

RPA News

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News update for all practitioners from the Victorian Legal Services Board + Commissioner

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Correct use of legal titles

There is an emerging trend within some law practices for lawyers to use incorrect titles when referring to their position. Specifically, some lawyers holding an *employee* practising certificate have been referring to themselves as a *Principal*, relying on this word to signify the seniority of their role. This has been particularly apparent within some incorporated legal practices.

‘Principal’ is a legal term

Lawyers holding an employee practising certificate are not entitled to call themselves ‘Principal’ of the law practice they are employed by. The term ‘Principal’ has a specific meaning under [the Uniform Law](#).

In short, a Principal can be:

- a sole practitioner;
- a partner in a law firm;
- a supervising legal practitioner of a community legal service; or
- a validly appointed director of the company or a partner in the partnership in an incorporated legal practice or an unincorporated legal practice who holds a principal practising certificate.

Lawyers who do not fit within this definition are therefore *not permitted* by law to call themselves a Principal.

The Legal Services Council has [provided some guidance](#) on this issue on their website. A similar statement is also available on the Board and Commissioner’s [RPA News blog](#).

Greater responsibilities

Under the Uniform Law a Principal of a law practice has greater responsibilities and liabilities than an employee. By using a title that accurately reflects a lawyer’s position in a law practice, consumers are empowered to make informed choices about the services they access. Incorrect use of titles has the potential to confuse and mislead consumers.

Penalties may apply

Lawyers who continue to incorrectly use Principal as their position title may be in breach of a condition of their practising certificate (see [Section 47\(1\)\(a\)](#) of the Uniform Law). This may have serious consequences.

Lawyers who are currently using the title of Principal incorrectly may either:

- apply to the Board to vary their practising certificate (provided they otherwise meet the definition of Principal); or
- take immediate steps to cease using the title. This must be reflected in all precedent documents as well as email signatures, website biographies, business cards and other promotional material; or
- switch to using either a different word to denote seniority, or find an appropriate additional word to eliminate any confusion for a client, such as “Principal Solicitor”. The potential for client confusion over who is an actual Principal would also be eliminated with an explanation of the difference between the titles used within the initial instructions confirmation letter to the client.

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