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25 November 2011

## CIVIL AND FAMILY LEGAL AID

### OUR AGREEMENT

The New Zealand Law Society requires that I set some matters out in writing and there are some things we need to have a clear understanding on.

#### Instructing Solicitor

#### Services to be provided

1 The following is a summary of my brief:

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#### Client Services

2 The Rules of Conduct and Client Care for lawyers of the New Zealand Law Society require that in all events, subject to the duties of the barrister to the courts and to the justice system, a barrister must:

a act competently, in a timely way, and in accordance with instructions received and arrangements made with the client;

b protect and promote the client's interests and act for the client free from compromising influences or loyalties;

c discuss the client's objectives and how they should best be achieved;

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- d provide the client with information about the work to be done, who will do it and the way the services will be provided;
  - e charge the client a fee that is fair and reasonable, and let the client know when the client will be billed;
  - f give the client clear information and advice;
  - g protect the client's privacy and ensure appropriate confidentiality;
  - h treat the client fairly, respectfully, and without discrimination;
  - i keep the client informed about the work being done and advise when it is completed;
  - j let the client know if the Instructions are of the sort where the client may be eligible for legal aid, and if so whether you are prepared to undertake the work if paid by legal aid;
  - k let the client know how to make a complaint, and deal with any complaint promptly and fairly.
- 3 If you require any further details regarding the legal obligations of a barrister, please visit [www.lawsociety.org.nz](http://www.lawsociety.org.nz) or telephone 0800 261 801.

Legal Aid

- 4 The amount to be paid to me will be the sum approved by the Ministry of Justice (Legal Aid).
- 5 You will take all steps required of you by the Ministry of Justice (Legal Aid) to obtain and protect your grant of legal aid.
- 6 I am required to pass information to Ministry of Justice (Legal Aid) and the usual solicitor client privilege will not, to that extent, always apply in the course of your instructions to me and that privilege will not apply if Ministry of Justice (Legal Aid) audits or investigates me.
- 7 You authorise me to apply to the Ministry of Justice (Legal Aid) for any necessary increase in the amount of a grant of legal aid and to apply for reconsideration and review of any decision of the Ministry of Justice (Legal Aid).

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- 8     WARNING: Legal Aid is sometimes taking the view that aid will not be granted unless the instructing solicitor has a contract with Legal Services to provide services of the type you require. There is no warranty that the instructing solicitor will be accepted by the Ministry of Justice (Legal Aid). You may have to find another instructing solicitor

Important Advice about the Position Pending a grant of Legal Aid

- 9     PLEASE NOTE until a grant of legal aid is confirmed I will not be able to take any steps on your behalf unless someone can deposit money (security for costs) in the trust account of the instructing solicitor with an authority for the money to be paid towards my costs should legal aid not be granted.
- 10    You might be able to find a lawyer who is prepared to take steps on your behalf before there is a grant of aid without requiring security for costs and, if you believe you need to have steps taken immediately, and cannot wait for a grant of aid and cannot arrange security for costs, you must do all you can to find a lawyer who is prepared to act for you and if you find such a lawyer and provide me with a written authority I will forward your file to that lawyer.

Professional Indemnity Insurance

- 11    I hold professional indemnity insurance that meets or exceeds the minimum standards specified by the New Zealand Law Society.

Complaints

- 12    If you have a complaint about my services, I would be happy to meet with you to discuss the nature of the complaint so that we can attempt to resolve it between ourselves. If you are not happy with the response to your complaint, you may refer your complaint to the New Zealand Law Society (telephone 0800 261 801, email [www.lawyers.org.nz](http://www.lawyers.org.nz) or mail to PO Box 5041, Wellington 6145).

Your Obligations to Me

- 13    You need to:
- a     keep me advised of any change in your contact details

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- b responded to correspondence
  - c arrive on time for any court appearances

**Acceptance**

- 14 Your acceptance of legal services from me is an acceptance of the terms in this letter.
- 15 Please note: if you do not want me to provide legal services to you please tell me as soon as possible.

**Consequences of Failing to keep a Grant of Legal Aid**

- 16 If your grant of legal aid is withdrawn I will cease to provide services.

Yours faithfully



**JOHN MATHER**