**LawSpot Quiz for Trainee Lawyers**

**POLICIES AND PROCEDURES**

**1. What types of questions does LawSpot not answer?**

i. *Questions about conveyancing or property leasing (except residential tenancies)*

ii. *Questions from landlords*

iii. *Questions from business ventures and employers*

**2. For what areas of law will LawSpot provide only very basic information?**

(For example, LawSpot will describe what the legal term means then direct the user to a different site related to the issue)

i. *Administration of estates*

ii. *Preparation and execution of wills*

iii. *Property relationship agreements*

iv. *Powers of attorney/enduring powers of attorney*

**3. What should you do if you see a question in the “unanswered questions” list that should not have been approved by the question vetter?**

(For example, contains spelling errors or identifying information, or relates to an area of law that LawSpot does not answer)

*Start typing in the answer textbox so that the question is marked as “checked out” so other lawyers don’t attempt to answer it.*

*Email Laura (vetting@lawspot.org.nz) to alert her to the question so that she can modify or delete it as necessary.*

**4. What should you do if you suspect, based on the timing and content of a submitted question, that you know who asked that question?**

*Ask myself, “If the question was asked by the person I suspect, might this raise a conflict of interest as between me and the user, or between two of my “clients” (whether these are clients served by LawSpot, by my employer firm, or by CLWHV)?”*

*If the answer is yes, then I should leave that question to another lawyer volunteer (who would not have the additional information that makes the user identifiable).*

**5. There is an “unanswered question” you’d like to attempt. Another lawyer has started drafting an answer but it they haven’t updated it for several days – what should you do?**

*Each question, which has not been updated within three days, will become “unchecked” and any volunteer can draft an answer.*

**6. There is an “unanswered question” you’d like to attempt. Another lawyer has already submitted an answer for it but the answer was rejected several days ago – what should you do?**

*As above, you can submit an answer for any question that has not been updated for three days.*

**ANSWERING QUESTIONS**

**5. What should you do if you see a question that contains slightly inconsistent questions in the heading and body fields of the question?**

*Question: If the Police damage my property, who pays to get it fixed?*

*Description: The Police damaged my front door during a search and seizure operation and now it doesn't lock. Can I make them pay for the repairs?*

*Question vetters are trained to modify “double-barrelled” questions by ensuring that the headline question repeats the final question included in the detail/body section. If the question has not been properly modified in this way when it appears in the “unanswered” list, I will notify Laura (as in the answer to question 3 above) so that they can make the changes before another lawyer (erroneously) attempts to answer the (headline) question.*

**6. There are (at least) 4 things wrong with the answer below. Please list them.**

*Question: If my neighbour's cigarette causes a fire and damages my possessions, can I sue my landlord?*

*Description: My neighbour smokes outside my door, even though our building is non-smoking. If he drops a butt and it causes a fire, can I sue him for any damage caused to my flat/possessions? Can I sue my landlord?*

As the tenant, you will be held responsible for anything done by others you have allowed on to the premises. Unfortunately, under the law, it may be presumed that as the tenant you gave permission for your neighbour to smoke outside your front door unless you can prove that you took all reasonable steps to stop the person doing so. However, given that you are in an apartment building, and your neighbour appears to be smoking in a communal thoroughfare, whether your neighbour is technically "on your premises" may not be so clear cut.

Assuming that your neighbour is not also a tenant of the same landlord, there is no specific obligation on your landlord to stop your neighbour smoking outside your door and you will not be able to sue your landlord for any damage caused to your flat or possessions.

However, your neighbour will probably be in breach of the law vis-a-vis their landlord under their own tenancy agreement as it is highly likely he or she will be under an obligation to comply with all building rules. Furthermore, under the law, your neighbour is under an obligation as a tenant not to disturb their neighbours (i.e. you).

On this basis, we think the best course of action is to speak to your neighbour about him smoking outside your front door as soon as possible. We also recommend informing your landlord of the situation and the steps you have taken. Your landlord can then ensure that formal steps are taken with your neighbour and your neighbour's landlord as soon as possible.

If your neighbour is also a tenant of your landlord, we still recommend informing your landlord of the situation. If your landlord then neglects to take reasonable steps to stop your neighbour smoking outside your door they may be in breach of their obligation under the Residential Tenancies Act to take reasonable steps to make sure none of the landlord’s other tenants disturb you (even if no damage is caused). In this case, you may be entitled to sue them for damages in the Tenancy Tribunal.

i. *The question “Can I sue my landlord?” is not answered in the first sentence/first paragraph.*

ii. *Contains overly legalistic language: “i.e.” “communal thoroughfare”, “vis-à-vis”, and even “sue”*

iii. *Offers alternative answers for different scenarios ( “same landlord” and “different landlord” scenarios) as there are not sufficient facts to provide one comprehensive answer. Lawyer should have stated from the outset that your options depend on whether you and your neighbour have the same landlord and set out simply that:*

* *If you don’t have the same landlord, you can’t sue your own landlord for damage caused by your neighbours.*
* *If you do have the same landlord, then the landlord has certain obligations to prevent other tenants from disturbing you. If he/she fails to take reasonable steps, you may be entitled to claim against him/her in the Tenancy Tribunal.*

iv. *No link to further information.*

v. *Answering a hypothetical question like this is always difficult, but perhaps in this instance the answer buys into the clients panic a bit too much. The issue is a neighbour smoking in a non-smoking building, not necessarily a very real risk of property damage, so a more relaxed – but still respectful – tone could be used.*

**7. How would you answer the above question about cigarette damage?**

*Taking into account the comments above. (See the website for lots of example answers to real questions.)*