

Corporate Lawyers and the Uniform Law

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

INFORMATION FOR LAWYERS

Corporate lawyers and related entities

Under the Uniform Law, corporate legal practitioners are Australian legal practitioners who engage in legal practice only in the capacity of in-house lawyers for their employer or a related entity.

Hence, a corporate legal practitioner can provide legal services to related entities of their employer without needing to obtain a principal practising certificate (PC) and register as a sole practice.

Related entity, in relation to a person, means:

- if the person is a company within the meaning of the *Corporations Act 2001 (Cth)* – a related body corporate within the meaning of section 50 of the *Corporations Act*, or
- if the person is not a company within the meaning of the *Corporations Act* – a person specified or described in the Uniform Rules for the purposes of the definition.

Legal practice with a corporate lawyer PC

A person whose PC has a condition that only authorises practice as a corporate legal practitioner may only engage in practice as a 'corporate lawyer' and:

- as a volunteer at a community legal service, or otherwise on a pro bono basis; and
- until the PC is renewed, as a government legal practitioner. This will assist lawyers to move between corporate and government legal practice without having to immediately vary their PC.

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

Fidelity cover

Under the Uniform Law, holders of corporate practising certificates are not authorised to receive trust money. As such they are not required to make fidelity fund contributions.

Professional indemnity insurance

It is expected that corporate lawyers will be exempted from the requirement to maintain professional indemnity insurance (unless it is needed to cover volunteer work at a community legal service (CLS) or other pro bono work).

Uniform Rules will need to be made to provide that exemption.

Pro bono work

A person may engage in legal practice as a volunteer at a CLS or otherwise on a pro bono basis on any 'type' of PC.

To provide such services a corporate lawyer must be covered by an approved professional indemnity insurance policy.

As such, if a corporate lawyer wants to provide pro bono legal services to a person or body other than a CLS, they will need to obtain professional indemnity insurance on terms and conditions approved by the Legal Services Board.