

2012/2013 SPECIALIST ACCREDITATION RENEWAL - SUPPLEMENTARY NOTICE

APPLICATION AND PAYMENT DUE 1 APRIL 2012

Renewal of Accreditation

If you propose to continue to practice as an accredited specialist from 1 April 2012 - 31 March 2013, you will need to submit the attached 2012/2013 accreditation renewal application form and associated payment **no later than 1 April 2012**. For more information on any of the points below, please refer to *Information for Accredited Specialists* available for download from the Specialist Accreditation website (<http://www.lawsociety.com.au/specialists>).

The Application Form

The application form is populated with your current practice details as they appear in the Law Society's Registry. Please amend these details if they are no longer correct.

The Fees

Note that the annual accreditation fee remains at \$364 (including GST) for each area of the law, and that a discounted fee (\$291 including GST) applies to sole practitioners and government solicitors. A sole practitioner is defined as a solicitor who is the sole principal or sole director of their law practice. The discount does *not* apply to employees of sole practitioners.

New policy in relation to Adverse Conduct

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 specialist to a Court or Tribunal;
- a finding against the specialist 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 specialist 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.

Update to policy in relation to not meeting 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

- 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).

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- 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.
- 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.

- 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 maybe for 1 year or more).
- 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.
- 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.

Compliance with Compulsory Legal Education (CLE) Requirement

It is important that you provide details of the additional CLE points that have completed as this is a requirement for reaccreditation. For those practitioners who are being reaccredited for the first time, proof of 5 CLE points undertaken between November 2011 and April 2012 will be required.

For all others, 10 CLE points are required in the period 1 April 2011 to 31 March 2012. For more information on the calculation of CLE points, please refer to (page 5) *Information for Accredited Specialists* available for download from the Law Society website <http://www.lawsociety.com.au/specialists>

Leave of Absence

If you do not wish to renew your accreditation for this year because you will be working overseas, interstate or are on leave from employment for an extended period, you are eligible to apply for a Leave of Absence from the Scheme. Please see the *Information for Accredited Specialists* for more information regarding Leave of Absence. All requests for Leave of Absence must be submitted in writing to be considered by the Specialist Accreditation Business Manager. Requests should be submitted by **1 April 2012**.

Withdrawal from the Scheme

If you do not wish to renew your accreditation and do not propose to seek a leave of absence please return your form with your reasons for not reaccrediting so that we can ensure that our records are correct and continue to improve the Scheme for our specialists.

Deemed Accreditations

The concept of a "deemed" accredited specialist was fundamental to the formation of the Specialist Accreditation Scheme for the following reasons:

1. It allowed senior practitioners to be recognised for their skill and expertise in a particular area of practice.
2. By necessity the inaugural advisory committee members were unable to undertake the examinations as soon as they were offered.
3. By deeming the inaugural members of the advisory committees to be specialists, those practitioners obtained the necessary visible qualification to build the assessment side of the Scheme.

The deemed specialist can ONLY maintain their accreditation for as long as they remain members of the relevant Advisory Committee and continue to meet all the renewal requirements (including payment of the fee).