

LEGAL PROFESSION ACT 1987—RULE

(Solicitors' Rules)

NEW SOUTH WALES



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Amendments to the Solicitors' Rules

THE Council of the Law Society of New South Wales has resolved, pursuant to its powers under section 57B of the Legal Profession Act, to amend the Solicitors' Professional Conduct and Practice Rules, published in the Government Gazette, No. 78, on Friday 10th June 1994, in the following respects:

1. Rule 2.1.6 is revoked and, in substitution thereof, the following sub-clauses to be inserted:

“2.1.6 not less than 51% of the gross income earned by the partnership is received by:

- (i) those partners who are solicitors holding unrestricted New South Wales practising certificates, or solicitor-corporations formed, or recognised, as a solicitor-corporation under the Act; or
- (ii) persons who are relatives, as defined by section 172G (3) and (4) of the Act, or those partners who are natural persons holding unrestricted New South Wales practising certificates; or
- (iii) the trustee of a trust of which the only beneficiaries are persons referred to in paragraphs (i) or (ii).”

2. Rule 35 of the New South Wales Bar Association's Advocacy Rules within the Solicitors' Rules is revoked and, in its place, the following rule shall apply:

“35. A barrister must, when exercising the forensic judgements called for throughout a case, take care to ensure that decisions by the barrister or on the barrister's advice to invoke the coercive powers of a court or to make allegations or suggestions under privilege against any person:

- (a) are reasonably justified by the material then available to the barrister;

- (b) are appropriate for the robust advancement of the client's case on its merits;
- (c) are not made principally in order to harass or embarrass the person; and
- (d) are not made principally in order to gain some advantage for the client or the barrister or the instructing solicitor out of court."

3. Rule 37 is revoked.

4. Rule 6.2—omit the word "visual" and insert in its place the word "video". Add a new rule 6.5 as follows:

"6.5 A solicitor shall be entitled to claim one (1) MCLE unit for every hour spent in the presentation of written or oral material forming part of formal instruction within a course or program of continuing education."

Exiting rules 6.5, 6.6 and 6.7 should be renumbered 6.6, 6.7 and 6.8 respectively.
