

## Will the phone ever ring?

### Moving to the bar and setting up chambers



Webinar, 25 October 2022

Presenters:

**Janine Bonifant, Charlotte Griffin, Garry Williams**  
**Stephanie Grieve and Mike Lennard (Co-Chairs)**

CPD Questions and Answers Paper

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## Disclaimer

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

25 October 2022

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## Introduction

These questions accompany the video of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture's Webinar, ***Will the phone ever ring? Moving to the bar and setting up chambers***. The webinar was held on 25 October 2022.

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 whatever 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 at <https://vimeo.com/773975054>

Please enter this password: **251022**

**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**  
25 October 2022

## The Presenters

### Janine Bonifant



Janine has had over 25 years' experience as a litigator with a focus on criminal law. She has prosecuted and defended many trials in the District and High Courts. Janine currently practices as barrister in Wellington.

Janine has been a faculty member on the NZLS Litigation Skills Programme since 2006 and was Director in 2013 and 2017. She is currently an instructor for the Institute of Professional Legal Studies.

Janine is an author for LexisNexis in respect of practical advocacy skills and is on the Criminal Law Committee of the New Zealand Law Society.

When Janine became a barrister, she helped set up Brandon Street Chambers which grew to 7 members over a period of 6 years. Last year Janine set up the new Aurora Chambers with two colleagues. Both Chambers have been located in central Wellington.

### Charlotte Griffin



In December 2020, Charlotte and Isabella Clarke established Kate Sheppard Chambers (KSC), Aotearoa's first virtual chambers and the only all-female chambers focused on providing support to women in the law as its core kaupapa.

Since its inception, KSC has grown to 25 members, with its barristers practising nationwide from Whangārei to Invercargill. KSC is now Aotearoa's largest set of barristers outside of Auckland, and the third largest chambers in the country. Its barristers practise in varied and innovative ways using a range of digital tools and technology. KSC's membership is diverse, representing all fields of law, and all disciplines.

Charlotte practises as a civil litigation and public law specialist. She is an experienced trial and appellate advocate in all levels of the Courts. Charlotte was appointed a District Inspector for Mental Health in June 2020. Prior to joining the Independent Bar in 2015, Charlotte practised for ten years at the Crown Law Office.

## Garry Williams



Garry Williams is a barrister practising out of Richmond Chambers.

He has a broad practice but is best known for his expertise in contentious intellectual property matters.

In 2012, he (with a number of others) established Richmond Chambers, a set of barristers located in the General Buildings, on the corner of Shortland and O'Connell Streets, in the heart of Auckland's CBD and legal precinct.

## Stephanie Grieve



Stephanie is a barrister practising in Christchurch with a broad civil litigation practice, including insurance, regulatory and disciplinary matters and trusts/estates. She undertakes regular trial and appellate work in the High Court and Court of Appeal and also appears in disciplinary jurisdictions and Coronial inquests.

In 2019, she assisted Jared Ormsby to establish Plymouth Chambers which now has eight permanent barristers, an Associate Member and a junior barrister.

## Mike Lennard



Mike Lennard of Stout Street Chambers specialises in financial disputes. Mike spent eight years as a Crown prosecutor and civil litigation lawyer, eight years as head of litigation for Inland Revenue, and has practiced at the independent bar since June 2004. He is recognised as a leading tax disputes lawyer both in New Zealand and internationally, but his practice now covers a wide range of other financial/commercial disputes including intellectual property, judicial review, professional negligence, professional disciplinary and financial crime litigation.

Mike has been involved in many training programmes including New Zealand Law Society's Litigation Skills Programme and as an adjunct teaching fellow at the University of Auckland. He is a member of the NZLS Taxation Committee. He has published extensively and spoken at numerous conferences and seminars over the past 25 years.

Mike has been part of two quite different chambers, is a door tenant at an Auckland chambers, and was involved in Stout Street Chambers' exodus from Stout Street after the 2013 earthquakes.

## CPD Questions

1. True or False - you can only come to the bar after spending many years as a partner in a firm
  - a) True
  - b) False
2. Working for yourself as a barrister allows you to
  - a) Structure your work as it suits your life
  - b) Enjoy the freedom to control what work you do and when you do it
  - c) Do more lawyering and less management than being a senior lawyer in a firm
  - d) All of the above
3. If you decide to lease premises to set up chambers, what from the list below was not given as a suggestion to obtain the best deal
  - a) Get agents to show you what is available, look at more than one, ask for a deal.
  - b) See if there are any rent free periods – particularly if you need to refurbish to move in.
  - c) Negotiate at the beginning of the lease to make it more comfortable and affordable.
  - d) Lease a larger space than you need so you can grow into it.
  - e) Know what you want – just an office or meeting space, support staff space.
  - f) See if you can get power included.
4. Our presenters discussed different models of chambers including virtual chambers. When talking about virtual chambers what was suggested as an advantage a virtual chambers model.
  - a) Not being pigeonholed by region
  - b) Being able to work in your PJs from home
  - c) Being able to multi task – work and at the same time home school your children
5. When considering what type of chambers model suits you what did our presenters suggest?
  - a) Go traditional and revert to remote if that traditional model does not suit.
  - b) Consider what type of person you are. Do you like lots of interaction throughout the day or do you prefer to work quietly away on your own.
  - c) Set yourself up at home in the spare room. It's cheaper and a good way to start until you make some money.
6. When in a more traditional chambers model what of the comments below was not suggested about how you will find you relate to your colleagues?

- a) You are all there working individually for yourselves so there is no underlying tension around one person billing more and contributing more than others as there can be in a firm or partnership.
  - b) You can blame your colleagues if something goes wrong as there is always someone more senior that you can send disgruntled clients to for answers.
  - c) You can make your own decisions about what work you take on and don't take on and you can refer work to each other.
  - d) Your chambers colleagues actually become your "learned friends".
7. What from the options below is not a way for junior barristers coming to the bar
- a) They can come at any time and work for themselves but need to charge less because they lack experience.
  - b) They can come to the bar as employed barristers for individual or a group of senior barristers.
  - c) They can come to the bar if they apply and receive an exemption as a supervised barrister.
8. Which of the statements below is not correct for barristers regarding the need to do the stepping up course
- a) It is mandatory for everyone and must be done regardless of if you have done it before
  - b) It is mandatory for most to complete this course.
  - c) Senior lawyers may have already done the course, and can do a webinar to cover the specifics of moving to the bar.
9. When asked about non-payment of fees from clients in litigation, what advice was given by our presenters?
- a) Just keep working on the file to conclusion regardless of payment.
  - b) You can apply via memorandum to withdraw due to non-payment of fees
  - c) Don't respond to the client. If they are not paying you just ignore them.
10. What advice was not given about how to manage your tax obligations?
- a) If you can put away half of fees received away for tax and GST
  - b) Get a good accountant to advise and assist you
  - c) You may not have to pay much tax in the first year but the second year you will need to pay both tax from the first year and provisional tax in advance.
  - d) You will end up paying less tax so don't worry about it until you get the tax bill and then take on extra work to make money to pay that tax bill
11. True or False - The work that you will get at the bar is always litigation.



- a) True - that is all that barristers are able to do.
  - b) False - barristers also engage in wide range of other things such as advice, expert opinions, negotiating and advocating.
12. What from the list below was not suggested as a way to get work when you are out on your own as a barrister?
- a) Reach out to your networks tell them you are at the bar, ask them to consider instructing you, referring work they cannot take on themselves to you.
  - b) Ensure you have a good budget for advertising and use it to advertise in legal publications for the work you need.
  - c) If you have a good relationship with your current employer / clients see if you can take some of your files and key clients with you.
  - d) Join legal groups like the Bar Association, go to collegial events, get together with colleagues, put yourself out there.
  - e) Write articles, offer to speak at events, keep the client and solicitor up to date with practical solutions on the files you do have.
13. It was suggested that the best brief you can have is:
- a) From the government
  - b) From your past employer
  - c) From the other side of the of the file
14. What did our presenters suggest about mentoring?
- a) Get a mentor and continue to seek mentoring from different mentors throughout your career. The NZBA has a mentoring scheme to tap into as a benefit of membership.
  - b) You don't need a mentor they are scary and will push their agenda and ideas of their chambers models on you.
  - c) It's up to you if you get a mentor – it's not really going to help in the long run.
  - d) Pay for professional mentoring and make sure you use it.
15. What did our presenters not say about how they maintain collegiality and get support within a virtual chambers.
- a) Along with the normal phone calls, texts, emails, they arrange regular online catchups at different times and days which can be attended by two or many.
  - b) They have targeted groups who catch up remotely via various platforms to discuss both professional and personal common interests.
  - c) They have pre-set weekly zoom meetings which are mandatory to attend and participate in so that everyone has a feeling of connection.

16. What from the list below did our presenters not suggest was a good way to manage wellness and work life balance.
- a) If you find you are not busy then take some time out for yourself.
  - b) Know what days, and times of the day you do your best work, and plan your work around that to get the best results that suit you and your individual circumstance.
  - c) Life away from the law is important – get an interest or join a group that takes your mind off your work. This can give you community engagement and you get to meet others outside the law.
  - d) Manage your calendar so you are not constantly doing back-to-back trials.
  - e) Set time aside in your calendar for holidays and time with family / friends. Schedule breaks and take them.
  - f) Get into a strict regime of working set hours each day and taking all weekends off and three to four weeks off each year in a block to refresh.
  - g) Consider yourself as your most valuable asset in your business. Step back and be nice to yourself.

## CPD Answers

1. True or False -you can only come to the bar after spending many years as a partner in a firm
  - b) False
2. Working for yourself as a barrister allows you to
  - d) All of the above
3. If you decide to lease premises to set up chambers, what from the list below was not given as a suggestion to obtain the best deal
  - d) Lease a larger space than you need so you can grow into it.
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  - b) Consider what type of person you are. Do you like lots of interaction throughout the day or do you prefer to work quietly away on your own.
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12. What from the list below was not suggested as a way to get work when you are out on your own as a barrister?
- b) Ensure you have a good budget for advertising and use it to advertise in legal publications for the work you need.
13. It was suggested that the best brief you can have is:
- c) From the other side of the of the file
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- c) They have pre-set weekly zoom meetings which are mandatory to attend and participate in so that everyone has a feeling of connection.
16. What from the list below did our presenters not suggest was a good way to manage wellness and work life balance.
- f) Get into a strict regime of working set hours each day and taking all weekends off and three to four weeks off each year in a block to refresh.

## CPD Verification and Recording

We have estimated that watching this webinar, reading the paper, and completing the questions, will potentially take most practitioners **one and a half hour (1.5 hrs)**. 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:

**Will the phone ever ring? Moving to the bar and setting up chambers**

Possible Learning Objectives:

- Different types of chambers models – traditional and virtual and how to choose the best for you
- What practical things you need to do to be a barrister sole
- What statutory obligations you need to meet as a barrister sole
- What to expect and ways to manage tax obligations
- How to manage and deal with work life balance and well-being
- Where to go to for help and advice when you are on your own

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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