

# Registration Form / Tax Invoice

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with your payment to:**

**CLE,  
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**Cancellation Policy:** Cancellations will be accepted up to two weeks prior to the commencement of the course. Withdrawal after this time and before the commencement of the course will result in a cancellation charge of \$100. Cancellations after the commencement of the course will not be eligible for a refund.

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## Ethics for Lawyers and Cost Agreements: Practising Certificate Necessities – the new Mandatory Rule 42

Friday 27 November 2009

9.55am – 12.15pm

Grace Hotel, 77 York Street, Sydney

Course cost includes tuition, materials and refreshments

\$220

I cannot attend but please provide the papers

\$165

Total Price includes GST

Total \$

### Payment Options

I enclose a cheque **payable to "CLE, UNSW"**,

or Payment by credit card  Mastercard  Visa

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THE UNIVERSITY OF  
NEW SOUTH WALES

FACULTY OF LAW  
CONTINUING LEGAL EDUCATION

Ethics for Lawyers  
and Cost Agreements:  
Practising Certificate  
Necessities – the new  
Mandatory  
Rule 42

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77 York Street, Sydney



www.cle.unsw.edu.au

## Audience

- Solicitors in Practice in NSW
- Barristers in Practice in NSW
- Practice Managers and Managing partners

## Objective

This session will allow participants to claim one point of MCLE for Ethics and one point for Practice Management under new Rule 42.

Practitioners should be aware that the CLE Rules have changed this year. From the current 2009/2010 CLE year onwards, Rule 42 of the Solicitors' Rules provides that of the ten units completed each year, practitioners must complete at least one unit in each of the following areas:

- Ethics and Professional Responsibility
- Practice Management and Business Skills
- Professional Skills

The compulsory Regulation 176 on EEO, discrimination, OH&S every three years still applies.

**CLE/CPD Points:** 2 (suitable for rule 42 requirements)

**Steve MARK** is the NSW Legal Services Commissioner who is responsible to see that ethical standards are maintained by the Legal Profession in NSW. He is a sought after commentator and a well known speaker in relation to the Legal Profession Act 2004.

**Brian PHILLIPS** is the in-house Lawyer at Seabeach Costing Pty. Ltd. which provides costing services to the Legal Profession in NSW. After his admission as a Solicitor, he operated his own law practice at Chatswood for 35 years before specialising in Legal Costing.

# Ethics for Lawyers and Cost Agreements: Practising Certificate Necessities – the new Mandatory Rule 42

Friday 27 November 2009

## 9.55am Introduction and Welcome

Introduction from Chair

## 10.00am

### Topic 1: Ethics and Risk Management

**Speaker: Steve MARK**, Legal Services Commissioner, OLSC, NSW

#### *Duties and Obligations*

- Duties to the Court
- Duties to the Client
- Types of conflict
- Current developments

#### *Costs in Legal Practice*

- Costs and fee agreements
- The ethics of billing
- Time Costing

#### *Identifying and dealing with ethical dilemmas*

- The Client for whom you can no longer act
- The instruction from within the firm

## 11.00 am Morning Tea

## 11.15am

### Topic 2: "Conditional Costs Agreements"

**Speaker: Brian PHILLIPS**, In-house Lawyer, Seabeach Costing Pty Ltd

- Statutory Definition
- Statutory Requirements
- How to define "a successful outcome"
- The "Uplift Fee"
- Costs Agreements generally.
- The "No-win, no-fee" Retainer
- How to define the Retainer
- Case Law

## 12.15pm Close