Annexure 1—Law practice certificate

Before claimant gives notice of claim

Law practice must give claimant law practice certificate (s36A).

Law practice sale—current law practice must give law practice certificate to new law practice and claimant (s36E) If new practice does not receive law practice certificate, it must notify the Commission (s36E)

Law practice certificate must be in form approved by the Commission (s36B) If supervising principal cannot complete law practice certificate, another principal or nominated lawyer can (s36C)

Claimant gives notice of claim

Claimant must give law practice certificate from supervising principlal with notice of claim (s37(1)(d)(i))

If applicable, claimant must give law practice certificate under s36E with noticeof claim (s37(1)(d)(ii))



After claimant gives notice of claim

Claimant retains law practice—law practice must give insurer law practice certificate (s37AB)

If claimant notified of waiver and certificate completed—supervising principal must give insurer certificate as soon as practicable (s39A(2))

If claimant notified and law practice has not given certificate—supervising principal must give it within 1 month (s39A(4))



Failure to comply

Offence not to complete and give certificate under s36A, s36E, s37AB, s39A, and s41A.

Offence to sign, or give claimant or insurer, false or misleading certificate (s36D)

Law practice must refund all fees and costs including disbusements if because it did not give the certificate the claimant cannot comply with s37 and ends engagement with the law practice. (s37AA)



Claim settles

Law practice must complete and give certicate to insurer and claimant on settlement or judgement. (s41A)

If convicted of offence against s41A, law practice is not entitled to recover fees and costs including disbusements and must repay amounts received (\$77)