

Mandatory reporting obligations



Reporting requirements for law practices

At any time

Law practices must notify the Law Society within 14 days if any person is issued a written warning or dismissed for bullying, discrimination, harassment, racial harassment, sexual harassment, theft or violence. Law practices must report if any person leaves before an investigation is completed.

How to make a report

Use the [Designated Lawyer report form](#) on the Law Society website.

On an annual basis

Law practices need to nominate a designated lawyer who will be required to report on an annual basis about compliance with their reporting obligations and employment policies.

Does this apply to sole practitioners?

Sole practitioners are required to comply with the same obligations as law practices.

Does this apply to in-house lawyers?

In-house lawyers are not required to nominate a designated lawyer or to fulfil the reporting requirements that apply to law practices. However, they must comply

with the reporting requirements placed on all lawyers in relation to reporting misconduct or unsatisfactory conduct.

Reporting requirements for all lawyers

All lawyers are required to report to the Law Society if they have reasonable grounds to suspect that another lawyer may have engaged in misconduct. Under Rules 2.8 and 2.9:

- you must report misconduct, and
- you have a discretion to report unsatisfactory conduct.

How to make a confidential report

Use the [Confidential report form](#) on the Law Society website.

Definitions: Misconduct and unsatisfactory conduct

Misconduct is defined by section 7 of the LCA. Misconduct includes professional conduct which would reasonably be regarded by lawyers of good standing as disgraceful or dishonourable. Misconduct can also include personal conduct that indicates that a lawyer is not fit to practise.

Unsatisfactory conduct is defined by section 12 of the LCA. Unsatisfactory conduct includes conduct that falls short of the standard of competence and diligence expected of a reasonably competent lawyer or conduct that lawyers of good standing would regard as unbecoming or unprofessional.

When to report suspected misconduct or unsatisfactory conduct

Rule 2.8 requires lawyers to make a confidential report to the Law Society, at the earliest opportunity. Proof of guilt is not part of the threshold test; however, there must be "reasonable grounds to suspect misconduct". This means that the obligation to report is not triggered by rumour or speculation; there must be evidence that provides "reasonable grounds to suspect" before the mandatory requirement to provide a report to the Complaints Service is engaged.

The mandatory reporting obligation does not apply to victims of suspected misconduct.

Example

Hearing office gossip about a senior lawyer in the firm acting in a sexually inappropriate way towards a more junior lawyer does not in itself trigger the mandatory reporting obligation.

If you observe the behaviour or have it disclosed to you by the victim of the behaviour, then the obligation is triggered (subject to any applicable exception to mandatory reporting under rules 2.8.4).

Lawyers have a discretion under Rule 2.9 to make a confidential report to the Law Society about unsatisfactory conduct.

Further information

- Read the guidance for lawyers to support the implementation of the new rules on our [website](#)
- email the Lawyers Complaints Service complaints@lawsociety.org.nz, or
- phone the Lawyers Complaints Service on 0800 261 801.
- [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