



Webinar, 26 March 2026

## Double Jeopardy | The Barrister's Role Under Pressure

**Philippa Fee – Fee Langstone**

**Monica Maharaj – NZI**

**April Aguilar Becker - Marsh**

CPD Questions and Answers Paper

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## Disclaimer

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**New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture**

26 March 2026

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## Introduction

These questions accompany the video of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture's Webinar, *Double Jeopardy – The Barrister's Role Under Pressure*. The webinar was held on 26 March 2026.

The NZLS Guidelines for the Lawyers and Conveyancers Act (Lawyers: Ongoing Legal Education – Continuing Professional Development) Rules 2013 specify that the viewing of non-interactive audio-visual materials in any format is **not** eligible to be a CPD activity. There must be an opportunity for interaction and feedback, e.g. the ability to ask questions or the completion of a quiz or an assessment component at the end of the course or at intervals throughout.

This paper contains a quiz for you to complete after you have viewed the video. The answers follow the questions. You do not need to return the quiz to us but should keep a copy for your CPD records.

### Recording

The webinar recording can be accessed <https://vimeo.com/1178244836>

Password is: **260326**

**Please note that this recording and any accompanying material is subject to copyright**

If you have any questions, please contact [nzbar@nzbar.org.nz](mailto:nzbar@nzbar.org.nz)

**New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture**  
26 March 2026

## Our presenters

### Philippa Fee – Fee Langstone



Widely regarded as one of New Zealand's leading litigation and dispute resolution lawyers, Philippa is a partner at Fee Langstone. Her principal specialist area is representing professionals in claims for negligence and disciplinary complaints. Philippa routinely assists lawyers, chartered accountants, engineers, architects and insurance brokers. She also acts in claims against directors and officers, including those brought by liquidators, receivers or regulators arising from corporate financial collapse. Philippa has been named a Leading Individual in both the Legal 500 Asia Pacific and Chambers & Partners rankings for many years.

### Monica Maharaj - NZI



Monica is the Regional Liability Claims Lead at NZI. Previously, she was Claims Manager and Debt Recoveries Manager at Lumley General Insurance and Acting Liability Underwriting Manager during Lumley's acquisition by IAG. Before joining the insurance industry, Monica worked in litigation and employment law in private law firms and as in-house counsel at The Warehouse. She holds a Master of Laws with Distinction in Employment and Commercial Law. Monica sits on the New Zealand Insurance Law Association Committee and is Co-President of the Insurance Network.

### April Aguilar Becker - Marsh



April is the Professional Risks Leader at Marsh for the Affinity practice. She brings extensive expertise in professional risk management, overseeing key schemes including the New Zealand Bar Association liability insurance scheme, as well as schemes for real estate agents and the Ministry of Education. April is an admitted barrister and solicitor of the High Court and previously spent four years as a senior banker at ANZ

## CPD Questions

- 1) Which area was identified as generating high-severity civil claims?
  - a) Employment disputes
  - b) Relationship property disputes
  - c) Criminal appeals
  - d) Judicial review
- 2) True or false? Fee complaints are one of the most frequent drivers of claims against barristers.
  - a) True
  - b) False
- 3) True or false? Failure to advise a client that fees are likely to exceed expectations can amount to unsatisfactory conduct.
  - a) True
  - b) False
- 4) Which of the following is a recognised source of disciplinary complaints?
  - a) Judicial referrals
  - b) Insurance audits
  - c) Peer reviews
  - d) Court registries
- 5) Section 21 agreements are risky because:
  - a) They require judicial approval
  - b) They expose barristers to claims from both sides
  - c) They are unenforceable
  - d) They prohibit indemnities
- 6) Who ultimately bears responsibility for ensuring the client understands discovery outcomes?
  - a) The court
  - b) The instructing solicitor
  - c) The barrister
  - d) The insurer
- 7) Why is timing critical when terminating a retainer?

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- a) Courts control billing
  - b) Withdrawal near trial may be refused
  - c) Fees become irrecoverable
  - d) Insurance ceases
- 8) Early notification of a potential claim should be made:
- a) After liability is established
  - b) As soon as possible
  - c) Only after formal proceedings
  - d) At renewal
- 9) While awaiting insurer response, a barrister should:
- a) Admit liability
  - b) Ignore correspondence
  - c) Acknowledge receipt without admissions
  - d) Settle the claim
- 10) The disciplinary process is sometimes used as:
- a) An appeal mechanism
  - b) A collateral attack on litigation outcomes
  - c) A fee-review forum
  - d) Mandatory ADR
- 11) Which service is available for precautionary issues?
- a) Free mediation
  - b) One-hour panel legal advice
  - c) Judicial guidance
  - d) Ethics hotline
- 12) The one-hour advice service can help barristers decide:
- a) Whether to notify a claim
  - b) How to cross-examine
  - c) Whether to appeal
  - d) Fee levels

## CPD Answers

- 1) Which area was identified as generating high-severity civil claims?
  - b) Relationship property disputes
- 2) True or false? Fee complaints are one of the most frequent drivers of claims against barristers.
  - a) True
- 3) True or false? Failure to advise a client that fees are likely to exceed expectations can amount to unsatisfactory conduct.
  - a) True
- 4) Which of the following is a recognised source of disciplinary complaints?
  - a) Judicial referrals
- 5) Section 21 agreements are risky because:
  - b) They expose barristers to claims from both sides
- 6) Who ultimately bears responsibility for ensuring the client understands discovery outcomes?
  - c) The barrister
- 7) Why is timing critical when terminating a retainer?
  - b) Withdrawal near trial may be refused
- 8) Early notification of a potential claim should be made:
  - b) As soon as possible
- 9) While awaiting insurer response, a barrister should:
  - c) Acknowledge receipt without admissions
- 10) The disciplinary process is sometimes used as:
  - b) A collateral attack on litigation outcomes
- 11) Which service is available for precautionary issues?
  - b) One-hour panel legal advice
- 12) The one-hour advice service can help barristers decide:
  - a) Whether to notify a claim

## CPD Verification and Recording

We have estimated that watching this webinar, reading the paper and completing the questions, will potentially take most practitioners **one hr (1.0 hr)**. However, this may not equate to the actual amount of time that you have spent in completing this module. The onus is on the practitioner to decide whether learning that is relevant to his or her identified learning needs has occurred and, if so, to count the time spent towards the required hours of activities.

We remind you that you are required to reflect on the CPD activities you have undertaken. Take a minute to think about the activity you have just finished. Then answer the following questions.

**Please keep this form for verification purposes.**

Name of Learning Activity:

**Double Jeopardy | The Barrister's Role Under Pressure (CPD 1.0 hrs)**

### Learning Objectives:

Possible Learning Objectives from this presentation could be:

- Risks from civil claims and disciplinary complaints
- Current claims trends for barristers
- Strategies to help reduce professional liability
- Managing client and opposing party expectation
- The importance of robust liability cover

1. What knowledge/skills/insights etc did you gain from this activity? List the points:

a) .....

b) .....

c) .....

2. How might you implement what you have learned in your practice?

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3. Comment on the ways in which the activity achieved the proposed outcomes and any gaps or areas of confusion that may remain.

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4. What else do you need to learn to improve your practice in this area and how might you achieve this?

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