



PRACTISING IN NSW UNDER THE UNIFORM LAW

LIABILITY OF PRINCIPALS

Responsibilities and liability of principals under the Uniform Law

If a law practice contravenes, any provision of the Uniform Law or the Rules imposing an obligation on the law practice, a principal of the law practice is taken to have contravened the same provision if:

- the principal knowingly authorised or permitted the contravention; or
- the principal was in or ought reasonably to have been in a position to influence the conduct of the practice in relation to the contravention and failed to take reasonable steps to prevent the contravention.

Any finding against a principal in these circumstances does not affect any liability of the law practice or any other person for the contravention.

There is also a responsibility¹ on each principal of a law practice to ensure that reasonable steps are taken to ensure that-

- (a) all legal practitioner associates of the law practice comply with their professional obligations including their obligations under the Uniform Law and the Rules; and
- (b) the legal services provided by the law practice are provided in accordance with the Uniform Law and the Rules.

A failure by a principal to uphold that responsibility may amount to unsatisfactory professional conduct or professional misconduct.

Further Information

LSJ article December 2016 by Frances Moffitt, Regulatory Compliance Solicitor at the Law Society - "Principals: Why it's so important to set the right tone".

For further assistance or information please contact:
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¹ Legal Profession Uniform Law (NSW) s34