

Information for Clients

Set out below is extra information you should read together with our Terms of Engagement, including our commitment to you under the Rules of Conduct and Client Care for Lawyers of the New Zealand Law Society (**Law Society**).

1. **Client care and service – our commitment to you**

Whatever legal services we are providing, we must:

- act competently, in a timely way, and in accordance with instructions received and arrangements made;
- protect and promote your interests and act for you free from compromising influences or loyalties;
- discuss with you your objectives and how they should best be achieved;
- provide you with information about the work to be done, who will do it and the way the services will be provided;
- charge you a fee that is fair and reasonable and let you know how and when you will be billed;
- give you clear information and advice;
- protect your privacy and ensure appropriate confidentiality;
- treat you fairly, respectfully and without discrimination;
- keep you informed about the work being done and advise you when it is completed; and
- let you know how to make a complaint and deal with any complaint promptly and fairly.

The obligations lawyers owe to clients are described in the Rules of Conduct and Client Care for Lawyers. Those obligations are subject to other overriding duties, including duties to the courts and to the justice system. If you have any questions, please visit www.lawsociety.org.nz or call 0800 261 801.

2. **Fees**

The Rules of Conduct and Client Care for Lawyers require that our fees be fair and reasonable for the services provided, taking into account the following factors:

- the time and labour expended;
- the skill, specialised knowledge, and responsibility required to perform the services properly;
- the importance of the matter to you and the results achieved;
- the urgency and circumstances in which the matter is undertaken and any time limitations imposed, including those imposed by you;
- the degree of risk assumed by us in undertaking the services including the amount or value of any property involved;
- the complexity of the matter and the difficulty or novelty of the questions involved;

- the experience, reputation and ability of the lawyer;
- the possibility that acceptance of the retainer will preclude engagement of the lawyer by other clients;
- whether the fee is fixed or conditional (whether in litigation or otherwise);
- any quote or fee estimate given by us;
- any fee agreement (including a conditional fee agreement) entered into;
- the reasonable costs of running our practice;
- the fee customarily charged in the market and locality for similar legal services.

3. **Fee estimates**

You have the right to request an estimate of our fees for any matter.

4. **Legal Aid**

Legal aid is governed by the Legal Services Act 2011 and the associated regulations. Legal aid is administered through the Ministry of Justice by the Legal Services Commissioner. If we perform legal services for you under a legal aid grant, our charges for those services will be at rates prescribed under the Legal Services Act 2011, associated regulations and instructions received by us from the Legal Services Commissioner. For more information about legal aid, please contact us or the Ministry of Justice – visit www.justice.govt.nz.

5. **Professional Indemnity Insurance**

We hold professional indemnity insurance that meets or exceeds the minimum standards specified by the Law Society. We will provide you with particulars of the minimum standards upon request.

6. **Lawyers' Fidelity Fund**

The Law Society maintains the Lawyers' Fidelity Fund for the purpose of providing clients of lawyers with protection against pecuniary loss arising from theft by lawyers. The maximum amount payable by the Fidelity Fund by way of compensation to an individual claimant is limited to \$100,000. Except in certain circumstances specified in the Lawyers and Conveyancers Act 2006, the Fidelity Fund does not cover a client for any loss relating to money that a lawyer is instructed to invest on behalf of that client.

7. Privacy statement

While acting for you we may collect and hold information (including personal information) about you or individuals associated with you. We may use and disclose this information for the following purposes:

- to provide legal services;
- to make credit enquiries with credit reporting agencies or other appropriate information providers to assess your credit worthiness and the credit worthiness of any person who guarantees payment of our fee (Guarantor);
- to undertake credit management and debt collection;
- for the purposes set out in paragraphs 8 - 10 below or other purposes we tell you about;
- if required or authorised by you;
- if allowed or required by law or the Rules of Conduct and Client Care for Lawyers.

If you or any Guarantor defaults in payment obligations to us, we may provide information about that default to credit reporting and debt collection agencies. Information we provide to credit reporting agencies (as part of our credit enquiries or about defaults) may be held by those agencies, used for credit reporting services and supplied to other customers of those agencies.

We may send you newsletters or other material we think may interest you. If you do not want us to do this, please let us know.

Failure to provide us with information may compromise the quality of our services or mean we cannot act for you.

Personal information we hold may be stored in hard copy and/or electronic form at our offices or by our agents (including file storage or cloud computing providers located in or outside New Zealand) until it is destroyed. Under the Privacy Act 1993, individuals have rights of access to and correction of their personal information.

8. Our monitoring obligations

We are obliged to comply with all laws applicable to us in all jurisdictions, including (but not limited to):

- Anti-money laundering and countering financing of terrorism laws; and
- Laws relating to tax and client reporting and withholdings.

We may be required to undertake customer due diligence on you, persons acting on your behalf and other relevant person such as beneficial owners and controlling persons. We may not be able to

begin acting, or to continue acting, for you until this is completed.

To ensure our compliance and yours, we may be required to provide information about you, persons acting on your behalf or other relevant persons to government agencies. There may be circumstances where we are not able to tell you or such persons if we do provide information.

Please ensure that you and/or any of the persons described previously are aware of and consent to this. It is important to ensure that all information provided to us is accurate. If the information required is not provided or considered by us to be potentially inaccurate, misleading, or in contravention of any law, we may terminate or refuse to enter into an engagement.

9. Land Transfer Act 1952

This Act requires buyers and sellers of property to provide us with tax information (including IRD numbers and/or offshore equivalents) as part of the land transfer process. We may retain this information and disclose it to Land Information New Zealand (LINZ) and/or the IRD. LINZ will provide this information to the IRD.

10. Complaints

We have a procedure designed to ensure that any complaints from clients are dealt with promptly and fairly.

If you have a concern or complaint about our services or charges, we encourage you to talk to the Partner in our firm who has overall responsibility for your work. If you do not wish to refer your complaint to that person, or you are not satisfied with that person's response, please refer your complaint to any other Partner of our firm. You can do this in writing, in a meeting, or by telephoning our office on 09 430 4380 and asking to speak to a Partner. We will appoint a Partner who has not been involved in your matter to deal with it promptly and fairly.

The Law Society also operates a Lawyers Complaints Service and you are able to make a complaint to that service. To do so, phone 0800 261 801 for information and advice about making a complaint.

11. Changes to this Information for Clients

We may change this information sheet from time to time, in which case we will send you an amended sheet.

Effective from 29 June 2018