

Legal Representation

Task	Helen Davidson		Simon Milne at McMillan & Co	
Unit Titling	Yes		Yes	
Experienced	Yes		Yes	
Regular	Yes		Yes	
Out of Ordinary	Yes	Northern Downs Project, disparate, marginalised group now all freehold. Unit titling 1 parcel into 20 units, plus further 8, requiring Body corp. Extra commonland used to support community into mortgage-free ownership. Ability to negotiate creative solutions with Housing Corp, DCC planners etc.	Unsure	(Assume mostly regular developer-lead subdivisions, eg Mosgiel, not necessarily with BodyCorp)
MultiTitle (<2/3 units)	Yes		Yes	
Costs	\$30-40,000	FromHelen's email: "I stress I will be responsible for the quantum of our fees."	\$37,000	
plus GST	yes		yes	
plus disbursements	yes		yes	
will consult if extra costs arise	yes		yes	
Cost include unexpected Extra work	some	Likely greater capacity to be in control of budget Extra costs [are/may be/to an extent] included in the \$40,000	no	Possibly not
Costs of Moving Trust & Documents	There should be no costs associated with moving the Trust account or documents, according to Law Society rules.	Kiwibank holds all the financial documentation originals, with other documents at McMillan, UCOL holds original of company documents. An Authority to UpLift would be the process to move the documents to another firm and there should be no charges for a client to collect the client's documents on request according to Law Society rules.		
Billing	Will not be charging overhead costs at cf rate of McM.	Unsure how Helen will format her bills in future. We don't have a detailed fee structure for work		Confusing layout & lack of detail in content. \$42 to pay into Trust account, secretarial work at \$120 -\$140 an hour, \$28 to issue invoice, further \$14 for details, even twice in same invoice period

Understands Extras	yes	<p>from Helen's email: "As for the way forward, I agree with your assessment and the four points you outline. I do bear in mind, however, the following possibilities:1.Issues with the underlying titles, which, I understand, are considered "limited as to titles" and which is Mark Geddes' issue but which may require legal assistance.2.Issues with the DCC in it's regulatory capacity, which may also require lawyers.3.Possible easements, which need drafting and registering, along with the Covenant and Unit title/Body Corporate documentation.4.Any documentation Kiwibank may require if there are any extensions or variations to the loan particulars or conditions. 5.Possible issues with shareholders loans.6.Assistance with any issues which may arise from Stevenson & Williams or any other contractors involved with the build. The LINZ registration fees (disbursements) alone will be around \$9,000." [Helen was up with the play, without needing to consult surveyor again, having already done so in preparation of KB docs. - observation]</p>	yes	<p>From Simon's email: "Mark (Geddes, surveyor) has advised that the first step is amalgamating the two existing titles and that he has almost completed this. Consent of neighbouring land owners is required and he will be working with you on that aspect. Once that is complete we would then liaise with Mark and register an order for the new certificate of title. I have also discussed with Mark regarding the final stage of completing the Unit Title Plan. There will be a considerable amount of survey work required to get to that stage and we would liaise with Mark , when required , through this process. Once the survey work is complete we then prepare orders for the new certificates of title for the 24 units and also prepare the documents for any easements and covenants required. In discussing with Mark the unknown at this stage is just exactly what easements will be required to be registered as part of the unit title subdivision and whether they will be complicated or straightforward. Without getting too complicated , as part of this process, Mark will be looking to see just what services can be placed over the common property rather than over individual units as this will reduce the scale of what easements will be required. Note that any easements required from, for example, Aurora, Contact, DCC will require us to deal with their solicitors and their solicitors costs would also need to be paid by you (which would be relatively minimal)."</p>
Understanding of Project	<p>on board from outset</p> <p>develped founding documents with UCOL. Has insitutional knowledge of project</p> <p>Uses different approach to instruction because we had already done a lot of work and wanted to respect our input</p>	<p>?</p>	<p>less familiarity</p> <p>Oversaw reviewing(?) of constitution for Companies Office or another document.</p> <p>receives regular instruction</p> <p>?</p>	<p>Would need to come up to speed.</p>
Capacity- Experience, followthrough and peer support	<p>Despite no legal exec as promised at outset & impaired PA, got job done on time</p>	<p>It is the lawyer's job to ensure that any work is completed. Dealing with the shortcoming of staff or resources is expected of a professional, not exceptional.</p> <p>Senior co-lawyer with years of conveyancing & unit title development as back up</p>		<p>McMillan & Co have several senior lawyers also</p>

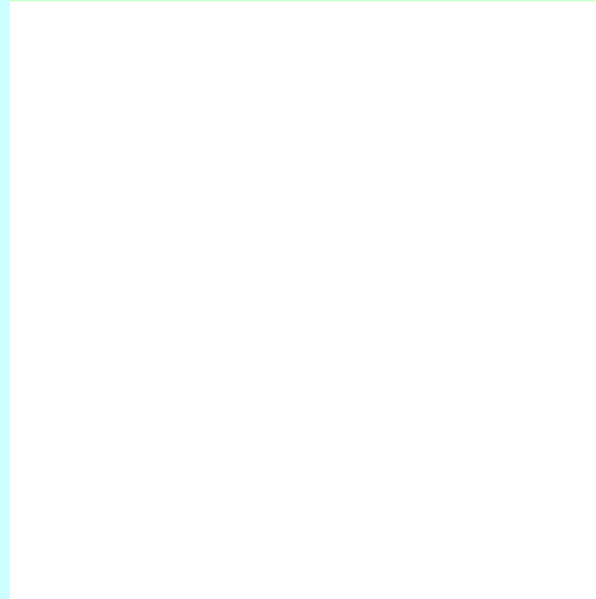
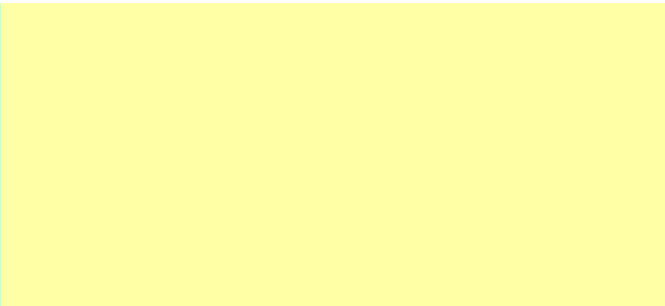
<p>Capacity - Support staff</p>	<p>adequacy of resources</p> <p>New Environment: Greater ability to organise work and appointing staff as needed</p> <p>Has legal exec available now</p> <p>May not have as great a capacity as smaller firm</p>	<p>Helen may not now be able to cover all the known aspects that remain to be signed off, and also the possible unknowns (eg a serious work place accident that necessitated A response from us as a company)</p> <p>There is no mention of Helen yet on Anja Klinkert's website? May be a sign of lack of organisation or things still in flux.</p>	<p>No guarentee any backup, despite being in large firm</p> <p>We can ask for this</p> <p>* Possibly will have Helen's old PA who was less than satisfactory & still suffering from head injury aftermath * We can ask that we don't have her</p> <p>Katherine Neville-Lamb might be assigned as Legal exec, who did work on UCOL matters alongside Helen later in the process.</p> <p>* Not employing adequate support or temp replacement staff is our experience of this firm. Why do we think this would change? Simon may face the same issues of lack of support (as Helen did). * We can ask for provision of adequate support or temp staff if required</p>
<p>Relationships</p>	<p>Est'd R with UCOL</p> <p>Est'd R with Kiwibank lawyers</p> <p>Est'd R with DCC</p>	<p>Concern raised about R with KB lawyers, who demanded particular formats. Helen challenged them, as they were they did not fit UCOL's or local body protocols. On instruction from UCOL Helen changed track and found a way forward to comply with KB demands. It has meant doubling up on some of the survey work.</p> <p>DCC lawyer has not understood the project well, has made a number of errors in points of law and is responsible for the report, which resulted in the DCC not going ahead with buying 2 social housing units. A</p>	<p>Nascent</p>
<p>Service</p>	<p>Has given good service - gone the extra mile</p> <p>Timeliness</p>	<p>Helen has not always attended to matters in a timely fashion, and corrections pointed out don't remained next time the document is presented (ie not efficient).</p>	<p>Some shareholders have had unsatisfactory service</p> <p>Timeliness</p> <p>Needed to be repeatedly chased to get constitution finished, not timely</p>

<p>Engagement</p>	<p>Has given many probono hours to support the project</p> <p>Does pro bono work mean we are beholden to that person and therefore not able to challenge them, when there is a difference of opinion?</p> <p>Supports philosophy of cohousing</p> <p>Robin Allison: "do want yr professionals to be emotionally engaged in order to go the extra mile: cf architects, project manager etc</p>	
<p>History</p>	<p>recent drink driving conviction leading to 6 months without a drivers licence</p> <p>Earlier censure from Law Society around time of establishment of UCOL. In grey area of law, had no pecuniary or other gain.</p>	<p>Has not impaired her service to UCOL.</p> <p>not known</p> <p>not known</p>
<p>UCOL's reputation</p>	<p>Above may reflect badly on UCOL</p> <p>No-one has raised this with us as an issue over the past 6 years.</p>	<p>Changing lawyer, who has given good service may equally reflect badly on UCOL. UCOL is in the media's eye. Changing law firms may reflect badly on us so we should stay with McMillan & Co. (Juan)</p>
<p>Values</p>	<p>Understand values of cohousing and practices accordingly</p>	<p>corporate culture</p>
<p>Values – care for people (staff)</p>		<p>DO we want to support a firm, which does not support its staff?</p> <p>McMillan & Co did not support Helen with appropriate support, they did not support Teresa Leyden when she had a head injury.</p>
<p>Testimonies</p>	<p>2 shareholders have a friend in common, who would not use Helen again.</p> <p>Not conveyancing, but a family law matter</p>	<p>Shareholders' experience, who would not use Simon Milne again.</p>

Does pro bono work mean we are beholden to that person and therefore not able to challenge them, when there is a difference of opinion?

Antony Hamel - represents 7 household connected to cohousing, understands cohousing and wants the project to succeed:

"I would strongly recommend you continue to instruct Helen Davidson in this matter. She is the lawyer most familiar with the project and can complete the project in the most cost effective and efficient manner. I have worked very closely with Helen on this project and have total confidence in her." He also spoke of costs spiralling out of control - the way to contain them is to have the best fit, which from his perspective is Helen.



Susan's experience

McMillan & Co know us and our situation and I have been impressed with Simon's efforts to find out correct information to inform their quote, and to follow up by phone calls.- the firm already hold the trust accounts for the builders retentions; and the 10% 'deposit' from DCC- they seem to have the capacity and ability to meet our requirements- they seem to work very professionally and have given a reasonable quote which they made some effort to explain how they arrived at

Rachel Gibb Northern Downs Trustee

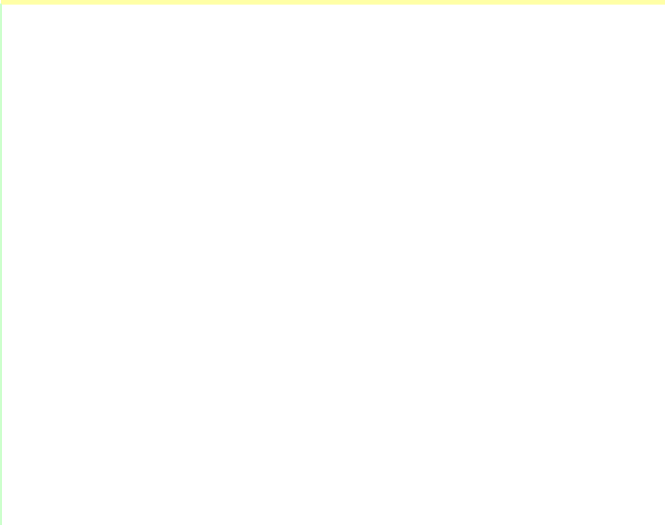
"Helen has been brilliant; intelligent, compassionate, and imaginative - a real treasure. Why drop someone, who has such sympathy with the cause that she is prepared to go the extra mile to get things done?"

Tim's

recommended staying with lawyer, who had given us good service already. And that costs would be higher with McMillan & Co

Michael

Michael would prefer to stick with Helen.



Roz * I'm not worried either way but would prefer to not use Simon if we stay with McMillan and Co.

 * I joined others in doing a lot of proofing of ucol documents a year or two ago and was shocked at how poorly they were done. This was probably down to the PA but does reflect on Helen as it should have been checked and proofed in house not sent out with spelling and grammatical errors and typos and very poor layout. I could do only so much proofing as far as content went but it is easy to imagine there could have been omissions or ordering problems.

 * I didn't 'bond' with Simon too much. And we did have problems with things Simon did and his lack of speed.

Marianne I need to have trust in the judgement of my legal person. While I may have in the past, should events occur that make me question that, I would give pause for thought.

Rainer Rainer does not have time to contribute until after Thursday.

Pauline In my experience, the quality of relationship is related to satisfactory outcomes. So consider the relationship between the lawyer and our people who have day to day contact with the lawyer

Open questions

Is Helen in partnership with Anna Klinkert or if she is a sole +practitioner and they are simply sharing rooms, overheads, etc.?

If Helen is in sole practice, can she be sure of meeting future deadlines if her executive assistance proves deficient as apparently happened last year, or if any other untoward event occurs at a crucial time?

What specific experience has Simon in this sort of venture, which is not a straight forward subdivision for a developer?