



# AUCKLAND DISTRICT LAW SOCIETY

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31 July 2008

Auckland District Law Society  
CP24001

Dear Colleagues

## Auckland District Law Society Incorporation

ADLS Council, at its meeting on Monday 28 July 2008, voted unanimously in favour of recommending to members that ADLS incorporate under the Lawyers and Conveyancers Act 2006 ("LCA") to preserve ADLS assets and services for future generations of lawyers. The Council has concluded that the failure to incorporate would be reckless and contrary to the best interests of practitioners.

Unlike other District Law Societies, ADLS is in a unique position in that it represents 42% of the profession, owns substantial assets and provides extensive member services including:

- Our building at 2-8 Chancery Street, valued at \$12 million.
- A wide range of member services including forms, law directories, CLE, document delivery and research, computer bureau, and many member benefits.
- A highly experienced staff who know and understand the needs of law practitioners.

In August last year, members voted on a proposed One Society model, an essential part of which was that the regulatory functions under the LCA would be managed from Wellington, and the representative functions managed from Auckland. The Auckland members supported completion of the Memorandum of Understanding which allowed the One Society proposal to be progressed. The Memorandum of Understanding provided for a second vote by members, once the LCA came into force. That provision was inserted, so that members could reconsider and re-assess the One Society proposal.

ADLS has endeavoured to reach an agreement with NZLS as to the role of our assets, services, and staff under the possible One Society structure. Unfortunately, despite our best efforts, agreement has not been reached. The course that NZLS recently resolved to follow involves costly consultants evaluating the delivery of member services, including alternatives to the current ADLS operation, which is contrary to the basic premise on which ADLS promoted the One Society.

Given the tight timeframes of the LCA, Council recommends that ADLS must incorporate to allow considered decisions to be made on the future of our assets and services. Our assets and services require proper forward planning and supervision. In order to plan properly, it is essential that there be certainty as to the structure which will provide our members with services into the future.

I will set out the options:

- (a) **If ADLS does not incorporate**, assets of ADLS pass on 1 February 2009 to the New Zealand Law Society, and ADLS is dissolved with effect from that date. The process is irreversible. Thereafter those assets would be owned and managed by the NZLS Council and Board. Which of the services and assets are retained, will be a decision over which Auckland will have, in our view, inadequate control.

- (b) **If ADLS resolves to incorporate**, its assets become those of the new Society, controlled by Auckland practitioners and our options remain open. We will be able to make considered decisions, free of the approaching deadline of 1 February 2009.

There will therefore be a Special General Meeting shortly, in which ADLS members can make a final decision as to the future of Auckland District Law Society.

We are mindful of the position of the big firms, the Sections, Corporate lawyers, and the Bar Association. The new NZLS constitution provides for representation of those groups on the NZLS Council. Incorporation does not in any way limit their participation in the national organisation.

I would expect a strong working relationship to develop between the incorporated ADLS and NZLS. Just as it does now, ADLS will provide services to lawyers throughout New Zealand, and there is every opportunity for the services to be expanded and enhanced, to the benefit of all New Zealand lawyers.

### Next Steps

The ADLS Council has resolved to call a Special General Meeting on 21 August 2008 and to put the issue of incorporation to members by way of a postal ballot. Over the next few weeks there will be opportunities to discuss the proposed incorporation. Practitioners are invited to contact any of the Council members below if they have any questions. Voting papers will be distributed with formal documentation in a few weeks.

**The Council unanimously recommends that members vote in favour of the incorporation of ADLS.**

Yours sincerely



**Keith Berman**  
President – Auckland District Law Society

### *ADLS Council Members*

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