



THE
LAW SOCIETY
OF HONG KONG
香港律師會

34th POLA SUMMIT

6 - 8 JUNE 2024 | HONG KONG

SUSTAINABILITY OF THE LEGAL PROFESSION GLOBALLY





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The New Zealand Law Society Te Kāhui Ture o Aotearoa

Frazer Barton, President



Legal Regulation in New Zealand

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Self-regulation

The New Zealand Law Society has regulatory powers and representative functions

The Law Society administers the initial complaint and disciplinary processes

Co-regulation

Lay member involvement

Government oversight of key functions, eg, such as new practice rules and the level of practising fees

Independent complaints review body and the Disciplinary Tribunal administered by the Ministry of Justice (in the same way they provide administration services to the courts and tribunals).

The current dual functions

While the current model for regulating and representing lawyers works well in some areas, it falls short in many others.



Representing lawyers
conflicts with our
duty to regulate in the
public interest



Constrain the
ability to represent
the interests of
lawyers effectively



Affects how the Law
Society is perceived
and undermines
trust

Background to the Independent Review



Important context for the Law Society's decision to commission an independent review included:

- Widespread dissatisfaction with the statutory system for handling complaints about lawyers;
- A desire to confront cultural challenges (including harassment and bullying in the profession) and improve diversity, inclusion and mental health in the legal profession;
- Ongoing unease about whether a membership body should be responsible for regulating the legal profession and can adequately represent the interests of lawyers if constrained by its regulatory role.

A new independent regulator

- The Law Society's dual functions – to lawyers and the public – are squarely in conflict:
 - trust in the Law Society is eroded
 - regulatory efficiency and effectiveness is undermined
 - the Law Society is constrained in its ability to represent the interests of lawyers effectively
- International trend towards independent regulation
- Governance – 4 public members, 4 lawyer members, Chair a public member – with appointment process to protect independence and rule of law
- Important ongoing role for the Law Society as a separate national representative body for lawyers

A reformed complaints system

- Establish a professional in-house complaint service
- The proposed new model includes:
 - 'consumer matters' will be subject to informal dispute resolution (not disciplinary)
 - resources will be prioritised towards more serious disciplinary matters
 - Establish a new review mechanism
- Lawyers should be required to ensure complaints are 'dealt with promptly, fairly and free of charge'

Modern regulatory system

- Regulatory objectives set out in legislation - primary objective for the regulator to protect and promote the public interest
- Preserve but update lawyers' fundamental obligations
- Legal services:
 - A new 'freelance lawyer' model should be introduced
 - Employed lawyers should be permitted to provide pro bono services
 - New business arrangements should be permitted
 - Law firms should be directly regulated
- Shift in emphasis to clients' rights to good-quality care and information, including about fees

Government response and next steps

- The Law Society accepted most of the recommendations, including establish a new independent regulator and an overhaul of the system for handling complaints about lawyers
- The Government has signalled that wholesale reform is unlikely to be a priority in the next three years
- Making changes that we can including:
 - Modernising regulation of lawyers
 - Exploring with our Ministry targeted amendments to Act
 - Streamlining service for lower-level complaints so they can be resolved more quickly



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