

# What the rules mean for law practices



The conduct and client care rules put different requirements on different types of legal workplaces. This factsheet covers what you need to know if you work in a law practice.

## Summary

- There are clear expectations on law practices to protect all employees and any other persons connected to the law practice.
- There are specific definitions for types of prohibited behaviour so that it's clear what sort of conduct is prohibited.
- Law practices must have policies and systems to prevent and protect from prohibited behaviour, including procedures to investigate complaints.
- Law practices must have a designated lawyer who will report to the Law Society about conduct amounting to bullying, discrimination, harassment or violence.

## Definitions and clear expectations

There are specific definitions for prohibited behaviour such as bullying, harassment (including racial and sexual harassment), and discrimination in Rule 1.2.

## Policies and systems to prevent and protect from prohibited behaviour

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

Policies and systems to prevent and protect all persons

from prohibited behaviour 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.

## Reporting requirements

There are new requirements to report behaviour including bullying, discrimination, harassment, racial harassment, sexual harassment, theft or violence to the Law Society.

Law practices are required to:

- report annually to the Law Society
- notify the Law Society within 14 days, if there is a written warning or dismissal due to prohibited behaviour such as bullying, discrimination or harassment.
- notify the Law Society within 14 days if any person leaves the law practice having been advised within the previous 12 months that the law practice was dissatisfied with, or intended to investigate their conduct in relation to prohibited behaviour.

## Designated lawyer

Rule 11.3 requires each law practice to have a lawyer who is the "designated lawyer" for the purpose of reporting to the Law Society on both an annual basis and if there is a written warning or dismissal due to prohibited behaviour.

The designated lawyer must be in practice on their own account, such as a partner, director or sole practitioner.

### You must tell the Law Society who the designated lawyer is

You must notify the Registry Team at the Law Society who your designated lawyer is by emailing [registry@lawsociety.org.nz](mailto:registry@lawsociety.org.nz)

If you are a sole practitioner or barrister sole you will be automatically recorded as being the designated lawyer.

### What if my practice doesn't nominate a designated lawyer?

In the case of a partnership, or incorporated law firm, each partner or director is individually responsible for

ensuring that their practice has a designated lawyer. If a law practice does not have a designated lawyer, each partner or director will have contravened rule 11.3.

### Sole practitioners and barristers sole

Sole practitioners will be required to complete the "designated lawyer" reporting requirements for their own practice.

## Further information

- Read the guidance for lawyers to support the implementation of the new rules on our [website](#)
- [Factsheet on Defined behaviours](#)
- [Factsheet on Responsibilities of the Designated Lawyer](#)
- [Factsheet on Support for victims and those affected by Prohibited Behaviours](#)

For more information please email our Regulatory team [regulatory@lawsociety.org.nz](mailto:regulatory@lawsociety.org.nz)