

New Zealand Law Society

Appointment of Arbitrators and Mediators

It is not always possible for parties to a dispute to agree on an arbitrator, mediator or other expert. In such cases, some commercial agreements allow the President of the New Zealand Law Society to appoint someone to deal with the dispute.

DISPUTES UNDER EXISTING AGREEMENTS

Many standard commercial agreements contain dispute resolution clauses providing that where a dispute arises and the parties cannot agree on an arbitrator or mediator, the President of the local District Law Society will appoint an arbitrator or mediator.

District Law Societies were dissolved at 1 February 2009. The Lawyers and Conveyancers Act 2006 provides that any reference to the President of a District Law Society is now to be read as referring to the President of the New Zealand Law Society (section 385).

Any agreement which requires the President of a District Law Society to appoint an arbitrator or mediator must therefore now be interpreted as requiring the President of the New Zealand Law Society to make the appointment.

NEW AGREEMENTS

If you are putting a dispute resolution clause into an agreement, you should ensure it refers to the President of the New Zealand Law Society (rather than a District Law Society).

REQUESTING AN APPOINTMENT

Requests for the appointment of an arbitrator, mediator or other expert (such as a valuer) should be made to:

**The President
New Zealand Law Society
PO Box 5041
Lambton Quay
Wellington 6145.**

COST

From 1 July 2011 there has been a charge of \$380 plus GST to cover the costs of providing this service. The charge is payable in advance by the party applying for the appointment.

If you wish to enclose payment with your letter requesting the appointment, you should include a cheque for the total amount of \$437.00 and payable to the New Zealand Law Society.

REQUIRED INFORMATION

The Law Society follows a process which provides for both parties to be given the opportunity to suggest possible arbitrators, mediators or experts. To assist the President in making an appropriate appointment, please provide the following information:

- Names of the parties;
- Contact details for their lawyers;
- A brief summary of the dispute;
- Suggestions of possible arbitrators, mediators or experts;
- Whether the parties have previously discussed and disagreed on possible arbitrators, mediators or experts;
- Any other relevant issue, to ensure that the Law Society President appoints an arbitrator, mediator or expert with suitable experience and the right level of seniority;
- A copy of the agreement, or, at a minimum, a copy of the dispute resolution clause which gives the President the power to appoint, and evidence of execution of the agreement.

to the appointment, or for the charges of the appointee in relation to the appointment, or any other matter which arises from the appointment.

FURTHER INFORMATION

Inquiries or requests for further information may be emailed to enquiries@lawsociety.org.nz, or phone (04) 463 2962.

CONDITIONS OF APPOINTMENT

While the President will endeavour to appoint a suitable person, the appointment will be made on the basis that neither the President nor the New Zealand Law Society (including its officers and staff) has any legal responsibility or liability in relation

New Zealand Law Society

The New Zealand Law Society regulates New Zealand’s legal profession and provides a wide range of services to its members.

New Zealand has 11,500 practising lawyers, all of whom are regulated by the Law Society and for whom the Society provides representative and collegial services.

Regulating New Zealand’s lawyers

The Lawyers and Conveyancers Act 2006 requires the New Zealand Law Society to control and regulate the practice of law in New Zealand, and assist and promote the reform of the law (for the purpose of upholding the rule of law and the administration of justice).

Among the Society’s regulatory activities are:

- issuing practising certificates;
- maintaining a register of lawyers;
- making practice rules;
- law reform activities, including submissions on legislation;
- managing the Lawyers Complaints Service;

- operating a Financial Assurance scheme;
- operating a Fidelity Fund.

All lawyers are regulated, and must pay the required regulatory fees and levies.

Law Society services for the legal profession

Most of New Zealand’s lawyers are members of the New Zealand Law Society. The Law Society provides a wide range of services and facilities to its members, with the objective of enhancing and promoting the effective practice of law in New Zealand and assuring a strong and united legal profession.

Key Law Society services include:

- Branch services at 13 branches around New Zealand;
- CLANZ, the Law Society section for in-house counsel;
- Continuing legal education from NZLS CLE Ltd;
- Family Law Section for family lawyers;
- Find a Lawyer;
- Law Awareness brochures;

- LawPoints weekly e-newsletter;
- *LawTalk* fortnightly magazine;
- Library services throughout New Zealand;
- Locum Service;
- My.lawsociety legal news and resources website;
- National Friends Panel;
- New Zealand Law Society website;
- Photo Identification Card;
- Practising Well website for lawyer health and wellbeing.
- Property Law Section for property lawyers.

Further Information

The New Zealand Law Society’s national office is located at 26 Waring Taylor Street, Wellington. General inquiries should be made to (04) 472 7837.

Inquiries by email should be sent as follows:

General: inquiries@lawsociety.org.nz

Continuing Legal Education: cle@lawyerseducation.co.nz

LawPoints: lawpoints@lawsociety.org.nz

LawTalk: lawtalk@lawsociety.org.nz

Lawyers Complaints Service: complaints@lawsociety.org.nz or 0800 261 801

Registry (practising certificates): registry@lawsociety.org.nz

Website: webmaster@lawsociety.org.nz

The Law Society has 13 branches located around New Zealand. Information on how to contact each branch can be found at <http://www.lawsociety.org.nz/home/branches>.