

Duty Lawyer Minimum Payment Policy

A GUIDE TO THE AMENDED DUTY LAWYER POLICY FOR DUTY LAWYERS

As of 3 April 2023, duty lawyers nationally will now be able to claim a minimum payment of two hours on weekdays and four hours on weekends and public holidays.

This policy was implemented to provide better support to duty lawyers working on days where paid hours were not guaranteed, and to recognise the commitment duty lawyers make to ensure access to justice.

What does this mean?

If you are required for less than two hours on a weekday, you can now be paid for two hours of work. If you are required for longer than two hours, you can claim for the actual hours worked. On weekends or public holidays, if you are required for less than four hours, you can now be paid for four hours of work. If you have worked more than four hours, you can claim for the actual hours worked.

This is now stated on page 7 of the duty lawyer operational policy.

The minimum payment is only available to claim when the short attendance is caused by the court's circumstances, not the lawyers.

Examples of when minimum payment is available:

- The scheduled list is short, and your attendance lasted less than the minimum payment for the day.
- Due to a last minute reschedule, the court or national scheduling team has advised your duty lawyer attendance is cancelled.

- You are on-call and the court has advised you are not required to attend court for the day.

Examples of when minimum payment is not available:

- You have requested to finish early due to personal reasons or other commitments.
- You have taken time away from duty lawyer work for private work or personal time (e.g., lunch) and the actual duty lawyer work hours are less than the minimum payment.
- You are unable to work a rostered shift due to personal reasons.
- You have worked longer than the minimum payment hours.
- Your duty lawyer attendance has been rescheduled to another date.

If you have any questions regarding the new payment policy, send an email to Duty.Lawyer@justice.govt.nz

How to process

Make sure you are still writing your correct start, finish, and break times.

If you are eligible for a minimum payment, your duty lawyer supervisor or court staff will write "minimum payment" next to the relevant attendance, so the payment team is aware.

Once the duty lawyer hours have been checked, your supervisor or court staff will scan and send a copy of the attendance sheet for payment.

If the scheduling team is unaware of you working on an un-rostered day, there can be delays in the payment of your duty lawyer invoice.

As stated in page 8 of the Duty Lawyer Operational Policy, make sure duty lawyer attendance sheets are emailed to the correct address daily, or as soon as possible.

This is to ensure that payment for duty lawyer attendances can be entered and approved in a timely manner.

Resources

Duty Lawyer Operational Policy

[Duty lawyers | New Zealand Ministry of Justice](#)