

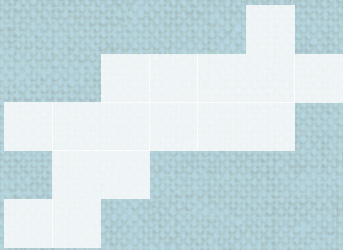
LawTalk

KŌRERO MŌ TE TURE

The future of the
profession

AUTUMN 2026

What will our
profession look
like and what
about New Zealand?





Auckland Volunteer event

Left: Anitesh Govind, Katie Rusbatch, David Campbell



International Women's Day event in Hamilton – Balancing the Scales

Above L-R: MC Alison Mau, Ruahine Albert, JP Tainia Kiri and Suzette Hoeborgen, Professor Leilani Tuala-Warren



Christchurch Gender Equality Charter event

Left: Katie Rusbatch, Genevieve Haszard
Above L-R: Frazer Barton, Stephanie Grieve KC, Tiffany Sauni, Anna Fox, Madeleine Breen, Genevieve Haszard

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ABOUT LAWTALK

LawTalk is published three times a year by the New Zealand Law Society Te Kāhui Ture o Aotearoa for the legal profession. It has been published since 1974 and is available to every New Zealand-based lawyer who holds a current practising certificate.

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STORY SUGGESTIONS

Do you have a suggestion for a story idea you think would be interesting for an upcoming issue of *LawTalk*? Email: publications@lawsociety.org.nz



Building on strong foundations

BY **DAVID CAMPBELL**

Kia ora koutou katoa, Stepping into the role of President of the New Zealand Law Society Te Kāhui Ture o Aotearoa, I am fortunate that the Law Society is well-placed to continue to build on its strong foundations as the regulator and representative body for the profession.

I recognise the notable gains made over recent years with great appreciation for my predecessor, Frazer Barton. On behalf of the Law Society Board, Frazer thank you for your service, over many years, and your calm and principled leadership.

During Frazer's tenure the Law Society's representative function has been significantly strengthened. Our voice as champion of rule of law has been amplified, whether that be by urging the Attorney-General to provide clear direction on ministerial conduct towards the judiciary, raising concerns about the growing use of urgency in Parliament, or the release of the landmark Rule of Law report in 2025.

A strong and effective advocate for good law

The rule of law remains a priority for me. Over the coming year we will be looking to continue this

conversation with both the profession and the public, reflecting on how the rule of law is experienced and how it can be strengthened.

Our law reform and advocacy work continues to be a core function of the Law Society. We are a trusted, objective and influential voice, with strong relationships with the Minister of Justice, judiciary and the public sector. We carry out this role in the interests of both the public and the profession. In 2025 the Law Society made more than 150 formal submissions across all areas of law, addressing bills before select committee as well as consultations from public service departments and the judiciary.

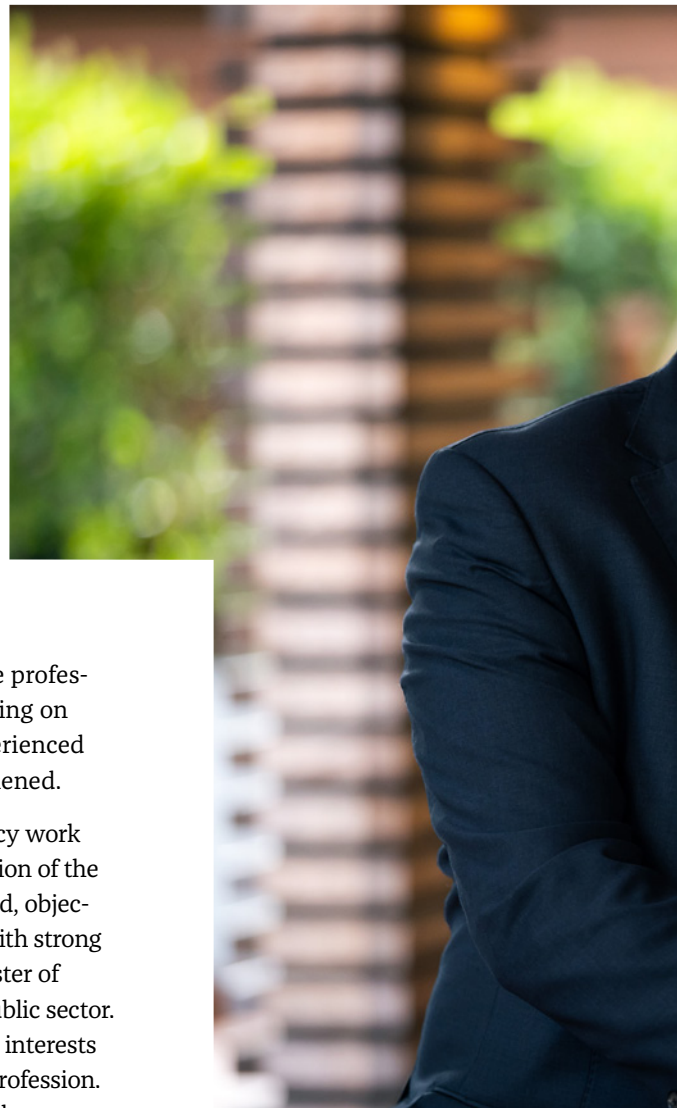
This has led to meaningful improvements. Our submissions resulted in changes to the Fast-track Approvals Act 2024 and the subsequent Fast-track Approvals Amendment Act 2025, in relation to the scope of ministerial and executive power within the fast-track consenting process. Other recent examples include last-minute improvements to the Social Security (Accident Compensation and Calculation of Weekly Income) Amendment Bill, to better uphold the rule of law and improve fairness.

In terms of law directly impacting the profession, we were also pleased

to see recommendations picked up from our submissions on two Bills currently before Parliament, which will amend the AML/CFT Act 2009. Our recommendations included strengthening the requirements to consult with reporting entities, inserting national justice requirements in respect of the new censure power, and clarifying how reporting entities are required to treat supervisor guidance.

Our core function

As a kaitiaki of an exemplary legal profession, the Law Society has a pivotal role regulating nearly 18,000 lawyers. This function remains fundamental. It is our core obligation under the Lawyers and Conveyancers Act 2006 and





Want to hear more?

Scan the QR code to watch David talk about his journey, priorities and vision for the profession.

your own career journey while also strengthening the profession as a whole.

Many members and eligible law firms are also benefiting from LawSure, our bespoke professional indemnity insurance product launched through a strategic partnership with Gallagher Insurance. This initiative is delivering meaningful value, with average savings of around \$5,000 per firm and a range of approximately \$100 to \$30,000 depending on firm size. Just as importantly, it has increased competition across the insurance market – a positive outcome for the entire profession.

Looking ahead

I am delighted that Law Society membership numbers grew last year, and I am confident we will continue to build on this momentum into this year and next. This growth reflects a profession that sees value in staying connected, engaged, and invested in its collective future.

It is fitting that this issue of *LawTalk* focuses on the future of the legal profession. As the regulator and a national representative body with branches and strong connections across the motu, we are well placed for what lies ahead, confident in our purpose, underpinned by a strong regulatory framework and highly effective advocacy. We continue to add to our membership offerings and support for lawyers across Aotearoa. The challenge now is to build on this strength and momentum. ■

underpins public trust and confidence in the profession.

To support the Law Society's representative offering, the introduction of a membership subscription has been a positive step, supporting financial sustainability while sharpening our focus on delivering value. While the Law Society represents the entire profession, our over 10,600 lawyer members are those who actively choose to engage with and support that work. Membership numbers continue to grow in 2025/26, and I am confident we will continue to build that momentum.

Staying connected in your career

The Law Society is your professional body, and I encourage all lawyers

to consider how membership can support both your practice and your professional identity. Membership is one of the most effective ways to stay connected, continue learning, and contribute to the profession.

Your membership enables the Law Society to deliver the services that matter most to you. This includes specialist expertise through our Sections, collegial events, and strong local support through 13 branches across the country. It also delivers significant savings on high-quality CPD and access to a wide range of learning opportunities. For newer lawyers, particularly those at PQE2, I encourage you to stay connected by transitioning from complimentary membership to paid membership at PQE3. That continuity supports

Te Ao Hurihuri.



Paul Spoonley FRSNZ ONZM is a sociologist and emeritus distinguished professor and a Senior Fellow at Kōi Tū where his specialist area is social change and demography and how this impacts policy decisions at the political level.

How Population Change Will Shape New Zealand's Future

BY PAUL SPOONLEY

When I began studying population geography at Otago University in the mid-1970s, the book that was most influential was Paul Ehrlich's *Population Bomb* which was published in 1968. The concern was that the degree of population growth would overwhelm the earth's resources. Now, almost sixty years later, the key global concern is with the nature and impacts of depopulation.

American political economist Nicholas Eberstadt recently labelled what is happening as the "age of depopulation", of major population decline in many parts of the world with some halving in size between 2023 and 2100. Aotearoa New Zealand is both something of an outlier in terms of demographic change; and in other respects, it is joining the rest of the high-income world but as a relative latecomer.

Inverting the population pyramid

This comprises two elements, the rapid ageing of the population combined with declining fertility. It is hard to miss the significant shift in the size and importance (fiscal, influence) of the Baby Boomers (born between 1945 and 1964) who are now reaching the age of 65 in ever growing numbers. When Paul Ehrlich was writing his book,



New Zealand is one of the classic immigrant destination countries. Almost 30% of all New Zealanders were born in another country and this rises to over 40% for Auckland.

the over 65-year-olds made up 8% of the population. They are now 18% of the New Zealand population and will continue to grow until a quarter of all New Zealanders will be aged over 65.

Many will still be working, some by choice, others because financial reality leaves little alternative. On current figures, 40% will be totally reliant on superannuation when they do retire. Another 20% will have some extra money, but not much. They will live longer than previous generations and will generally be healthier and active for longer.

At the other end of the age spectrum, the numbers being born in New Zealand are declining. At the end of the Global Financial Crisis (GFC), New Zealand was still at replacement rates for fertility (2.1 births per woman) but since then, there has been a rapid drop-off so that we are now 25% below the rate required to replace our existing population. The impacts are now being felt at the primary school level with a year-on-year decline of 4,000 fewer enrolled students. By 2032, there will be 30,000 fewer students in the education system.

The drivers for this are varied. Education plays a role. Across most professional programmes, including law, around two-thirds of university students are now female. Employment patterns also matter, particularly when combined with the financial and career costs associated with having children. Concerns about maintaining income progression, balancing career development, and environmental pressures are influencing decisions about family size. As a result, more people are choosing not to have children, delay parenthood, or adopt a “one-and-done” approach.

All this means that older age cohorts are now larger – and growing larger – than younger age cohorts, a complete reversal of the traditional pyramid shape. The implications are that the costs of an ageing society – superannuation, health care – will increase while those in the prime working ages and those working will decline meaning less income from personal income tax and fewer workers.

A 2025 Business NZ study estimated that New Zealand will be short of 250,000 workers by 2048. Many of our existing provisions and policies will not work – or work well – in this new demography.

We are already superdiverse – and we will get even more superdiverse

One of the few options to counter fertility decline – and depopulation – is to supplement a population by attracting and settling immigrants. New Zealand is one of the classic immigrant destination countries. Almost 30% of all New Zealanders were born in another country and this rises to over 40% for Auckland.

Since 1990, New Zealand has experienced four major spikes in arrivals and net migration gain. The last three occurred at the end of the GFC, just prior to COVID-19 travel restrictions and then again in 2023-2024, the last being the highest ever with a quarter of million immigrant arrivals and a net gain of more than 130,000.

The impact is already significant, particularly in the ethnic composition of younger generations. Over the past decade, the largest sources of migration to New Zealand have been India, China and the Philippines. While fertility rates among these groups are broadly similar to those of Pākehā, the demographic effects are substantial. Population projections have been revised upwards, and it is now expected that in the coming decades around one-third of New Zealanders will identify with an Asian ethnic group.

At present, about three-quarters of Asians living in New Zealand were born overseas. Over time, however, the proportion who are New Zealand-born and educated will grow. The values, expectations and perspectives this generation bring will help shape the Aotearoa of the 2030s and 2040s.

The values and ambitions of Māori are already abundantly clear. And here demography is destiny. Māori fertility is dropping but the combination of a much younger median age, younger mothers and more children means that the Māori population will keep growing. The Māori population will make up more than 20% of Aotearoa's total population but at the under 15 years of age, they will comprise a third of the total. (When I refer to Māori in this context, I am talking of those who self-identify, not the descent population. These younger kohanga reo generations are much more immersed in their tikanga, their reo and their whakapapa links.

And then there is Auckland

A final but important aspect to our changing demography is the growth – and growth – of Auckland

and the top half of the North Island. Often, the media focus on the percentage growth of Queenstown Lakes or Selwyn – and both are growing fast. But between 40 and 50% of all annual growth now occurs in Auckland.

Why? In recent years (2023-2024), 80-85% of annual population growth comes from net migration as fertility drops. The result is that immigration has become the major factor in population growth for most towns and regions. Currently, immigration numbers have dropped and as a result, a number of regions (Hawkes Bay, Nelson) are experiencing population decline and the only significant growth is occurring in Hamilton, Christchurch – and Auckland. Almost half of all population growth for the country now occurs in our major city.

The result is that over the coming decades, about three-quarters of New Zealand's population will live in the top half of the North Island and 40% in Auckland. The corollary is that many regions and smaller towns are experiencing population stagnation (little or no growth) and depopulation is becoming more common.

A final note

Welcome to the “new” New Zealand: older, more urban, with fewer young people, fewer workers and far greater cultural diversity. These changes will reshape the society lawyers serve, influencing everything from the nature of legal work to the expectations clients bring to the profession. Some organisations are already planning for this future. Many others are not. For lawyers, the challenge is simple: to recognise that the country we practise in is changing, and to adapt accordingly. ■

Trends in the profession – from the Snapshot

The profession has grown over the years since it was first established one hundred and fifty years ago. It has also become more diverse.

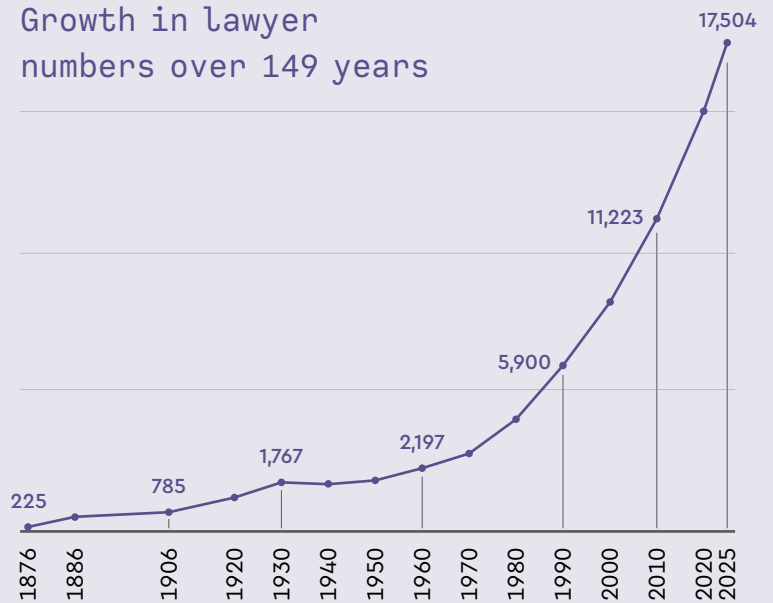
Female lawyers now account for more than half of the profession, something Professor Spoonley highlights as a common trend across professional roles. The proportion of women lawyers is largest in the 0–7 years since admission (PQE) cohort.

Since the end of June 2021, there has been a 26.7% increase in Māori lawyers, 40.3% increase in Asian lawyers, and 42.4% increase in Pacific lawyers. The increase in all lawyers over that time is 12.5%.

Professor Spoonley highlights challenges in changing demographics for Aotearoa New Zealand, including an ageing population and a shift to urbanisation. The map from the 2025 Snapshot of the profession shows the current geographic spread of lawyers with the Auckland branch the largest, followed by Wellington and Canterbury Westland.



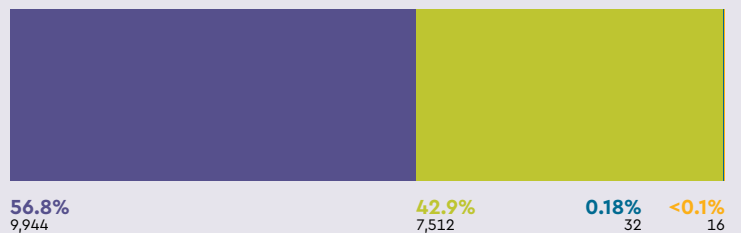
Growth in lawyer numbers over 149 years



Proportion of all lawyers by gender compared to lawyers 0–7 years PQE

Legend: Women (dark blue), Men (green), Not stated (teal), Gender Diverse (orange)

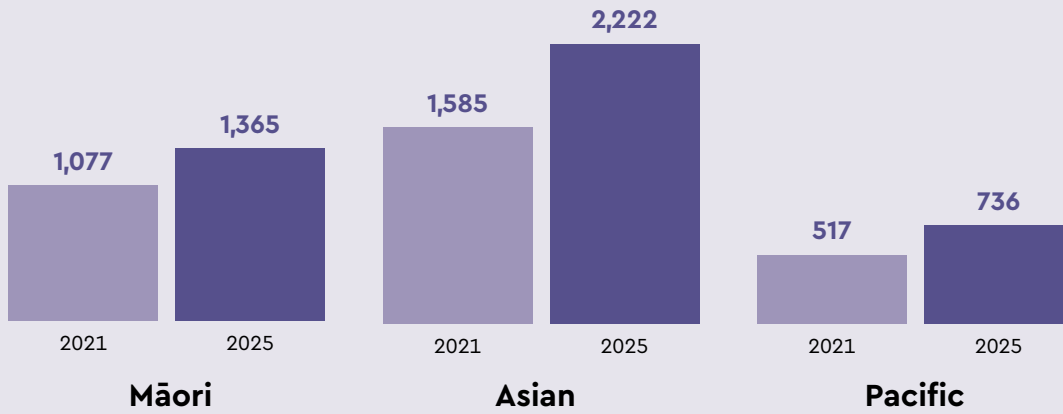
All Lawyers (total 17,504)



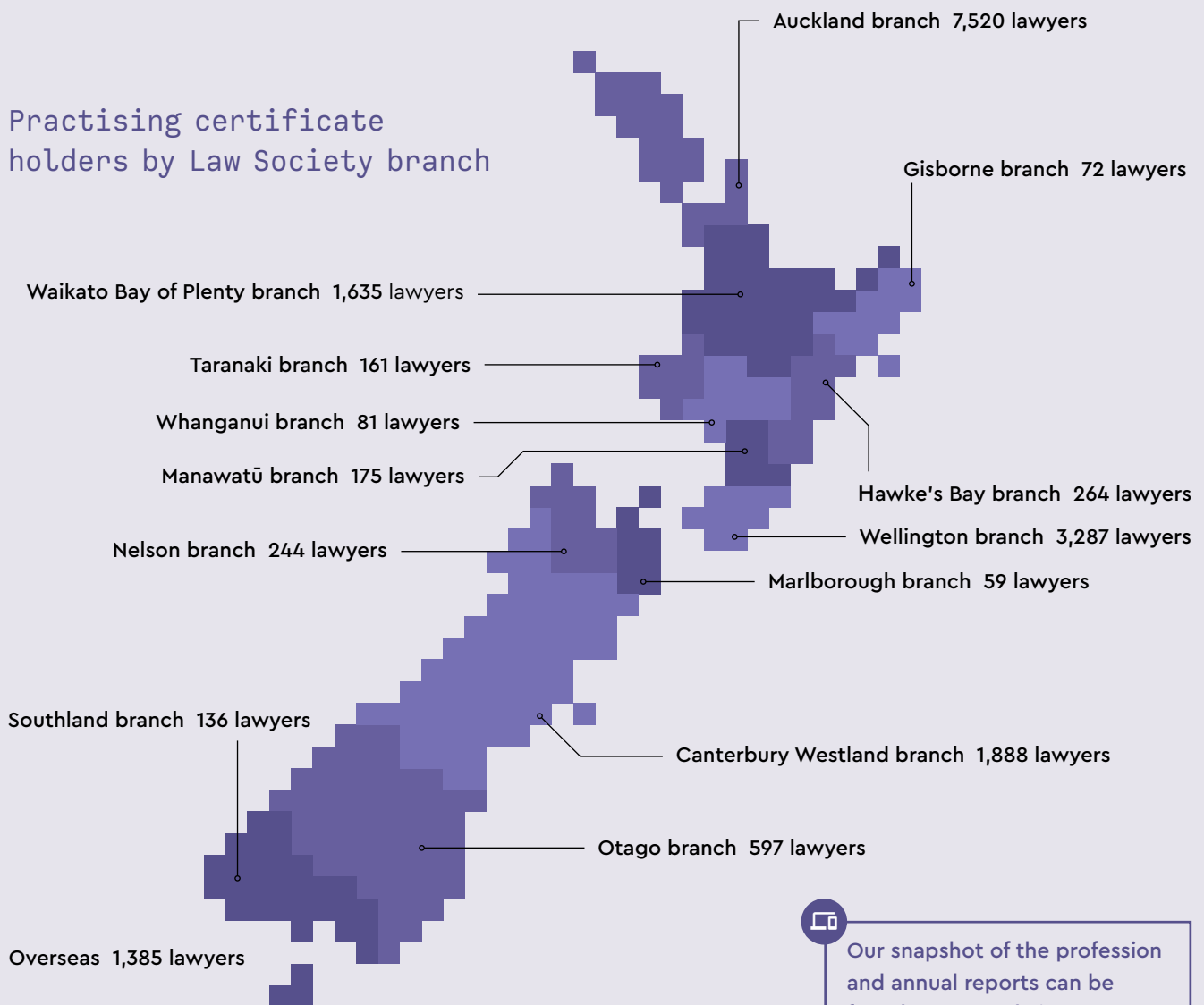
Lawyers 0–7 Years PQE (total 5,808)



Ethnic diversity: increased numbers of Māori, Asian and Pacific lawyers



Practising certificate holders by Law Society branch



Our snapshot of the profession and annual reports can be found on our website.

Fresh perspectives from the next generation

As the legal profession in Aotearoa New Zealand looks to the future, the perspectives of those entering and building their early careers offer an important glimpse of what lies ahead.

From regional practice to commercial law, public sector work and professional leadership, a new generation of lawyers is helping shape how the profession evolves, bringing fresh ideas about practice, purpose and the role of law in a changing society.

LawTalk spoke with five young lawyers working across different parts of the profession about their experiences so far, what has influenced their paths, and how they see the future of legal practice unfolding.

Keegan Jones
Senior Lawyer, WRMK
Lawyers (Ngāti Hine,
Ngā Puhī, Ngāti Porou)

Commercial lawyer bringing Te Ao Māori perspectives to business law and the profession.

Keegan Jones is a Senior Lawyer in the business team at WRMK Lawyers in Whangārei, advising clients on a range of commercial matters with a practical, client-focused approach. Before joining the firm, he worked as an advisor at Te Puni Kōkiri – the Ministry of Māori Development – bringing a strong understanding of commercial law and Te Ao Māori. His work has been recognised nationally, including being named an *NZ Lawyer Rising Star 2024*, while he also contributes to the profession through roles with the New Zealand Law Society Auckland Young Lawyers Committee and the Auckland Law Society Branch Council.

How do you think the way you practise law will look different in ten years' time compared with today?

In ten years, my day should be a lot lighter on admin and heavier on thinking time. AI-enabled tools will take more of the repetitive work, first pass drafting, document



Keegan Jones

management, time capture, matter reporting (many of these already exist, like VXT and Ivo). That frees me up for the parts clients actually value, which I consider is analysis, strategy, negotiation, advocacy, risk allocation and clear, practical advice. The payoff should be faster turnarounds, clearer pricing and better value, less time lost to admin tasks, and more time spent using judgment.

How do you use social media or other digital platforms in a professional context, and how do you navigate the boundaries?

LinkedIn is my professional home base. I use it to show the work I'm doing, break down legal developments in plain English and spotlight the free legal clinics project (a Kaupapa Māori legal clinic platform

I started) when they are on. I will often post follow-ups with general resources and lessons learned. I also use Instagram for short explainers and behind the scenes snapshots of our free legal clinics. The rules I follow are to make sure there are no client identifiers, no confidential information and nothing that looks like tailored legal advice. DMs get pointers to public resources or a booking link, not legal opinions. I keep it practical, respectful and useful, because online content sits next to your professional reputation.

What do you see as the most significant challenge facing lawyers of your generation and why will it matter more for us than for those who came before?

The challenge is building a career while the ground is moving. Automation isn't just making tasks faster; it's reshaping what clients expect on speed, cost and what should be billed at all. That changes the training path; if entry level work shrinks, you have to be deliberate about developing the skills that don't automate well — commercial judgment, risk aware drafting, negotiation and client management. Those who lean into the tools and pair them with strong judgment will thrive; resisting the shift won't stop it.

What's one "rule" of the legal profession that your generation will quietly retire, and what will replace it?

I consider we will retire the idea that 'more hours equals more value' and that doing everything manually is a badge of quality. I consider that



Jordan Neville

clients don't hire a stopwatch, they hire judgment and outcomes. What replaces it is clearer scoping, better matter project management, sensible use of technology and pricing that matches value with fixed, hybrid or value based where it fits. The new standard is "high quality and efficient," not "slow and therefore thorough."

What part of your job should AI or technology not touch, and why?

AI shouldn't replace the parts of the job that carry professional judgment and accountability. It shouldn't make the call on strategy, risk or what's commercially acceptable — those depend on context, client objectives and human dynamics. And it shouldn't have final signoff on advice or key documents. The lawyer remains responsible for accuracy, privilege and confidentiality, and conflict checks. Let technology help with drafting, research, summaries and quality control and let's keep the judgment, risk management and ownership of the advice to us humans!

**Jordan Neville
Employed Barrister,
Riverlands Chambers
(Christchurch)**

**Family and criminal law barrister
focused on advocacy and commu-
nity involvement.**

Jordan is an Employed Barrister at Riverlands Chambers in Christchurch, practising primarily in family and criminal law with a strong focus on Family Court advocacy. Admitted to the bar in 2019, he began his career at Saunders & Co Lawyers before moving to the independent bar, where he represents clients across a wide range of family law matters, including care of children, protection orders and Oranga Tamariki proceedings. Jordan is also active in the profession through roles with the Family Law Section, the Canterbury Westland Branch Council of the New Zealand Law Society and the Family Courts Association.

How do you think the way you practise law will look different in ten years' time compared with today?

My ways of practice have changed over the last seven years, and everyone has their own niche as to how they operate day-to-day. I see myself using new tools for sourcing and processing information, for example legal research AI tools, but I do believe that my method of practice will largely remain the same. I am conscious of having a greater work/life balance which with working in a barrister role provides a level of flexibility.

How do you use social media or other digital platforms in a professional context - whether to build networks, share knowledge, or engage with the public - and how do you navigate the boundaries that come with that?

I do not have a significant presence on social media professionally. I use LinkedIn for sharing of ideas and general conversations, notably about changes in the law. I am mindful of the content that is published and the type of interactions online, but I see it as a good tool for socialising with other lawyers while being mindful of the content that I engage with and what is put online.

What part of your job do you think AI or technology shouldn't touch, and why?

AI has many useful applications, but I am also conscious about its use. I view that it should not come in the way of a face-to-face connection

or having an honest conversation with a client (for example having AI software record a transcript of a meeting). Law is based on regulating human interaction, and AI cannot copy human nature or the ability to build a rapport with a client. My concern is that AI is used in the wrong situation, it could overshadow that ability and damage trust and confidence in the lawyer/client relationship.

What's one "rule" of the legal profession that you think your generation will quietly retire, and what will replace it?

I believe that for a long time there has been a focus on services being provided based on and measured by time, instead of value. With new tools like AI to allow information to be processed at a much faster pace, I believe that there will be less of a focus on time recording and a greater focus on value for client work.

What do you see as the most significant challenge facing lawyers of your generation - and why do you think it will matter more for us than for those who came before?

The evolving nature of legal tools that we have available at our fingertips comes with new risks and issues that new lawyers will be faced with more than ever. I always come back to using a pen and paper. I think that new lawyers will have a greater array of issues to consider with technology, but also to be educated about the benefits and risks. I view that this will be an important



Riiana Hohaia

issue for the profession to discuss, especially about the future and best equipping new lawyers

Riiana Hohaia
Senior Lawyer, Whare Āwhina Community Law (Ngāpuhi-nui-tonu - Ngāti Rēhia, Ngāti Kura, Ngāti Hao)

Community lawyer dedicated to supporting Māori whānau and improving access to justice.

Riiana Hohaia (Ngāpuhi-nui-tonu - Ngāti Rēhia, Ngāti Kura, Ngāti Hao) is a Senior Lawyer at Whare Āwhina Community Law in Northland, where she works closely with Māori whānau, focusing on legal education, advocacy and access to justice. Her career has centred on family law, including previous roles as a Family Barrister at Hibiscus Coast Legal Chambers and a Family Lawyer at

Smith and Partners in Henderson. Of Māori and Scottish descent, Riiana is committed to supporting and empowering communities through her legal work.

How do you think the way you practise law will look different in ten years' time compared with today?

The current system, rooted in 1800s English law, needs to evolve to meet contemporary Aotearoa. In ten years, I believe what is envisioned in the Te Ao Mārama Court will be more fully realised, reflecting a modernised legal system grounded in He Whakaputanga me Te Tiriti o Waitangi, for the benefit of all New Zealanders. Already we are seeing growing momentum for tikan-ga-led practices to be more widely incorporated in mainstream legal processes, particularly in alternative dispute resolution, family law, and the criminal courts.

How do you use social media or other digital platforms in a professional context - whether to build networks, share knowledge, or engage with the public - and how do you navigate the boundaries that come with that?

Access to justice is key. As a Senior Lawyer at Whare Āwhina Community Law, in Te Pū o te Wheke Te Kaikohekohe, I take great pride in providing whānau with free legal advice, kānohi ki te kānohi. I describe this mahi as wairua work, deeply purpose-driven and grounded in service to my whānau, hapū, and iwi.

Social media allows me to extend



Natalie Vaughan

that mahi beyond the office, reaching whānau nationwide. It allows me to educate, engage in public discourse, and build greater connection, familiarity and trust across the communities I serve and beyond.

For me, navigating professional boundaries means keeping personalised “legal advice” in my office, while social media is used to share ‘legal information’ education, commentary and insight.

What part of your job do you think AI or technology shouldn't touch, and why?

I think we will see a growing emphasis on soft skills as the AI tools develop, where things like client care, manaaki and empathy will become increasingly important. The whānau I work with don't just want outcomes, they want to feel seen, heard and dignified in the process.

What do senior lawyers most misunderstand about how your generation works or thinks?

Personally, I don't feel misunderstood by more senior lawyers; if anything, I feel inspired by them. They've paved the way to get to where we are today.

What's one 'rule' of the legal profession that you think your generation will quietly retire, and what will replace it?

One rule I see fading is the idea that “professionalism” requires conservatism or restraint. What I see replacing it is ethical courage. Increasingly, lawyers are becoming more vocal about justice issues in unconventional forums, such as social media platforms. For many of us Māori practitioners, the law has never been a neutral place, we're here to help redefine a system that was never designed for us.

In that, we leverage the tools of today for that purpose, and we fight on, “he whawhai tonu mātou, āke, āke, āke.”

Natalie Vaughan
Junior Crown
Prosecutor, Kayes
Fletcher Walker

Criminal prosecutor committed to public service and the justice system.

Natalie Vaughan is a Junior Crown Prosecutor at Kayes Fletcher Walker

in the Office of the Manukau Crown Solicitor, practising primarily in criminal law. Her work includes preparing files for trial, making charging decisions, defending appeals, and appearing regularly in the District and High Courts. She has a strong interest in criminal justice and is passionate about community service, learning and teaching.

How do you think the way you practise law will look different in ten years' time compared with today?

In many ways, it's remarkable how little has changed in the nuts and bolts of criminal law over the past few hundred years. That said, there are two projects coming through now which promise to shake things up: Te Ao Mārama in the District Courts (key parts of which include plain language and practical solutions) and the digitisation of the court management system. While both will take time to fully implement, I'm optimistic about the direction: towards a simpler, more modern system with more timely outcomes.

How do you use social media or other digital platforms in a professional context – whether to build networks, share knowledge, or engage with the public – and how do you navigate the boundaries that come with that?

I've found LinkedIn can be a helpful tool to stay in touch with people you meet and where their careers have taken them. In particular, I think it's great for filtering contacts to figure out if you know anyone working in

a particular city or workplace. This has helped me reach out to people for my own job hunts, and to help friends with theirs. Other than that, though, I use social media sparingly, and have seen a similar trend among my peers, too. It can certainly be used effectively in a professional context, but you have to be prepared for any future employer to read it.

What part of your job do you think AI or technology shouldn't touch, and why?

There are many. Criminal law is a particularly human area, and discretion is exercised at all stages: from charging decisions to the granting of bail and sentencing. That discretion provides flexibility, and justice based on personal circumstances. I think the best outcomes are often reached when the decision maker can step outside the pro forma structure to really think about the people affected in a case. While technology can assist with plenty of things, I think the substance of these decisions should always be made by people. If the law exists to reflect what we expect of one another, then people, not AI, should be the ones applying it.

What do you see as a significant challenge facing lawyers of your generation – and why do you think it will matter more for us than for those who came before?

With the boom of AI, a significant challenge for the legal system is authenticity. It is now very easy to have an image, video or piece of writing made for you, just by putting in a prompt. You don't need any



expertise. We've seen this play out recently: in Christchurch a remorse letter written by AI was tendered in court – and I expect that will not be the last time. We now have to identify fake material early, while also preventing our cynicism from extending to legitimate evidence. This also applies to legal work itself. There are already reports of non-existent, “hallucinated” cases being cited in court, showing chatbots are being used to draft legal submissions. Separating genuine material from generated content is fast becoming a core legal skill.

**Rishika Sinha
Solicitor, Patient
& Williams**

Early-career solicitor working across property, commercial and private client law.

Rishika Sinha is a Solicitor at Patient & Williams, admitted to the bar in 2023 after completing degrees in Law and Biological Sciences at the University of Canterbury. Her practice spans property, commercial and private client work, including residential and commercial transactions, trusts, wills and enduring powers of attorney. She previously gained experience

Rishika Sinha

through internships in both New Zealand and Australian law firms and is fluent in Hindi, which she can read, write and speak.

How do you think the way you practise law will look different in ten years' time compared with today?

I think we will see more of the “admin” work being replaced with AI in the next ten years. This would mean that instead of utilising help from junior staff members for these tasks I would be asking them to allocate their time towards more complex tasks, hence more efficiently utilising the hours of the workday.

How do you use social media or other digital platforms in a professional context – whether to build networks, share knowledge, or engage with the public – and how do you navigate the boundaries that come with that?

I don't use my personal social media to post about my work. I like to keep my personal and professional lives separate. I do think it's important to network with other lawyers as a way to share knowledge and experiences. I am currently the deputy convener of the Canterbury New Lawyers Committee. I have seen firsthand how important it is to build these relationships. I mostly use LinkedIn for these purposes. I find it's casual

enough to bring in the engagement and formal enough that the content being shared is kept professional.

What part of your job do you think AI or technology shouldn't touch, and why?

I recently did a micro credential course called the “Breakthrough Lawyer” by Nick Abrahams at Bond University. One of the main things I learnt was that AI will not replace lawyers, but it will help them be more efficient with their time. I can see the temptation to use AI for a variety of tasks. I have read about some recent cases from overseas jurisdictions where lawyers used AI for court cases but did not double check the cases being cited. The AI they had used made up the cases! I realised that ultimately as lawyers our due diligence cannot wholly be dumped on AI. The buck stops with us to ensure that the final product is something that has been cleared by a human who has double checked every reference.

What do you see as the most significant challenge facing lawyers of your generation – and why do you think it will matter more for us than for those who came before?

Our generation grew up around devices and technology and are at ease with using them. We are sought after for being tech savvy. This comes with an expectation that we will keep up to date with new advancements in legal technology. While the average Gen Z can probably get their head around different technology, legal technology can be

a bit challenging for new lawyers. I think it's to do with how much reliance can be placed on these things. If you are a new lawyer, you would not necessarily have the expertise to differentiate when using AI would not be appropriate such as in cases with privacy concerns.

What's one 'rule' of the legal profession that you think your generation will quietly retire, and what will replace it?

“No coffee no work”. Lawyers using their best friend coffee to get through long hours of work. I think my generation will replace coffee with alternatives like matcha or adaptogens that will reduce jitters and energy crash. Health first!

Summary

This Q&A tells shows one thing is very clear: the profession's future is already taking shape in the thinking and values of the lawyers entering it today. These young lawyers' answers reflect curiosity about new technology, confidence in doing things differently, and a clear sense that the human elements of law, judgement, integrity and service will remain central, no matter how the tools of practice evolve.

If the profession continues to listen to voices like these, it will not only adapt to change, but it will be strengthened by it. The future of law in Aotearoa New Zealand is being shaped now, and is in thoughtful, capable hands. ■

AI and the legal profession: New Zealand's moment of transformation

BY TOM MAASLAND



Tom Maasland is a technology law specialist and Head of MinterEllisonRuddWatts's Technology, Media and Telecommunications practice.

We're in what historians call an "interregnum": the old order hasn't disappeared, but a new one is unmistakably on its way. Some describe this as gradual evolution, but that misses the scale of what's changing. This isn't just another practice management tool; it's a fundamental reconfiguration of how legal work gets done.

Twelve months ago, a complex, time-critical transaction taking place over the summer break would have meant recalling members of my team from holidays. This summer, equipped with advanced (and secure!) AI tools, I was able to manage the same level of workload, and time pressures, using just the AI tools at my disposal – an eye-opening moment. And I am not alone with this revelation. Across the profession, with the help of AI, lawyers are reviewing materials, drafting complex provisions, developing negotiation strategies, and managing

demanding matters in ways that simply weren't possible before. That shift, from theory to lived reality, marks where New Zealand's legal profession now stands.

The upside

The efficiency gains are extraordinary. What once took days can now take hours; what took hours can take minutes. A sole practitioner handling property transactions, a family lawyer drafting affidavits, and a partner in a large commercial firm analysing documents will each experience AI differently, but all will experience it.

The real advantage isn't just speed, it's capacity. Lawyers can potentially handle more matters without proportionately scaling headcount, take on matters that were previously uneconomic, and deliver detailed analysis to clients who perhaps couldn't previously afford it. For



Professional obligations haven't disappeared in this transition. If anything, AI heightens them. Lawyers remain personally responsible for their work product, regardless of AI involvement.

community law centres, AI could democratise capabilities previously available only to well-resourced firms.

This creates genuine competitive advantage and the potential for greater equity in legal outcomes. Increasingly, clients assume their lawyers have access to these efficiencies. Firms and practitioners that master AI can take on more work, serve clients better, and operate more profitably. The business model implications are significant.

The challenges

Yet the transformation isn't straightforward, and the benefits come with significant challenges that the profession must address collectively.

First is the inequality between practitioners. Some have invested heavily in AI capability, others are experimenting cautiously and many are still evaluating their options. This raises genuine access to justice questions. If AI capabilities become standard client expectations but require significant capital investment, some practitioners may find the levels of investment a bridge too far and struggle to compete. Professional bodies and technology providers may need to consider how

to achieve economies of scale that would allow viable and equitable access to these tools, particularly to smaller firms or sole practitioners.

Second is product selection. The market is crowded, claims are ambitious, and distinguishing genuine AI capability from marketing hype is difficult. "Analysis paralysis" is a genuine risk, particularly when marketing claims outpace demonstrated capability.

A third consideration is how AI may influence how legal work is structured. As routine tasks become more efficient, the mix of where lawyers spend their time may shift and the billable hour model will face fundamental challenges. That's uncomfortable, but AI won't eliminate this pressure immediately, and practitioners have time to adapt if they start now, ensuring pricing continues to reflect the value and expertise clients rely on.

It is important to note of course that legal practice extends way beyond mechanical drafting. In high stakes matters (whether commercial transactions, litigation strategy, or family disputes), clients value

architecture and judgement: How should risk be allocated? What governance model will work in practice? How should concessions be sequenced? These questions involve contextual judgement, commercial trade-offs, and accountability. AI can assist with preparation, but it cannot replace experienced leadership or the ability to read a room.

Professional obligations and ethics

Professional obligations haven't disappeared in this transition. If anything, AI heightens them. Lawyers remain personally responsible for their work product, regardless of AI involvement. This includes responsibility for the advice given, the supervision of work, the protection of client confidentiality, and the accuracy of representations to courts and counterparties. AI outputs require verification. Hallucinations, data leakage, and inappropriate reliance are real risks that cannot be delegated to technology. Issues of confidentiality, privilege, and competence require careful consideration when selecting and using AI tools.



“The New Zealand Law Society has published guidance on AI use, and practitioners should treat this as essential reading.”

to family law, from litigation to community legal services.

Moving forward

The profession has navigated technological change before. What feels different now is the speed and scale of the shift. The defining question is not whether we will use AI. It is whether we will consciously redesign how we practise in light of it. Three things seem clear.

First, engagement is essential. Avoiding AI won't make it go away. Start experimenting in a low-risk context. Attend Law Society AI learning sessions. Discuss AI with your colleagues and clients.

Second, adaptability is now a core professional competency. The specific tools we use in 2026 may not be the tools we use in 2028. Flexibility and a willingness to learn matter more than mastering any particular platform.

Third, the profession's fundamental work (judgment, strategy, client relationships, ethical responsibility) remains ours. AI is powerful, but it's a tool, not a substitute for professional expertise.

The interregnum won't last forever. The challenge is not to resist the future, nor to surrender to it uncritically; it is to shape it. Handled thoughtfully, AI need not diminish the legal profession. It may sharpen it; clarifying that our enduring value lies in judgement, strategy and trusted advice. How we navigate this period will shape New Zealand's legal profession for decades to come. ■

Competence in 2026 increasingly includes technological literacy; understanding what tools can and cannot do, how they are trained, and how to supervise their outputs responsibly. The New Zealand Law Society has published guidance on AI use, and practitioners should treat this as essential reading. The profession must engage with AI not only as users but as stewards of its ethical application, adopting these tools while maintaining the professional standards and client trust that define New Zealand legal practice.

What this means for the profession

Of course, the efficiency dividend that AI may unlock in turn creates a paradox for professional development. Junior lawyers have traditionally learned by doing high-volume, routine work – the very work AI now handles efficiently. If that foundational work is increasingly handled by AI, how do we train and develop the next legal generation's skillset, judgment and expertise?

Training and fostering learning pathways will be critical. Practitioners must actively create opportunities for juniors to develop judgment, analytical skills, and client relationship capabilities. This won't happen

accidentally. It requires intentional design: secondments, earlier client exposure, structured supervision, rotations through different practice areas, and deliberate skills development pathways, where once this happened organically.

For our profession, this interregnum isn't just about technology. It's equally about generational transition and preserving the wisdom, judgment and professional values that define good lawyering, even as the work that traditionally instilled them looks increasingly different.

A distinctly New Zealand path

New Zealand's legal market has distinct characteristics worth preserving. We're smaller, more relationship-driven, and clients often value personal connection alongside technical excellence. AI should enhance, not replace, those relationships. In-house legal teams face similar pressures, with the added expectation that they'll now deliver more comprehensive capabilities at significantly lower cost.

Our challenge is to adopt these tools whilst honouring our professional obligations and serving the full diversity of New Zealand's legal needs; from commercial transactions

Progress towards equality: what the future of the profession demands now



BY KELLIE COOMBES

Kellie Coombes is Secretary for Women and Chief Executive of Manatū Wāhine Ministry for Women, with extensive leadership experience across the New Zealand public sector.

Women have never been better represented in the legal profession, yet strong entry numbers have not translated into equal progression into leadership. Drawing on recent New Zealand data and cross-sector research, this piece highlights where progress is being made, where structural barriers remain, and what the profession must prioritise as its demographics and leadership pipeline continue to shift.

The legal profession is increasingly becoming more diverse. Women now make up two thirds of the profession and the majority of law graduates, and the profession is seeing greater ethnic diversity among those entering practice.¹ This is not reflected in senior and leadership roles. Career penalties associated with time away from paid work, often linked to caring responsibilities, continue to slow progression where flexible work, career continuity, and clear pathways back into senior roles are lacking.

At the same time, New Zealand's workforce is becoming more ethnically diverse. Stats NZ's ethnic population projections show Māori,

Pacific, and Asian peoples are projected to make up around half the population within two decades.²

Research increasingly shows that gender and ethnic diversity are associated with stronger organisational performance and productivity.³ For the legal profession, this underscores that diversity is not only an equity issue, but a strategic one.

How the profession operates is changing

The way legal work is structured and delivered is evolving. Law Society data shows the profession is becoming more geographically and digitally dispersed, with many lawyers now working in smaller regional firms or hybrid roles outside major centres.⁴ These changes can also affect access to informal networks, mentoring, and visibility.

Legal work is also increasingly public-facing with career paths more likely to move across private practice, government, iwi, in-house, and corporate roles.

In this context, ensuring practices are in place to retain talent and

Learning from others and collaborating as a sector

The legal profession is not alone in grappling with pipeline to leadership challenges. Sectors such as engineering, accounting, technology, and energy face similar pipeline challenges and offer useful lessons where the following three elements come together:

- **Transparency** – organisations measure and report gender pay gaps and representation by role and seniority, shifting conversations from intent to evidence and enabling comparison over time.
- **Deliberate pipelines** – structured mentoring, sponsorship, and targeted leadership development support progression into senior and decision-making roles, not just recruitment at entry level.
- **Collective accountability** – industry bodies set shared expectations, benchmark progress, and create peer accountability through tools such as accords, charters, reporting frameworks, and, in some cases, voluntary targets.



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maintain professional standards is critical for the profession's future resilience.

Online harm and leadership in public spaces

As the legal profession becomes more visible and digitally connected, online harm is emerging as a barrier to leadership. New Zealand research and reporting by the Ministry for Women, including its 2025 work on gendered online abuse, shows that women in public-facing and leadership roles are disproportionately targeted, with impacts on participation, visibility, and willingness to engage publicly.⁵

Research consistently shows that sustained online abuse can lead to self censorship or withdrawal from public roles. The impact is not evenly shared. New Zealand and international research, including Ministry for Women reporting and Human Rights Commission and academic research consistently shows that Wāhine Māori, Pacific women, ethnic minority women, disabled women, and rainbow women are more likely to experience online abuse that is sustained, personal, and threatening, rather than incidental or generic.

Legal workplaces have a role to play,

including setting clear expectations around professional conduct, offering visible support to those affected, and contributing to sector wide conversations about safety and professionalism in public spaces.

Looking ahead

In New Zealand, examples from across the profession already demonstrate that flexible work, career continuity, and senior progression can coexist when systems are designed intentionally. The profession has a significant advantage in the number of women choosing law as a career, a depth of talent that many other sectors do not have.

The task now is to build on what works, confront where barriers remain, and shape pathways that reflect a changing profession. If we get this right, the result will be a stronger, more resilient profession, better equipped to serve both its members and the communities it supports. ■

1. **New Zealand Law Society**, *Snapshot of the Profession 2025* (Te Kāhui Ture o Aotearoa)
2. **Statistics New Zealand**, *National ethnic population projections: 2018 (base)-2043*
3. **Gail Pacheco, Lisa Meehan, Thomas Schober** *Workforce Diversity and Firm Productivity in New Zealand 202*
4. **New Zealand Law Society**, *Snapshot of the Profession 2025* (Te Kāhui Ture o Aotearoa)
5. **Ministry for Women**, *New tools to help women navigate online harm (2025)*, and related research on gendered online abuse in public facing roles

Right: Chris Peddie, AWS Legal

Far right: Phil McDonald, Cruickshank Pryde Lawyers

Closing the door well – succession and retirement

Sue Styants can tell you the precise moment she retired.

At 4.45pm on March 28, 2024, the former solicitor and sole practitioner closed the door for the final time at her Auckland office after 43 years in legal practice and drove home very satisfied with ‘Mission Retirement’ accomplished.

“I had completed everything required to close my practice and achieve an orderly exit after 18 months of planning and preparation,” she says.

For Mrs Styants and other lawyers *LawTalk* spoke to from across the country, the key to retiring – whether winding up a practice or handing over to a successor – is preparation in order to meet all exit requirements by the date you have set.

Set a date and stick to it

For Mrs Styants it was crucial to set a date well in advance and proactively manage and work towards this. In her case as a sole practitioner, she also had to decide on her exit strategy, i.e. whether to sell, merge or close.

“In my case I elected to wind up my practice and close the doors as I wanted a full-stop exit.”

“I remained resolute throughout the process to exit on the date I had set, and I never wavered from this. It was a particular challenge to balance and prioritise the demands of exit planning with the ongoing demands of practice.”

Law firms managing partner transitions say something similar – the process should start years before the fond farewells. It is also important to be aware of the impact of any health event, for example – a planned exit protects everyone.

At Cruickshank Pryde Lawyers in Southland, partner Phil McDonald says planning begins four to five years before anticipated retirements and expectations are clear.

“A good handover is essential and keeps clients and colleagues front of mind,” Mr McDonald says.

Putting people first

Chris Peddie, partner at Southland and Central Otago firm AWS Legal, says well before a partner steps

aside, the firm begins assigning clients to a well-matched successor.

“About 12-18 months out from a partner’s retirement, we start regular, active reporting and we ask ourselves, have the client introductions happened, has the correspondence begun, is the relationship forming?”

“At the end of the day, it’s the client’s decision who they want to work with, and whether they stay at the firm, but because we’ve already thought carefully about who will gel with them, the answer is usually yes.”

Often the lawyer taking over has been working alongside the retiring partner for some time, so that relationship is already there, he says.

“That’s the best way to do succession if you want to retain clients,” Mr Peddie says.

Within a firm, 100 per cent client retention is unrealistic, Mr Peddie notes.

“Some clients see it as a chance to move. The aim is to retain the majority,” he says.

In Mrs Styants’ case, the goal was to transition her clients where possible



SUE STYANTS

to new lawyers and manage transfer of their documents.

“My biggest priority was having conversations with my clients regarding my retirement plans. I contacted them directly, asked where they wanted their documents to go, and helped them find new lawyers. Most

clients had been with me for years, so it was vital for me to take that personal approach.”

Managing the pipeline

Cruickshank Pryde Lawyers has been navigating change after three long-standing partners stepped back in quick succession, following six decades of stability.

While significant, the change has not been too disruptive because of planning that began years ago.

“Four or five years ago we realised we were heading exactly to where we are now. We made a conscious effort to widen our recruitment and start building the next generation

early. So we cast the net wide to build our succession pipeline,” Mr McDonald says.

As well as recruiting new talent, the firm was reshaped from a predominantly partner-based structure to one supported by more solicitors, legal executives, and a strengthened management team.

“The longer lead-in the better you can keep them coming from the ground up and retain them. Staff are your most valuable asset, so you’ve got to look after them,” he says.

“Succession is ongoing,” he adds. “Once someone is a good fit through the senior solicitor stage and then associate there needs to be a clear pathway into equity.”

Transparency and pathways

Clear expectations help with process and planning. At AWS Legal, Mr Peddie says there is an agreed retirement age. Depending upon merits, there may be an opportunity for a post-retirement consultancy.



**RACHEL LINDSAY,
CRUICKSHANK PRYDE
LAWYERS**

Partner Rachel Lindsay says the clarity is important for younger staff too.

“One of the important parts of succession planning isn’t just considering retiring partners but making sure we have an appropriate pathway in the firm for our staff. Our objective is to ensure all our people have documented career progression plans.”

At Cruickshank Pryde Lawyers, the pathway is clear.

“The rule of thumb is once you hit 65, you are in the hands of other equity partners as to what role you perform,” Mr McDonald says.

“Of course, this can be extended according to individual

circumstances but equally when you’ve got people who need to move into partnership, you do need people to step aside.”

Life after retirement

For Sue Styants, the transition has been seamless, without any regrets, and the new pace, very welcome.

Two years on, she is enjoying a life without the demands of legal practice and says the effort she put in years before her exit made all the difference.

“I achieved my final goal in the time frame I had set. I left my career on a high note, and I am now enjoying life after law.”

But there is frequently a loss of identity that comes for some retiring lawyers.

“Often the law is their life and that defines who they are,” Mr Peddie says. “When they lose that title, it can be impactful. So it is really important to factor that into the process.”

Mrs Styants agrees, noting that there can be a reluctance to retire due to a perception there will be a loss of identity.

Many don’t step away entirely. “Quite a few retired partners have taken on roles related to the profession, such as consultancy. For a lot it is not just a hard stop, but it is very much up to the individual,” adds Ms Lindsay.

To Mr McDonald, a hard stop is fine.

“I have got four more years doing this then the golf course beckons.”

Checklist for an orderly exit

- Begin thinking about timing, goals, and workload management two to three years out.
- Set a firm exit date at least 12–18 months ahead.
- Create and follow a checklist.
- Communicate early with clients – let them know your plans, review their affairs, and ensure continuity with the right successor.
- Manage deeds and long-term documents. Organise transfers with active clients early.
- Manage active client work in the lead-up to exit without prematurely losing clients/work.
- Ensure compliance and regulatory steps are completed. The Law Society’s practice briefing on Closing Down or Selling a Law Firm will take you through the steps and is available on our website.
- Prepare for life after practice. Plan how you’ll transition personally and professionally.
- If closing a practice, wrap up remaining administrative steps such as final accounts, archiving, and confirming document transfers.



Helpful resources

'Closing Down or Selling a Law Firm' – Law Society practice briefing: lawsociety.org.nz/closingandselling

Succession & Exit Planning for your firm 2025 – CLE New Zealand Law Society publication (\$45):



Allow yourself time when closing a trust account

Every year the Law Society Registry and Inspectorate teams are tasked with assisting practitioners who wish to close or merge their practices. All too often those lawyers leave matters well past the 11th hour and fail to allow sufficient time to attend to the necessary tasks involved in closure.

Broadly speaking there is a lead time of at least one month before a trust account can usually be closed. Key considerations include:

- refunding or advising clients of any proposed transfer
- securing trust account records for future access
- providing the Law Society Inspectorate with a variety of records and assurances.

Regulations 16 and 18 of the Lawyers and Conveyancers Act (Trust Account) Regulations 2008 establish the reporting and notice provisions.

A most useful feature to consider is the redesignation option whereby the bank account ceases to be a trust

bank account but remains open. This means debtor and fee payments can continue to be received undisrupted.

The clearing of accumulated unneeded trust account balances is always worthwhile but is essential before the account is closed. This can take some time. Other considerations are the storage of and phased destruction of files (those that are hard copy).

The best outcomes that the Law Society Inspectorate see are where lawyers plan and phase their retirement transition at a measured pace to best accommodate client needs and avoid undue and unnecessary rushing.

Lessons learned

There are a number of disciplinary decisions where inadequate planning has led to serious consequences and we would like to prevent that outcome.

A Standards Committee found that a retired sole practitioner Ms X

engaged in high-end unsatisfactory conduct by failing to properly manage trust money when retiring from practice. In the period before her practising certificate expired, she transferred large sums though her trust account, including to her office account and her attorney's account, without adequate written authority, records, or timely payout to those entitled. The Standards Committee found breaches of the Trust Account Regulations, the Lawyers and Conveyancers Act 2006, and the Client Care and Conduct Rules, noting serious delays and a lack of planning. Ms X was ordered to pay a \$7,500 fine and \$5000 in costs. ■

We welcome any trust account queries you might have, please contact the Law Society Inspectorate: Inspectorate@lawsociety.org.nz

A final debrief with outgoing Solicitor-General Una Jagose KC

To mark her final day in the office, outgoing Solicitor-General Una Jagose swapped her usual business suit for a whimsical jacket and shorts set, emblazoned with a map of the world. It was a light and fitting gesture to close out 10 formidable years at the pinnacle of Aotearoa New Zealand’s legal leadership – a period that spanned three government administrations and some of the most complex and challenging moments in recent public life.

Ms Jagose tells *LawTalk* her success in the job of ensuring Government operates according to law was never a solo undertaking.

“As the whakataukī goes, ehara taku toa i te toa takitahi, engari he toa takitini; My strength is not that of an individual but that of the collective.

“My pitch at the interview ten years ago was that the Solicitor-General should actively leverage the Government Legal Network, because that is what truly strengthens the role. To ensure that you have impact where it is most needed, you need to know where to look – across the many agencies and functions of the Crown. One of the great features of our system is that the

Solicitor-General sits at the centre of the public service, which gives you that advantage.”

Modernising Crown Law


She is proud of the Crown Law she leaves behind, one that is more agile, less “ivory towered”, and clearer about its purpose. This is a journey she notes was underway when she was appointed Solicitor-General in 2016.

Over time, it has shifted away from the traditional model where a problem is presented, and lawyers are expected to deliver one definitive answer, cast as a legal opinion (often long, heavily referenced and footnoted).

“Decision making moves fast now – so our influence relies on us being agile about what form our legal services take.

“We have become a Crown Law that asks ‘how can we help you take your next step, lawfully? And we are clear about what we are expert in – constitutional, criminal, Te Tiriti/ Treaty and public law issues. We leverage the wider network or the private sector for other expertise the Crown needs.”





**“My mantra
has always
been, how we
work together
is as important
as what we do”**

People-focused leadership

She’s also encouraged by how the Government Legal Network and the Crown Solicitor Network have matured into coherent, collaborative groups that readily share support, expertise, and resources.

“There’s now more recognition than ever that the Solicitor-General is the professional head of the Government Legal Network. Yes, they have employment obligations to their chief executives, but they also have fundamental obligations to the rule of law – and those duties ultimately come through to the Solicitor-General. Among chief legal advisers and the wider network of government lawyers, that is now very real.”

On her first day in the top job, she told staff she wanted Crown Law to be a place people wanted to be, not just because of fascinating legal work, but because it is meaningfully committed to respect for people, as much as it is committed to respect for the rule of law.

“My mantra has always been, how we work together is as important as what we do.”



The COVID-19 experience

Four years into the role, that mantra was to be put to the test.

The pandemic brought intense pressure and required fast, sound decision making and, therefore, fast and sound legal advice. It required collaboration across disciplines.

In the early days of the lockdown, Ms Jagose received a call from a group of legal academics who “offered to help us in keeping pace with the myriad legal issues emerging”. Their generous offer of time and expertise was gratefully accepted.

“It meant we could keep pace with the advice needed but also look ahead to what would be needed next, and into the future. We were able to bring order to the legal underpinnings more quickly,” she says.

That support meant Crown Law

didn’t have to scramble alone to keep up.

“It was such a gift to have people offer confidential support, rather than simply putting opposing legal views out into the public arena. It meant we could work together – not always agreeing with each other – but with the shared aim of delivering something very important.”

They were heady, challenging times, she says, remembering endless Teams calls with departmental Chief Legal Advisors, and her own Office’s senior lawyers nutting things out in quick time, knowing decisions would be pored over, including by the Courts and the Regulations Review process.

“That kind of pace and pressure might freeze you, but we just had to register it and keep going. We were using the 1956 Health Act that was

“It’s not necessarily a bad thing that we’ve moved away from assuming people in office must be right but there has been a much faster shift towards doubting role holders and questioning the legitimacy of courts and Government institutions”

designed without a pandemic in mind to put a whole country into lockdown but maintain essential services in 2020.

“We had to keep moving, respecting the Court’s role in scrutinising on review of the use of executive power, doing our best to advise on the right orders to be put in place, and on we went.”

Not everything went well. The High Court later found the first nine days of lockdown were unlawful, in that they were not supported by an appropriate order.

Learning under scrutiny

The scrutiny that comes with such a high-profile role can be difficult, even with strong support, she says. As well as COVID-19, giving evidence at the Royal Commission of Inquiry into Abuse in Care and Faith Based Institutions was particularly challenging.

“It was important for the Solicitor-General to be present before the Inquiry when it examined the Crown’s redress and litigation practices. I accepted that some things had been done badly by the Crown’s lawyers and that, in other aspects, the Crown’s lawyers were not the decision makers but following instruction. Sometimes the criticism was personal. A big lesson for me is that when a case is on our desks, we’ve got people’s lives in our hands. It is easy to get caught up in legal argument, but we have to recognise there is a person on the other side, at one of the most vulnerable points in

their life. Lawyering with sympathy and humanity is something I have led very purposefully.”

The profession ahead – conduct, AI and public trust

Ms Jagose says the profession must keep building knowledge of and respect for tikanga in law; retain momentum against sexual misconduct and misogyny within our profession; and use AI to benefit the administration of justice.

More broadly she sees a growing onus on role holders to uphold the rule of law and access to justice at a time when people are growing more sceptical about institutions.

“It’s not necessarily a bad thing that we’ve moved away from assuming people in office must be right but there has been a much faster shift towards doubting role holders and questioning the legitimacy of courts and Government institutions.

“That means we must keep speaking about why the rule of law and why democracy matter. I’m not the first to say let’s get civics into schools. We need a better-educated citizenry, not cynical, but engaged; willing to participate and to challenge.”

“We must continue to see Government operating according to law, and courts remain independent, delivering justice as they see it. And we must protect those institutions. The challenges to legitimacy will keep coming, and role holders like the Solicitor-General have a crucial part to play.”

Looking ahead

Next up for Ms Jagose is a well-earned break, before joining Clifton Chambers, Wellington in May.

Whoever follows in the role, she knows they too can lean on the people around them for the support needed.

“It can be lonely but less so with good people around you.

“I feel great. I look back with enormous satisfaction at all we have done in these past ten years; I have been so well supported to do that.”

On being the first woman Solicitor-General Ms Jagose says being the first is not as important as not being the last woman appointed to the role.

“I leave happy to hand over to the next, the 18th, Solicitor-General and wish them well; it’s a great job. I’m excited about my future; I don’t know what it holds but I’m super looking forward to it.” ■

New Solicitor-General appointed

Anna Adams KC will take up the role of Solicitor-General and Chief Executive of the Crown Law Office on 11 May 2026. She is currently a barrister at Bankside Chambers and has previously held senior leadership and governance roles, including at Meredith Connell and Pharmac.



Law Libraries supporting the profession of the future

As the legal information landscape continues to evolve and Artificial Intelligence (AI) reshapes how lawyers research and practise, the Law Society library is positioning itself not only to keep pace, but to strengthen its role as a trusted legal information service for the whole profession and the wider legal community.

In 2025, a new strategic direction for the Law Society library was developed by General Manager Representative Services Amanda Woodbridge and Library Manager Camille Tooman, setting out how the service will continue to support lawyers and others who rely on authoritative legal information in a rapidly changing environment.

“It’s an exciting time for the library as we look to meet the needs of the legal profession more than ever before,” Camille says. “The way lawyers access information is changing quickly, and we’re focused on ensuring the library evolves alongside those changes.”

Several initiatives are already underway, including expanded AI-supported services, improved access to collections, and increased visibility of the library and the services it offers to all lawyers, researchers and the public who depend on reliable legal information.

The refreshed direction draws on extensive feedback from the profession gathered through the library’s customer engagement project, which included focus groups, a survey, and one-to-one discussions with library users.

Camille says the library will continue to put customers at the heart of what it does, delivering authoritative and timely legal research and materials to practitioners. What will be different, though, are the tools we use to do this work and the use of modern technologies to deliver more effectively to lawyers. “Library users will be able to track in real-time where their research query is and have a real-time conversation with a researcher about their enquiry.”

There will also be a new library catalogue that will significantly improve how lawyers access the collections. “Imagine using your phone to search the catalogue or connect through to publisher databases when you’re in court locations. Or doing an online booking for a gown or library access card.” These are just some of the improvements a new system will deliver.

There are ambitious plans for engagement initiatives across the profession including delivering national webinars on better legal research and on AI prompt searching. There will be regular in-person regional training at Lawyers’ rooms, Library Open Days and attendance by library staff at Law Society conferences. “It’s important we continue to connect with the profession where they are, to highlight how the library can meet their information needs.”

“The library is the hidden gem within the Law Society. We have the most extensive and authoritative



ABOVE: Camille Tooman

legal collections in New Zealand, highly skilled researchers who are recognised for their legal research expertise, and a nationwide footprint which enables lawyers right across the country to access our resources. The challenge now is ensuring that every lawyer in New Zealand knows what the library can do for them.

“I’m fortunate to have an excellent team – the managers of our three libraries have deep experience within law librarianship, and our legal researchers have phenomenal skills. Adding to that, our service is strongly supported by the Law Society leadership team which means that there is genuine investment in our future.”

Amanda Woodbridge says that the Law Society Libraries are supporting the profession to navigate a long-term shift in the way that legal services are delivered. “It’s clear from our research that the profession is grappling with how to adopt AI including how to enjoy the benefits it offers and manage the risks. We’ve seen a lot of demand for education

“It’s an exciting time for the library as we look to meet the needs of the legal profession more than ever before”

and tools, and we’re investing in our libraries to support the profession of the future.”

Camille notes that as firms downsize or eliminate their own library collections, the Law Society library is becoming an increasingly valuable and essential extension of many law firm libraries, in addition to serving as the principal library for many smaller firms and sole practitioners.

“We maintain a broad and authoritative collection across all practice areas, including extensive New Zealand and Commonwealth material. We are a unique repository for superseded and historical material not easily available either nationally or internationally.

“Our historic print collection is still frequently used. It’s hard to believe but not everything is available electronically so print material remains important for lawyers. This includes material that may be available electronically but is not court ready which affects citations.”

Looking ahead, Camille recognises AI as being a big game-changer affecting how legal research is done.

“AI is here, it’s fast-moving, it’s a bit scary, but it’s also exciting. Where do we invest and in which tools? Where do we need to be to be most effective and relevant to the profession? We see a lot of opportunity for growth with AI but we also need to be careful on how we do this. We do want to be at the forefront of providing the right tools and services to lawyers but we also need to make sure these tools represent a good investment. We’re very conscious that our services are paid for by lawyers through the practising certificate so we must be good stewards of that investment.”

AI is already having an impact upon legal research. “We’re seeing

an increase in AI generated case hallucinations. Using our skills and authoritative sources, we can verify cases and source copies of cases being cited.

As well as the library's role in validating and verifying information to ensure accuracy, the team is delivering training for the profession on how to conduct legal research effectively with AI and exploring how to integrate AI tools into its services while working with publishers to ensure best practice.

Key facts

- The Law Society library is available to all practising lawyers in Aotearoa New Zealand.
- Its research services are available online. Access to collections including subscription databases is available at 36 locations throughout the motu. Lawyers can access these databases using their own device or the computer (kiosk) available on location.
- The Law Society library is funded through practising certificate fees.



Introducing Camille Tooman

Injecting energy into the library's development is Law Society Library Manager Camille Tooman who joined the Law Society in 2024. She brings a long-standing passion for libraries and information services from her wide-reaching career spanning public, corporate, academic and specialist libraries.

"It's a long way from my first job at Onehunga Public Library, where I was lucky to discover that working with books and helping people find the information they need, suited me."

Having early exposure to interesting colleagues and strong, supportive managers fuelled Camille's career - leading her to specialist libraries across the UK and Australia including at Shell UK, an economic consulting firm in Edinburgh, and at the Royal Melbourne Institute of Technology's business library in Melbourne.

Camille thrives on the intellectual challenge of understanding specialised information to meet users' needs with accurate, relevant resources. She enjoys the satisfaction of being able to connect people with information they are searching for or did not know existed.

"While legal information requires its own learning curve, the core purpose remains the same whichever subject field you work in: enabling access to authoritative information so users can do their work effectively. What I like about the Law Society is that I see the commitment of lawyers and barristers to their clients, and that's mirrored in the library team's dedication to supporting those practitioners." ■

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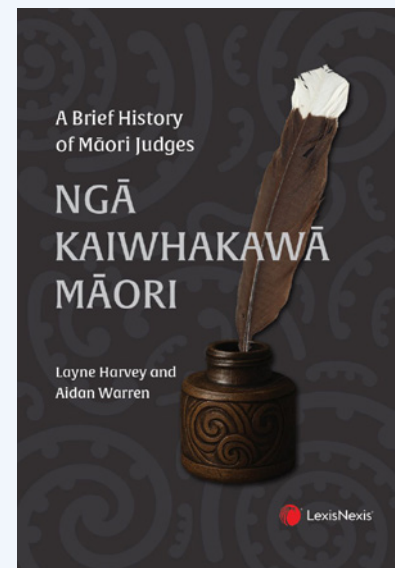
Presence, absence and impact: A Brief History of Māori Judges

I picked up this book with genuine curiosity, the history of Māori judges on the New Zealand bench is a subject that deserves serious treatment, and Harvey and Warren largely deliver it.

The authors trace the appointment of Māori judges to the New Zealand bench from the nineteenth century through to the present day, situating each within the legal and political conditions of their time. The stronger chapters move beyond mere biography to consider what the presence and at times the conspicuous

absence of Māori judges has meant for areas such as land law, tikanga, and Treaty jurisprudence. There is a genuinely thought-provoking argument running through the book about the relationship between judicial composition and the development of the law itself.

Harvey and Warren handle their material with care and evident respect for their subjects. The book strikes a thoughtful balance, neither reducing individual judges to mere symbols of progress nor shying away from the broader institutional



questions their careers raise. It is a genuinely considered piece of scholarship, and a credit to the authors.

Worth a place on the shelf of any practitioner with an interest in the courts and te Tiriti o Waitangi. The book has also been added to the collections of the Auckland, Wellington, and Canterbury Law Libraries. ■

Library giveaway competition

In this issue of *Law Talk*, the New Zealand Law Society Library is proud to be giving away to one lucky winner a legal book of their choice from the LexisNexis bookshop.

To enter the draw simply email library@lawsociety.org.nz with:

- "Win a Book" in the subject line;
- your first and last name.
- the correct answer to following question:
Which libraries hold a print copy of Heath and Whale Insolvency Law in New Zealand?

Only complete and correct entries will be accepted.

Terms and Conditions

Only one entry per person. Entrants must hold a NZ postal address.

Entries close at 5pm on Friday 1 May 2026. Winner will be drawn at random on Monday 4th May 2026. The prize is not transferable or redeemable for cash, nor can it be exchanged for any other product or service. The judge's decision is final.

Your personal information will only be used for purposes relating to the draw.

The winner will be notified by email, and if they agree, their name (and selfie with the book) will be published in *LawTalk*. The winner's contact details will be provided to LexisNexis who will arrange delivery of the prize.

Further information about how the Law Society handles information including personal information is set out in the Law Society's Information Handling Policy, which can be viewed here: lawsociety.org.nz/privacy ■

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Why CPD matters: supporting agility, growth and professional competence



For lawyers, standing still is no longer an option. The pace of change in the legal profession is accelerating. From rapid legislative reform to new technologies and shifting client expectations, lawyers are increasingly required to adapt quickly and think differently about how they practise. In this environment, professional agility, the ability to learn, adjust and respond effectively, is becoming a key capability for maintaining competence and delivering strong legal services.

Agility and the role of a growth mindset

In a legal context, agility is more than simply responding to change. It's the ability to adapt quickly and thoughtfully as circumstances evolve, remaining open to new ways of working, responding constructively to uncertainty, and adjusting one's thinking or approach when the situation demands it.

Continuing Professional Development (CPD) plays an important role in supporting that adaptability. While CPD helps lawyers maintain their technical legal competence, it also contributes to the broader professional capabilities that modern practice increasingly requires. Lawyers value engagement in CPD to build resilience, self-awareness, and the confidence to navigate a rapidly changing legal environment.

One concept that underpins professional agility is the idea of a 'growth mindset'. A growth mindset encourages openness to learning and a willingness to question established assumptions. It rests on the understanding that skills and expertise are not fixed, but can be developed over time through effort, feedback and reflection.

Lawyers who cultivate a growth mindset are more likely to approach new situations with curiosity rather

than caution. Instead of focusing solely on the risks that can accompany change, they are more inclined to see opportunities, to strengthen their practice, expand their skills, and ultimately improve outcomes for clients. A growth mindset also helps lawyers recognise where further learning may be valuable, allowing them to plan their CPD in a way that supports their continued development.

Reflective practice: the foundation of meaningful CPD

*Reflective practice*¹ is the deliberate process of thinking critically about experiences and learning. It plays a central role in developing an effective CPD Plan and Record (CPDPR) and underpins the approach that many lawyers take for their ongoing development.

A lawyer's CPDPR is where they record and reflect on their CPD

activities. The rules for CPD are set in the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education–Continuing Professional Development) Rules 2013 (CPD Rules). This includes the requirement to keep a CPDPR.

The CPDPR is developed and maintained by:

- identifying and prioritising learning needs for the coming year
- preparing an action plan
- maintaining a record of activities
- documenting attendance to enable verification
- reflecting on the outcomes of participation and how it will improve practice.

By reflecting on past learning opportunities and day-to-day professional experiences, lawyers can identify areas of strength, gaps in knowledge and opportunities for further development. For example, a lawyer may identify that they need to learn more about AI in legal practice, or that a greater understanding of tikanga and its interaction with their specific area of practice would be helpful. These insights help inform the lawyer's individual learning needs, ensuring CPD activities are purposeful, relevant to the lawyer's current practice and aligned with their personal professional development needs.

This becomes part of the planning and learning cycle, where after participating in CPD activities, further reflection supports deeper learning.



EFFECTIVE LEARNING INCORPORATES REFLECTION AT SEVERAL STAGES.

Reflective practice¹ naturally reinforces both agility and a growth mindset. This habit of pausing, evaluating and adjusting builds self-awareness and the belief that capability can improve over time, which is central to a growth mindset. Regular reflection helps lawyers become more agile through enabling them to recognise patterns, respond more quickly to new situations and make informed decisions about adapting their approach.

The role of reflective practice applied in a legal context, is discussed in a paper by Senior Lecturer and

Discipline Lead for Law at Charles Sturt University, Haley McEwen in *the Journal of the Australasian Law Academics Association*, 2022, vol 15. The paper outlines how reflective practice supports technical legal competence across a lawyer's career and also fosters adaptability, resilience and self-awareness.

By embracing CPD as an organic, ongoing, purposeful process lawyers can take ownership of their professional development. Doing so not only strengthens lawyers' individual capability but also supports the delivery of high-quality legal

services, ensuring the profession as a whole remains resilient, responsive and well-equipped for the future.

Looking ahead to the new CPD year

The new CPD year began on 1 April, making now the opportune time for lawyers to approach their 2026/27 CPDPR with a reflective lens. Taking stock of current practice, identifying areas for growth, and planning meaningful learning goals can help ensure professional development supports both competence and long-term career growth.

The Law Society has resources to support you with your CPD planning, including example CPDPRs and a CPDPR template which can be found on our website. We are happy to respond to enquiries if you want to understand more about the CPD requirements or you can look at our FAQs online. ■

1. The concept of “reflective practice” is based in John Dewey’s pragmatist account of experiential learning (How We Think, 1933) and Donald Schön’s systematic framework of reflection in action and reflection on action (The Reflective Practitioner, 1983). This concept continues to underpin outcomes focused CPD across professions.



CPD requirements for lawyers

- ✓ The CPD year runs from 1 April to 31 March the following year
- ✓ Lawyers must complete a minimum of ten hours of CPD activity each year
- ✓ Lawyers who practised for part of the CPD year may be eligible for a pro rata reduction
- ✓ Up to five hours CPD may be carried over from the previous year, where in excess of ten hours had been completed
- ✓ Lawyers must retain their CPDPR for three years
- ✓ Lawyers must declare their compliance with CPD rules annually
- ✓ Lawyers will need to be able to show that they have participated in each CPD activity (verification)

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KURATINI TUWHERA

Law Reform and Advocacy update

As we edge closer to the 2026 General Election, Parliament continues to buzz with legislative activity and shows no sign yet of slowing down. Further reforms are still anticipated, including the signalled ‘move on’ orders and the shift to proportionate liability in the building and construction sector.

Over the past five months, the Law Society has made 23 submissions on bills, and 34 submissions on a range of discussion documents released by government agencies. Submissions during this time included:

- A 163-page submission on the Natural Environment Bill and Planning Bill, which will replace the Resource Management Act 1991. In what was the Law Society’s largest ever submission, recommendations ranged from more minor drafting improvements through to the need for better integration between the Bills, and the desirability of retaining a provision like the well-understood ‘Treaty Clause’ found in section 8 of the RMA, which provides for ongoing and substantive consideration of the Treaty by decision makers. Similar provision is not carried into the new bills, contrary to recommendations of Government’s Expert Advisory Group on resource management reform. The Law Society’s submission emphasised

that section 8 is well understood and the subject of substantial case law, and its absence will likely result in legal uncertainty and litigation.

- The Crimes Amendment Bill, addressing a wide range of reforms to: citizen’s arrest powers and defence of property, theft offences, a new shoplifting infringement regime, ‘coward punch’ offences, and offences relating to the assault of first responders and corrections officers. The Law Society raised serious concerns about the Bill and what appeared to be a deficient policy process, but emphasised its support for provisions relating to human trafficking, which had previously been the subject of consultation.
- The Commerce (Promoting Competition and Other Matters) Amendment Bill, which proposes changes to the merger control regime, introduces a new test for predatory pricing, and provides new powers and tools for the investigation and enforcement of anti-competitive conduct. The submission also addressed, in detail, the Bill’s proposal to extend existing confidentiality provisions and introduce a new one, with the effect of significantly restricting the operation of the Official Information Act 1982.

“Over the past five months, the Law Society has made 23 submissions on bills, and 34 submissions on a range of discussion documents released by government agencies”

- A submission on the Fast Track Approvals Amendment Bill, resulting in several welcome improvements to the Bill (now enacted), including revision of provisions that proposed to increase Executive direction and guidance to the Environmental Protection Agency and to fast-track decision-making panels.
- A submission to the Justice Committee to assist in its consideration of the declarations of inconsistency confirmed by the Supreme Court (*Attorney General v Chisnall* [2024] NZSC 178) in respect of Public Protection Orders under the Public Safety (Public Protection Orders) Act 2014 and Extended Supervision Orders under the Parole Act 2002.
- On the Social Security (Accident Compensation and Calculation of Weekly Income) Amendment Bill, which overturned the High Court’s decision in *Chief Executive of the*

Ministry of Social Development v B [2025] NZHC 3042. The Bill initially proposed to preserve the position of those with related proceedings before the courts and the Social Security Appeals Authority, but not those awaiting outcomes from the Benefits Review Committee (BRC). Before appealing to the Authority (and then the courts), an outcome from the BRC is required. For those with pending reviews, this distinction could create substantive unfairness because there were delays in the BRC process, and if there was no delay they might already have appealed. The Law Society submitted that there appeared to be no principled basis for distinguishing between someone before the Authority or the courts (who under the Bill could rely on the old law) and someone who was seeking review by a BRC (who would now have their rights assessed under the ‘new’ law). It recommended at a minimum that the latter be included in the Bill’s savings provisions. We were pleased to see this amendment made before the Bill was enacted.

- The 2026 Review of Standing Orders. The Law Society’s submission focused on ways to improve Parliament’s scrutiny of primary legislation; improvements to the process for examination of bilateral international treaties; and potential amendments to the Standing Orders relating to revision bills. Drawing on the *Strengthening the rule of law in Aotearoa New Zealand* report, the

Law Society observed the increasing use of urgency and truncated select committee process, as well as deficiencies in the processes for ensuring bills passed by Parliament are consistent with the New Zealand Bill of Rights Act 1990, and the absence of mechanisms to enable or require post-legislative scrutiny.

- The Arms Bill, which will repeal and replace the Arms Act 1983 in its entirety. A key recommendation in the Law Society’s submission was that the Select Committee consider the appropriateness of continuing to rely on reverse onus offences (carried across from the Arms Act) in circumstances where the penalties for those offences were increasing – some substantially – and included imprisonment.

All public submissions are available on the Law Society’s website, and new public consultations are advertised weekly in LawPoints.

Recent advocacy and engagement

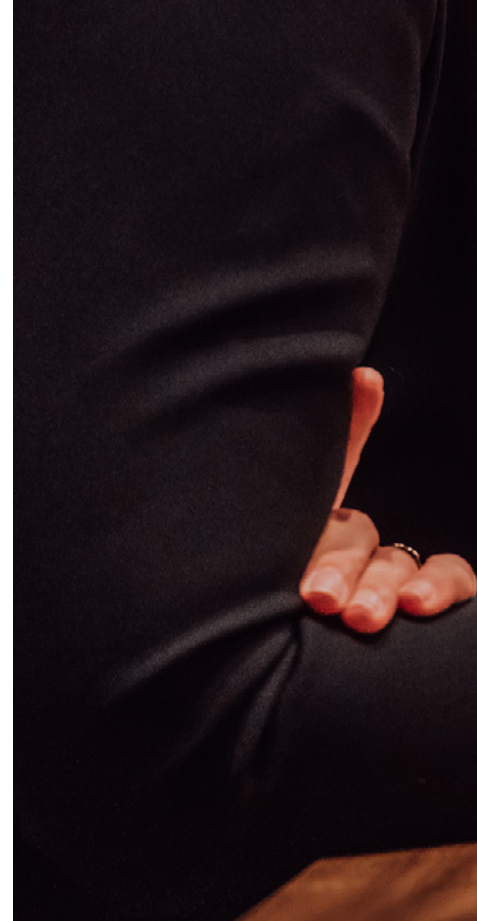
Interventions

The Law Society was granted leave to intervene in two cases, which were heard by the Supreme Court in mid-March:

- *Rimmer v Wilton*: this appeal concerns the application of the Property (Relationships) Act 1976 (PRA) on death, and in particular, the interplay between contracting out agreements (i.e. ‘pre-nups’

or ‘section 21 agreements’) and the death provisions in the Act. In granting leave to appeal, the Supreme Court asked that the following be addressed: whether, if Option B under s 61 of the PRA is elected, the surviving partner may receive their entitlements under a will or on an intestacy while also relying on a s 21 agreement. This intervention involves the Law Society’s Property Law Section and Family Law Section, and has the potential to have far reaching implications for property transactions, structuring, estate planning, and estate administration.

- *R v Parore*: this appeal concerns the availability of public law damages (including for pecuniary loss) for breach of the appellant’s right to silence and to a fair trial, protected by the New Zealand Bill of Rights Act 1990. The Law Society’s submissions as intervenor submit that rule of law considerations support the in-principle availability of compensatory damages (including pecuniary losses) for breach of fair trial rights.





Best Practice Guidance for Youth Advocates

The Law Society, with its Youth Justice Committee and a working group comprised of experienced youth advocates, continues to progress work to develop Best Practice Guidelines for those appointed as Youth Advocates. This work, which arose out of engagement with the Principal Youth Court Judge, will produce Guidelines that are intended to: promote best practice amongst youth advocates; encourage a consistently high standard of practice; and demonstrate the scope and importance of the youth advocate role.

Engagement with the judiciary and other stakeholders

The Law Society and its law reform committees continue to engage regularly with the judiciary, officials, and other stakeholders. Notable recent engagements include:

- Participating in a Remote Participation Working Group and associated workshops, led by the judiciary and Ministry of Justice.

- Discussing and resolving court-house issues with the Ministry of Justice and legal aid issues with the Legal Services Commissioner, as raised with us by members of the profession and officials.
- Assisting the judiciary to hold forums with members of the criminal defence bar, and (separately) junior members of the defence bar. Initially in Auckland, such engagements will take place in other locations around the country.
- Regular meetings with relevant Ministers, including the Minister of Justice and Attorney-General.

- Regular engagements with the Employment Relations Authority and Employment Court.

Te Au Reka, the new digital case management system for the courts and tribunals

With the assistance of the Family Law Section, the Law Society continues to engage with the Ministry of Justice on implementing Te Au Reka in the Family Court. To date, this has included feedback on communication and engagement with the profession, learning and training materials, as well as the design and functionality of the new digital portal. ■

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Stewardship, judgment and the future of employment law

As technology, shifting work patterns and social expectations reshape employment law, the profession is being asked to adapt without losing its core values. Greg Cain reflects on the risks, responsibilities and opportunities facing employment lawyers as the discipline, and the profession, looks ahead.

Employment law has never been static, but the pace and nuance of change are currently feeling markedly different, and Greg Cain has had a front-row seat to those shifts.

A long-standing employment lawyer and this year's chair of the Employment Law Conference, Cain has practised through several cycles of reform and rollback. Yet he says what stands out most about the current time is not any single legislative development, but the convergence of multiple forces reshaping how work is organised, regulated and experienced.

"There's a lot of talk about the gig economy, platform work, contractors and asymmetric working arrangements," he says. "But many of those developments have actually been with us for quite a while. It's over ten years since Uber first arrived."

What does feel genuinely new, Cain suggests, is the growing presence of Artificial Intelligence (AI) across workplaces and legal practice itself.

"AI is having a real impact on how employees do their jobs, how

employers manage work, and how parties conduct litigation," he says. "Lawyers are using it for research, for organising and presenting information, summarising meetings, and dealing with large volumes of material. It's not all-pervasive yet, but it's becoming much more prevalent."

Cain is careful, however not to overstate AI's capabilities, and cautions that efficiency should not be mistaken for insight. AI may assist with process, he says, but it cannot replicate human judgment, and over-reliance brings its own risks, particularly around accuracy, accountability and fairness in litigation.

Alongside technology, Cain points to a quieter but equally significant shift in Aotearoa New Zealand: the increasing integration of Te Ao Māori concepts and more holistic thinking into employment law.

"We're seeing greater recognition of ideas around tikanga, restorative approaches, and trauma-informed processes," he says. "That's coming

through in court decisions, in legislation, and very clearly in the public sector, where those concepts are now baked into employment agreements and expectations."

Cain acknowledges that translating these concepts into everyday employment practice is not without difficulty. While the principles are increasingly well understood at a high level, he says capability and consistency vary widely across organisations. "There's a real difference between recognising these ideas and applying them well," he observes, noting that poorly designed or inadequately resourced processes can create uncertainty, particularly in high-stakes disciplinary or grievance contexts.

The risks we may be underestimating

Asked whether any single issue is being underestimated, Cain turns not to technology but to human rights and discrimination.

"In the UK, discrimination litigation is far more common than it is here,"

he says. “Massive equal pay and discrimination claims are part of the landscape there. In New Zealand, we’re not quite at that point yet, but I think we will be.”

Cain suggests structural changes to employment protections may accelerate that trend. “If you remove someone’s right to bring an unjustified dismissal claim, for example through salary thresholds, that doesn’t remove conflict. It often just redirects it. You may see more discrimination claims instead.”

He notes that in jurisdictions with long qualifying periods for unfair dismissal, discrimination law often becomes the primary avenue for challenge. “Those dynamics are well established overseas, and I wouldn’t be surprised to see similar patterns emerge here.”

Flexibility, power and the limits of law

Changing patterns of work have prompted renewed scrutiny of how well employment law accommodates new forms of engagement and control. As courts continue to confront non-traditional working arrangements, questions have emerged about whether long-standing legal frameworks remain capable of responding to an evolving labour market.

Cain believes, “the law evolves as working patterns change. Courts have shown they can apply long-standing principles to new situations.”

He points to the Uber litigation as a clear example. “Those were not conventional working arrangements,

but the courts were able to apply settled legal principles to reach a clear outcome. Those principles are designed to be flexible.”

That adaptability, however, has limits, particularly at the margins of the labour market.

“There are real gaps when it comes to low-paid migrant workers, vulnerable contractors and modern slavery,” Cain says. “We’ve seen significant exploitation in recent years. Enforcement helps, but it can’t fix everything on its own.”

He welcomes recent moves toward modern slavery legislation but cautions against expecting employment law to solve deeply embedded social problems. “You need the right incentives and disincentives across the system. Employment law can only do so much.”

Emerging risk areas for employers

Looking ahead, Cain sees enforcement activity as a growing source of risk, particularly as regulatory agencies become more proactive. But he also identifies two areas that have gained prominence in recent years.

The first is protected disclosures. Amendments in 2022 broadened the definition of serious wrongdoing to include bullying and allowed anonymous disclosures.

“That creates real complexity,” Cain says. “How do you investigate an anonymous complaint? What do you tell the person accused? How do you ensure fairness when you don’t know the source?”

The second area is conflicts of interest, sharpened by recent public scandals.

“Many organisations are now waking up to how exposed they are around conflicts,” he says. “Managing those issues, and keeping them out of the media, is becoming a significant part of employment law work.”

A values-based framework

There is a perception in some areas that employment law is becoming more values-driven, potentially at the expense of certainty. Cain is unconvinced that this represents a fundamental shift.

“Employment law has always been values-based,” he says. “Fairness and reasonableness have been central concepts for decades. Since 2000, we’ve had a statutory duty of good faith, which is inherently values-laden.”

Unlike areas such as property or corporate law, employment law is rooted in human relationships. “You’re dealing with people, power, vulnerability and emotion. Values have always been part of that equation.”

That reality shapes the role of the employment lawyer. Cain resists the idea that lawyers are becoming the ‘conscience’ of organisations.

“Our role has always involved helping clients navigate risk rather than offering black-and-white answers,” he says. “Whether you see yourself as a conscience depends on the lawyer and the client. But there’s a danger in becoming too emotionally invested.”

“What keeps him awake at night is the speed of technological change, and the risk that ideology, rather than evidence, drives reform”

He believes independence and balance are essential. “If you lose that, you can’t give good advice.”

The next generation

For younger lawyers entering the field, Cain sees technology as the defining challenge and opportunity.

“When I started, hardly anyone had email,” he says. “Now we’re dealing with AI platforms that can summarise evidence, draft submissions and organise data.”

He’s aware that raises difficult questions about training, pricing and professional development. “Do you let AI do the work and risk junior lawyers missing out on learning? Or do you deliberately involve them, so they develop judgment and context?”

Cain is clear on that: AI cannot replace human judgment. “It doesn’t have a sense of nuance or fairness. That’s where lawyers, including junior ones, still add value.”

He also notes the growing use of AI by self-represented litigants. “Some submissions aren’t bad, but they often contain errors or hallucinated authorities. AI is getting smarter, but it’s not there yet.”

Institutions under pressure

Cain believes the Employment Court remains well placed to deal with complex disputes, supported by a strong judiciary and body of precedent. The Employment Relations Authority produces balanced outcomes, but the overall framework

is in need of review.

“For example, the Authority was designed to be accessible, informal and efficient,” he says. “But cases are becoming more complex, and the process has, frankly, become more legalistic.” Lawyers themselves have played a significant role in that.

He also questions the logic of having two fact-finding bodies. “In most jurisdictions, you don’t get two full hearings of the same evidence. Yet in the employment field, where disputes are often of low value financially, you can relitigate everything de novo. That’s costly, and emotionally draining for parties, and particularly for witnesses.”

Reform may be needed, he suggests, but any change must preserve access to justice.

Stewardship and the profession's future

As chair of the upcoming Employment Law Conference, Cain hopes the profession will engage with uncomfortable questions about its broader role.

“We’re a profession, not just an occupation,” he says. “That carries responsibilities, to society, to the system, and to those coming through behind us. Lawyers have a stewardship role in working to ensure the system is operating effectively and benefits clients across the board.”

Those responsibilities include investing in junior lawyers, contributing

to law reform, and serving the community beyond client work. “Many lawyers already do this, across firms of all sizes, in-house roles, standards committees and volunteer work. That’s encouraging.”

Looking five years ahead, Cain hopes employment lawyers will be able to say they helped manage the transition into a more technology-driven world without losing the profession’s core values.

What gives him optimism is the strength of the employment law community itself. “It attracts people who care about fairness and balance. That’s always been true.”

What keeps him awake at night is the speed of technological change, and the risk that ideology, rather than evidence, drives reform.

Still, Cain remains confident that employment law will continue to adapt, just as it always has. “Employment law is never dull,” he says, “and just when you think you’ve seen everything, someone proves you wrong!” ■

Employment Law Conference 2026

When: 4 – 5 June 2026

Where: Te Whanganui-a-Tara Wellington and online

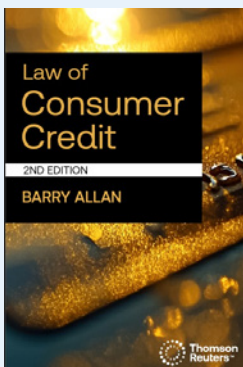
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Law of Consumer Credit, 2nd ed

Barry Allan
Thomson Reuters, 2025
Format: Print
Law Library: Wellington

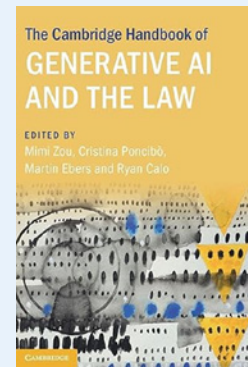
Associate Professor Barry Allan's *Law of Consumer Credit* is the leading New Zealand commentary on the Credit Contracts and Consumer Finance Act 2003, now updated for the second edition to reflect developments since 2017 including buy-now-pay-later lending, affordability requirements, and the CCCFA Amendment Bill 2025. Covering disclosure, hardship, enforcement, and oppression, it pairs analytical chapters with the full statutory text and section-by-section commentary. An essential reference for commercial and consumer lawyers, lenders, and finance law students.



Insolvency Law in New Zealand, 5th ed

Paul Heath and Mike Whale
LexisNexis, 2024
Format: Print / Digital / LexisRed
Law Library: Auckland, Wellington, Canterbury

The fifth edition of this two-volume reference provides comprehensive coverage of personal and corporate insolvency, bankruptcy, liquidation, receivership, voluntary administration, corporate rescue, directors' duties, and cross-border insolvency updated with three years of recent developments. Written by leading practitioners, it balances academic rigour with practical insight, making it an essential resource for anyone advising on insolvency and restructuring in New Zealand.



The Cambridge Handbook of Generative AI and the Law

Mimi Zou (Editor)
Cambridge University Press, 2025
Format: Print
Law Library: Wellington

The Cambridge Handbook of Generative AI and the Law (Cambridge University Press) offers an interdisciplinary guide to the legal and regulatory implications of generative AI. It covers technical and societal dimensions, regulatory frameworks across jurisdictions, and AI's impact on intellectual property, data protection, corporate governance, and criminal law, as well as how generative AI is being deployed in legal practice. Essential reading for practitioners navigating where the law stands, and where it's heading.

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