

Barristers and the Uniform Law

This fact sheet identifies the key points for barristers under the Legal Profession Uniform Law.

INFORMATION FOR LAWYERS

Barristers under the uniform law

Barrister means an Australian legal practitioner whose practising certificate is subject to a condition that the holder is authorised to engage in legal practice as, or in the manner of, a barrister only.

Those who are defined as barristers under the *Legal Profession Act 2004* will continue to be defined as barristers under the Uniform Law.

Receiving trust money

The current arrangement for the receipt of trust money will continue in Victoria.

That is, the Victorian Bar may continue to approve a natural person to receive money on account of the legal costs of one or more barristers.

This is a longstanding Victorian arrangement that avoids the need to have barristers receive trust money directly.

Legal practice with a barrister practising certificate

A person whose practising certificate has a condition that only authorises practice as a barrister may only engage in practice as a barrister and as a volunteer at a community legal service, or otherwise on a pro bono basis.

Barristers will be bound by the Uniform Law and Uniform Rules, including Legal Practice Rules, Legal Profession Conduct Rules and Continuing Professional Development Rules.

Barristers will not be required to make contributions to the fidelity fund.

Reading program

A statutory condition requiring the completion of a reading program will attach to practising certificates granted to barristers.

Under that condition barristers will need to

- undertake and complete, to the satisfaction of the Victorian Bar, a reading program specified in the Uniform Rules or otherwise approved by the Victorian Bar; and
- read for a period specified by the Victorian Bar with a barrister who is of a class or description specified in the Uniform Rules or otherwise approved by the Victorian Bar and chosen by the barrister undertaking the reading program; and
- comply with any other requirements specified by the Victorian Bar.

The Victorian Legal Services Board may impose a discretionary condition limiting the practising rights of a barrister until the barrister has complied with the statutory condition.

Once satisfied, the statutory condition need not be complied with again unless the Board otherwise directs.

The Board may exempt a person or a class of persons, either unconditionally or subject to conditions, from the statutory condition.