

INFORMATION FOR APPLICANTS APPLYING FOR A CERTIFICATE OF CHARACTER

Congratulations - you have got this far – there are just a few more steps to go before you can be admitted as a Barrister and Solicitor of the High Court of New Zealand.

Introduction

The New Zealand Law Society (NZLS) provides both regulatory and representative services to the legal profession.

Overview

There are three steps to be admitted as a barrister and solicitor to the High Court of New Zealand:

1. Obtain a certificate of completion from the NZ Council of Legal Education; and
2. Obtain a certificate of character from the NZLS; and
3. Apply to the High Court of New Zealand (where you want to be admitted) attaching the following to your affidavit:
 - Certificate of Completion
 - Certificate of Character
 - Invoice for payment of admission fee (this invoice is provided with your Certificate of Character)

Certificate of Character

Certificates of Character are generally issued by the local branch of NZLS closest to where you intend to be admitted.

The Certificate of Character certifies that NZLS has made a full inquiry as to your character and is satisfied that you are both a fit and proper person to be admitted as a barrister and solicitor of the High Court of New Zealand and a person who meets the criteria prescribed by the Lawyers and Conveyancers Act (Lawyers: Admission) Rules 2008.

If you are requested to provide further information or to recomplete a part of the process, please be assured that this is to ensure that the Law Society meets its high obligations under the certification it is required to provide to the High Court.

Applications are dealt with on the papers. NZLS obtains information relating to an applicant's character from universities, professional training institutes, referees and the Ministry of Justice. Applicants' names are advertised in NZLS' publications and its website. If there are any queries about an applicant being fit and proper, the applicant will be interviewed and the application may be referred by the branch to the National Practice Approval Committee.

Certificates of Character have a "shelf life" of 3 months from the date of issue. If the Certificate of Character is not filed with the High Court within 3 months, you will need to reapply which will include reconfirmation of referee reports and payment of the application fee.

Please check the timetable on the NZLS website (<http://www.lawsociety.org.nz/for-lawyers/joining-the-legal-profession/admission/admission-dates> and <http://www.lawsociety.org.nz/for-lawyers/joining-the-legal-profession/admission/admission-timeline>) to ensure that the required dates can be met – if in doubt call the Branch or check with the Admissions Clerk at the High Court.

Where do I find the forms?

All the information needed is on the Law Society's website at <http://www.lawsociety.org.nz/for-lawyers/joining-the-legal-profession>

Please read and comply with the notes to the application form. Not doing so may mean that an application is delayed, which could result in missing a chosen admission ceremony.

Your application

To ensure an application is processed on time for the application to the High Court for your intended admission ceremony, please check the following before you submit it:

- Ensure that you sign and complete the application correctly
- Provide original documents where required
- Provide a completed Ministry of Justice criminal conviction check (third party) form with your application – you must use the form which is held on the NZLS website: http://www.lawsociety.org.nz/data/assets/pdf_file/0013/115141/100000-New-Zealand-Law-Society.pdf.
- Provide a copy of your CV containing all of your employment and academic history. It must state months and years, and if there are any gaps, they must be explained (e.g. travel, unemployed, studying). Information on the CV must match information given on the application form
- Include your student ID number(s) on the application form
- Provide the contact details for any overseas tertiary institutions where study has taken place (name of institution, street address and email contact address). This is not necessary if you have studied overseas as part of a New Zealand University exchange programme.
- Provide sufficient referee reports as per the guidelines (see below)
- Apply on time. The Law Society will endeavour to process late applications but cannot guarantee that you will make your intended admission date.
- Arrange for a criminal conviction check from a country where you have lived for 12 months or more since the age of 18 – this must be sent direct from the relevant overseas authority to the Law Society Branch
- Ensure that your passport is signed before it is witnessed

Referee reports

Think carefully about who you will ask to provide referee reports for you. You will then need to contact the potential referees to ensure that they are willing to provide a referee report and can do so within the available time. Referees should be asked to give full and comprehensive answers to avoid NZLS having to contact them for clarification.

In identifying a referee, these questions should be asked:

- Does the person meet the criteria for a preferred referee?
- Will the person be able to provide the reference by the due date?
- Do they have sufficient English to answer the questions clearly regarding your fitness to practise law?

Referee reports must be sent direct to the Law Society Branch by the referee. If the referee is a practising lawyer, the report can be emailed from the lawyer's work email address otherwise the hard copy original of the referee report must be received. Referees should bear in mind any delays in the regular postal service.

A preferred referee includes:

- Lawyers with current practising certificates
- Chartered accountants

- Currently registered:
 - Authorised financial advisors
 - Dentists
 - Legal executives
 - Marriage celebrants
 - Medical doctors
 - Nurses
 - Physiotherapists
 - Pilots
 - Real estate agents
 - Teachers
 - Veterinary surgeons
 - Engineers

Others that can be used:

- University professors who know you outside of university or in the capacity of an employer
- Elders/pastors/priests from a church/temple/synagogue or mosque etc
- Justice of the peace
- Serving officers in the armed forces
- Serving police officers
- Senior government official
- Members of parliament

When you are thinking about whether someone is a preferred referee for the purposes of this application, these questions will help in deciding:

- Would the person have had to go through a character and/or a criminal conviction check before attaining their position
- Does the person belong to a profession where issues of conduct and/or professional standards are regulated?
- Do they know you in a personal capacity and are able to speak to your character?
- Are they in a role that is well respected in their community and consulted by members of the larger community?

Please ensure that:

- all references are on the prescribed form
http://www.lawsociety.org.nz/_data/assets/pdf_file/0019/5833/Certificate-of-Character-Referee-Report-form.pdf.
- you have the sufficient number and quality of references
- references are provided by the referee directly to the Law Society Branch that you are applying to. Originals are required (unless emailed by a current lawyer, see note above)
- your general referees meet the criteria for preferred referees (employers are not required to be preferred referees)
- References are not provided by family members

If in doubt as to whether a referee will be accepted the Branch may be contacted before asking the person to fill in a referee report.

Frequently asked questions

Section 9 of the Certificate of Character application form asks questions about whether the candidate is a fit and proper person for admission. This section asks the candidate to declare certain information about certain matters including criminal convictions, health issues and bankruptcy and insolvency.

Does the Criminal Records (Clean Slate) Act 2004 apply?

Yes. If you are unsure if a conviction has been clean slated, please inquire of the relevant authority or seek independent legal advice before completing your application form.

Note: You do not have to disclose criminal charges that did not lead to convictions. This includes diversions, discharge without conviction, and acquittal following trial.

Does the Law Society need to know about a disciplinary incident that occurred whilst at university or at profs?

Yes, if it resulted in a disciplinary finding against you.

Do my referees need to know about a matter I need to declare?

Yes. Please ensure that your referees are aware of the matter so that they can comment on it in the referee form.

Please remember we are here to help. If you have any questions or doubts, call us or email us at wellington@lawsociety.org.nz or 04 463 2918.

Admission

Information about the admission process and the forms required can be found on the New Zealand Law Society website (<http://www.lawsociety.org.nz/for-lawyers/joining-the-legal-profession/admission>) . An admission pack can also be obtained from the Wellington High Court by emailing WellingtonLP@justice.govt.nz with the words Admission Pack in the email heading. This pack provides information about how to apply, correct attire, and what the candidate and moving counsel need to say in Court.

Information about the hiring of gowns and wigs is provided with the original Certificates of Character.

Admission Timetable

Dates for admission ceremonies are on the Law Society website (<http://www.lawsociety.org.nz/for-lawyers/joining-the-legal-profession/admission/admission-dates>)

If you answer “yes” to any of the Fit and Proper questions on the application form (such as criminal convictions or academic misconduct) it is advisable to apply well before the application deadline as these applications may need extra time to process.

Further information regarding the New Zealand Law Society

For further information, please refer to the Law Society website - <http://www.lawsociety.org.nz/practice-resources/new-zealand-law-society-guide-for-new-lawYERS/the-new-zealand-law-society>