

ADLS Committees – Overview

Seventeen ADLS Committees operate at present, comprised of volunteers who carry out a wide range of activities in their specialist areas.

1. Civil Litigation

The Civil Litigation Committee is made up of experienced practitioners working in firms or sole practice who have expertise in civil litigation. The purpose of the committee is to monitor procedure, rules, legislation and precedent setting cases concerning civil litigation. One of the main stakeholders that the committee liaises with is the Rules Committee, a statutory body with responsibility for procedural rules in New Zealand's four main jurisdictions; the Supreme Court, the Court of Appeal, the High Court and the District Court. The committee regularly puts forward proposals regarding reform of the District and High Court Rules to the Rules Committee.

Access to justice is also an area of focus for the committee and members keep a watching brief on issues regarding fees, civil legal aid, as well as the award of costs. A major area of focus for the committee in 2020 will be making submissions on a review of the rules governing civil trial procedures that is led by the Rules Committee. This review proposes reforms aimed at improving access to justice by reducing the costs associated with bringing a civil matter to court.

2. Continuing Professional Development

The ADLS CPD Committee is responsible for monitoring the content and quality of ADLS' highly respected CPD programme. The committee comprises of senior and specialist practitioners from various legal practice areas and members of the judiciary, and is committed to maintaining professional standards and promoting "best practice" amongst members of the legal profession.

Committee members meet each month to consider potential topics for our extensive programme of conferences, seminars, webinars and workshops. They then subsequently work on relevant subcommittees with our CPD Programme Developers to refine the content and select presenters for our calendar of CPD events.

This committee is committed to ensuring the ADLS CPD programme continues to deliver high-quality education on a diverse range of topics that are always relevant, conveniently accessible and tailored to meet the changing needs of the profession.

3. Courthouse Liaison

The Courthouse Liaison Committee is comprised of practitioners from a wide range of practice areas who all have extensive experience with the District Courts in the Auckland region as well as the Auckland High Court. Promoting the efficient operation of New Zealand courthouses is the main aim of the committee, which regularly liaises with stakeholders including the courts, the judiciary, and the Ministry of Justice. The Committee also has a strong interest in access to legislation and case law through online legal publishers.

A major area of focus for the committee in 2020 is the development of a protocol on the use of cell phones by practitioners and unrepresented litigants in courtrooms. The rules on cell phone usage are currently ambiguous and perhaps outdated, which has led to some confusion amongst the profession. The committee will draft the protocol and then consult with other relevant stakeholders before putting the protocol to the Chief Justice for her consideration.

4. Criminal Law

The Criminal Law Committee is made up of experienced members of the defence bar who are committed to upholding the rights of their clients. The Committee keeps a watching brief on all issues regarding the administration of criminal justice and where necessary, raises issues with stakeholders in the criminal justice sector and suggests possible solutions. These stakeholders include the courts, judiciary, Police, Ministry of Justice, the Department of Corrections and the Parole Board. The Committee also makes submissions on proposed legislative changes concerning criminal procedure and evidence and writes a wide range of LawNews articles on criminal justice issues.

In 2020 a focus for the committee will be making submissions on the Sexual Violence Legislation Bill and monitoring the Bill's implementation. This Bill amends the Evidence Act 2006, Victims' Rights Act 2002, and Criminal Procedure Act 2011 with the aim of reducing the re-traumatisation victims of sexual violence may experience when they attend court and give evidence.

5. Documents & Precedents

The Documents and Precedents Committee is a cornerstone of ADLS and was established in response to the profession's need for reliable and universally accepted forms. The Committee has an unparalleled record of producing high quality standard forms and precedents, including the prestigious Agreement for Sale and Purchase of Real Estate and the Commercial Deed of Lease. Its continued success lies in attracting high calibre lawyers from a range of property and commercial disciplines who have a passion for the role of the forms, the provision of high quality and accurate drafting advice, and who like finding practical solutions for lawyers in light of constant developments in legislation and practice.

The principal functions of the Committee are to ensure that documents currently published by the ADLS are constantly revised to take account of legislative changes and the impact of case law and to expand the range of documents and precedents currently offered by ADLS.

6. Employment Law

The Employment Law Committee is comprised of practitioners who specialise in employment law and work for firms, private in-house teams, unions and as sole practitioners and barristers. The Committee liaises closely with a wide range of stakeholders in the employment law sector including the Employment Court, Employment Relations Authority, WorkSafe and other employment-related institutions such as trade unions. The committee assists with the development of the well-attended Burning Issues in Employment Law Forum and also hosts an annual dinner for employment law practitioners, mediators, and judges.

In 2020, the main areas of focus for the committee will be clarifying the operational relationship between the Employment Relations Authority and the Employment Court as well as the Ministry of Business, Innovation and Employment's proposal to introduce a third category of worker which will be a hybrid between an employee and independent contractor. The Committee will also give consideration to access to justice issues, such as the increasing cost of litigation and how to mitigate this for clients.

7. Environment & Resource Management Law

The ADLS Environment & Resource Management Committee monitors legal developments at both central and local government level concerning environmental law and resource management law. The committee is comprised of practitioners working in both the public and private sector and liaises closely with a wide range of stakeholders in the environmental and resource management sector including the Environment Court, Ministry for the Environment, and Auckland City Council.

In 2020, an area of focus for the committee will be the wide-ranging review of the Resource Management Act conducted by the Ministry for the Environment. The committee is already engaged in preliminary consultation and will make a number of written submissions throughout the year. The committee will also focus on the wide-ranging issue of climate change and the need for central and local government to implement appropriate legislative and policy changes.

8. Family Law

The Family Law Committee is made up of experienced family law practitioners who work in firms or in sole practice. The Committee keeps a watching brief on all issues regarding the administration of family law and where necessary, raises issues with stakeholders in the family law sector and suggests possible solutions. These stakeholders include the Family Court, judiciary, Ministry of Justice, Oranga Tamariki and the Legal Services Commissioner. The Committee also makes submissions on proposed legislative changes concerning family law procedure and writes a wide range of LawNews articles on family law issues.

In 2020, areas of focus for the committee include the Ministry of Justice's review of the legal aid system and the outcome of the Government's wide-ranging review of the Family Court system. The committee will also continue to monitor operational matters concerning the Family Court including waiting times to have court matters scheduled and to obtain evidential reports from psychologists.

9. Health and Safety Law

The Health & Safety Law Committee was established to monitor the development of case law under the Health and Safety at Work Act 2015 and to provide regular updates to members through LawNews articles and CPD training. The Committee has a diverse composition of key players in the field including private practice lawyers, lawyers employed by Worksafe, insurers, and the NZ Council of Trade Unions. The committee also plans and presents at CPD sessions on topical issues in health and safety law.

In 2020, the main focus of the committee will be the dissemination of a sentencing memorandum drafted by the committee and approved by the Chief District Court Judge. The aim of the memorandum is to provide counsel with a streamlined approach and to assist with the development of sentencing decisions in this area.

10. Immigration & Refugee Law

The Immigration and Refugee Law Committee is made up of experienced practitioners who work in immigration law focussed firms or in sole practice. The Committee keeps a watching brief on all issues regarding immigration and refugee law and regularly raises issues with the Ministry of Business, Innovation and Employment, Immigration NZ, the Refugee Status Branch, the Immigration Protection Tribunal and the Ministry of Justice. The committee also hosts the Minister of Immigration each year at an annual dinner where the Minister informs ADLS members of developments in this area.

In 2019 the Committee initiated its own extensive ten-year review of the Immigration Act 2009 and presented this to the Minister of Immigration. In 2020 the committee will continue discussions with the Minister on the reforms proposed in the review and continue to work with government agencies to find solutions to a range of operational matters concerning the processing of visas.

11. Members Special Fund

The Members' Special Fund helps lawyers and their dependants who are in financial hardship arising from bereavement, illness, business failure, or hard times generally. The committee approaches applications for assistance in a non-judgmental, practical and sensible way and assistance can be provided in the form of direct financial assistance or by funding medical, accounting, or other professional advice. Alternatively, the assistance can be by way of a grant or a loan, depending on the circumstances.

12. Mental Health & Disability Law

The Mental Health and Disability Law Committee is made up of experienced practitioners who work across a range of practice areas to assist clients who have specific mental health needs or specific needs resulting from a disability. The Committee liaises closely with a wide range of stakeholders in the mental health and disability sector including the Ministry of Health, Ministry of Justice, Mental Health District Inspectors, the Legal Services Commissioner and secure care facilities throughout Auckland.

In 2020, the Committee will keep a watching brief on a range of topical matters including the Royal Commission of Inquiry into Abuse in Care, the upcoming national referendum on medically assisted dying and the potential legalisation of cannabis for medicinal and/or recreational purposes. Other areas of focus for the committee in 2020 will include advocating for a specialist court for people with specific mental health needs or needs resulting from a disability and the establishment of the Mental Health and Wellbeing Commission.

13. Newly Suited

The members of the ADLS Newly Suited Committee range from recent graduates through to those who have five years of practice and work in a diverse range of practice areas at small, medium and large practice firms. The focus of the committee is to offer events that provide education, support and mentorship for lawyers as they enter the profession as either their first or second career. The Committee's events calendar is wide ranging and includes meet and greet events with Judges and Queen's Counsel, panel discussions with politicians who have a legal background, informative events concerning well-being and mental health as well as collegiality events for members to share their experiences in the workplace.

14. Property Disputes

The Property Disputes Committee is a committee of the ADLS set up more than 35 years ago to determine a wide range of disputes relating to property issues, including in relation to sale and purchase agreements and commercial leases. The Committee is made up of 12 senior lawyers, with particular expertise and experience in property law.

The Property Disputes Committee hearings are held 'on the papers'. Lawyers for the parties are required to submit an agreed statement of facts and written submissions. The committee meets in person (or over Zoom) to consider the dispute and reach a joint decision. A formal written decision is drafted by the committee following the meeting, signed off by the committee convenor, then provided to the lawyers for the parties. As part of the parties' agreement to refer the dispute to the Property Disputes Committee, they agree that the decision will be final and binding.

15. Property Law

The Property Law Committee is one of ADLS's longest standing Committees and is influential in the development of property law and practice. Committee members have expertise in property law and liaise with a range of stakeholders in the property law sector including LINZ, REINZ, Auckland City Council, the courts and the Tenancy Tribunal to develop solutions to a range of property law issues.

In 2020, the Committee will continue to work with LINZ on the new Landonline upgrade, keep a watching brief on the implementation of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 as well as potential amendments to the Residential Tenancies Act and other property related legislation. The Committee will also continue to provide a sounding board to the Documents and Precedents Committee with regard to property related WebForms.

16. Technology & Law

The Technology & Law Committee keeps a watching brief on a wide range of issues including the law on social media, online bullying and privacy, artificial intelligence, digital security, storage of personal data by private entities and government agencies, and data protection regulations. The Committee also keeps a watching brief on case law under the Harmful Digital Communications Act. Each year committee members draft articles containing expert commentary on a wide range of technology and law issues for a special technology and law edition of LawNews.

In 2020 a focus for the committee will be consultation with the Department of Internal Affairs with regard to the department's Digital Identity Transition Programme which involves developing a regulatory framework on the use and sharing of digital identity data. The committee will also launch of a Procedure Toolkit for small law firms which contains an IT Policy and Guidelines drafted by the committee to assist small firms which may lack the expertise and resources to produce their own IT policy and guidelines.

17. Trust Law

The Trust Law Committee was originally established to provide extensive feedback on behalf of the profession to the Government on the landmark reforms the Trusts Act. The Committee is comprised of experienced practitioners from a range of law firms as well as barristers in sole practice. Now that the consultation period has concluded and the reforms are gradually coming into force, the focus of the committee in 2020 has moved to educating the profession on the reforms through an extensive CPD programme and a wide range of LawNews articles.