

National Friends Panel

Guiding Principles, Expectations and Terms and Conditions of Appointment

Introduction

The National Friends Panel (NFP) is a New Zealand Law Society Te Kahui Ture o Aotearoa (Law Society) support service and is part of the Law Society's wider wellbeing resources. It is comprised of up to 50 lawyers who, on a volunteer basis, are willing to be contacted by fellow lawyers with questions or concerns relating to practice and/or personal issues.

By supporting their colleagues, NFP members contribute to upholding the fundamental obligations of all lawyers and ensuring continued trust and confidence in the legal profession and provision of legal services.

The Purpose of the National Friends Panel

The purpose of the NFP is to provide lawyers with a source of support directly from their colleagues. This support is best provided by a fellow practitioner who has the seniority and expertise to offer practical advice and emotional support.

Where support is provided by the NFP member, it is not necessarily confined to legal, professional or ethical matters, but may encompass personal, family and/or career issues that affect practice.

However, the NFP is not a professional counselling service, nor does it provide professional legal advice. Rather, NFP members engage in a personal capacity, drawing on their professional or personal experiences to inform any guidance they may offer.

The engagement is directly between the NFP member and the lawyer caller who is seeking assistance. It is for the NFP member and caller to manage their relationship and agree on the scope and nature of assistance offered, and the discussions between the parties are confidential to them. The Law Society is unable to become involved in any NFP engagement (subject to support available for any NFP member referred to below).

The Law Society has written these Guiding Principles and Expectations for all lawyers who are appointed as members of the NFP. The Guiding Principles and Expectations set out clear expectations and standards for NFP members to follow.

Guiding Principles

NFP members will:

- (a) be available to listen to any issue they are contacted on. NFP members must be mindful however that another member may be better qualified to support the caller and, in that case, they should inform the caller of that other member's details.
- (b) exercise the highest level of confidentiality and show a degree of sensitivity where required. Lawyers should note the provisions of rules 2.8.4(a), 8.4(e) and 8.8 of the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 (Rules).
- (c) understand that the NFP is not a professional counselling service.

- (d) recognise that the primary aim of the NFP is, where possible, to provide meaningful assistance. Often, the best way to achieve this is to refer the caller to appropriate professional help.
 - (e) be aware of the other wellbeing services the Law Society promotes.
 - (f) not provide advice and note that any opinion expressed is just the NFP member's opinion (rather than advice from the Law Society or legal advice).
2. To provide assurance to the caller, NFP members should as soon as practicable (and before the lawyer caller discloses specific information about their situation):
- (a) explain the nature and scope of the relationship between the caller and NFP member and the assistance offered.
 - (b) confirm that they will maintain strict confidentiality over any information they receive as a member of NFP. Explain the exceptions to confidentiality in relation to mandatory reporting that are provided for in rules 8.2 and 2.8.4.
 - (c) confirm that they will only use the information they receive to provide support and assistance to the caller and for no other purpose.

If the caller has any concerns about these obligations, they may wish to seek advice from someone on a lawyer/client basis and the NFP member should explain this.

3. At the outset (and before the caller discloses specific information about their situation), the NFP member should ask for the names of any other parties involved. This will alert the NFP member to any potential conflict issues. Should a conflict of interest arise at any stage, the NFP member will clearly divulge this to the caller and cease all future contact on the topic/matter/issue. Lawyers should refer to their obligations generally in chapters 5 and 6 of the Rules in relation to this.
4. It may be that the caller is wanting to discuss something related to the conduct of another lawyer. If this is the case, and the caller and/or the NFP member believes this may constitute misconduct or unsatisfactory conduct, then the NFP member should remind the caller of their obligations and the exceptions under rules 2.8 and 2.9 of the Rules.

Expectations

The NFP is a visible part of the Law Society. By making themselves available to assist and provide support, NFP members are representing not only themselves, but also the Law Society. To become an NFP member, all applicants will be asked to confirm they have read and accepted the NFP Guiding Principles and Expectations. As part of this process, applicants are required to be candid and provide all relevant information to the Law Society.

The highest level of professional conduct is expected from NFP members. Respect, honesty and professionalism are expected throughout an NFP member's term. NFP members are expected to model good listening skills, show empathy, and be non-judgemental, respectful and welcoming to each caller. Members should be mindful of the different cultural backgrounds, types of practice, age, gender, values and ways of thinking of each caller.

NFP members should be cognisant that their safety is paramount. As such, if, at any time, the NFP member feels that the contact via their role has placed them in a compromised position, they should immediately contact the Law Society so that the Law Society may provide appropriate support and guidance. They may also choose to contact another NFP member. Lawyers will need to be cognisant of their confidentiality obligations in making any disclosures to the Law Society or other NFP member (i.e. as to the nature and extent of information they are able to disclose).

Terms and Conditions of Appointment to National Friends Panel

Declaration

1. I have read and agree to comply with the Guiding Principles and Expectations for the NFP.
2. I hold a current practising certificate issued by the Law Society.
3. I must keep confidential all information provided to me as outlined in the Guiding Principles and conduct myself professionally at all times.
4. I confirm that I have no current or upheld complaints with or open or upheld investigations by the Law Society.
5. I confirm that I am not currently the subject of a workplace complaint or an investigation by another professional body concerning my conduct.
6. I confirm that I am not aware of any other matter that may affect my suitability to be an NFP member.
7. I understand that the Law Society may make external and internal inquiries and obtain from any person any information that the Law Society considers necessary: to assess my suitability to be or continue to be an NFP member, and I authorise any such person to disclose this information to the Law Society.
8. I acknowledge that I have an ongoing obligation during my participation in the NFP to immediately disclose to the Law Society any matter, including but not limited to, a complaint or investigation opened or upheld against me, which may affect my suitability including or any other matter that may alter my answers to this declaration.
9. I understand and accept that the Chief Executive of the Law Society (Chief Executive) has absolute discretion in determining who can be a member of the NFP.

Name:

Signature:

Date:

Further information

If you are unable to confirm any of the above statements, please email PractisingWell@lawsociety.org.nz and we will follow up with a phone call.

Please note that if you identify an issue, it does not automatically mean that you will be excluded from being a member of the NFP. We will work with you to determine the most suitable course of action. This may include confirming you can become a member, postponing your participation until an outstanding issue is resolved or determining that you should not proceed as a member of the NFP for the time being. Below is more information on how this decision is made.

Exclusion from the National Friends Panel

The Chief Executive of the Law Society has absolute discretion to determine who can be a member of the NFP. The types of matters the Chief Executive of the Law Society may consider include:

- the person has failed (in the Chief Executive's opinion) to meet the Guiding Principles or Expectations; or
- the person has engaged in personal or professional conduct that the Chief Executive considers may bring the Law Society into disrepute and/or undermine confidence in the NFP; or
- the person has been charged or convicted of a criminal offence and the Chief Executive considers that the charge or conviction reflects on the suitability of the person to serve on the NFP; or
- a Standards Committee, the Lawyers and Conveyancers Disciplinary Tribunal or the Legal Complaints Review Officer has determined that the person has been guilty of misconduct or of unsatisfactory conduct.