

## Information for Clients

### Introduction

Set out below is the information required to be provided to clients by the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 ("Rules of Conduct and Client Care for Lawyers") of the New Zealand Law Society ("Law Society").

#### 1 Fees

- 1.1 The basis on which fees will be charged is set out in our letter of engagement and our Terms of Engagement.
- 1.2 Information on when payment of fees is to be made is set out in our Terms of Engagement.
- 1.3 If we maintain a trust account, we may, in accordance with our Terms of Engagement, deduct fees from funds held in trust on your behalf (subject to any requirement of regulation 9 or 10 of the Lawyers and Conveyancers Act (Trust Account) Regulations 2008).

#### 2 Professional Indemnity Insurance

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

#### 3 Lawyers' Fidelity Fund

- 3.1 The Law Society maintains the Lawyers' Fidelity Fund for the purpose of providing clients of lawyers (or of incorporated law firms) with protection against pecuniary loss arising from theft by lawyers (or incorporated law firms) or certain of their agents. The maximum amount that may be paid out of that Fidelity Fund to an individual claimant by way of compensation is \$100,000.
- 3.2 Except in certain circumstances specified in the Lawyers and Conveyancers Act 2006, the Lawyers' Fidelity Fund does not cover a client for any loss relating to money that a practitioner or incorporated law firm has been instructed to invest on behalf of that client.

#### 4 Complaints

- 4.1 We maintain a procedure for handling any complaints by clients, with a view to ensuring that any complaint is dealt with promptly and fairly by us.
- 4.2 If you have a complaint about our services or charges, you may refer your complaint to the person in our firm who has overall responsibility for the legal services we provide to you.
- 4.3 If you do not wish to refer your complaint to that person, or you are not satisfied with that person's response to your complaint, you may, subject to paragraph 4.4 below, refer your complaint to our Managing Director, Paul Hartland, who may be contacted by phoning +64 21 352 452 or at email [paul.hartland@agatelegal.co.nz](mailto:paul.hartland@agatelegal.co.nz).
- 4.4 If the person in our firm who has overall responsibility for the legal services we provide to you is our Managing Director, Paul Hartland, and you do not wish to refer your complaint to him or you are not satisfied with

his response to your complaint, you should consider referring your complaint to the Lawyers Complaints Service, as detailed further in paragraph 4.5 below.

- 4.5 The Law Society operates the Lawyers Complaints Service, and you are able to make a complaint to that Service. To obtain information and advice about how to do so, phone 0800 261 801 (Law Society Lawyers Complaints Service) or email [complaints@lawsociety.org.nz](mailto:complaints@lawsociety.org.nz).

### 5 Client Care and Service

- 5.1 Whatever legal services your lawyer is providing, he or she must:
  - 5.1.1 Act competently, in a timely way, and in accordance with instructions received and arrangements made;
  - 5.1.2 Protect and promote your interests and act for you free from compromising influences or loyalties;
  - 5.1.3 Discuss with you your objectives and how they should best be achieved;
  - 5.1.4 Provide you with information about the work to be done, who will do it and the way the services will be provided;
  - 5.1.5 Charge you a fee that is fair and reasonable and let you know how and when you will be billed;
  - 5.1.6 Give you clear information and advice;
  - 5.1.7 Protect your privacy and ensure appropriate confidentiality;
  - 5.1.8 Treat you fairly, respectfully, and without discrimination;
  - 5.1.9 Keep you informed about the work being done and advise you when it is completed; and
  - 5.1.10 Let you know how to make a complaint and deal with any complaint promptly and fairly.
- 5.2 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.

- 5.3 If you have any questions, please phone 0800 261 801 (Law Society Lawyers Complaints Service) or visit [www.lawsociety.org.nz](http://www.lawsociety.org.nz).

### 6 Person(s) Responsible for Services

The name(s) and status of the person(s) in our firm who will have the general carriage of, or overall responsibility for, the legal services we provide to you are set out in our letter of engagement.

### 7 Limitations of Obligations and Limitations or Exclusions of Liability

Any limitations on the extent of our obligations to you or any limitations or exclusions of liability are set out in our letter of engagement and our Terms of Engagement.