

INFORMATION FOR CLIENTS

Set out below is the information required by the Rules of Conduct and Client Care for Lawyers of the New Zealand Law Society (**Law Society**).

1. **Fees:** The basis on which fees will be charged is set out in our letter of engagement. When payment of fees is to be made is set out in our Standard Terms of Engagement.
2. **Professional Indemnity Insurance:** We hold professional indemnity insurance that meets or exceeds the minimum standards specified by the Law Society. We will provide you with particulars of the minimum standards upon request.
3. **Lawyers' Fidelity Fund:** The Law Society maintains the Lawyers' Fidelity Fund for the purpose of providing clients of lawyers with protection against pecuniary loss arising from theft by lawyers. The maximum amount payable by the Fidelity Fund by way of compensation to an individual claimant is limited to \$100,000. Except in certain circumstances specified in the Lawyers and Conveyancers Act 2006, the Fidelity Fund does not cover a client for any loss relating to money that a lawyer is instructed to invest on behalf of the client.
4. **Complaints:** We maintain a procedure for handling any complaints by clients, designed to ensure that a complaint is dealt with promptly and fairly.

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 your work.

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 refer your complaint to Michael Morrison.

Michael may be contacted as follows:

- by letter;
- by email at michael.morrison@morrisonmallett.co.nz;
- by telephoning him on +64 9 320 3265

The Law Society operates the Lawyers Complaints Service and you are able to make a complaint to that service. To do so, phone **0800 261 801** and you will be connected to the nearest Complaints Service Office, which can provide information and advice about making a complaint.

5. **Persons Responsible for the Work:** The names and status of the person or persons who will have the general carriage of or overall responsibility for the services we provide for you are set out in our letter of engagement.
6. **Client Care and Service:** The Law Society client care and service information is set out below.

Whatever legal services your lawyer is providing, he or she must:

- *Act competently, in a timely way, and in accordance with instructions received and arrangements made.*

- *Protect and promote your interests and act for you free from compromising influences or loyalties.*
- *Discuss with you your objectives and how they should best be achieved.*
- *Provide you with information about the work to be done, who will do it and the way the services will be provided.*
- *Charge you a fee that is fair and reasonable and let you know how and when you will be billed.*
- *Give you clear information and advice.*
- *Protect your privacy and ensure appropriate confidentiality.*
- *Treat you fairly, respectfully and without discrimination.*
- *Keep you informed about the work being done and advise you when it is completed.*
- *Let you know how to make a complaint and deal with any complaint promptly and fairly.*

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.

If you have any questions, please visit www.lawsociety.org.nz or call **0800 261 801**.

7. **Limitations on extent of our obligations or liability:** Limitations on the extent of our obligations to you and of our liability are set out in our Standard Terms of Engagement.
8. **AML/CFT Act:** New Zealand has passed a law called the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (**AML/CFT Act**), which reflects New Zealand’s commitment to the international initiative to counter the impact that criminal activity has on people and economies within the global community.

Recent changes to the AML/CFT Act mean that from 1 July 2018, lawyers are required to comply with its requirements. This law requires lawyers to do a number of things to help combat money laundering and terrorist financing, and to help Police bring the criminals who do it to justice. The AML/CFT Act imposes these obligations because the services law firms and other professionals offer may be attractive to those involved in criminal activity.

The AML/CFT Act requires that law firms and other professionals must assess the risk they may face from the actions of money launderers and people who finance terrorism and to identify potentially suspicious activity.

To make that assessment lawyers must obtain and verify information from prospective and existing clients about a range of things. This is part of what the AML/CFT Act calls “customer due diligence” (**CDD**).

CDD requires a law firm to undertake certain background checks before providing services to clients or customers. Lawyers must take reasonable steps to make sure the information they receive from clients is correct, and so they need to ask for documents that show this.

As explained in our covering letter of engagement, this firm uses an external provider, First AML Limited, to carry out Customer Due Diligence on our behalf. First AML Limited may contact you to request information. Your engagement of this firm is on the basis that you agree to provide such information as is required by us and/or First AML Limited, potentially including information about the nature and purpose of the proposed work you are asking us to do for you and about the source of funds for a transaction, to meet our obligations under the AML/CFT Act.

If we and/or First AML Limited are not able to obtain the required information from you, it is likely we will not be able to act for you.

Please contact the lawyer who will be undertaking your work, if you have any queries or concerns.

9. **FATCA/CRS:** Where client funds are required to be held in our trust account on interest bearing deposit we now also have important compliance obligations under the United States Foreign Account Tax Compliance Act (**FATCA**) and the OECD Common Reporting Standard (**CRS**).

As set out in our attached Standard Terms of Engagement, in view of associated compliance costs and applicable interest rates, it is neither reasonable nor practicable for this firm to hold clients' funds on interest bearing deposit and nor does this firm invest funds for or on behalf of its clients.

However, should we expressly agree, at our sole discretion, that it is reasonable and practicable to hold your funds on interest bearing deposit, then we will only do so in strict accordance with our Standard Terms of engagement and on condition of your first providing to us signed and completed Individual Tax Residency Self-Certification and Entity Tax Residency Self Certification form as applicable, these being necessary for compliance with FATCA and CRS.