

Certificate of Character referee report

Fit and proper person

When considering whether an applicant is a fit and proper person to be admitted, the New Zealand Law Society (Law Society) takes into account the functions required for the practice of law. This is essential to enable regulation of the profession in a way that protects both consumers of legal services and the wellbeing of practitioners.

These functions include (but are not limited to): adhering to lawyers' fundamental ethical obligations to clients and the courts; and making careful judgments sometimes in time critical and stressful situations. It will also be relevant to consider any behaviour which may potentially impact adversely on clients, other members of the legal profession, or members of the public.

While it is expected that applicants would declare a persistent or recurrent condition, minor mental health matters and one-off episodes of illness need not be declared, nor mild anxiety during exam time. For relevant guidance, please refer to the Guidelines for Applicant's declaring health conditions on our website www.lawsociety.org.nz

Referee information

Referees must be either the candidate's employer or a 'preferred referee'.

Some examples of preferred referees are as follows:

- Lawyers (i.e. someone with a current practising certificate)
- Currently registered: Authorised financial advisors, Chartered accountants, Dentists, Engineers, Legal executives, Social workers, Marriage celebrants, Medical doctors, Nurses, Physiotherapists, Occupational therapists, Pilots, Real estate agents, Teachers, Veterinary surgeons.
- University lecturers and professors who know you outside of university or in the capacity of an employer
- Elders/pastors from a church, temple, mosque or synagogue
- Justices of the Peace
- Serving members of the armed forces

- Serving police officers
- Senior government officials
- Members of parliament

Who cannot be a referee?

- Members of the candidate's family (including spouses, partners, in laws and those connected to the candidate by civil union or de facto relationship).
- Your health professional.
- University lecturers and tutors unless you are acquainted with the candidate outside of the university or you have known them in the capacity of an employer.
- The wife/husband or de facto partner of someone who has already provided a reference.

Form guidelines

If you are unsure of whether the provisions of the Criminal Records (Clean Slate) Act 2004 may apply to any previous conduct by the applicant, you should discuss this with them in advance of completing this form.

Please answer the questions in this form as fully as possible.

Inadequate responses may delay the processing of the candidate's application.

Sending this report

In order to be accepted, a physical copy of this referee report must be posted to the Law Society by the referee.

A PDF version of this report sent via email will also be accepted, but only if it is:

- supplied by a lawyer (i.e. someone with a current practising certificate) and emailed directly to the Law Society from the lawyer's registered email address; or
- from a non-lawyer with a verifiable email address. For example, a recognised organisation such as *police.govt.nz* or *justice.govt.nz*.

In some cases, the original may still be requested.

1 Referee details

Title (optional)

Miss Ms Mrs Mr Other, please specify further if you wish

Full name

Firm/employer name

Position title (please describe)

Address of place of work/employer

Professional memberships/registrations (please include name of body/authority and registration number(s))

Email

Contact number

2 Candidate details

Full name

Is the applicant related to you? Yes No

If yes, how are they related to you?

Candidate details continued

How long and in what capacity have you known the candidate?

Are you in regular contact with the candidate?

Yes No

If not, when was the last time you saw the candidate?

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In your opinion is the candidate a fit and proper person for admission as a Barrister and Solicitor of the High Court?

Yes No

Please provide an explanation for your opinion below

Are there any personal or professional issues the Law Society should be aware of that may affect the candidate's ability to practise as a lawyer?

Yes No

If yes, please provide further details below

To your knowledge, does the candidate currently have a mental or physical health condition that may affect their ability to perform the functions required for the practise of the law, or have they ever had a condition of that kind that may recur?

Yes No

2 Candidate details continued

If yes, please comment on the candidate's ability to manage their health condition, and the support systems which they have in place that you are aware of.

Subject to the provisions of the Criminal Records (Clean Slate) Act 2004, to the best of your knowledge, has the candidate:

- Ever been convicted in any court in New Zealand or overseas?
- Have any pending or current charges before a court in New Zealand or overseas?
- Ever been the subject of disciplinary action by any authority in New Zealand or overseas?

Yes No

If yes, please provide further details below

To the best of your knowledge, has the candidate ever been adjudicated bankrupt, had an assignment for the benefit of creditors, or been a director of a company that has been put into receivership or liquidation in New Zealand or overseas?

Yes No

If yes, please provide further details below

Do you have any further comments about the candidate's character?

3 Declaration

I confirm that the above information is true to the best of my knowledge.

Signed

Date (dd/mm/yyyy)

Privacy and information handling

The Law Society will collect, use, hold and disclose your personal information only for the purposes of assessing the candidate's application, and as provided for under the Lawyers and Conveyancers Act 2006 and regulations, Privacy Act 2020 or otherwise as permitted or required by law. Only authorised staff will have access to your information which is held in a secure environment.

The provision of information by you is voluntary. However, if you do not provide full information, the Law Society may not be able to assess the candidate's application.

Under the Privacy Act 2020 anyone may request access to and request correction of their personal information held by the Law Society. Please note that it may also be necessary to disclose the reference to the applicant in the interests of natural justice.

For more information about the Law Society's Privacy and Information Handling Policies please refer to www.lawsociety.org.nz/privacy. General information about the Privacy Act 2020 is also available on the website of the Privacy Commissioner at www.privacy.org.nz.

Contact

If sending your reference by post please be aware of current reduced mail delivery services and any time line as advised to you by the candidate. To avoid delays, you may prefer to send the reference by email, overnight courier or deliver to the nearest Law Society branch.

If you have any queries or require further information please contact us at the appropriate branch.

Auckland

- ☎ 09 304 1000
- ✉ auckland@lawsociety.org.nz
- 📍 Level 12, 51 Shortland Street, Auckland 1010
- 📮 PO Box 4417, Shortland Street, Auckland 1140

Waikato Bay of Plenty

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- ✉ waikatobop@lawsociety.org.nz
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- 📮 PO Box 180, Hamilton 3240

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- 📮 PO Box 213, Gisborne 4040

Hawke's Bay

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Manawatu

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- 📮 PO Box 240, Nelson 7040

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- 📍 307 Durham Street, Christchurch 8013
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Otago

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- 📮 Private Bag 1901, Dunedin 9054

Southland

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- 📮 PO Box 821, Invercargill 9840