

## PRESENTERS



### **Philippa Fee, Partner, Fee Langstone, Auckland**

Philippa is widely regarded as one of New Zealand's leading litigation and dispute resolution lawyers. Her principal specialist area is the representation of professionals in connection with claims for negligence and disciplinary complaints. The parties Philippa routinely assists include lawyers, chartered accountants, engineers, architects and insurance brokers.



### **Virginia Wethey, Partner, Fee Langstone, Auckland**

Virginia has over 20 years of insurance litigation and dispute resolution experience with an emphasis on professional indemnity claims. A large part of her practice is acting for solicitors in the defence of civil claims and in response to disciplinary complaints.

*The statements and conclusions contained in this presentation are those of the author(s) only and not those of the New Zealand Law Society. This presentation has been prepared for the purpose of a Continuing Legal Education course. It is not intended to be a comprehensive statement of the law or practice, and should not be relied upon as such. If advice on the law is required, it should be sought on a formal, professional basis.*

# CONTENTS

<b>1. CLAIMS AGAINST LAWYERS: COMMON ERRORS AND PITFALLS .....</b>	<b>1</b>
<b>2. PART ONE: DOING THE BASIC THINGS WELL.....</b>	<b>3</b>
SCOPE OF RETAINER.....	3
<i>Who is my client?</i> .....	3
<i>What does my client want me to do?</i> .....	3
<i>Does the client have capacity to instruct you?</i> .....	4
<i>Conflict of interest</i> .....	7
<i>Good file management</i> .....	11
<i>Trust account management</i> .....	11
<b>3. PART TWO: COMPLAINTS.....</b>	<b>15</b>
THE FRAMEWORK .....	15
PROCESS .....	15
NATURE OF COMPLAINTS – TRENDS AND STATISTICS .....	16
<b>4. PART THREE: TRENDS IN CLAIMS AND COMPLAINTS AGAINST LAWYERS.....</b>	<b>19</b>
TRUSTEE CLAIMS .....	19
CLAIMS AGAINST BARRISTERS AND LITIGATION LAWYERS .....	19
<i>Lawyers’ conduct</i> .....	20
MISSING DEADLINES .....	20
<i>Limitation Act</i> .....	21
BULLYING, HARASSMENT AND OTHER “PERSONAL” MISCONDUCT.....	21
<i>Obligation to report</i> .....	21
<i>Internal policies and procedures</i> .....	22
<i>Disciplinary consequences</i> .....	22
<i>Case example</i> .....	22
DUTIES TO THIRD PARTIES .....	23
UNDERTAKINGS .....	24
<i>Case examples</i> .....	25
<b>5. PART FOUR: CONCLUSION .....</b>	<b>27</b>
<b>6. POWERPOINTS.....</b>	<b>29</b>