

Barrister's Work

POLICY NUMBER	VERSION NUMBER	APPROVAL DATE
R0414-POL	2.00	28/08/2014

1. Introduction

The Law Society Northern Territory (the Society) is the regulator and licensing authority for the legal profession in the Northern Territory. The Society and the Council are committed to delivering high standards of accountability in regulatory functions. The Legal Profession Regulations (LPR) prescribe the types of practising certificates that the Society may issue and the requirements or limitations for the type of practice that a legal practitioner can engage in for each type of practising certificate.

2. Purpose

The purpose of this policy is to provide guidance and clarity to barrister legal practitioners as to the Society's view of the nature of work undertaken by a legal practitioner who holds a Barrister practising certificate, as opposed to a legal practitioner working under another practising certificate type as a barrister and solicitor. The Society will rely on this policy when considering regulatory and conduct matters pertaining to issues arising from the nature of work undertaken by a legal practitioner holding a Barrister practising certificate and compliance with the statutory requirements on that type of practising certificate.

3. Policy

The work of a legal practitioner practising in the manner of a barrister (i.e. as a barrister only) should be confined to:

- A. appearing as an advocate;
- B. preparing to appear as an advocate;
- C. negotiating for the client with opponent to compromise the case;
- D. representing the client in a mediation or case appraisal;
- E. giving legal advice;
- F. preparing or advising on documents to be used by the client or by others in the client's affairs;
- G. acting as a referee, arbitrator or mediator; and
- H. carrying out work properly incidental to the kinds of work referred to in (a)-(g).

A barrister must not:

- A. act as a person's general agent or attorney in that person's business or dealings with others;
- B. conduct contentious correspondence in the barrister's name on behalf of any person with others (including public authorities) with whom that person is dealing, otherwise than the opponent;
- C. place herself or himself at risk of becoming a witness, by investigating facts for the purposes of appearing as an advocate or giving legal advice, otherwise than by:
 - i. conferring with the client, the instructing solicitor, prospective witnesses or experts;
 - ii. examining documents provided by the instructing solicitor or the client, as the case may be, or produced to the court;
 - iii. viewing a place or things by arrangement with the instructing solicitor or the client, as the case may be; or
 - iv. library research;
- D. act as a person's only representative in dealings with any court, otherwise than when actually appearing as an advocate;
- E. serve any process of any court;
- F. conduct the conveyance of any property for any other person;
- G. administer any trust estate or fund for any other person;
- H. obtain probate or letters of administration for any other person;
- I. incorporate companies or provide shelf companies for any other person;
- J. prepare or lodge returns for any other person, unless the barrister is registered or accredited to do so under the applicable taxation legislation; or
- K. hold, invest or disburse any fund for any other person, unless it is on the barrister's own behalf or as a private person and without fee for a member of the barrister's family or a friend of the barrister.

4. Authorisation

APPROVER: Maria Savvas

POSITION: President

SIGNATURE OF APPROVER:



DATE: 04/09/2019