

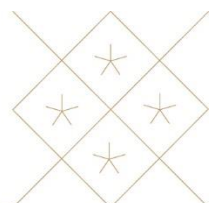
**Consultation on the NZLS Draft Climate Change Policy
Consultation Document**

**Submission on behalf of the ADLS Newly Suited
Committee**

02 August 2023

The Auckland District Law Society (ADLS) is an independent membership organisation for New Zealand's legal profession. As part of our representative function, we advocate for law reform and facilitate almost 20 law committees.

The members of the ADLS Newly Suited Committee (the Committee) range from recently admitted through to those with 7 years PQE. The membership work in a diverse range of practice areas across private practice, in-house and the public sector. The focus of the Committee is to promote the interests and development of junior lawyers in New Zealand with 0-7 years PQE and foster networking opportunities and collegiality events to assist junior lawyers with integration and support.



Thank you for the opportunity to make submissions in respect of the draft Climate Change Policy. Please contact Daniel.Conway@adls.org.nz, Committee Executive, if you have any questions.

Yours sincerely,



Ben Cleland
Convenor, ADLS Newly Suited Committee



Introduction:

The New Zealand Law Society (NZLS) draft Climate Change Policy (the draft policy) is intended to help ensure the NZLS joins national and international climate change efforts and helps to assist and prepare the legal profession for climate change implications.

New Zealand's Climate Change Response Act 2002 sets the goal for the country to reduce its net carbon emissions by 50 per cent below 2005 gross emissions for the period 2021-30, with the public sector aiming to be carbon neutral by 2025. There is a growing expectation that businesses and organisations join the efforts and reduce their carbon emissions.

The draft Policy is intended to help ensure the NZLS joins national and international climate change efforts in line with the Climate Change Response Act 2002. This includes setting out the NZLS' position on the principles that should inform the role and development of the law, the role of the legal profession, legal education and legal practice, and ensuring the legal implications of climate change (generally and for the legal profession) are well understood.

Policy:

The Committee has considered the components of the draft Policy at part 2 of the Consultation Document and provides its comments as follows:



2. The Law Society acknowledges the far-reaching consequences of climate change nationally and internationally. It seeks to:

a. Consider climate change implications when reviewing policy and legislation in its law reform and advocacy role;

The Committee supports the purpose and principles of the NZLS' draft Policy. Committee members considered it important to the current and future generation of lawyers that the NZLS provides detailed guidance regarding its climate change proposals, in particular, how it will encourage the legal profession as a whole to operate in a climate conscious manner.

The Committee considers that it is important that whenever the NZLS are engaging in any sort of review on policy, all factors are given consideration including the effects on climate change.

However, while the Committee were overall in favour of the draft Policy, one Committee member questioned whether the NZLS is the right body to focus on the impacts of climate change in policy. Instead, it was considered that the NZLS is better to focus on legal implications, as this is its area of speciality.

b. Operate in a climate change conscious manner by developing plans and taking action to reduce the organisation's carbon emissions and mitigate the effects of climate change in line with the objectives of the Act;



The Committee agrees that the NZLS should set an example for the profession in terms of operating in a climate conscious manner.

c. Urge lawyers and law firms to operate in a climate conscious manner and equip them to consider and advise on the likely legal impacts of climate change (always in a way that is compatible with their professional duties and the administration of justice);

Young lawyers are conscious that many law firms still operate on a paper-based system given that the courts require paper filing and physical bundles for court appearances, despite the technology being available in other professions. The Committee wishes for the NZLS to make the use of technology in the courts and in law firms a priority in any detailed proposal.

The Committee believed that there should be a focus by the NZLS toward education, training and resourcing to promote climate conscious operating models and assist to advocate for such. The NZLS should facilitate an open discussion on this point from the legal industry to try to come up with novel yet practical ways that firms see possible to make this change.

d. Support lawyers to be fully informed on climate change and how they might act to mitigate it by providing information and guidance (including educational tools and resources) aimed at:



- i. informing lawyers and law firms on how to operate in a climate conscious manner; and**
- ii. supporting lawyers to incorporate into their daily practice advice on the impacts of climate change. e. Engage with others for the greatest impact in addressing climate change, including international professional bodies.**

The Committee strongly agrees that the NZLS should advocate for law firms to operate in a climate conscious manner and provide resources and training to law firms and practitioners in order to do so.

Consideration should be given by NZLS to how firms that are smaller and perhaps do not have the financial capacity of the larger firms are able to make appropriate changes.

e. Engage with others for the greatest impact in addressing climate change, including international professional bodies.

The Committee agrees with this proposal.

Conclusion:



Overall, the Committee considers the NZLS draft Policy to be a good start in promoting a climate conscious legal profession. However, the Committee would like to see more detail within the proposals and would like to ensure that the initiative continues to develop.

