

PRACTICE BRIEFING

# Counsel Moving Admission of Barristers and Solicitors to the High Court

## INTRODUCTION

---

*Over 900 New Zealanders are now admitted as barristers and solicitors of the High Court each year. The admission ceremony is a significant event in the life of every intending lawyer. While admission is a celebratory occasion, it is also a court proceeding. Often counsel who move admission do not normally appear in court and have become involved because the candidate is a relative or colleague. This Practice Briefing has been prepared by the Law Society to provide advice and information for lawyers who want to move an application for admission to the High Court.*

## PRACTISING CERTIFICATE REQUIREMENT

---

Counsel moving applications for admission to the High Court are required to hold a current practising certificate. Applications for admission must also be certified by a lawyer holding a practising certificate.

However, judges presiding over admission ceremonies are sometimes asked to exempt moving counsel from that requirement.

Section 27(1)(b)(ii) of the Lawyers and Conveyancers Act 2006 permits the court to grant such exemptions. The Ministry of Justice has advised that in most cases the judges' preference is that moving counsel seek a temporary certificate from the New Zealand Law Society rather than an exemption from the court. It appears that retired judges are likely to have a direct application accepted but retired legal practitioners should apply for a temporary practising certificate.

## APPLYING TO THE HIGH COURT FOR AN EXEMPTION

---

If you want to apply to the High Court for an exemption, the application should be made by letter filed in the court at least two weeks before the date on which the application is due to be filed.

Applications are not granted routinely. Counsel should explain why the exemption is sought

and why he or she should be permitted to appear without a practising certificate (for example, that counsel is a retired practitioner in good standing who wishes to move the admission of a close family member).

## APPLYING FOR A TEMPORARY PRACTISING CERTIFICATE

---

Applications to the New Zealand Law Society for a temporary practising certificate should be made at least two weeks before the date on which the application for admission is due to be filed. The certificate is issued for a maximum of six weeks and expires at midnight on the day of admission.

A lawyer holding a current practising certificate must certify applications for admission. Accordingly, counsel who do not hold a current practising certificate must apply to the Law Society for a temporary certificate or to the court for an exemption before filing the originating application. Allow sufficient processing time for such an application to be considered.

To apply for a temporary practising certificate you must complete the application for a practising certificate on the Law Society website (<http://www.lawsociety.org.nz/for-lawyers/legal-practice/practising-certificates>) and note that it is for the purpose of being moving counsel. You will need to provide a Certificate of Standing from each overseas jurisdiction you have been admitted in and provide the appropriate references if required. The cost of a temporary practising certificate is \$100 plus GST.

If you have any inquiries you can contact the Law Society Registry on (04) 472 7837 or [registry@lawsociety.org.nz](mailto:registry@lawsociety.org.nz).

## FILING DATE FOR APPLICATIONS FOR ADMISSION

---

Those seeking an exemption should also be aware of the requirement in rule 5(3) of the Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008. That rule provides that the application for admission should be filed at least one month before the scheduled hearing unless the Registrar allows it to be filed later. Please check with the candidate as to the filing date as the deadline for filing varies in each High Court.

## DRESS FOR ADMISSIONS

---

The Chief High Court Judge has advised that the general approach in connection with court attire for admission ceremonies is that candidates for admission and their moving counsel have the option of wearing traditional court attire (wigs, bands, white shirt and gowns) or gowns over neat clothing. There is no requirement to wear a wig.

“Neat clothing” means dark/black suit, white collared shirt and tie for men and equivalent dress for women (who should ensure their shirt or blouse is white, and wear black or skin colour stockings with a skirt). Where possible, hair should be tied back.

Candidates and moving counsel may not combine the two options by, for example, wearing a wig and a tie, or bands over a tie.

## OBTAINING TRADITIONAL COURT ATTIRE

---

Most candidates being admitted like to wear traditional court attire. Because wigs and gowns are expensive, unless you already possess these, you and the person for whom you are moving admission will need to arrange to hire the attire.

If you need to hire a wig/flat collar bands and/or gown, it is recommended that you contact Academic Dress Hire. This is the trading name of the Kate Edger Educational Charitable Trust. The Trust hires wigs, gowns and bibs for admissions and court appearances. Although it is based in Auckland, it offers a country-wide service. You need to book in advance and this is done through their website at <http://www.academicdresshire.co.nz/shop.html>.

Current hire prices are as follows:

Item	Price
Barrister's Gown	\$55
Barrister's Wig	\$60
Bib	\$10
Bond (if outside Auckland region)	\$200 (\$100 if gown only)
Courier Delivery (depends on location)	\$10 to \$28 each way

Payment can be made by Visa or Mastercard, EFTPOS or cash, or online banking. The Auckland office is located at 17 George Street, Newmarket, Auckland 1023, phone (09) 358 1044.

## PROCEEDINGS AT THE ADMISSION CEREMONY

---

The format of the ceremony will vary according to the location and also the number of people being admitted.

Candidates and their moving counsel are usually required to arrive at the venue at least 20 minutes before the ceremony begins.

Moving counsel should take a seat in the courtroom. In larger centres with admissions of a large number of candidates, seats will be assigned to counsel and there will be someone on hand to give directions. Candidates are required to wait outside the courtroom until their names are called.

At the appointed time the Crier will bring in the Judge speaking in Te Reo and English. All in attendance must stand until directed to be seated.

The following Order of Ceremony is taken from an admission ceremony in the Wellington High Court.

**CRIER:** All persons having any business before this Honourable Court draw nigh and give your attendance and you shall be heard.

Admission of Barrister and Solicitor.

**REGISTRAR:** Application by [name of candidate]

*CANDIDATE: Walk in as name is called to designated place. Counsel Moving stands.*

**COUNSEL MOVING:** May it please the Court I move that [name of candidate] be admitted as a Barrister and Solicitor of this Honourable Court.

*Counsel moving resumes seat. The next candidate is called and the process is repeated for each candidate.*

**PRESIDING JUDGE:** Let the candidates for admission severally take the oath or affirmation of true honest conduct as required by law.

**REGISTRAR:** Those who wish to take the Oath, please take the bible in your right hand. Ladies and gentlemen, do each of you swear by Almighty God or solemnly, sincerely and truly declare and affirm that you will truly and honestly conduct yourself in the practice of a Barrister and Solicitor according to the best of your knowledge and ability. Please indicate your assent to the oath or affirmation by saying “I Do” as I call your name.

**PRESIDING JUDGE:** This Court being satisfied that each of the candidates is duly qualified and of good character and a fit and proper person to be admitted as a Barrister and Solicitor of this Court, orders that each of them be admitted as a Barrister and Solicitor of this Court accordingly.

*NEWLY ADMITTED: Bow in unison.*

**PRESIDING JUDGE:** Address to newly admitted lawyers and the Court.

*CRIER: Retires Judge.*

## AFTER THE ADMISSION CEREMONY

---

The new admittees lawyers must sign the roll. The Registrar will give directions on how and where this is to be done. The Order for Admission (LA5) can be filled anytime after the ceremony during working hours. At least three copies must be brought to seal.

---

### NEW ZEALAND LAW SOCIETY

Law Society Building  
26 Waring Taylor Street  
WELLINGTON 6011

PO Box 5041  
Lambton Quay  
WELLINGTON 6145

(04) 472 7837

Information in the Practice Briefing series is provided by the Law Society as a service to members. This briefing is intended to provide guidance and information on best practices. Some of the information and requirements may change over time and should be checked before any action is taken.

**July 2017**