



22 February 2024

OUTCOME OF THE SOLICITOR-GENERAL'S REVIEW OF THE HAMILTON CROWN SOLICITOR

In March 2023 the Solicitor-General, Una Jagose KC, received an anonymous complaint relating to the conduct of the Hamilton Crown Solicitor. The complaint set out several allegations made by current and former staff members of Hamilton Legal.

The Solicitor-General acknowledges that making complaints of this kind is difficult and would like to thank the original complainants in this case for their courage, cooperation, and engagement in the process. She extends her thanks to all those within and outside Hamilton Legal who participated.

The Solicitor-General determined the allegations were serious and gave rise to a concern the Crown Solicitor may not be in satisfaction of her Terms of Office. A review into the Crown Solicitor's conduct was initiated which included the appointment of Maria Dew KC to independently investigate the complaint and determine the facts relating to the allegations. The second stage of the process involved the Solicitor-General conducting a review of the Crown Solicitor's performance in light of Ms Dew KC's findings.

The dominant allegation was that the Crown Solicitor had engaged in bullying of individual staff. Following a thorough investigation, including interviews with 38 individuals, Ms Dew KC was not satisfied the Crown Solicitor had engaged in conduct that constituted bullying with reference to the definition used by Worksafe NZ. However, Ms Dew KC was satisfied that there was a valid basis for the concerns raised.

A theme in Ms Dew KC's report was that at times the communication and management style of the Crown Solicitor was challenging, critical, and unpredictable. This was found to be a central cause of poor workplace culture for many staff. Ms Dew KC observed that the Crown Solicitor had not been made aware of the adverse impact of her behaviour until the investigation. The Solicitor-General considers the factual findings of Ms Dew KC to be serious and accepts that some staff have been genuinely distressed as well as staff trust in the Crown Solicitor having been undermined.

In response to Ms Dew KC's report and with support from the Deputy Solicitor-General (Criminal), Madeleine Laracy, the Solicitor-General has conducted a robust review into the performance of the Crown Solicitor. The Crown Solicitor cooperated fully with Ms Dew KC's investigation and with the review process. The review was focussed on the Crown Solicitor's management and communication style and the arrangements in the office to support staff.

Ms Jagose KC considers that the behaviour of the Crown Solicitor at times fell below the standards expected of a warrant holder. The Crown Solicitor has accepted responsibility, deeply regrets that some of her actions have had a hurtful impact in her workplace and is committed to making further changes. The Solicitor-General is satisfied that having been made aware of the issues raised, and the impacts described, the Crown Solicitor has already

taken meaningful steps to address her style of communication and improve the culture within the firm.

The review was not triggered by and did not reveal any concerns about the Crown Solicitor's integrity or performance as a senior prosecutor for the Crown. The investigation into the suitability and fitness of the Crown Solicitor as a warrant holder is now complete.

"I maintained close oversight of the review, and also personally met with the Crown Solicitor and the partners. Our own process was rigorous and followed Ms Dew KC's extremely thorough and sensitive investigation. From our detailed review it was clear the Crown Solicitor and her partners are making changes and have work well underway to better support staff," Ms Jagose KC says.

"I have confidence in the Crown Solicitor's commitment and ability to professionally lead the office in a way that is consistent with the Terms of Office and with my expectations."

Ms Laracy and her team will continue to support the Crown Solicitor and Hamilton Legal as part of the Crown Solicitor Network and have agreed follow-up steps to ensure that changes are embedded and sustained.

Consistent with the Law Society's practice and with other Crown Solicitor reviews, Ms Dew KC's investigation and the review itself was conducted on assurances to all parties that it would be a confidential process. To recognise their special interests the original complainants have been given additional information on a confidential basis. Crown Law does not intend to release any further information about the findings or the review. The complainants remain anonymous.

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