

Unincorporated Legal Practices and the Uniform Law

This fact sheet identifies the key points for unincorporated legal practices under the Legal Profession Uniform Law.

INFORMATION FOR UNINCORPORATED LEGAL PRACTICES

What is an unincorporated legal practice (ULP)?

Under the Uniform Law, an ULP is an unincorporated body or group that is:

- a partnership; or
- an unincorporated body or group, or an unincorporated body or group of a kind, approved by the Legal Services Council or specified in the Uniform Rules.

The legal services provided by an ULP must not be limited to either or both:

- in-house legal services for the unincorporated body or group;
- services that need not be provided by an Australian legal practitioner and that are provided by an officer or employee who is not an Australian legal practitioner.

Entitlement to engage in legal practice

ULPs are included in the definition of 'law practice'. As such ULPs fall within the meaning of 'qualified entity' and are therefore entitled to engage in legal practice under the Uniform Law.

An ULP must notify the Victorian Legal Services Board of its intention to engage in legal practice before it starts to practice in Victoria. It must also notify the Board if it intends to cease practising.

Requirement to have a principal

An ULP must have at least one authorised principal. An authorised principal of an ULP is an Australian legal practitioner who holds an Australian practising certificate authorising them to engage in legal practice as a principal of a law practice; is authorised by their

certificate to supervise others; and is:

- if the ULP is a partnership – a partner in the partnership; or
- if the ULP is not a partnership – in a relationship with the ULP that is of a kind approved by the Council or specified in the Uniform Rules.

Entitlement to provide other services

Under the Uniform Law, an ULP may engage in legal practice, and may also provide other services.

Disclosure obligations

If an ULP is engaged by a person to provide services that the person might reasonably assume to be legal services, and the ULP also provides other services, the ULP must make a disclosure, informing the person:

- whether the services are legal services; and
- of any other matters specified in the Uniform Rules.

Professional indemnity insurance

Australian legal practitioners are generally prohibited from engaging in legal practice in Victoria unless they hold approved insurance policies for Victoria. The Uniform Rules may provide that insurance may be issued on either a practitioner basis or on a law practice basis. Exemptions may apply if a practitioner is covered by an approved insurance policy for another jurisdiction where the ULP (of which the practitioner is a legal practitioner associate) has an office and that policy covers legal practice in Victoria.

Transition to Uniform Law

Entities that were multi-disciplinary partnerships under the *Legal Profession Act 2004* immediately before the commencement of the Uniform Law are taken to be ULPs under the Uniform Law.