

Admission

Unauthorised legal work

An entity must not engage in legal practice in this jurisdiction, unless it is a qualified entity (UL s10(1)).

- Penalty: 250 penalty units or imprisonment for 2 years, or both.

An 'entity' includes an individual, an incorporated or unincorporated body, a partnership or other organisation (s.6)

'Qualified entities' include Australian legal practitioners, law practices and registered foreign lawyers (s.6)

Control over admission

Requirements, rules and procedures

- Legal Profession Uniform Law (LPUL): Part 2.2
- Admission Rules

Controlling bodies:

- Legal Services Council
- Admissions Committee
- Victorian Legal Admissions Board (VLAB)
- Victorian Legal Admissions Committee (VLAC)
- Supreme Court

Objective S15

To ensure that lawyers:

- Have appropriate academic qualifications;
- Have appropriate practical legal training;
- Are 'fit and proper people' to be qualified.

Is seen to be necessary for:

- The administration of justice; and
- The protection of clients of law practices

Question and answers:

On the basis of your instructions, what are Ken's prospects of admission to practice?

Initially K must disclose the convictions

Discussion of the Fit & Proper Person test – VLSB Policy, UL s17(c)

In making the disclosure he must disclose all of the surrounding facts including those which are not publicly known

Apart from convictions, DUI, dishonesty at roadblock, procuring S not to disclose identity, acted unethically including not assisting injured pedestrian

Little prospect of admission, at least immediately upon qualifying.

How, if at all, might he improve those prospects?
 Full disclosure – comply with VLAB Disclosure Guidelines
 In addition to full disclosure, must demonstrate awareness of seriousness of actions, both emotionally and by actions – refer to relevant cases – Frugtniet, Re OG,
 Show perception and insight
 Delay admission application to allow time to demonstrate appropriate behaviour
 Expert evidence to support the above from psychiatrist or psychologist
 Seeking an early opinion as to suitability ULS21 – VLAB Guide for Early Assessment of Suitability?

S16 Requirements

Supreme Court may admit if the requirements are satisfied:

1. Must be at least **18** years' old;
2. Must have a **compliance certificate** issued by **VLAB** that is still in force;
3. **Not already admitted** to the Australian legal profession;
4. Take an **oath** of office or make an **affirmation**

Practising certificates

1. Admission does **NOT** entitle you to *engage* in legal practice.
2. You must also obtain a **practising certificate** from the Victorian Legal Services Board (VLSB) - See Uniform Law Part 3.3

Conditions on which practising certificates are granted include

- Whether or not you are authorised to receive trust money; and
- A condition authorising you to engage in legal practice as:
 - A principal of a law practice
 - An employee of a law practice
 - A corporate legal practitioner
 - A barrister, or
 - A volunteer at a community legal centre or on a pro bono basis.

Supervised legal practice

A condition of your first practising certificate will be that you undertake a period of supervised legal practice

- Uniform Law s 49, Admission Rules r 14

If you completed your PLT by undertaking 12 months supervised training in a legal **workplace**, the period of full-time supervised legal practice is **18 months**.

If you completed an approved PLT course (e.g. ANU, Leo Cussen, College of Law) the period of full-time supervised legal practice is **two years**.