

October 2015

Te Tari Ture o te Karauna

Crown Law

The coat of arms of New Zealand, featuring a shield with a red cross, a white anchor, and a blue saltire. The shield is supported by a Māori woman on the left and a European woman on the right, both holding flags. The shield is topped with a crown and surrounded by a wreath of ferns.

Working Together

A guide to working with Crown Law

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Introduction

Crown Law has been providing trusted advice to the New Zealand Government since 1873.

Our purpose is to serve the Crown and uphold the rule of law, and our vision is to be a trusted provider of legal advice to government. Our working approach is imbued with a strong sense of public service, leadership and collaboration.

We support the lawful implementation of the Government's policies through a robust understanding of the law and its operating context, and we work with our colleagues across government to manage Crown legal risk.

We exercise our oversight responsibility for Crown and public prosecutions with a strong focus on protecting the rule of law and advancing sustainability and capability in the public prosecution sector. Our role in the Government Legal Network (GLN) is a natural extension of our collaborative relationships with lawyers right across government.

In all our work, we preserve the balance of serving the public interest and supporting the role of New Zealand's Principal Law Officers. When you work with Crown Law, you can be sure we will seek to understand your position fully and provide principled advocacy you can trust.

We have prepared the following document to help give you an idea of the procedures we follow when preparing advice. We also outline our approach to relationship management, our fees model and our commitment to quality assurance and ethical practice.

Sometimes, your legal issues will require Crown Law involvement; sometimes, you might simply want us as a sounding board. Or you might want to use our strong networks and influence across the Crown to assist you to achieve your objectives. We are happy to do any of these and if, at any point, you have any questions – please do not hesitate to contact us.

We are here to help and we look forward to working with you.

Michael Heron QC

Solicitor-General

Crown Law Office

The Work of Crown Law

At the heart of Crown Law's work is our purpose of serving the Crown and upholding the rule of law.

We work with departments, agencies and individuals right across government to minimise risk to legitimate Crown interests and to protect the rule of law.

We do this by supporting the oversight capacity the Principal Law Officers exercise in relation to Crown and public prosecutions and we work very closely with Crown Prosecutors, Crown Solicitors, in-house counsel and departmental officials to achieve this. In addition to court-centered advocacy and representation, we also provide legal advice and services to support effective policy and legislative development, administration of constitutional functions (such as general elections and appointments of the judiciary), alternative dispute resolution, and the daily application of New Zealand law to the broad array of issues confronting the Government.

Importantly, our focus is collaborative. Our colleagues across government have a robust understanding of their policy and legal issues, and we value this knowledge. Collaborating to share expertise is invaluable when seeking to minimise Crown legal risk effectively.

Communication and trust underpin our approach – we are always keen to demonstrate the value we hold for the positive working relationships we have with our clients and sector partners.

The Cabinet Directions for the Conduct of Crown Legal Business (2012)

The Cabinet Directions for the Conduct of Crown Legal Business (2012) (the Directions) recognise the Crown's requirement for legal services to safeguard its interests. The Directions prescribe which categories of Crown legal work require oversight from the Solicitor-General, the Crown Law Office and/or Crown Solicitors, and those that may be undertaken by in-house teams independently or referred to external practitioners (including Crown Law).

[The Cabinet Directions for the Conduct of Crown Legal Business \(2012\) \(the Directions\)](#) establish the parameters for the management and delivery of legal services in the public sector.

The following high-level overview of the Directions is designed to support general awareness of their purpose. Please refer to the actual Directions for specific information when making decisions on how your legal matters should be handled. If you are unsure about any point, please contact us.

Core Crown Legal Matters

The difference between core and other legal matters is key to understanding the Directions, and how and when to come to Crown Law.

The Directions specify a 'core Crown legal matter' to be any one of the following:

9.1 Legal advice to the Crown, through a Minister or government department relating to:

- (a) Protection of Crown revenue;
- (b) Enforcement of the criminal law;
- (c) The exercise or scope of constitutional powers or duties of the Crown including, but not limited to, matters relating to:
 - i. the Treaty of Waitangi;
 - ii. New Zealand's international obligations;
 - iii. the New Zealand Bill of Rights Act 1990.
- (d) Powers or duties conferred on the Law Officers of New Zealand;
- (e) The lawfulness of actual or proposed exercise of a public power, duty or function.

9.2 Legal representation in:

- 9.2.1 Any litigation, actual or imminent, in a Court or tribunal where the Crown is a party either through a Minister or government department; and
- 9.2.2 Any other forum (including but not limited to mediations, arbitrations, quasi-judicial bodies, inquiries) where the substance of the dispute or issue raises matters described in paragraph 9.1 above; and

9.2.3 Inquests or Coronial Inquiries where the inquest or inquiry is mandated by the Coroners Act 2006 in relation to those deaths in Crown custody, as specified in sections 13(1)(f), (g), (j), (k) and (l) of that Act.

Importantly, the Directions also articulate the authority of the Attorney-General to classify any other matter of legal advice or representation for Ministers or government departments as core work.

10 The Attorney-General may direct that any other legal advice or representation for Ministers or government departments is to be treated as a core Crown legal matter in accordance with these Directions.

The Directions also outline the authority of the Solicitor-General to determine the conduct of Crown legal matters.

This authority includes the ability to determine who will hold working responsibility for the matter – counsel within a government department, within the Crown Law Office, or any other counsel engaged by the Solicitor-General (including external counsel who may be briefed on the matter). In some instances, a mixed model will apply.

Non-core matters:

The Directions specify which matters are not core work:

- 11 Despite paragraph 9.2 above, legal representation in the Employment Relations Authority and Employment Court is not a core Crown legal matter, except where the substance of the dispute or issue raises matters described in paragraph 9.1 above.
- 12 The Solicitor-General may direct that any class of matter or specific matter which would be a core Crown legal matter, as defined by these Directions, is exempted from all or any of the requirements of these Directions, and may impose any conditions as he or she considers necessary.

In non-core work, it is at the discretion of the individual department, agency or entity as to whether matters are addressed by an in-house team or out-sourced to independent legal services providers/the Crown Law Office.

However, certain caveats do apply to the exercise of this discretion and we strongly urge you to read the Cabinet Directions and also the Government's expectations for appropriate procurement procedure: [Ministry of Business, Innovation and Employment: All of Government Contracts](#).

Crown Law's approach when requested to work on a non-core matter

From time to time, departments or Ministers will seek legal services from Crown Law on a non-core matter, usually where the matter has a significant fiscal, reputational or other risk to the Crown, or the nature and complexity of the matter makes it better suited to be conducted within Crown Law. Where we have the available capacity, capability and expertise we will be happy to assist.

Where a public body that is not a government department or Minister seeks legal services from Crown Law, our general approach is not to undertake that work unless it:

- is, in substance, core Crown legal work; **or**
- is so closely aligned to that legal work that Crown Law is better suited to undertake it; **or**
- has a significant fiscal, reputational or other risk to the Crown; **and**
- Crown Law has the available capacity, capability and expertise; **and**
- there are no issues of conflict of interest (actual or perceived).

Overall, the factors that inform how a matter is conducted include the substantive nature of the matter (as informed

Be procurement wise:

The Government expects all public sector departments and agencies to be familiar with procurement policies relating to 'All of Government' contracts.

When considering sourcing external legal services, you should visit the following website for guidance through the process:

[Ministry of Business, Innovation and Employment: All of Government Contracts](#).

by the Cabinet Directions), its complexity and the level of risk it poses to Crown interests, and where the expertise most suited to the matter lies.

Our 'One Crown' view

When a matter directly involves, or has the potential to impact, a number of departments or Ministers we understand opposing views may be held towards what constitutes the most appropriate solution.

We will always seek to work through these issues constructively. Objectivity is a principal characteristic of Crown Law's working approach, which is based in a 'One Crown' view. This view means that, as all public sector departments and officials serve the one Crown, we are part of one legal entity and therefore cannot be in conflict with one another. Or, phrased slightly differently, the Crown cannot be in conflict with itself. Obviously, this doesn't mean that differences are not valid. They are. And it is our job to take them into consideration, understand the context, assess the law, and provide you with practical solutions.

One Crown View

All public sector organisations and officials serve the Crown. Therefore, despite differences in operational requirements, the purpose of providing effective public service is shared. Collaboration helps to manage the impact of any differences and maintain a positive, solution-oriented focus.

Providing Advice

When you ask us for advice, you can expect to receive accessible, collaborative and trusted service.

If you have a complex issue that requires our involvement, or you simply want us as a sounding board, the essential characteristics of our working approach will remain the same – we will listen, and work with you to provide a fit-for-purpose solution.

We recognise legal issues come in all shapes and sizes, with varying degrees of complexity and risk.

'Signature Practices' you can expect from us

We aim to deliver a consistently high quality of client service. Please refer to [APPENDIX A](#) of this Guide for a one-page overview of the signature practices you can expect us to demonstrate as we work with you.

The role of Crown Law advice is to give you sound, practical and authoritative assistance about the relevant law to assist you in making decisions that meet your organizational objectives, lawfully.

Crown Law advice is written on behalf of the Solicitor-General and is authoritative as the Government's view of the law. The quality of our processes and calibre of our people means you can have confidence in receiving precise and trusted guidance. We realise Ministers and departments require reliable advice, detached from the immediate pressures upon policy makers and administrators. We also recognise the very practical nature of the legal questions government faces. We do have consistent principles that underpin our advice but we don't have a 'set' approach – we adjust it to suit the nature and urgency of the matter at hand.

Not sure what you need? [Contact us.](#)

Feel free to contact us with any queries, or for a preliminary discussion on the matter at hand - initial conversations pave the way for positive working relationships and effective outcomes, and the more complex the issue/s, the earlier we suggest you invite us into a discussion. [Points of contact](#) are listed at the end of this Guide.

If an urgent matter presents, advice can be given during a meeting or a phone call. We can then follow up with more formal, written guidance. We also appreciate that, sometimes, simply having access to a fresh perspective is useful – if you need a peer review of advice you are developing in-house, we are happy to take a look and provide feedback. On the other hand, you might be confronted with a non-urgent but complex issue that requires more detailed preparation and response. In this circumstance, we are likely to take the appropriate amount of time to draft more fulsome guidance.

If the issue involves more than one department, as per the Cabinet Directions you should confer with those additional departments prior to issuing formal instructions to us. This promotes collegiality and awareness of wider legal risk. It also helps to clarify where ongoing primary responsibility and point of contact will lie.

Instructing us

There are no fixed rules for the format and content of your instructions to us. However, please include anything you think could be helpful in informing our assessment of the issue and available options. Your instructions help us to understand your working context so having a good background picture of the issue as you see it is a real advantage. The following checklist gives a few suggestions about what to include:

- **Context:** What is the factual situation? Is there any other relevant context? What brought about the need for advice? Is there anything in particular we should note and bear in mind?
- **Purpose of the advice:** What will the advice be used for? Who is the target audience? E.g. Your Minister, policy teams, operational staff.
- **Instructions:** What is your question? What is your view?
- **References to relevant legislation:** Your expertise in the legislation your department administers provides invaluable context. Be specific and list any provisions you feel are relevant.
- **Any additional material, including previous advice:** Please specify (and if possible include) any previous advice (including draft advice) you have received on this or any peripheral issue. If you are not able to include a copy of the advice, please identify who prepared it (e.g. in-house counsel, Crown Law, or other legal services provider).
- **Timeframe:** When do you need the advice by? Please let us know any reasons for your preferred timeframe and clearly indicate if the matter is urgent. Our routine timeframe is three weeks from the date of receiving your instructions but we can adjust this to respond to urgent matters.
- **Budget:** How long do you expect this advice might take to prepare? Would you like to receive an estimate? Are there any budget constraints we should know about? We operate under a cost-recovery model and seek to provide value for money services but if you're at all unsure about affordability, you are welcome to contact us to discuss this. And remember, we do not charge for informal queries and preliminary discussions – we do not want cost to be a barrier to you seeking the help you need from us.
- **Contact person or lead instructor/agency:** Identify a primary contact person (and a back-up). This allows for streamlined communication and clear lines of accountability. If you are jointly instructing please let us know the process you will use for feedback/comments and outline cost-sharing arrangements.

Checklist for instructions to us

APPENDIX B provides a checklist to use as a reference when you provide new instructions to Crown Law.

Please remember you are welcome to contact us if you have any queries. We are happy to help.

If you want to call us to talk through your request before you formulate it into instructions, feel free to do so.

Our response

We respond to requests for advice promptly. If we have not already had an initial conversation with you, we are likely to give you a call or arrange a preliminary in-person meeting. This is often the best means of grasping the full dimension of the problem/s and provides an opportunity to discuss any questions you might have about our terms of engagement.

Following that discussion, we will usually send a Letter of Engagement which will outline terms specific to our working relationship with you – including confirmation of the services to be provided, the persons/s responsible for those services, and an outline of hourly rates.

Preparing advice

We will discuss with you what end product you want and how we can achieve that for you. Some matters will require us to isolate the issues and agree with you the facts to be addressed, to research the relevant statute and case law, to test possible options and reach a conclusion. Other matters may require a different approach. Whatever the issue, and depending on your needs, we will reach conclusions that are clear, reasoned and certain. Unless you notify us that you are happy for us to draft the advice with full autonomy, we will take a collaborative approach – keeping in touch throughout the drafting process and ensuring you are aware of our reasoning before the advice is actually presented.

Structure of Crown Law advice

We are focused on providing advice in a format that is most useful to you. Our advice will be structured around a logical expression of the key elements of the issue/s and the law, and will typically include the following components:

- Introduction
- Summary of the advice
- Statement of the essential facts and relevant statutory provisions
- Outline of the issues
- Statement of conclusions
- Signature (all Crown Law advice will be signed by a Crown Counsel)

Consistent with our communicative approach during the drafting stage, we will normally provide a copy of the advice in draft state, prior to its confirmation.

Advice and opinions on *GLN Online*

Crown Law advice that will be relevant across the public sector will be uploaded into an opinion archive within the Government Legal Network's *GLN Online*, the intranet workspace for all public sector lawyers, unless there is a good reason not to do so.

Our peer review process

We see our internal peer review process as an integral part of maintaining a high standard of client service and we do not charge for this process.

Peer reviewers are routinely counsel with the requisite expertise and experience to assess advice thoroughly and expediently. Peer reviewers do not simply approve the style of advice – their purpose is to objectively endorse its substance. Therefore, if the scope of the advice relates to issues requiring more than one area of practice or expertise additional counsel may also undertake a peer review. In this way, you can have confidence all facets of the issues raised have received consideration.

Crown Law Intervention in Proceedings

From time to time, Crown Law – on behalf of the Principal Law Officers – may apply to intervene in proceedings, usually in matters where:

- any Crown prerogative may be affected, including those which affect New Zealand's relations with foreign states;
- any of the following are questioned:
 - the interpretation or extension of the New Zealand Bill of Rights Act,
 - the interpretation and application of the Treaty of Waitangi,
 - prosecutorial discretion, or
 - international obligations
- questions of public policy are raised which ought to be drawn to the notice of the Court;
- there are issues of public policy which are inappropriate for the Court to decide (justiciability); and /or
- matters of general public importance (public interest) are raised.

Intervention method

If you consider there is a matter on which intervention may be appropriate, or if Crown Law identifies such a matter, counsel will work with you to prepare an application (Memorandum) seeking approval to proceed. We will work through an approvals process to ensure any intervention application is properly made and, as per that process, the Attorney-General will be involved in the final decision. Once all parties have agreed that intervention should be sought, a Notice of Application for Leave to Intervene (together with supporting documents) will be filed in the appropriate court.

Litigation Management

Litigation may be one of a number of options available to departments seeking to resolve issues and minimise Crown legal risk.

When working with you on any matter Crown Law will carefully consider, and discuss with you, available resolution options. Options are evaluated on the basis of their potential to provide an enduring solution and their capacity to minimise risk to your department and the Crown.

Litigation is one of many resolution options and, at times, alternative avenues may be more effective in resolving the underlying dispute in a sustainable way – for example settlement discussions or alternative dispute resolution. We can provide effective counsel to you throughout these processes.

It should be recognised that litigation is a complex, time-consuming and often expensive process. The wider impact upon the Crown – including potential impact on other departments/agencies and their ability to administer their various functions – should also be carefully considered.

With this in mind, the following questions should be addressed in advance of the initiation of litigation:

- What would a good outcome look like in regard to this litigation?
- What is the point of law we might want to seek clarification on?
- What impact is this case going to have on our business if we win/lose?
- What impact is this case going to have on our, and the Government's, objectives if we win/lose?

If litigation is determined to be the avenue most likely to achieve the desired outcome, the Solicitor-General will select counsel to act as your representative/s and work with you to establish a litigation management plan.

Preparing a litigation management plan

We will actively involve you in the development of a litigation plan and support you through the actual litigation process, including the provision of debriefs after key steps where we identify what went well and any lessons for the future (in terms of the substantive dispute and how the litigation was conducted).

We will prepare drafts of any substantive documents, including pleadings and submissions, and will provide these to you sufficiently in advance in order that you can review them fully and provide feedback.

Expert Witnesses

Occasionally a party to a proceeding may engage an expert witness to provide independent evidence and opinion on the issues in question.

There are specific procedures that must be followed – both in the engagement of the witness and in the provision of evidence. Crown Law can advise you throughout the process.

An expert witness is a person called by a party to a Court proceeding for the purpose of giving independent opinion evidence on an issue relevant to the proceeding and within the expert's expertise. To be recognised by the Court as an independent expert, the witness must be suitably qualified in the field to which the evidence relates, fulfilling the expectation the witness will have undertaken specialised study and / or practice in the discipline.

An expert witness will not be briefed on behalf of any Crown Law client, without prior consultation with the client.

We will consult with you as to whether engagement of an expert witness may be of benefit to the Crown, and then a witness with the appropriate degree of expertise will be sought. Where applicable, we will seek approval from the Ministry of Justice to approve the instruction of an expert witness on your behalf.

Engaging an expert witness in respect of a Crown prosecution:

Requests from Crown Solicitors to engage an expert witness in respect of Crown prosecutions are handled by the Public Prosecutions Unit (PPU) at Crown Law:
ppu@crownlaw.govt.nz

High Court Rules:

Code of Conduct for Expert Witnesses

All evidence provided by an expert witness must comply with the requirements of the [High Court Rules, Schedule 4 Code of Conduct for Expert Witnesses](#)

Please note: requests from Crown Solicitors to engage an expert witness in respect of Crown Prosecutions are handled by the Public Prosecutions Unit within Crown Law.

Our approach to Client Relationship Management

Although Crown Law holds a mandate over core legal services provided to the Government, we do not take our relationships for granted. We approach all work with a strong client focus.

To us, client relationship management is about ensuring clients' objectives are understood, their business needs are met and the legal services provided to them are exceptional. We believe the best relationships are grounded in trust.

Client Relationship Managers

Client Relationship Managers (usually Team Managers, Senior Crown Counsel or experienced Crown Counsel) are assigned to oversee communication and working relationships between Crown Law and its clients.

Your Client Relationship Manager will be able to help you navigate the process for obtaining and applying Crown Law advice. They will understand your objectives, maintain regular and accessible contact with you and provide accurate, timely and useful reporting to you on the matter/s you have in progress.

Importantly, they also have a strong mentoring role in relation to more junior staff, ensuring they develop a consistent approach to applying our working principles.

Initial discussion with your Client Relationship Manager

Your Client Relationship Manager will arrange an initial meeting to discuss matters and establish how the relationship will be managed.

This discussion should provide a solid foundation for a valuable working relationship and is likely to cover the frameworks for:

- future client relationship management discussions;
- progress reports;
- other ways in which we can assist (e.g. seminars and other training);
- how to contact us and the timeframes for receiving a response;
- dealing with instructions;
- billing; and
- processes for if things go wrong

Ongoing discussions

You are welcome to contact us at any point. Your Client Relationship Manager will also be proactive about contact and will check in to ensure you are happy with how the relationship is managed.

Depending on the purpose at hand, meetings can be either formal or informal.

Their number and format will vary from client to client, and matter to matter, but we aim for a good working balance that is not onerous on either clients or counsel. For an ongoing portfolio of work, regular meetings (typically monthly) are routine. For a more intermittent workload, or if your matter has concluded, our approach can be more flexible – but generally, we prefer to meet with our clients at least once a year, even if matters are reasonably quiet.

Progress reports

Crown Law prepares regular progress reports on active matters, and we highly recommend these reports to clients – they provide a quick and simple snapshot of time spent on a matter and outcomes to date. We find monthly reporting is suitable for the majority of matters, although we can adjust the format and frequency to suit.

Client relationship management: if difficulties arise

All staff at Crown Law value client relationships highly and will be keen to work through any issues in a positive, timely and constructive way. If a difficulty arises:

1. [Talk with your Client Relationship Manager](#)

Often, the key to finding a solution is simply talking through all perspectives. You are encouraged to express concerns to us at any point.

We may recommend all parties meet for a constructive discussion, with a focus on finding common ground.

2. [Agree a resolution or request the Client Relationship Manager to escalate](#)

Every endeavor will be made to find a solution all parties feel comfortable with.

If a workable solution remains elusive, the Client Relationship Manager may escalate the issue to a Deputy Solicitor-General or the Solicitor-General who will then consider the issues and options.

3. [Finalise the resolution and resume the normal working relationship](#)

Once a resolution has been reached, all parties will agree to progress the relationships in a positive manner to encourage constructive working outcomes.

We fully support the complaints process.

We celebrate positive feedback but, equally, we welcome your feedback on how we can improve.

Complaints Procedure

Occasionally, complications in working relationships may prove difficult to resolve. We will always be approachable and encourage you to feel confident in approaching us directly with any issues you might want to raise, or to submit a formal complaint.

In rare circumstances, the New Zealand Law Society (NZLS) may receive a complaint about a Crown Law counsel.

Whether they originate through direct contact, or through the NZLS, you can be assured we take all complaints seriously.

Our process for handling formal complaints

All counsel affiliated with Crown Law, whether part-time, full-time, casual staff or those on permanent/fixed-term employment agreements are required to uphold stringent standards of professional integrity.

All complaints, whether received internally or via the NZLS, are referred to the Deputy Solicitor-General, Attorney-General Group, who is Crown Law's primary contact with the NZ Law Society and has the seniority and expertise to assess Crown Law counsel compliance with the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008.

After receiving the complaint, the Deputy Solicitor-General will approach the appropriate Team Manager and counsel for their view of the matter, prior to carefully evaluating the perspectives of all parties.

If the complaint has been received internally, the Deputy Solicitor-General may facilitate a meeting between all parties and/or liaise with all parties on reaching a sustainable solution. Once an outcome has been agreed it will be finalised in writing.

If the complaint has been referred via the NZLS, it is likely the Society's Standards Committee has reviewed and validated the substance of the client's concern/s. In that instance, the Society may suggest referral to the Early Resolution Service which uses negotiation, mediation and conciliation to reach an outcome all can support. Crown Law will fully participate in any process affiliated to the Society's complaint process.

For further information on the New Zealand Law Society complaints process, please refer to the following link:

[New Zealand Law Society complaints process](#)

Client Satisfaction

In our experience, client satisfaction almost always results when relationships are trusted, advice is sound and two way communication is honest and forthcoming.

Naturally, although we value learning opportunities, we also love to hear what is working well.

Receiving your positive feedback is not just about getting a 'pat on the back'. It reinforces our priorities are in the right place, our processes are meaningful and it helps us to identify and develop promising talent.

We issue an annual Client Satisfaction Survey and value the time our clients take to return insightful responses. We are proud of the standard our clients expect, and receive, from us and in 2014 we achieved our highest client satisfaction results to date: 93% satisfaction with our trustworthiness, 87% satisfaction with our quality of service, and 97% satisfaction with the ease of working with us. We will continue to deliver this standard of quality.

We also received helpful pointers on how we could improve and have reinforced our particular focus on timeliness, consistent and meaningful reporting and our wider engagement (provision of training and promoting our skills).

With the Government Legal Network (GLN) and Public Prosecutions Unit (PPU) driving sector initiatives and our Client Relationship Managers always focused on developing positive working relationships with our stakeholders, we think we are well positioned to maintain the high level of trust our clients place in us.

Fees and expenses

Our Fees

The Government requires Crown Law to recover costs incurred in relation to the provision of legal advice and representation services. Our fees are designed to recover costs and have no profit margin. Accordingly, our rates remain well below the average rate of All of Government legal panel members.

We do not recover costs in relation to Law Officer functions, or criminal matters, which are funded by a separate Appropriation.

In 2014 we revised our fees for the first time since the 2008/2009 financial year and we will review fees annually to ensure they continue to be set correctly to recover our costs. The new fee model reflects the organisational structure we introduced in 2013. This structure ensures we have the optimum level and mix of legal roles to provide value-for-money legal services, and it enables us to reduce average hourly rates. The benefits of our structure are reflected in client billing with work performed by counsel at the right level and with appropriate oversight, peer review and a strong culture of professional development and mentoring.

Feel free to contact us

We do not want fees to impede you coming to us for advice when you need it. We will not charge for those relatively quick engagements with one of our senior lawyers where you want some guidance or a peer discussion. We know how invaluable these engagements can be and we encourage you to use us in this way when you need to. Also, you should feel free to discuss questions of urgency and/or cost constraint with the Team Manager, Client Relationship Manager or Deputy Solicitor-General.

How our fees are determined

Our fees are charged on the basis of the time involved in handling a matter. We are happy to provide a fee estimate and will always be up-front and discuss financial aspects of the working relationship in initial meetings with you, before confirming those arrangements in the Terms of Engagement.

Expenses /Disbursements

Expenses incurred specifically in the course of handling your matter will be on-charged. Rest assured, we operate on a basis of 'no surprises' and substantial expenses will be discussed and agreed with you in advance.

Examples of expenses on-charged include:

- travel and accommodation;
- other travel-related expenses (e.g. meals, taxi fares or parking fees);
- court filing fees;
- search and investigation fees;
- experts' fees;
- barristers' fees;
- historical research fees;

- other professional fees incurred at the client's request;
- postage and courier services.

If we are required to make payments to third parties on your behalf, any costs associated with this will be on-charged.

We urge you to make full use of the monthly progress reports we send on active matters. They are an excellent tool for keeping track of overall progress and costs to date – making billing less of an uncertainty.

Billing

We are committed to billing in a clear and reasonable way. If you have any questions over an invoice received, please contact the Client Relationship Manager appointed to your matter.

Invoices should give you an informative breakdown of the costs associated with your matter and should contain no surprises.

Closing thoughts

We hope this document has provided a useful handbook to working with us – shedding further light on the principles and processes behind the way we deliver our services.

As lawyers in government, we all contribute to better outcomes for all New Zealanders – we are part of the ‘one Crown’ and we work together to uphold the rule of law. These are lofty aims with practical implications – presenting both challenge and a significant opportunity to stay at the top of our game and work together.

We look forward to further collaboration with you.

Points of contact

In addition to your Client Relationship Manager, the following points of contact may be useful:

Name and role	Phone number	email
Michael Heron QC Solicitor-General Chief Executive of Crown Law	+64 4 494 5505	Michael.Heron@crownlaw.govt.nz
Kevin Allan Deputy Chief Executive Chief Operating Officer	+64 4 494 5638	Kevin.Allan@crownlaw.govt.nz
Jan Fulstow Executive Assistant/Media Advisor	+64 4 494 5552	Jan.Fulstow@crownlaw.govt.nz
ATTORNEY-GENERAL'S GROUP		
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APPENDIX A: 'Signature practices' you should expect from Crown Law counsel

- Crown Law will (through the Team Managers in the first instance, but also others such as client relationship manager) work across team and group boundaries to offer you the best person in the Office to do your work, taking into account experience/expertise and capacity.
- Where briefing out your work to private providers is sought by you, or otherwise considered desirable (e.g. because of the limits of Crown Law's capacity or capability), Crown Law will discuss the options with you before decision.
- While Government requires Crown Law to recover our expenses, we do not want that to be a barrier to you coming to us for advice when you need it. You should feel free to discuss questions of urgency and/or cost constraint with the Team Manager or Deputy Solicitor-General.
- Crown Law will, as far as is possible, alert you to matters arising in other parts of the Crown which impact on your interests. We recognise that Crown Law has the advantage of a wider 'line of sight' of relevant whole of Government issues and can use that knowledge, appropriately, to assist you.
- When advice instructions come in from you, counsel allocated will contact the instructing solicitor to discuss the details of the request, including your business objectives that are affected or otherwise relevant to the advice, and your expectations (as to time, cost, whether the advice is final or draft, and the best approach to delivering practical, clear advice to the appropriate decision maker or audience).
- Where requested or appropriate, advice will be issued first in draft, for further discussion. Crown Law will finalise advice following your involvement.
- Litigation Management plans will be drafted by Crown Law counsel and provided to you for input within 20 days of litigation commencing, so as to inform: strategy in the instant case, wider matters of importance to you/Crown (etc.).
- There will be an invitation to debrief (which can be informal) after litigation, asking "how did we do, what can we do better"?
- Where requested by you, Crown Law will provide reliable estimates and will advise you if there are matters arising which mean an estimate needs revising.
- Crown Law is open to discussing requests for the involvement of your team as junior counsel where appropriate. For example where a prosecutor has been involved in related litigation. In such cases, we will need to agree the detail of what the junioring role will entail and any additional support that may be required to conduct the litigation.
- Crown Law counsel are open to feedback, and constructive criticism, about their work.

APPENDIX B: Checklist for New Instructions to Crown Law

This checklist sets out the things that are important and useful for us to know so we can give you what you need. It's only a guide and can be customized in a way that works best for a given case.

Timeframe

When do you need the advice by? Why this timeframe?

Context

What is the factual situation? Is there any other relevant context? What brought about the need for advice? Is there anything in particular we should note or bear in mind?

Purpose of the advice

What will the advice be used for? Who is the target audience? (E.g. your Minister, policy teams, operational staff.)

Instructions

What is your question? What is your view?

Cost/Budget

How long do you expect this advice might take? Would you like an estimate? Are there any budget constraints we should know about?

Lead instructor/agency

If you are jointly instructing: Who is the lead agency/main contact person? What process will you use for feedback/comments? What is the cost sharing arrangement?

Additional material

Please provide any background material you think is relevant or useful, such as draft advice. List what you provide (and if it's not obvious explain why you have provided it).

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