

Responsibilities of the Designated Lawyer

Who needs to have a designated lawyer?

Each law practice is now required to have a "designated lawyer" for that practice. 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 of the *Lawyers and Conveyancers Act \(Lawyers: Conduct and Client Care\) Rules 2008*](#).

In the case of a sole practitioner or barrister, the sole practitioner or barrister must be the designated lawyer.

Organisations employing in-house lawyers do not need to have a designated lawyer.

Who can be a designated lawyer?

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

How are designated lawyers appointed?

Law practices must notify the Law Society who their designated lawyer is by emailing registry@lawsociety.org.nz.

Sole practitioners and barristers will automatically be recorded as the designated lawyer for their law practice.

What does a designated lawyer have to do?

The designated lawyer must:

- certify each year before 30 June that the law practice

has complied with its obligations, and

- notify the Law Society on behalf of the law practice, within 14 days, if:
 - there is a written warning or dismissal due to prohibited behaviour such as bullying, discrimination or harassment,
 - 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.

If an investigation into the alleged behaviour has concluded and there are no reasonable grounds to suspect that the lawyer engaged in misconduct, then no notification to the Law Society is required.

Annual certification

[Rule 11.4.4](#) requires the designated lawyer to certify annually that:

- the law practice has complied with the mandatory reporting obligations imposed under the [Lawyers and Conveyancers Act 2006 \(Lawyers: Conduct and Client Care\) Amendment Rules 2021](#); and
- the law practice has policies and systems in place to prevent and protect persons employed or engaged by the law practice from prohibited behaviour and to comply with its obligations under the [Health and Safety at Work Act 2015](#);
- the designated lawyer has complied with [r11.4](#).

How are annual certifications made?

Certification must be completed by the designated lawyer as part of their annual practising certificate renewal process using the "Declarations" page on Registry before 30 June each year.

Can I create my own designated lawyer declaration using the wording from the rules and provide this to the Law Society?

No. To ensure that the Law Society has a complete electronic record, every annual designated lawyer declaration must be completed on-line. The designated lawyer can save a copy of their declaration before they submit this if they want to.

Do I have to make a designated lawyer declaration if I have no employees?

Yes. Designated lawyers must certify that their law practice has effective policies and systems in place to prevent and protect all people engaged or employed by the practice from unacceptable conduct. The designated lawyer must also certify that their practice is complying with its obligations under the *Health and Safety at Work Act 2015*, which includes clients, visitors, members of the public and volunteers, as well as employees.

Do I need to submit a designated lawyer declaration if I stopped practising on my own account during the year?

Yes. An annual designated lawyer declaration must be made for each law practice, even if the practice existed for only part of the year.

Notification of misconduct

Rule 11.4.3 requires that a report by the designated lawyer to the Law Society must be:

- made in writing,
- identify the person making the report and the person or persons to whom the report relates, and
- specify details of the alleged conduct.

The report must also be supported by any appropriate documentation held by or available to the designated lawyer. This includes:

- documentation of investigations etc

The designated lawyer should use the *Designated lawyer report* and send the report to: complaints@lawsociety.org.nz.

Failure to make required reports 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 Defined behaviours](#)
- [Factsheet on Mandatory Reporting Requirements](#)

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