



# **New Zealand Bar Association**

## **Ngā Ahorangi Motuhake o te Ture**

### **Coming to the Independent Bar Guide**



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| Pre-move                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |
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| Start thinking about possible mentors and chambers or premises.                                   | Speak to members of the profession and members of chambers.<br><br>Most practitioners will be happy to hear about your interest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Free.    |
| If you have not already completed it, check when the next <i>Stepping Up</i> course is scheduled. | You may not practice on your own account unless you have undertaken and passed the <i>Stepping Up</i> course.<br><br>To complete <i>Stepping Up</i> you must do approximately 50 hours of self-directed distance learning and workshop preparation and then attend a two and a half day workshop. Please note that before you attend the workshop you must sign an undertaking that you have completed all the distance learning and preparatory work. There were six courses offered in 2022. However, there is no guarantee of acceptance to any particular course, as maximum numbers apply to each session. | \$1,690. |

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| Obtain a copy of the <a href="#">Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008</a>                                | Read these and, in particular, familiarise yourself with Chapter 14 Barristers.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Free.  |
| When you intend to move to the independent bar you should make a formal application to practice on your own account to your local NZLS branch. | <p>Practising as a barrister on your own account (i.e. as a barrister sole) is governed by <u>s30(1)(a) of the Lawyers and Conveyancers Act (LCA) and R12 of the LCA (Lawyers: Practice Rules) Regulations 2008</u> and the LCA (Lawyers: Practice Rules) <u>Amendment Regulations 2010</u>.</p> <p>The Law Society must be satisfied that a lawyer wishing to practice on his or her own account as a barrister sole is a suitable person to do so, having regard to:</p> <ul style="list-style-type: none"> <li>• the lawyer's legal experience; and</li> <li>• the fields of law in which the lawyer intends to practice; and</li> <li>• any other matters the Law Society considers are relevant.</li> </ul> <p>To apply to practice on your own account you must:</p> <ul style="list-style-type: none"> <li>• ensure you meet the criteria;</li> <li>• fill in the application form;</li> <li>• pay \$275 (including GST) with your application;</li> <li>• request referee reports from your referees;</li> <li>• provide a business plan; and</li> <li>• send the completed form and payment to your nearest Law Society branch office.</li> </ul> <p>Determination of an application to practice on your own account takes about six to eight weeks. This allows time for your name to be advertised to the profession, for you to attend an interview (if required) and for reference checks to be made.</p> | \$275. |

If you do not meet the “required minimum amount of recent legal experience” in New Zealand criterion in regulation 12(3) of the Practice Rules, you may apply to be considered under regulation 12A of the Practice Rules. An example of this might be where you have worked part-time; taken a break from practising law in New Zealand; or returned to New Zealand after practising in an overseas jurisdiction. Other situations where applying under regulation 12A would be appropriate are if you are coming to the bar under one of the junior barrister schemes operated by a number of chambers or as an employed barrister.

Applications for approval under regulation 12A of the Practice Rules of the Practice Rules may be referred to the Practice Approval Committee for a decision. Please allow more time for these applications.

Your name will be advertised on the Law Society website, requesting comments regarding your suitability to practice on your own account.

When your application is complete and the specified time has lapsed from advertising, an interview with a local Law Society branch representative panel will be organised for you to attend.

The interview may cover such topics as running a practice, financial regulations, and the rules of conduct and client care. Interviews last approximately one hour.

After processing your application, the branch will make a recommendation to the national office. A recommendation from the interviewers will accompany the application.

Final approval, in most cases, will be granted administratively by the Law Society.

## 1-3 months prior to move

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| Register for GST.                                                                                                | Review the IRD website. If in doubt, see an accountant.                                                                                                                                                                                                | Free.                |
| Give notice.                                                                                                     | Let colleagues/acquaintances know about your intentions, including your current employer or your partners. Give required notice.                                                                                                                       | Free.                |
| Develop your network.                                                                                            | Attend networking events. Consider whether you are subject to any restraints of trade that need to be complied with.                                                                                                                                   | Free.                |
| Contact NZLS regarding changing your practicing certificate to one allowing you to practice as a barrister sole. | Contact NZLS Registry.                                                                                                                                                                                                                                 | Possible refund.     |
| Draft proposed terms of engagement.                                                                              | If you join the NZBA you can access to draft model terms of engagement.<br><br>NZBA members may access it here: <a href="https://www.nzbar.org.nz/resources/practice-management">https://www.nzbar.org.nz/resources/practice-management</a> .          | Free to NZBA members |
| Arrange premises, if required.                                                                                   | Take a lease, sublet space or join an established set of chambers. The latter often involves “buying” a room from an outgoing member and ongoing monthly rent and opex. The buy-in cost is usually recoverable when you leave as you “sell” your room. | Varies.              |

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| Email, webpage and Internet access. | <p>Set-up your email (unless provided by your Chambers).</p> <p>Prepare content for your website.</p> <p>Make sure you have good broadband Internet.</p> | Varies depending on provider. |
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## Just before commencing practice as a barrister

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| Join the New Zealand Bar Association / Ngā Ahorangi Motuhake o te Ture. | <p>Membership of the NZBA includes access to:</p> <ul style="list-style-type: none"> <li>• a <u>member benefit scheme</u> which includes offerings from over 50 commercial and professional organisations, including indemnity insurance;</li> <li>• training, including, many free <u>CPD webinars</u> and <u>recorded webinars</u> for paid-up members, as well as discounted masterclasses, workshops, webinars, online modules and the Annual Conference;</li> <li>• a web profile through the “Find a Barrister” directory (available to full members);</li> <li>• a <u>mentoring scheme</u>, which provides advice on transitioning to the Bar and ongoing support for barristers at all levels;</li> <li>• networking and <u>collegiality events</u> and opportunities; and</li> <li>• resources to support business and professional opportunities.</li> </ul> | <p>Barrister 0-3<br/>Years <b>\$108.70</b> plus GST<br/>\$16.30 = \$125.</p> <p>Barrister 4-7<br/>Years <b>\$173.91</b> plus GST<br/>\$26.09 = \$200.</p> <p>Barrister 7+<br/>Years <b>\$347.83</b> plus GST<br/>\$52.17 = \$400.</p> <p>King’s<br/>Counsel <b>\$608.70</b> plus<br/>GST \$91.30 = \$700.</p> |
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| <p>Adopt a Model Conduct and Values Policy.</p> | <p>If you are joining a Chambers review and adopt its existing Model Conduct &amp; Values Policy.</p> <p>If you a practising as a barrister alone, adopt your own Model Conduct &amp; Values Policy. The NZBA has prepared a template Model Conduct &amp; Values Policy that members can use. Members may find it here:<br/> <a href="https://www.nzbar.org.nz/resources/professional-conduct">https://www.nzbar.org.nz/resources/professional-conduct</a>.</p>                                                                                                                                                          | <p>Free to NZBA members.</p> |
| <p>Get High Court Library access.</p>           | <p>After hours access is available at most libraries to members holding a current practicing certificate.</p> <p>Auckland High Court: An access card is required for entry to the library. 24 hour access is available for lawyers with an access card, via the <u>Anzac Avenue door</u>.</p> <p>A request for an access card to the <u>Auckland Library</u> can be made using this <u>application form</u> or by applying in person at the Library. Identification is required to collect a card. The cost is \$25 (excl. GST). If you have lost or damaged your card, a replacement card will cost \$35 (excl GST)</p> | <p>\$25.</p>                 |

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|                                            | <p>Christchurch Library: The Library is located in the Justice &amp; Emergency Services Precinct (Emergency Services Building, B2 entrance on Tuam Street). The Library's after-hours entrance is located just outside the ESB main entrance on the ground floor. A <u>Lawyers' access card</u> (CJESP) is required for after-hours access to the Library.</p> <p>Wellington High Court: A request for an after hours access card to the <u>Wellington Library</u> can be made using this <u>application form</u> or by applying in person at the Library. The cost is \$25 (excl. GST). If you have lost or damaged your card, a replacement card will cost \$35 (excl GST).</p> |                                   |
| Purchase accounting software.              | You should consider purchasing accounting software, such as Xero.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Varies depending on product.      |
| Purchase time recording software.          | You should purchase time recording software, such as Harvest.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Varies depending on product.      |
| Purchase professional indemnity insurance. | You should purchase professional indemnity insurance. The NZBA Insurance Plan offers NZBA Members exclusive access to competitive rates for indemnity cover and risk management. The Insurance Plan is administered by Marsh Limited. Guidance notes and premiums can be obtained from Marsh.                                                                                                                                                                                                                                                                                                                                                                                     | Depends on extent of cover taken. |
| Stationary.                                | <p>Consider buying business cards (or an electronic one containing your contact details that you can tap on phones to transfer your details), stationary and electronic templates. Don't forget to produce invoice and statement templates.</p> <p>Check with your Chambers whether they have existing templates or suppliers.</p>                                                                                                                                                                                                                                                                                                                                                | Approximately \$300-\$500.        |

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| Software and IT.       | <p>Use Microsoft 365 for Word, PowerPoint, Excel, etc</p> <p>Set up electronic file storage: DropBox, GoogleDrive, etc.</p> <p>Get a subscription to a service that enables the transfer of very large electronic files e.g. Hightail.</p> <p>Use 2 factor identification on all subscriptions.</p> <p>Encrypt client files.</p> <p>It is essential to take data security issues seriously.</p> <p>Decide whether you will use a Dictaphone or Voice-Recognition software to input text.</p> <p>Engage or at least investigate an IT consultant. Things go wrong and it is good to have someone to go to quickly if required.</p> |                                  |
| Legal wear.            | You will need a barrister's gown and you may wish to buy a bar jacket and tabs and collars.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Barrister's gown - \$900.        |
| Office furniture.      | You might need to purchase office furniture. To begin with consider the minimum requirements. As a starting point, you might like to buy a desk, computer and chair.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Varies.                          |
| Online research tools. | <p>Consider the online research tools that you may need.</p> <p>It is suggested you sign up to the LexisNexis barrister package offered to NZBA members.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Depends on research tools taken. |

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|                                                                                   | Depending on the areas you practice in you may also wish to consider Thomson Reuters' offering.                                                                                                                                                                                                    |                                                                     |
| Accountant costs.                                                                 | Ask people in Chambers who they use as their accountants. Preferably use one with experience of a barrister's practice.                                                                                                                                                                            | Approximately \$3,500 pa.                                           |
| Income protection insurance.                                                      | You should consider obtaining income protection insurance.                                                                                                                                                                                                                                         | Depends on medical history and age.                                 |
| Consider whether you wish to be able to take direct instructions from the public. | If so, apply to the NZLS to be able to take direct instructions. Note that you will only be able to do this after completion of either the barrister Module of the <i>Stepping Up</i> course or undertaking the Online CPD course entitled <i>The New Intervention Rule – What You Must Know</i> . | Included in <i>Stepping Up</i> or \$70 to do the Online CPD course. |