

LE302*

Legal Practitioners Act 1893

Legal Practice Board Amendment Rules 1998

Made by The Legal Practice Board under section 6.

1. Citation

These rules may be cited as the *Legal Practice Board Amendment Rules 1998*.

2. The rules amended

The amendments in these rules are to the *Legal Practice Board Rules 1949**.

[* Reprinted as at 26 May 1997.]

3. Rule 20 amended

After rule 20(a) the following paragraph is inserted —

“

- (aa) a copy of an agreement between the applicant and the practitioner to whom the applicant is to be articulated that sets out the conditions on which the applicant will be employed during his or her articles;

”.

4. Rule 21 amended

Rule 21 is amended by deleting “and the deed of assignment, substantially in the form of Form E in the Schedule, is to be attached to the application.” and inserting instead —

“

and is to be accompanied by —

- (a) a deed of assignment substantially in the form of Form E in Schedule I; and
- (b) a copy of an agreement between the articulated clerk and the practitioner to whom the articles are to be assigned that sets out the conditions on which the clerk will be employed during the remainder of his or her articles.

”.

5. Rule 22 amended

Rule 22 is amended as follows:

- (a) by inserting before “If” the subrule designation “(1)”;
- (b) at the end of the rule by inserting —

“

- (2) An application under subrule (1) is to be accompanied by —

- (a) a signed deed of articles of clerkship substantially in the form of Form A in Schedule I; and
- (b) a copy of an agreement between the articulated clerk and the practitioner to whom the clerk is to be articulated that sets out the conditions on which the clerk will be employed during his or her articles.

”.

6. Rule 22A inserted

After rule 22 the following rule is inserted —

“

22A. Conditions of employment of articulated clerk

Without limiting the conditions of employment that can be agreed upon under rule 20(aa), 21(b) or 22(2)(b), the

matters set out in Schedule 2 must be dealt with in those conditions.

”.

7. Rule 25A inserted

After rule 25 the following rule is inserted —

“

25A. Conduct of principals

A principal is to —

- (a) ensure that his or her articled clerk is provided with —
 - (i) an appropriate working environment; and
 - (ii) proper supervision and instruction;
- (b) ensure that his or her articled clerk is not required to carry out duties that are not related to the principal’s practice or to the practice of law generally; and
- (c) comply with the proper standards of the legal profession in relation to dealing with articled clerks.

”.

8. Various rules amended

- (1) In each place listed in the Table to this rule “the Schedule” is deleted and the following is inserted instead —

“ Schedule 1 ”.

Table

rule 20(a), (b) and (c)	rule 55
rule 21 (where it first occurs)	rule 56
rule 22	rule 57E
rule 25(2)	rule 61 (in both places)
rule 39(a) and (d)	rule 66(b)
rule 52	rule 72
rule 53(1)(c)	rule 77(b)
rule 54	

- (2) Rule 101(1) is amended by deleting “the form in the Schedule to this Part” and inserting instead —

“ Form AA in Schedule 1 ”.

9. Schedule amended

- (1) The Schedule is amended by deleting the heading “The Schedule Referred to” and inserting the following heading instead —

“ **Schedule 1 — Forms** ”.

- (2) Clause 3 in Form A in the Schedule is amended as follows:

- (a) after paragraph (a), by deleting “and”;
- (b) after paragraph (b) by deleting the full stop and inserting instead —

“

;

and

- (c) ensure that the Articled Clerk is given exposure to as many different areas of law practised by the Principal as is practicable.

”.

10. Schedule 2 inserted

At the end of the rules the following Schedule is inserted —

“

Schedule 2 — Conditions of employment

[rule 22A]

- Date of commencement of employment and remuneration
- Duration of employment
- Rate of pay
- Hours of work
- Facilities to be provided (office space, support staff etc.)
- Nature of work to be undertaken by articled clerk
- Extent and nature of supervision to be provided
- Articles Training Program and continuing legal education —
 - whether time spent attending is to be made up, is to be taken as annual leave, is to be taken as unpaid leave, etc.
 - whether cost to be paid by principal or articled clerk
- Payment of fees (e.g. practice certificate, Law Society membership etc.) — whether to be paid by principal or articled clerk
- Holiday entitlements (including annual, sick, parental and study leave)
- Time and billing budgets
- Performance and salary review procedures

- Dispute resolution procedure
- Dress code

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