

Sole Practitioners and Barristers



Lawyers who are responsible for law practices must provide a safe environment for all employees and any other persons connected to the law practice.

A definition of law practice includes an individual lawyer practising on their own account. This means that sole practitioners and barristers are included.

Summary

- There are specific definitions for prohibited behaviour so it's clear what conduct is prohibited.
- Sole Practitioners and Barristers must have policies and systems to prevent and protect from prohibited behaviour, including procedures to investigate complaints.
- Sole Practitioners and Barristers must have a designated lawyer (even if that is themselves) who will report to the Law Society about conduct amounting to bullying, discrimination, harassment, theft or violence.

Definitions and clear expectations

There are specific prohibitions for behaviour such as bullying, harassment, and discrimination which are defined under Rule 1.2.

Policies and systems to prevent and protect from prohibited behaviour

Sole practitioners and barristers must have policies and systems to prevent and protect from unacceptable conduct (rule 11.2), including procedures to investigate complaints made by clients (rule 11.5).

Your policies and systems should include:

1. A clear statement that bullying, discrimination, harassment, racial harassment, sexual harassment or violence is not accepted by the practice at any level and all employees can expect to be treated with respect.
2. A clear and simple reporting process.
3. Avenues of support for people affected by prohibited behaviour.
4. Investigation of complaints.
5. Confidentiality and privacy.
6. Ensuring the active support of senior lawyers and managers, including modelling respectful behaviours themselves.

Designated lawyer

Law practices must have a designated lawyer who will report to the Law Society about conduct amounting to bullying, discrimination or harassment. As a sole practitioner you will be automatically listed with the Law Society as the designated lawyer for your practice.

A sole practitioner's complaints procedure may include the reference of complaints to an independent lawyer for consideration (rule 3.8).

Auditing and Monitoring compliance

Failure to make the required report under rules 11.4 and 11.4.1 will be treated as a breach of the rules. This means that a designated lawyer may be referred to a standards committee and potentially face a disciplinary response.

Further information

- Read the guidance for lawyers to support the implementation of the new rules on our [website](#)
- [Factsheet on Responsibilities of the Designated Lawyer](#)
- [Factsheet on Mandatory Reporting Obligations](#)

For more information please email our Regulatory team regulatory@lawsociety.org.nz