

Responsibilities of the Designated Lawyer



Each law practice is now required to have a “designated lawyer” for that practice.

What responsibilities lie with the designated lawyer?

The designated lawyer will:

- fulfil the law practice's annual reporting 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.

The designated lawyer must also 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.

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 report to the Law Society is required.

Certifying compliance of the law practice

Rule 11.4.4 requires the designated lawyer to certify annually the law practice's compliance with:

- the mandatory reporting obligations imposed under the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Amendment Rules 2021; and
- that 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 must also certify annually that they have complied with the reporting obligations referred to above.

Certification will be completed online and will be part of the annual practising certificate renewals process.

How to make a report as a designated lawyer

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 send the report to: complaints@lawsociety.org.nz or use the form on the complaints page of the Law Society's website.

Failure to report

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.

Register as the designated lawyer with the Law Society

You must notify the Registry Team at the Law Society who your designated lawyer is by emailing registry@lawsociety.org.nz

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

Who can be a designated lawyer?

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

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.

Does this apply to sole practitioners?

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

Does this apply to in-house lawyers?

No – in-house lawyers are not required to have a designated lawyer.

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