

Recommendations and the Law Society's response

#	Theme/recommendation	Response
1	Independent regulator Establish a new independent regulator to regulate lawyers in Aotearoa New Zealand	Accept in principle
2	Institutional arrangements Ensure the independence and effectiveness of the new regulator by institutional arrangements that include: a) Establishing an independent statutory body, which is not a Crown Entity and not subject to direction from Ministers. b) a board of eight members, with an equal split between lawyer and public members, chaired by a public member, and at least two members with strong Te ao Māori insights. c) appointment of board members by the Minister of Justice, following advice from a nominations panel comprising a mix of consumer representatives, governance experts and members of the legal profession.	Accept in principle Further consideration required Further consideration required

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3	New statutory objectives and obligations	
	Incorporate Te Tiriti and regulatory objectives in the new Act and update the fundamental obligations of lawyers, by:	Accept in principle
	a) including a Tiriti o Waitangi section, requiring those exercising powers and performing functions and duties to give effect to the principles of Te Tiriti o Waitangi.	Accept in principle
	b) setting out regulatory objectives, with an overarching objective to protect and promote the public interest.	Accept in principle
	c) updating the fundamental obligations of lawyers, requiring lawyers to promote as well as protect their clients' interests and adding a new obligation on lawyers to maintain their competence and fitness to practise.	Accept in principle
4	Scope of regulation	
	Reform the scope of regulation, by:	
	a) maintaining the current focus of the regulatory framework on lawyers and conveyancers, rather than extending it to cover other unregulated legal service providers	Accept
	b) introducing a new 'freelance' practising model that allows lawyers to provide services to the public in non-reserved areas, without requiring prior approval from the regulator.	Further consideration required
	c) permitting employed lawyers to provide pro bono services to the public in non-reserved areas.	Accept in principle
	d) permitting new business structures, to allow non-lawyers to have an ownership interest in law firms and lawyers to enter into legal partnerships with non-lawyers.	Further consideration required
	e) directly regulating law firms, with new firm-level obligations.	Accept in principle

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5	<p>Quality assurance and care</p> <p>Enable the regulator to better protect consumers, support practitioners and assure competence, by:</p> <p>a) giving the regulator new tools, including powers to suspend practising certificates, require practitioners to undergo a health or competence review, undertake practice reviews and impose bespoke conditions on a practising certificate</p> <p>b) reviewing CPD requirements including the current 10-hour CPD requirement, and specifying key mandatory components of the CPD to be undertaken every three to five years.</p>	<p>Accept in principle</p> <p>Accept in principle</p>
6	<p>Complaints system</p> <p>Reform the system for handling complaints about lawyers and introduce a model in which:</p> <p>a) complaints will be assessed and determined by in-house specialist staff, rather than by volunteers on Standards Committees.</p> <p>b) formal investigative and disciplinary processes will be reserved for those matters that require a disciplinary response from the regulator. Complaints about 'consumer matters' (eg, fees, delay, poor communication) will instead go through a dispute resolution process.</p> <p>c) the identity of a lawyer who engages in 'unsatisfactory conduct' will not be publicly disclosed other than in exceptional circumstances, with naming reserved for cases where the Lawyers and Conveyancers Disciplinary Tribunal finds the lawyer guilty of 'misconduct'.</p> <p>d) The independent Legal Complaints Review Officer will be replaced by a small review committee convened by the regulator and staffed by external members or an external adjudicator.</p> <p>e) lawyers will be subject to a new duty to ensure complaints are dealt with promptly, fairly, and free of charge.</p>	<p>Further consideration required</p> <p>Accept in principle</p> <p>Accept in principle</p> <p>Further consideration required</p> <p>Accept in principle</p>

#	Theme/recommendation	Response
7	Cultural challenges Encourage diversity and inclusion in the legal profession, by:	
	a) creating a regulator with a specific objective of "encouraging an independent, strong, diverse and effective legal profession" and a competence-based board that reflects diversity	Accept in principle
	b) removing regulatory barriers that are having a discriminatory effect.	Accept in principle
	c) giving the regulator new powers to collect diversity data from law firms and publish aggregate data on trends within the profession.	Accept in principle
8	Law Society as a membership body The Law Society should continue as the national representative body. It should have a single governance layer, with a board comprising 8-10 members, including public members.	Further consideration required
