



# COMMENCING AN UNINCORPORATED LEGAL PRACTICE – PARTNERSHIP (ULP)<sup>1</sup> – CHECKLIST

After two years of full-time supervision or part-time equivalent on a ‘supervised’ practising certificate you can apply to have this statutory condition removed. Detailed information on the application process can be found in the [Supervised Legal Practice Guidelines](#) on the Law Society’s website.

## STEP 1

### Prerequisites

- (i) Finish your period of supervised legal practice (usually two years).

OR

Undertake a period of **supervised legal practice**<sup>2</sup> (usually two years) as a **Supervised Partner in an ULP partnership**.

AND

- (ii) Successfully complete a Practice Management Course<sup>3</sup> through an accredited provider.

The following course providers have been accredited:

#### [The Law Society of NSW](#)

Visit the Legal Practice Management Course page on our website for our next available 3 day course.

#### [The College of Law](#)

Visit the Legal Practice Management Course page on their website for their next available 3 day course.

#### [FMRC Legal](#)

Visit the Legal Practice Management Course page on their website for their next available 3 day course.

**Note:** Accredited providers notify the Law Society when a practitioner has successfully completed a course.

## STEP 2

### Law practice structure

- (i) Query is an **ULP - partnership business** structure right for your purposes?
- (ii) Consider obtaining financial and/or legal advice concerning the provision of legal services through an Unincorporated Legal Practice - partnership.

The definition of **partnership** for the purposes of section 6 of the *Legal Profession Uniform Law (NSW)* includes a **limited partnership**.

## STEP 3

### Notification of NEW ULP - partnership

- (i) Complete the **notice of intention to engage in legal practice**<sup>4</sup> form on the following link; <https://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1037344.pdf>

AND

- (ii) Return the completed form to the Law Society Registry at least 14 day **before the ULP intends to engage in legal practice**.

## STEP 4

### Complete

- (i) the **application form** on the following link for grant of an Australian Practising Certificate to practise as a Partner; <https://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1151001.pdf>

OR

the **variation form** on the following link to practise as Partner; <https://www.lawsociety.com.au/cs/groups/public/documents/internetregistry/1151000.pdf>

### **Note: For prospective ULP Partners subject to supervision:**

If your practising certificate is **subject to condition 2**, (that the holder must engage in supervised legal practice **only**) you will be entitled to a Principal of a Law Practice practising certificate **subject to supervision ONLY IF** there is another Legal Practitioner who holds an Australian practising certificate authorising him/her to engage in legal practice as a principal of a law practice; and is a partner in the ULP partnership.





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**Note 1.** The *variation of practising certificate* form has provision for advising the Law Society registry of the name and address of a NEW ULP - partnership, if applicable.

**Note 2.** If applicable complete and return the prescribed form on the following link for notification of opening a General Trust Account. <https://www.lawsociety.com.au/cs/groups/public/documents/internetcostguidebook/026185.pdf>

**Note 3.** A practising certificate entitling the holder to engage in legal practise as a Partner (supervised or not) in an ULP partnership, **WILL NOT** be issued until confirmation is received from LawCover P/L that professional indemnity insurance is in place for the new Law Practice.

For more information about LawCover and professional indemnity insurance visit [www.lawcover.com.au](http://www.lawcover.com.au).

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<sup>1</sup> An ULP partnership is a partnership that has given notice under section 104 that it intends to engage in legal practice in Australia and the notice is still operative; the legal services it provides or proposes to provide are not limited to either or both – in house legal services; services that are not legally required to be provided by an Australian Legal practitioner and that are provided by an officer or employee who is not an Australian legal practitioner; it is not excluded by the Uniform Rules from being an unincorporated legal practice but does not include (a law firm)<sup>4</sup> or a community legal service; or an incorporated legal practice.

<sup>2</sup> Definition of supervised legal practice in s 6 of the Act (at paragraph (b)) as a principal of a law practice (other than a community legal service), where the person engages in legal practice under the supervision of an authorised principal of the law practice.

<sup>3</sup> An undertaking to complete a Practice Management Course may be accepted by the Law Society to enable you to practise as a Legal Practitioner Director of an ILP before completing the course (An audit of solicitors who have given an undertaking is conducted every 3 months to ensure that the undertakings have been complied with and a course has been completed).

<sup>4</sup> Under section 104 of the *Legal Profession Uniform Law (NSW)* (the Act) and rule 28 of the *Legal Profession Uniform General Rules 2015*, before a corporation engages in legal practice it must give the Law Society fourteen (14) days written notice in the approved form of its intention to do so.