court proceeding was struck out because of the abusive manner in which it was being conducted. The nature of the abusive conduct of the proceedings is set out in the Court of Appeal judgment, and we will not repeat it here.³ The applicant also conducted his appeal to the Court of Appeal in a similarly abusive manner.⁴

[3] The applicant wishes to argue that his right to pursue his claim against the New Zealand Law Society should not have been taken from him. Although not specifically articulated, this appears to engage the miscarriage of justice ground.⁵

[4] We are not persuaded that there is any appearance of a miscarriage in the present case. Nor do we consider that any matter of public importance arises.⁶ The reason for the strike-out depended entirely on the unusual facts of the case.

[5] The criteria for the grant of leave to appeal are not met. The application for leave to appeal is therefore dismissed.

[6] As the respondents abided the Court's decision on leave and were not therefore called upon to file submissions, we make no order as to costs.

[7] The Court of Appeal directed that the Registrar of that Court refer a copy of its judgment to the Solicitor-General for consideration of such further steps as she might consider appropriate, having regard to s 166 of the Senior Courts Act 2016.⁷ We direct the Registrar of this Court to do the same.

Solicitors:
Luke Cunningham Clere, Wellington for First Respondent
Crown Law Office, Wellington for Second Respondents

³ CA judgment, above n 1, at [7].

⁴ At [9].

⁵ Senior Courts Act 2016, s 74(2)(b).

⁶ Section 74(2)(a).

⁷ CA judgment, above n 1, at [28].