

SPECIALIST  
ACCREDITATION  
SCHEME

INFORMATION  
FOR ACCREDITED  
SPECIALISTS



THE LAW SOCIETY  
OF NEW SOUTH WALES



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## For further information, specialists should contact:

Anita Khosla, Business Manager

Email: [anita.khosla@lawsociety.com.au](mailto:anita.khosla@lawsociety.com.au) Phone: (02) 9926 0347



## 1 Becoming accredited for the first time

### What fees do I have to pay?

Having passed the Specialist Accreditation assessments, a practitioner is eligible to become accredited on payment of the accreditation fee (generally set annually at 50% of the full accreditation fee and advised at the same time as notification of the assessment results).

Fees are payable to the Law Society of New South Wales either by cheque or via credit card.

### Do I have any Continuing Legal Education (CLE) obligations at this point?

Newly Accredited Specialists are required to complete 5 points of CLE between November and 31 March the following year in the area of accreditation.

## 2 Renewal of Accreditation

### What is the Specialist Accreditation renewal period?

All Accredited Specialists must renew their accreditation annually. The Specialist Accreditation year runs from 1 April to 31 March.

Renewal forms will be sent to all Accredited Specialists from February each year for completion and return by the nominated date.

### What are the reaccreditation requirements that I need to satisfy?

Each year specialists are required to renew their accreditation, to ensure that the highest standards are maintained for ongoing recognition.

To maintain the required standard for accreditation, you need to satisfy each of the following criteria:

- Hold a current solicitor's practising certificate
- Be a solicitor member of the Law Society of New South Wales or be a full solicitor member of an equivalent body in an Australian state or territory body
- Maintain a substantial involvement in your area of specialty, of not less than 25% of total practice of a solicitor engaged in normal full-time practice or equivalent (For Accredited Specialists in Mediation, this means not less than 10 mediations or 30 hours of mediation as a mediator using the Law Society mediation model)
- Undertake 10 additional hours of continuing legal education (CLE) in your specialty area, and maintain records as proof of your additional study
- Pay an annual accreditation renewal fee

#### Please note that:

1. The definition of a solicitor can be found in Section 4 of the *Legal Profession Act (NSW) 2004*
2. Practitioners who move from solicitor practice to the Bar after 1 January 2009 cannot reaccredit their specialist accreditation.
3. The Board is currently reviewing its policy in relation to adverse conduct issues when assessing applications for renewal.



In addition to requiring that practitioners applying for reaccreditation to the Scheme meet the eligibility criteria, it is expected that practitioners will be of good standing and without any findings of adverse conduct by any Regulatory or Law Enforcement Agency/Authority. Regulatory or Law Enforcement Agencies/Authorities include, but are not limited to :

- a) The Office of the Legal Services Commissioner;
- b) The Law Society of New South Wales, or an equivalent body; and
- c) Any Court or Tribunal.

For the purposes of reaccreditation, an adverse conduct finding means:

- a finding by a Court or Tribunal of unsatisfactory professional conduct or professional misconduct; or
- a decision by a Regulatory or Law Enforcement Agency/Authority to refer the member or applicant to a Court or Tribunal;
- a finding against the member or applicant by a Regulatory or Law Enforcement Agency/Authority resulting in the imposition of a caution or reprimand on that person; and/or
- any other finding, allegation or matter involving the member or prospective member which, in the view of the Board, would likely bring the Scheme into disrepute.

Where a practitioner is found to be the subject of an adverse conduct finding during the reaccreditation process, or during the accreditation year, the Law Society's Professional Standards Department will verify the nature of the finding and the available information will be submitted to the Board for consideration. The Board may also seek information from the practitioner, and must seek such information if it is considering refusing or withdrawing accreditation.

### **In order to renew, what are my CLE obligations?**

The continuous learning and building of knowledge and expertise in an area of speciality is at the heart of the program, and the CLE requirement seeks to maintain quality. Training in skills is just as important as knowledge training.

To be eligible for renewal, specialists are required to complete 10 units of CLE by 31 March each year. The units should be in their specialist area and are in addition to any Mandatory Continuing Legal Education (MCLE) / Continuing Professional Development (CPD) units required for renewal of a practising certificate.

The Specialist Accreditation Board does not accredit CLE courses or providers. The system is based on self-assessment which requires individual practitioners to determine the number of units for which he/she will claim credit for an activity. Credit can only be claimed for an education activity that is relevant to the area of speciality.

The College of Law offers *Annual Specialist Accreditation Conferences*. For more information, please visit the College of Law website at [www.collaw.edu.au](http://www.collaw.edu.au)



## How can I calculate my required CLE points?

The following activities are eligible for inclusion in calculation of CLE points. Please note a quarter of a unit is the minimum fraction available.

Activity	Number of Points
Seminars, lectures and workshops – including on-line seminars	1 point per hour of attendance excluding refreshment breaks
Presentations – research and writing	1 point per hour (to a maximum of 5 points for each presentation)
Presentations – presenting seminars	1 point per hour of the presentation
Video and audio tapes	1 points per hour (maximum of 5 points per year)
Committee work (Law Society or Young Lawyers policy committees)	Maximum of 3 points per year
Committee work (Specialist Accreditation Advisory Committees)	10 points per year of membership
Publications	1 point for every thousand words of an article published in a legal publication to a maximum of 5 points

If a specialist has more than one accreditation, 10 points must be acquired in each area of practice. Please note that under no circumstances can CLE points be counted twice.

## What if I do not meet the renewal requirements?

Accredited Specialists who have problems fulfilling the substantial involvement or CLE requirements may apply to the Board for the exercise of its discretion.

An exemption may be granted where a significant change in work practices has not allowed a specialist to maintain a 25% involvement in their practice area.

This request will proceed in the following two methods:

### (1) For specialists who are solicitors with a significant change in work practices

1) The specialist must make a written application outlining their reasons for seeking an exemption and provide precise dates of leave from or changes in normal employment (which must be less than 1 year).

2) The applicant must indicate that they have maintained the required 10 CLE points, notwithstanding their reduced substantial involvement in the area on the basis of the principle that CLE is a means of maintaining contact with the area of law despite short term reduced level of involvement in that area.

3) If the period affected by the exemption request is confirmed as less than 1 year and CLE has been maintained then the specialist is deemed to have been on a constructive leave of absence. If the period is longer than 1 year only the Board can determine the exemption.

OR

### (2) For specialists who have moved into full-time academia.

1) The specialist must make a written application outlining their reasons for seeking an exemption, how they have maintained substantial involvement in their area of



accreditation as an academic and provide precise dates of changes in normal employment (which may be for 1 year or more).

2) The applicant must indicate that they have maintained the required 10 CLE points, notwithstanding their substantial involvement in the area is now as an academic (and not as a full time solicitor) on the basis of the principle that CLE is a means of maintaining contact with the area of law despite reduced level of involvement in that area.

3) Board's discretion will be required annually for specialist's who have move into full-time academia in their area of accreditation to renew their specialist accreditation.

An extension of time to complete CLE points may be granted in the following circumstances:

- Extenuating circumstances (such as an accident that has resulted in a serious injury being sustained) that have prevented the completion of the additional 10 CLE points required to maintain accreditation, or
- Where there are no extenuating circumstances, but the specialist is booked in to attend planned seminars and conferences and so will complete the required CLE units for the previous year within 3 months of the closing date for renewal applications

A request for an extension of time for completion of reaccreditation requirements will proceed in the following manner:

- 1 An extension of time to complete the required CLE points will be granted to specialists to accommodate extenuating circumstances or to accommodate the timing of planned and confirmed seminar attendances, as long as the period sought is no more than 3 months after the closing date for reaccreditation.
- 2 The specialist will be required to notify Specialist Accreditation administration upon completion of the CLE and may not include that CLE in meeting the requirements for the following CLE year.

Once a decision has been made on the requests for either an extension or an exemption, the specialist will be sent written confirmation of the outcome and any actions required.

If it is intended that the circumstances that led to the need for an exemption or extension will continue into the future, the specialist is able to make application for a Leave of Absence for up to two years. The Board's approved leave of absence policy is discussed under *Section 3 Leave of Absence from the Scheme* (next page).

### **What is the renewal fee?**

The annual renewal fee applies for each area of specialty for which a practitioner holds accreditation and is set annually. For sole practitioners and government solicitors a 20% discount fee is available for each area of accreditation.

Fees are payable to the Law Society of New South Wales either by cheque or credit card.



## 3 Leave of Absence from the Scheme

### What is leave of absence?

A leave of absence from the Scheme is available to help specialists accommodate a short term or temporary change in situation, such as maternity leave, practice interstate or overseas or a change in practice focus.

Leave is available for an initial period of up to 2 years (period to be specified by the specialist) and will be determined by the Business Manager, Specialist Accreditation on behalf of the Board.

Leave will generally be for a full 12 month period from April to March the following year, except where there is a special case for part-year leave.

### How can I request a period of leave?

Application for a leave of absence must be made in writing, outlining the reasons for seeking the leave.

In order to be eligible for a leave of absence, the specialist must have complied with any existing requirements for accreditation. This may include application for an exemption or extension as outlined previously. If CLE has not been completed, at the time of the request for leave, any remaining units may be added as a condition of reinstatement.

The specialist will be sent written confirmation once a decision has been made.

### What are my obligations once I am granted leave of absence?

Specialists are able to apply for leave for the following periods to a maximum of 2 years.

If the leave of absence is for **less than 12 months**, the specialist is exempt from all renewal requirements for the duration of their period of leave. Upon return from leave the specialist will be required to pay an accreditation fee calculated on a pro rata basis.

If the leave of absence is for a **12 month period**, the specialist is;

- exempt from showing substantial involvement,
- exempt from payment of renewal fees, and
- exempt from undertaking the required 10 CLE points.

If the leave of absence is for **more than 12 months**, specialists are;

- exempt from showing substantial involvement,
- exempt from payment of renewal fee, and
- required to undertake 10 CLE points in the second 12 months.

Specialists on a leave of absence are considered to have an inactive accreditation, and are therefore not permitted to hold themselves out as Accredited Specialists, and will be removed from the register of Accredited Specialists.



## What if I need an extension to my leave of absence?

Any leave of absence longer than two years is to be considered by the Board. One further period of 12 months leave may be considered. However, the Board will only approve such a 12 month extension of leave where:

- the practitioner has maintained a practising certificate during the initial 2 year period of leave, and
- the practitioner commits to undertaking 10 points of CLE in that area of law during the additional 12 month leave of absence or to undertake 20 CLE points in the 12 months following return from leave.

The practical effect of the upper limit of these years is that a practitioner can no longer be accredited after 3 years absence and must withdraw from the Scheme.

They may later seek consideration for re-entry by following the process for applying for re-entry to the scheme as outlined in *Section 4 Cancellation or Withdrawal from the Scheme*.

## What reinstatement process do I follow on my return from leave?

The Specialist's accreditation(s) is suspended upon approval of the leave application, with reinstatement upon advice of return to normal practice *within the leave period allowed*; subject to:

- Current practising certificate,
- Current solicitor member of the Law Society of New South Wales or a full member of an equivalent organisation in Australia,
- Payment of the necessary reaccreditation fee (calculated on a pro rata basis), and
- Completion of any required CLE units (before the end of the stipulated leave period allowed).



## 4 Cancellation or Withdrawal from the Scheme

### What if I do not notify the Scheme of my return from a period of leave or renew my accreditation?

If a specialist does not notify the Board of their intentions by the end of the leave period or does not respond to communication from the Specialist Accreditation Department relating to renewal, their accreditation will be cancelled. Cancellation will be confirmed in writing.

### What if I wish to return to the Scheme after my accreditation has been withdrawn or cancelled?

Any specialist wishing to return to the Scheme following withdrawal or cancellation must:

- Make written application to the Board,
- Provide clear evidence that substantial involvement in the area of accreditation has been maintained, and
- Meet the renewal eligibility criteria.

Additionally, if the former specialist has not held an active accreditation for two years or more, a 'core competencies interview' must be undertaken. The 'core competencies interview' is similar to the Peer Interview assessment undertaken as part of the accreditation assessments in some areas of law.

The 'core competencies interview' will proceed in the following manner.

- Two members of the relevant Advisory Committee will conduct the 'core competencies interview', to ascertain whether the former specialist still has the skills to practice as a specialist.
- If the interviewers are satisfied as to the competency of the former specialist, a recommendation will be made to the Board to reinstate the specialist with no further tasks to be undertaken.
- If the former specialist is assessed as not having the skills to practice as a specialist, their accreditation will not be reinstated, and if they wish to become an Accredited Specialist in the selected area they will need to re-apply for assessment the next time that area of practice is offered as part of the Accreditation program.

Once a decision has been made, the specialist will be sent written confirmation of the outcome and any actions necessary.

#### Please note that:

Should any specialist wishing to return to the Scheme following withdrawal or cancellation, and they don't meet the conditions mentioned, the application will be taken to the Board for determination.



## 5 Maximising benefits of accreditation

Successfully gaining specialist accreditation is a significant achievement and should be promoted. There are a number of possibilities open to you that can expand your practice and give you the opportunities to promote your accreditation.

To make the most of all these potential opportunities you are going to need to market your accreditation status. You need to let people know the services you offer and the benefits you bring.

Here are some suggestions on the activities that you may consider when wanting to promote your accreditation status, including:

- Display your certificate
- Register with the Solicitor Referral Services (SRS)
- Apply your post-nominals
- Use the Specialist Accreditation logo
- Consider attending the annual College of Law's Specialist Accreditation Conference
- Join a Specialist Accreditation advisory committee for your relevant area
- Register with the Law Society's speakers bureau

### Certificate

The Specialist Accreditation certificate is an immediate means of identification and promotion. We recommend that all specialists display it as evidence of accreditation.

A replacement certificate can be arranged for a nominal fee of \$25.00 (GST included), please contact the Specialist Accreditation on (02) 9926 0305 or via email at [specialists@lawsociety.com.au](mailto:specialists@lawsociety.com.au).

### The Law Society's Solicitor Referral Service

The Solicitor Referral Service is a free service offered by the Law Society for its members who are registered with the Service. People who are looking for a solicitor contact the Service and the Service aims to match the caller's need for legal advice or representation with the most suitable firm in their area who is registered with the Service on an agreed costs basis. All Accredited Specialists are encouraged to register with this service.

To register with the Solicitor Referral Service please email [ereferral@lawsociety.com.au](mailto:ereferral@lawsociety.com.au) or call 02 9926 0300.

### The post-nominals

The use of a post-nominal (i.e. the abbreviated form of a person's qualifications) is an easy way to promote your accreditation status. The Specialist Accreditation Board recommends that specialists use the accreditation in full, for example, Mary Smith Accredited Specialist, Family Law or the following post-nominals:

Acc Spec (Adv)	Acc Spec (Advocacy)
Acc Spec (Bus)	Acc Spec (Business)
Acc Spec (Bus & Pers Tax)	Acc Spec (Business & Personal Tax)
Acc Spec (Child Law)	Acc Spec (Children's Law)



Acc Spec (Crim)	Acc Spec (Criminal)
Acc Spec (Comm Lit)	Acc Spec (Commercial Litigation)
Acc Spec (Empl & Indus)	Acc Spec (Employment & Industrial)
Acc Spec (Fam)	Acc Spec (Family)
Acc Spec (Immig)	Acc Spec (Immigration)
Acc Spec (Loc Govt & Plan)	Acc Spec (Local Government & Planning)
Acc Spec (Medtn)	Acc Spec (Mediation)
Acc Spec (Pers Inj)	Acc Spec (Personal Injury)
Acc Spec (Prop)	Acc Spec (Property)
Acc Spec (Wills & Est)	Acc Spec (Wills & Estates)

### **The College of Law's Specialist Accreditation Conference**

The College of Law offers *Annual Specialist Accreditation Conferences*.

The conferences are designed to enable Accredited Specialists to meet their peers and to provide an opportunity for Specialists to access higher level education in their area of practice.

For more information, please visit the College of Law website at [www.collaw.edu.au](http://www.collaw.edu.au).

### **Law Society's Speakers Bureau**

The Speakers Bureau is a community service program which offers solicitors the opportunity to provide pro bono legal talks to community groups and secondary schools.

The Speakers Bureau aims to provide a friendly and informal environment for the public to learn about the law. The talks generally last for one hour, consisting of a 20 to 30 minute talk by the presenter, with the remaining time for questions or open discussions.

The Speakers Bureau not only offers a unique public legal service in the State, it is also a successful public relations tool for the legal profession, one which can effectively promote a solicitor in their local area.

If interested in registering please visit the Law Society's website at [www.lawsociety.com.au/sbregister](http://www.lawsociety.com.au/sbregister) and complete the online form.

### **Website**

As an Accredited Specialist your specialisation is added to the Law Society website. However, if you do not wish to have your details publicised as an Accredited Specialist please contact the Specialist Accreditation Department on (02) 9926 0305 or via email at [specialists@lawsociety.com.au](mailto:specialists@lawsociety.com.au).



## Advanced Standing for further study

As an Accredited Specialist you have the opportunity to seek advanced standing into coursework programs at a number of educational institutions in New South Wales. To find out more please contact the Specialist Accreditation Department via email at [specialists@lawsociety.com.au](mailto:specialists@lawsociety.com.au).

## Specialist Accreditation Branding

Use of the Specialist Accreditation logo is a simple and effective way to promote your accreditation. The symbol is well recognised and is used by all Australian jurisdictions that offer accreditation.

### Advertising rules and guidelines

All Accredited Specialists, as solicitors practising in NSW, must adhere to obligations under the *Legal Profession Act 2004* (NSW) in relation to advertising, including that advertising must not be of a kind that might reasonably be regarded as false, misleading or deceptive.

Accredited Specialists are also required to adhere to the following Specialist Accreditation Board guidelines:

- Accreditation is the achievement of an individual practitioner and not their firm at large and any advertising or promotional material should reflect this.
- Specialists are encouraged to use the accreditation logo for business development and marketing or promotional purposes.
- Only Accredited Specialists who have renewed their accreditation, on an annual basis, are able to advertise or promote their accreditation and themselves as an Accredited Specialist.
- The logos and design are owned by the Board and can not be altered in any way.
- The Specialist Accreditation logo (generic and specific) used must be in the form approved by the Specialist Accreditation Scheme and must not be altered in any way (other than resizing it with proportions remaining the same).
- The logo should be positioned clearly and prominently, there should be maximum amount of clear space around the logo. It is also recommended that the minimum size of the logo to be 20mm, this is to ensure that the text prints clearly.
- If the logo is produced in blue and black, it must be printed using the official Specialist Accreditation blue tone, PMS 285.
- The logo can also be printed in black; or grey and black.
- It is recommended that current specialists use their accreditation in full, for example John Doe Accredited Specialists, Criminal Law or (the approved post nominal, in this case being) Acc Spec (Criminal Law).
- A specialist, who is on a leave of absence, has their name removed from the register of Accredited Specialists, until such time as they are reinstated. They are requested to refrain from holding themselves out as an Accredited Specialist during the leave period.



## Logo types

There are two different types of logos available for use. They are:

1. A **generic** Specialist Accreditation logo is available in the following 2 formats:



2. **Specific** logos describing the area of law in which a specialist is accredited, are also available in the following formats:



## Downloading the logos

The generic logo can be viewed in PDF or downloaded in EPS format from the website. However, if you require specific area logos please email us at [specialists@lawsociety.com.au](mailto:specialists@lawsociety.com.au).

## Guidelines

These guidelines have been created to assist graphic designers and other office administrators in the production of Accredited Specialists marketing material.


A copy can be downloaded from:

[www.lawsociety.com.au/ForSolicitors/Education/specialists](http://www.lawsociety.com.au/ForSolicitors/Education/specialists)  
under *Marketing your accreditation*

## Here are some suggestions on how to apply the logo and post-nominals to your specific work situation:

If you are the only specialist at your firm, you should use the specific logo, simply making sure you place the appropriate post nominal after your name. Here is how this may work for both letterhead and business cards:

### Letterhead



Smith & Jackson


**Solicitors**  
88 Phillip Street  
Walget NSW 0202  
Telephone (052) 02020  
Facsimile (052) 012121

**Partners**  
John Smith LLB. Acc Spec (Fam)  
Beryl Jackson LLB.

Use the **specific** Family Law logo.

Post-nominals after Smith's name.

If there is more than one specialist in the firm, covering more than one specialty, it is recommended that the generic logo be used, with the appropriate post nominals. For example:



Smith & Jackson

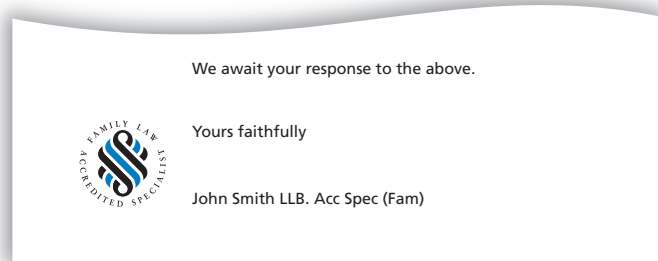
**Solicitors**  
88 Phillip Street  
Walget NSW 0202  
Telephone (052) 02020  
Facsimile (052) 012121

**Partners**  
John Smith LLB. Acc Spec (Fam)  
Beryl Jackson LLB. Acc Spec (Com)

Use the **generic** Specialist Accreditation Logo.

Appropriate post-nominals.

If you are a specialist in a large firm, you may find it preferable to use the logo next to your sign-off at the bottom of a letter, where it may be easier to incorporate than in the letterhead. Alternatively, you can use the general logo with the statement: 'We have Accredited Specialists in...' with the areas of specialisation within the firm listed.



We await your response to the above.

Yours faithfully

John Smith LLB. Acc Spec (Fam)

### Business Card



Smith & Jackson

**Solicitors**  
88 Phillip Street  
Walget NSW 0202  
Telephone (052) 02020  
Facsimile (052) 012121

**John Smith LLB.**  
Acc Spec (Fam)

Where Smith is the only Accredited Specialist the **specific** Family Law logo is used.



## Responsible use of the Specialist Accreditation brand

It is important to remember that accreditation is the achievement of an individual practitioner and not their firm at large and any advertising or promotional material should reflect this. Members of the profession and community are justifiably frustrated and concerned by practitioners who have not obtained Specialist Accreditation from the Law Society holding themselves out as specialists or experts (or similar).

If you come across specialists who are either using the Specialist Accreditation branding incorrectly or misrepresenting themselves please bring it to the attention of the Business Manager, Specialist Accreditation in writing.

However, it is important to note that any action by the Law Society is limited only to unauthorised use by a practitioner of terms such as "Accredited Specialist" and the corresponding post-nominals and logo. Unfortunately, the use of general terms such as specialist and expert are outside our ambit, as they are a more general indication of expertise in a particular field and may in fact be legitimately used by persons who have a wealth of experience in that field but (for whatever reason) have not felt it necessary to obtain Specialist Accreditation from the Law Society.

### For Personal Injury Accredited Specialists

(Please note: Clauses 23 to 40 of the *Legal Profession Regulation 2005* and clauses 74 to 80 of the *Workers Compensation Regulation 2003* effectively prohibit practitioners' advertising of personal injury services).

Personal Injury specialists, please keep in mind that there are **special restrictions** on advertising personal injury services which apply to Accredited Specialists with regard to advertising and the use of the logo. Advertising accredited speciality in Personal Injury can only be by means of:

- An entry in a practitioner directory that states only the name and contact details of the practitioner and any area of practice or accredited speciality of the practitioner. 'Practitioner directory' means a printed publication, directory or database that is published by a person in the ordinary course of the person's business (and not by the barrister or solicitor concerned or a partner, employee or member of the practice of the barrister or solicitor). The Law Society and the OLSC take the view that the Yellow Pages does not qualify as a 'practitioner directory' as defined, or
- A sign displayed at a place of business of the practitioner that states only the name and contact details of the practitioner and any accredited speciality of the practitioner, or
- An advertisement on an Internet website operated by the practitioner, the publication of which would be prevented solely because it refers to personal injury or personal injury legal services in a statement of accredited speciality of the practitioner.
- Accredited Specialists' advertising of their Personal Injury speciality on the Internet is limited to a statement of that speciality. It does not allow for any other detail of the practitioner's areas of work, experience or expertise.

### For Sole Practitioners who are Accredited Specialists

If you are a sole practitioner and the firm name is your name and you do not employ other lawyers, you can use the logo on the home page of your website or on your letterhead (without your name appearing right next to the logo).

If you are a sole practitioner and you employ other lawyers and/or the firm name is not your name, the logo may only appear next to your name as the individual who is the accredited specialist.



**Specialist Accreditation**  
The Law Society of NSW  
170 Phillip Street  
Sydney NSW 2000  
DX 362 Sydney  
**Telephone 02 9926 0383**  
[www.lawsociety.com.au](http://www.lawsociety.com.au)



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