

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

## STEP 1

### Prerequisites

- (i) When you have completed the required period of supervised legal practice (usually two years), you may make an application to have this statutory condition removed from your practising certificate. An application must be made by way of a statutory declaration addressing the Supervised Legal Practice Guidelines, which can be accessed in the [Forms Directory](#).

### AND

- (ii) You must also successfully complete a Practice Management Course<sup>2</sup> through an accredited provider prior to submitting an application for a principal practising certificate.

The following course providers have been accredited. Visit the Legal Practice Management Course<sup>2</sup> page on their website for their next available course.

- [The Law Society of NSW](#)
- [The College of Law](#)
- [FMRC](#)
- [UNSW EDGE](#)

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

## STEP 2

### Think about it first

- (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 (ULP)**<sup>3</sup> form, which can be accessed in the [Forms Directory](#).

### AND

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

## STEP 4

### Make sure you hold a ‘principal’ practising certificate

- (i) If you hold a NSW practising certificate that is not a principal practising certificate you need to complete a Variation Application form to practice as a partner, which can be accessed in the [Forms Directory](#).

### OR

- (ii) If you do not hold a current practising certificate, complete the application form for the grant of an Australian practising certificate to practise as a principal which can be accessed in the [Forms Directory](#).

## IMPORTANT

- If you are establishing a new ULP you will need to specify this on your practising certificate variation form.
- If applicable complete and return the **notification of opening a General Trust Account**, which can be accessed in the [Forms Directory](#).
- You will only be issued with your principal’s practising certificate when the Law Society has received confirmation from your professional indemnity insurer that you hold approved insurance.

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

<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) or a community legal service; or an incorporated legal practice.

<sup>2</sup> All practitioners seeking to vary their practising certificate to that of a principal must satisfy the Law Society that they have complied with Condition 3 of their practising certificate. Condition 3 requires that the holder must complete a Practice Management Course (PMC) before being authorised to engage in legal practice as a principal of a law practice. This discretionary condition is imposed pursuant s 53 *Legal Profession Uniform Law (NSW)* and Rule 16(b)(ii) *Legal Profession Uniform General Rules 2015*.

<sup>3</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** an entity 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.