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New Zealand Law Society | Te Kāhui Ture o Aotearoa

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## **SUBMISSION ON THE NEW ZEALAND LAW SOCIETY DRAFT CLIMATE CHANGE POLICY**

### **Support for the policy**

- 1 We support and value the creation of an NZLS Climate Change Policy that acknowledges the importance of the issue of climate change and that encourages and supports the members of the New Zealand Law Society | Te Kāhui Ture o Aotearoa to provide climate conscious legal advice and representation.
- 2 We support:
  - (a) the expectation the Law Society joins the efforts to reduce carbon emissions;
  - (b) the recognition of the need for urgency in dealing with climate mitigation;
  - (c) the establishment of principles to guide:
    - (i) the role and development of the law;
    - (ii) the role of the legal profession; and
    - (iii) the role of legal practicein dealing with climate change efforts;
  - (d) NZLS having a role in education relevant to legal practice and climate change;
  - (e) on-going communication both with its members and with other organisations addressing climate issues.
- 3 We endorse the aspirations set out in the policy and consider the policy itself creates a useful and workable framework for further action by the New Zealand Law Society and its members on this topic.
- 4 We believe that all lawyers need to be aware of the risks and implications of climate change to ensure they can meet their obligations to their clients, as well as their wider obligations to society, and that all lawyers should be encouraged and supported to practice in a way that avoids or mitigates any climate impact as far as possible. The climate change policy provides an excellent opportunity for cogent guidance on these issues.

## Future work

- 5 To be effective, the policy will need to be a base document for significant work to come. From the policy we expect to see guidelines established, conversations developed, education to support greater understanding of legal climate issues (both for those wishing to be climate change legal experts and lawyers generally), assistance in running legal businesses in a climate conscious way and a broadening acceptance of climate change as an issue relevant to the practice of law across the full range of specialities. Among other things we anticipate assistance for lawyers in:
- (a) looking for the relevance of climate change to their legal advice (even though they might not expect to find it);
  - (b) finding practical tools to assist their climate conscious lawyering;
  - (c) connecting with other lawyers who operate in their area of law or industry for training and guidance on particular climate issues in their field – for example, through sections and other industry bodies;
  - (d) understanding ethical obligations relevant to acting for emitter clients;
  - (e) dealing with eco-anxiety;
  - (f) considering employee/employer obligations about choosing who to act for;
  - (g) the widespread acceptance of precedent contract provisions addressing climate;
  - (h) establishing climate-friendly protocols for legal practice across the spectrum of specialities and both in the courts and in our offices.
- 6 We ask that the Law Society is transparent in its work in this area, that it keeps its members regularly updated with information regarding this important on-going work, and that it provides plenty of opportunity for those who wish to be, to be involved. In doing this not only will NZLS better ensure that climate issues remain a relevant, ongoing topic at the forefront of practitioners' minds, but they will also aid those practitioners in forming their own views and making their own climate decisions, even if the NZLS work is not fully completed. It is imperative when dealing with climate change, that striving for perfection does not stand in the way of action.
- 7 We understand the issues to be addressed are significant and unprecedented and that there will be serious debate on many of the topics. Those debates themselves, and that evolution of policy, protocols and guidelines is important. The outcomes will be far more easily accepted if practitioners consider themselves included and informed in their development.
- 8 We encourage the New Zealand Law Society in their climate change endeavours and we offer our support and our expertise should that be required.

Lawyers for Climate Action NZ Inc.

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