

COUNSEL MOVING APPLICATIONS FOR ADMISSION TO THE BAR: REQUIREMENT TO HOLD A CURRENT PRACTISING CERTIFICATE

Judges presiding over admission ceremonies are sometimes asked to exempt moving counsel from the requirement that counsel hold a practising certificate.

Section 27(1)(b)(ii) of the Lawyers and Conveyancers Act 2006 permits the Court to grant such exemptions. In most cases, the Judges' preference is that moving counsel seek a temporary certificate from the Law Society rather than an exemption from the Court.

Applicants are reminded that applications for admission must be certified by a lawyer holding a practising certificate. Accordingly counsel who do not hold a current practising certificate must apply to the Law Society for a temporary certificate or to the Court for an exemption before filing the originating application. Counsel should allow processing time for such an application to be considered.

Applications to the New Zealand Law Society for a temporary practising certificate should be made at least two weeks before the date on which the application for admission is due to be filed.

Applications to the Court for exemption should be made by letter filed in Court at least two weeks before the date on which the application for admission is due to be filed. Such applications will not be granted routinely. Counsel should explain why the exemption is sought and why he or she should be permitted to appear without a practising certificate; for example, that counsel is a retired practitioner in good standing who wishes to move the admission of a close family member.

Those seeking an exemption should also be aware of the requirement in rule 5(3) of the L & CA (Lawyers: Admission) Rules 2008 for the application for admission to be filed at least one month before the scheduled hearing unless the Registrar allows it to be filed later.