

Definitions

Alternative dispute resolution (ADR)

A meeting of parties in an attempt to resolve the issues between the parties. This may be achieved by negotiation, mediation or conciliation.

Application

A request by a party that the Legal Complaints Review Officer make an order, direction or decision.

Bill of costs

A lawyer's or conveyancer's fee chargeable to a client for providing legal or conveyancing services. In other words, the invoice or account received from the practitioner.

Cancellation of registration

To cancel the registration of the conveyancer and effectively withdraw the powers of the practitioner to practice their professional duties.

Censure

Defined by the Court of Appeal as synonymous with reprimand. It means a formal or official statement rebuking a practitioner for unsatisfactory conduct.

Complaint

Under the Lawyers and Conveyancers Act 2006, a complaint may relate to:

- conduct
- standard of service
- failure of practitioner to comply with timeliness
- failure to comply with order or final determination
- bill of costs.

A complaint must be formalised in writing and referred to a standards committee. The standards committee's decision can be reviewed by the LCRO on application from one of the parties to that complaint.

Determination

An application is either dealt with 'on the papers' or heard in person at a hearing. The LCRO will make a formal determination on the application from the evidence received. This determination is legally binding, sent to all parties, and may be published in a newspaper, journal, the Gazette or internet.

Directions hearing (preliminary conference or phone conference)

A meeting of all concerned parties, held at the direction of the LCRO. The aim is to speed up proceedings and ensure all parties are prepared. This may be by phone conference or in person.

Discovery (or Disclosure)

Sharing with or disclosing to all parties, all the information and documents relevant to the application.

Guidelines

A document issued by the LCRO instructing how the process for adjudication works. They are guidelines issued by the Chair of the LCRO regarding procedures to be followed in relation to an application.

Hearing

The event where the case and evidence are examined by the LCRO. The parties appear in person before the LCRO and the LCRO makes a determination and instructs the parties accordingly (makes a determination). Hearings are held in private. The decision of the LCRO may be published.

Misconduct

A practitioner may be subject to a complaint or charge because of conduct considered to be disgraceful, dishonourable, wilful, reckless or charging of grossly excessive costs.

'On the papers' hearing

Where a formal hearing is not conducted and the LCRO makes their determination solely from the documents provided by the parties.

Order

A direction or order given by the LCRO or Chair of the LCRO.

Practitioners

All lawyers enrolled on the Roll and Conveyancers enrolled on the Register.

Register

This is the official table of licensed conveyancing practitioners legally empowered to perform their professional duties.

Related person or entity

Is defined by s 6 of the Act and includes a partner in a law firm and the firm itself

Roll

The roll of barristers and solicitors kept by any Registrar of the High Court under the Lawyers and Conveyancers Act. This is the official table of licensed legal practitioners (lawyers) who are legally empowered to perform their professional duties.

Standard of service

Practitioners who provide regulated services must meet fundamental obligations:

- to be independent
- to act in accordance with all fiduciary duties and duties of care
- to protect the interests of his or her clients.

A legal practitioner must also uphold the rule of law and facilitate the administration of justice in New Zealand.

Strike off

To remove a lawyer from the Roll and effectively withdraw the power of a practitioner to practice their lawful duties.

Timeliness

Within the time allowed, given or reasonably expected.

Unsatisfactory conduct

Conduct that falls short of the standard of competence and diligence expected, or is unacceptable. This includes conduct unbecoming a practitioner, unprofessional conduct or contravention of the Act, regulations and rules, or failure to comply with an imposed condition or restriction.

Working day

For the LCRO a working day means a day of the week other than:

- a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's Birthday, and Labour Day, and
- a day in the period beginning with 25 December in a year and ending with 2 January in the following year, and
- if 1 January falls on a Friday, the following Monday, and
- if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday.