

**Position title:** Lawyer member for Early Resolution Service Standards Committee

**Reports to:** The Convenor of the Standards Committee to which the lawyer member is appointed, or any other Standards Committee to which he or she might be assigned or seconded.

**Location:** Any

#### **About the Law Society**

The New Zealand Law Society | Te Kāhui Ture o Aotearoa (NZLS) is the professional body for barristers and solicitors in New Zealand. The Law Society regulates all lawyers practising in New Zealand and is the membership organisation for practising lawyers. With 13 branch offices throughout the country, the Law Society is the Kaitiaki (guardian) of the public, the profession and the law of Aotearoa New Zealand.

#### **About the Role**

Lawyers Standards Committees are established under Part 7 of the Lawyers and Conveyancers Act 2006 (the Act). Members of Standards Committees are appointed in accordance with sections 126 and 129 of the Act and regulations 14 – 18 of the Lawyers and Conveyancers Act (Lawyers: Complaints Service and Standards Committee) Regulations 2008.

The statutory functions of Standards Committees are to:

- inquire into and investigate complaints against lawyers, incorporated law firms, and their employees;
- promote the resolution of complaints by negotiation, conciliation, or mediation, where it is appropriate to do so;
- in certain circumstances, to intervene in the affairs of lawyers or law firms;
- make final determinations in relation to complaints; and
- lay and prosecute charges before the New Zealand Lawyers and Conveyancers Disciplinary Tribunal.

Any person interested in applying for appointment as a lawyer member must have practised as a lawyer for a period or periods aggregating not less than five years.

Appointments are made by the New Zealand Law Society Board in consultation with local branches which must have regard to the applicant's:

- personal attributes; and
- ability to deal with and make appropriate decisions by reason of his or her skill, experience, and judgement.

### **Conditions of Appointment**

- An initial appointment would be made for a period of one year (or not exceeding three years), as determined by the Law Society Board at the time of appointment.
- Members are required to attend regular meetings of the Standards Committee to which they are appointed and to take direction from the convenor, whilst exercising independent judgement on matters under inquiry.
- Members may resign at any time by notice in writing to New Zealand Law Society.
- Members must be able to receive meeting papers electronically when required.
- Members must inform the Law Society immediately if they are charged and/or convicted of a criminal offence.
- Members must inform the Law Society immediately if allegations of workplace bullying or sexual harassment arise against them or the law firm they work for.
- Lawyer members must advise the Law Society if there is a finding of unsatisfactory conduct against them while appointed to a Standards Committee.
- All the activities of Standards Committees are strictly confidential, subject to publication orders and permitted disclosure to parties.
- All lawyer members are subject to and must work in accordance with the provisions of the Act, and all Rules and Regulations made under the Act, the Standards Committee Guidelines, and any practice notes.
- Lawyer members must be alert to the possibility of conflicts of interest arising during their duties and must make any potential or actual conflict of interest known to the Convenor as soon as it arises.
- The Law Society Board may remove a Standards Committee member from office where it is satisfied that the member:
  - has displayed an inability to perform the functions of a Lawyer Member or has neglected his or her duties, including persistent failure to attend meetings;
  - has been declared bankrupt, or is a director of a company that is put into receivership or liquidation;
  - has been convicted of a criminal offence punishable by imprisonment and the Board considers that the conviction reflects on the fitness of the member to serve on a Standards Committee; or
  - A Standards Committee or Disciplinary Tribunal has determined that the member has been guilty of misconduct or of unsatisfactory conduct.
- All Standards Committee members are protected from civil or criminal liability in the performance of their duties unless they have acted in bad faith.

### **Key Internal/External Relationships**

- Lawyer members need to relate constructively with:
  - Other Standards Committee members (both lay and lawyer);
  - New Zealand Law Society Legal Standards Officers assisting Standards Committees; and
  - Special investigators, legal counsel or any other individual appointed by the Committee.

### **Competencies**

Specific competencies include:

- Critical thinking, sound judgement and analytical skills which can be constructively applied to a wide range of legal topics and human behaviour generally;

- Ability to communicate effectively and accurately, both verbally and in writing;
- Good organisational skills;
- Ability to work effectively in a team, or individually as required; and
- Microsoft Office competency and computer literacy.