The Law Society
OF NEW SOUTH WALES

A quick guide to Supervised Legal Practice

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What is Supervised Legal Practice (SLP)?

SLP is a statutory condition (condition 2) imposed under **s. 49** of the *Legal Profession Uniform Law (NSW)* (**Uniform Law**) on every first Australian practising certificate (**PC**) issued by the Council of the Law Society of New South Wales (**the Council**).

A legal practitioner must **only** engage in SLP until they have completed the statutory period of SLP and the condition is removed from their PC.

24
months

For most practitioners, the statutory period of SLP is 24 months of full-time legal practice or equivalent worked on a part-time basis.

What does SLP seek to achieve?

The start of a practitioner's legal career is critical to their future success in the profession. SLP should be a positive experience that can help improve career prospects and longevity in the profession.

Good SLP benefits the supervisor in the following ways:

	Fulfil their own statutory and professional obligations
	Engender employee satisfaction and wellbeing, leading to better staff retention
	Create and cultivate a collaborative workplace environment
	Model good behaviours of all legal practitioners, both professionally and personally
	Establish good risk management processes
	Improve client satisfaction and retention
	Build the reputation of the department or law practice within the community

Good SLP benefits the supervisee in the following ways:

	Build confidence and learn practical skills to become a better legal practitioner
	Develop management and supervisory skills to support their own career progress
	Positively contribute to the reputation and profitability of the law practice
	Minimise the risk of professional negligence claims
	Build the confidence to assume greater responsibility
	Develop exemplary professional and personal behaviours
	Contribute in a positive way to the reputation of their chosen profession and the administration of justice

Who is authorised to supervise?

Only the holder of a PC that is not subject to condition 2 or any other discretionary condition preventing them from supervising others.

Section 47(6) of the Uniform Law and Rule 7 of the *Legal Profession Uniform General Rules 2015* provide guidance on SLP.

Does SLP have to be completed all at once?

- SLP can be:
  - completed over one or more periods; or
  - worked on a full-time or part-time basis, provided it is equivalent to the full-time statutory period.
- Public holidays and normal periods of annual leave taken during a relevant period are included as days of SLP, whether or not the practitioner engaged in legal practice on those days.

What standard of SLP is required?

Rule 37 of the Australian Solicitors' Conduct Rules 2015 provides:

> *'[a] solicitor with designated responsibility for a matter must exercise reasonable supervision over solicitors and all other employees engaged in the provision of the legal services for that matter.'*

There is no definition of 'reasonable supervision' in the Uniform Law. Much will depend on the individual circumstances. However,

> *"A practitioner should properly supervise all legal professional work carried out on their behalf. Vicarious liability aside, a practitioner's legal and fiduciary duties to a client are not avoided or reduced by delivering that client into the care of an employee, whether or not that employee is legally qualified. The supervision required, however, varies according to the employee's experience, qualifications and role, and with the type and complexity of the work".*

Good SLP is much more than an 'open door policy'

An open door policy alone does not make an SLP framework.
It needs more active participation and can be achieved through:

- the enforcement of robust and effective compliance and management systems; and
- guidelines and tools appropriate for the particular practice.

It is essential for a supervisor to:

- ensure their position, qualifications and experience is appropriate to provide supervision;
- arrange regular support and feedback sessions; and
- **have authority over the supervisee's legal work and direct, amend, override or intervene at any time.**

Supervision should focus on:

- monitoring all legal work performed by the supervisee;
- monitoring the management of client expectations and outcomes;
- teaching new legal skills;
- guiding the supervisee;
- training in broader administrative skills vital for a successful legal practice, including time management, prioritisation, file and document management, drafting skills, and budgeting, costs and billing management; and
- teaching interpersonal skills such as managing and developing relationships, negotiation skills, dealing with opposing practitioners, dealing with counsel, and courtroom etiquette (including virtual courtroom etiquette).

Tips for a successful supervisory relationship

Supervisor		Supervisee
It's **your** responsibility to **supervise.**	**Be proactive**	Take responsibility for **your development**, and only engage in SLP.
What do **you** need to do to meet **your** responsibilities?	**Be clear about your expectations**	What do **you** need to do to meet **your** responsibilities?
Understand and teach the importance of good risk management and processes.	**Be your best risk manager**	**Learn why** good risk management is important **and follow processes.**
Supervising is not a one-way conversation. **Always be available** for ongoing discussions and support.	**It's not only about you**	Being supervised is not a one-way conversation. Ask questions, **willingly engage in ongoing discussions** with your supervisor.
An open door helps establish a positive working relationship by **welcoming questions.**	**Start with an open door**	**Appreciate the open door** - ask questions, build a positive working relationship.
Only **delegate work appropriate** to your supervisee's evolving skillset.	**Delegate properly**	Only **accept work commensurate with your evolving skills and experience.**
Make time to **provide constructive feedback** - it's vital to their learning.	**It's all about feedback**	**Receive feedback positively** - it's vital in order to learn.

Supervisor		Supervisee
Know your professional obligations.	**Be the professional**	**Discuss** your professional obligations.
Young practitioners learn by watching - being physically based in the same office for most of the time is our risk preferred approach.	**Be present**	**Learn by watching your supervisor in action** - being physically based in the same office for most of the time is our risk preferred approach.

Please see page 10 for more information on remote supervision and flexible work arrangements.

Deliver good SLP - it's in your interests. Call us if you need advice.	**Live up to your promises**	It's in your interests to **be properly supervised.** Call us if you need advice.
Be aware, and **manage all employee's wellbeing**, by managing their workload. It's all about communicating clearly and with respect.	**Mind your business**	Talk to your supervisor if you think your workload is inappropriate or your wellbeing is suffering. It's all about **communicating clearly and with respect.**

Set specific goals for review time

Agreed outcomes might include:

- applying case law and legislation;
- understanding limitations of the supervisee;
- research skills;
- becoming autonomous in self-directed learning and work;
- seeking assistance as required;
- developing supervisor self-awareness;
- developing communication skills;
- developing drafting skills;
- developing practical knowledge of areas of practice;
- developing client skills.

Remote supervision

You and your supervisor work at the same law practice/government department/company

Hybrid working arrangements have become more common. Practitioners routinely work from home, and, from their workplace. In this scenario, supervision is being undertaken remotely for some or all of the working week.

The statutory requirements for supervised legal practice have not changed despite this shift to working from home. If you and your supervisor are employed by the same law practice/government department/company, you should consider formalising a remote supervision plan that recognises how supervision accords with the statutory requirements of supervised legal practice. Those who are exclusively supervised remotely without any in person supervision, must enter into a remote supervision plan with your supervisor – this will be asked for when you apply to remove this condition. It's important that you contemplate the authority to supervise your work, that the supervisory relationship is appropriate, and, that the supervision is reasonable and relevant.

If your supervisor is located in another Australian jurisdiction to you and holds an interstate Australian practising certificate, in addition to these considerations, you will need to evidence how time zone differences were contemplated and managed to ensure effective supervision.

Your supervisor works for or is employed by a different law practice/ government department/company to you

This is an external supervision arrangement. Your supervisor must hold a principal of a law practice practising certificate, authorising them to supervise the legal practice of others.

You and your supervisor should give careful consideration as to how your supervisory arrangements comply with s 6 of the Uniform Law and rule 7 of the General Rules, and consider the Conduct Rules, particularly rules 9 and 10 with respect to confidentiality and conflicts. You should document how these provisions have been contemplated and considered, in advance of any arrangement taking place. You will be asked to evidence this if you apply to remove this condition.

Further information

The Law Society does not approve or endorse any supervision plans. We do, however, encourage you to retain a copy of your supervision plan for any future application to remove the supervisory condition from your practising certificate. Practitioners are encouraged to consider the supervision guidelines on our website.

Removing Condition 2 from a PC

When to apply?

- The Law Society strongly recommends that supervisees apply to remove their SLP condition as soon as they have completed the required statutory period.
- The Law Society expects supervisors to provide their certification willingly in order to assist it in meeting its statutory obligations.
- A supervisee who changes their place of practice should obtain certification of SLP from their supervisor before leaving. It is the supervisee's responsibility to obtain such certification for their application.
- Prospective employers of practitioners who may already have completed some or all of their SLP, should review the supervisee's certification before they commence their new role.

A PC will continue to record the holder as being subject to condition 2 until they have made a successful application to the Law Society to have condition 2 removed from their PC.

How to apply

- Applications must be made by completing and submitting the Application to remove condition 2 (supervised legal practice) online form.
- As part of this application form, applicants must:
  - Provide certification of the period of SLP by one or more of their nominated supervisors.

Applications must be supported by certification from supervisors.

If a practitioner has difficulty obtaining certification of SLP from a supervisor, please contact the Law Society Registry on 02 9926 0333 or registry@lawsociety.com.au.

A checklist

Good risk management advocates that a robust supervision framework should be in place so the supervisee and supervisor understand each other's expectations and responsibilities. The agreed remote and/or external supervision plan should, at minimum, consider and address how the following will be addressed:

- [ ] Details as to the relationship, experience and role of the supervisor/supervisee;
- [ ] Risk management strategies, policies and procedures;
- [ ] Regular and frequent meetings between the supervisor and supervisee;
- [ ] Availability of supervisor for contact at all other times with an 'open door policy';
- [ ] Supervisor having authority over and being aware of the supervisee's legal work/instructions/critical dates (i.e. cc'ing supervisor on legal work, shared calendar system, workflow management, etc.);
- [ ] Supervisor to review, provide feedback and approve all legal work before issuing (i.e. advices, correspondence, documentation, etc.); and
- [ ] How file and document sharing logistics will be managed.
- [ ] Supervisor to conduct regular file reviews.
- [ ] Supervisor to review cost recording and financial hygiene.

We're here to help

Please do not hesitate to contact us for assistance.

For SLP specific questions

Regulatory Compliance Support Unit

T: 02 9926 0115

E: regulatory.compliance@lawsociety.com.au

The Regulatory Compliance Support Unit can provide guidance to supervisees and supervisors on an anonymous or confidential basis if required.

Law Society Registry

T: 02 9226 0333

E: registry@lawsociety.com.au

The Registry can provide guidance regarding practising certificates and applications for the removal of condition 2.

Law Society website

For other support

Solicitor Wellbeing Services (SoWell) on 1800 592 296

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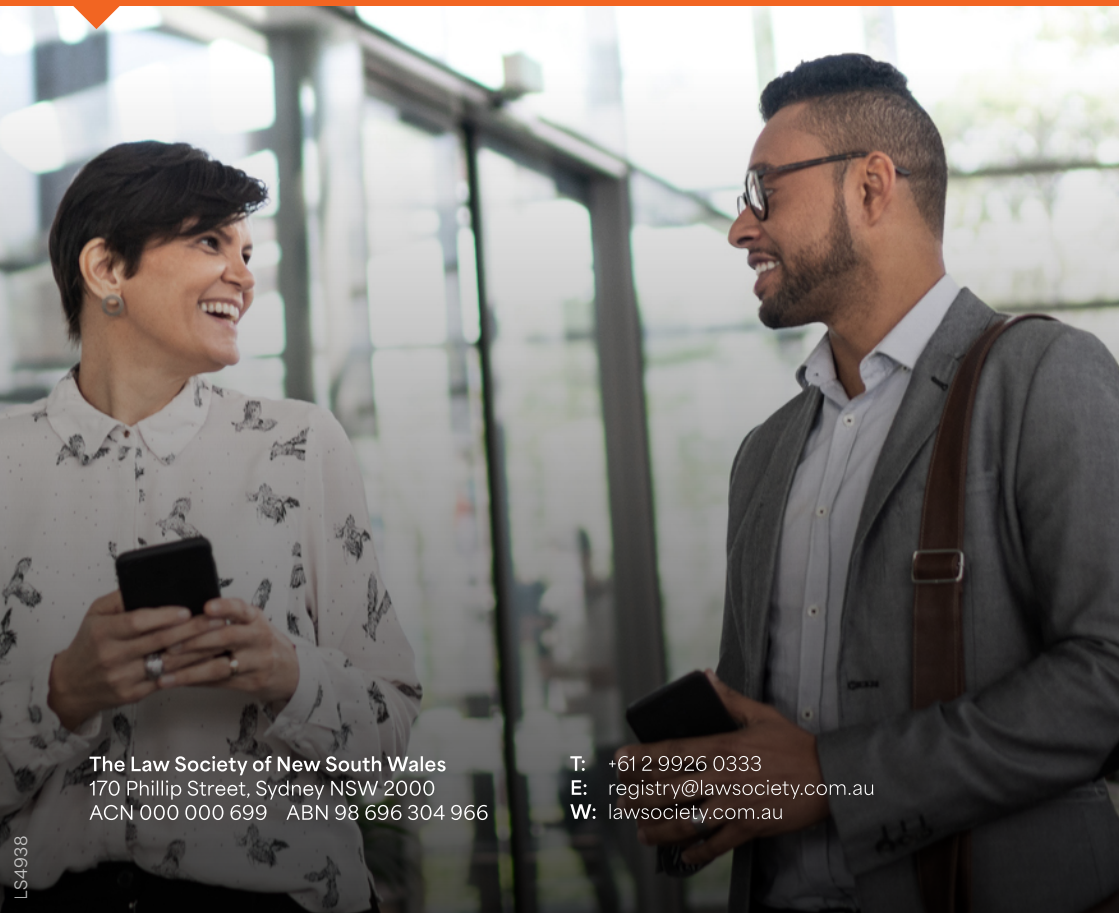

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