

Family Law Panel

Private Legal Practitioner: Individual Certifier Application

Pursuant to s 29A of the *Legal Aid Act 1978*

When to use this form

Use this form to apply to be an Individual Certifier on the Family Law Panel.

This form should be read in conjunction with the Guidance Notes on pages 3 and 4.

Returning your form

Check that all required questions are answered and that you have included any attachments.

 Email your completed form and any attachments, including sample affidavits, with their annexures, to panels@vla.vic.gov.au.

Key eligibility criteria

Before filling out this form, check that you meet these key eligibility criteria.

If you are an Accredited Specialist in family law:

- Your firm is registered as a member of VLA's Panels, or has already applied to join VLA's Panels and is awaiting a decision,
- You hold a current Victorian practising certificate, which is not subject to a supervision condition, and
- You have a current Working with Children Check.

If you are not an Accredited Specialist in family law:

- Your firm is registered as a member of VLA's Panels, or has already applied to join VLA's Panels and is awaiting a decision,
- You hold a current Victorian practising certificate, which is not subject to a supervision condition,

- You have a current Working with Children Check,
- You have had carriage of at least 10 family law matters in each of the last two years*,
- You have completed at least three Continuing Professional Development units in family law, family violence and/or child development within the last two years*,
- You have completed VLA's eLearning module 'Intersections: the links between crime, child protection, family law and family violence', and
- You are willing and able to provide to VLA two sample affidavits demonstrating your skills and capacity.

** If you do not meet these criteria because of special circumstances, you may be able to apply for an exemption. See the Guidance Notes for information about exemptions.*

What are you applying for?

- Family Law Panel
- Family Violence Panel*

* Individual Certifiers on the Family Law Panel are automatically eligible for inclusion on the Family Violence Panel.

Practitioner details

1. Name

2. Email

3. Phone

4. Firm

5. Is your firm currently registered as a member of VLA's Panels?

- Yes
- No
- Decision on firm registration is pending
- A Firm Registration Form accompanies this form

General entry requirements

6. Do you hold a current Victorian practising certificate which is not subject to a supervision condition?

- Yes
- No

You do not meet the eligibility criteria.
SEE GUIDANCE NOTES.

7. Does your practising certificate contain any other conditions?

- Yes
 -  Please attach a copy of your practising certificate showing the conditions
- No

8. Do you have a current Working with Children Check?

- Yes
- No

You do not meet the eligibility criteria.
SEE GUIDANCE NOTES.

9. Have you been subject to any findings of professional misconduct or unsatisfactory professional conduct made by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal, or any similar findings in any other jurisdiction?

- Yes
 -  Please provide details and/or attach a copy of any relevant outcome or decision
- No

10. Are you subject to any current or ongoing complaints or investigations into professional misconduct or unsatisfactory professional conduct being handled by the Legal Services Board, Legal Services Commission or Victorian Civil and Administrative Tribunal?

- Yes
 -  Please provide details and/or attach a copy of any relevant outcome or decision
- No

11. Have you been found guilty of any criminal offence other than infringements?

- Yes
 -  Please provide details and/or attach a copy of any relevant judgment or decision
- No

Practice experience

12. Are you an Accredited Specialist in family law?

- Yes ► **Skip to question 18**
 No

13. Are you a member of the Independent Children's Lawyer Panel?

- Yes ► **Skip to question 18**
 No

14. How many years' post-admission experience do you have practising in family law?

- More than 5
 2–5
 Less than 2 ❌

You do not meet the eligibility criteria.
SEE GUIDANCE NOTES.

15. How many family law matters have you had carriage of in each of the past two years?

- 10 or more per year
 Please attach two sample affidavits which meet the requirements of the Guidance Notes.
 Less than 10 per year ❌

You do not meet the eligibility criteria, but you may meet the criteria for an exemption.
SEE GUIDANCE NOTES.

16. Have you completed at least three Continuing Professional Development units in family law, child development or family violence within the last two years?

- Yes
 No ❌

You do not meet the eligibility criteria, but you may meet the criteria for an exemption.
SEE GUIDANCE NOTES.

17. Have you completed VLA's eLearning module 'Intersections: the links between crime, child protection, family law and family violence'?

- Yes
 No ❌

You do not meet the eligibility criteria.
SEE GUIDANCE NOTES.

Exemptions

18. Are you seeking an exemption from any of the Practice Experience requirements?

- Yes
 Please attach an outline of the exemption you seek which meets the requirements of the Guidance Notes.
 Please attach two sample affidavits, with their annexures, which meet the requirements of the Guidance Notes.
 No

Declaration

In submitting this application to VLA

I acknowledge that:

- all information disclosed is true,
- I have read and understand my rights and obligations arising from the entry requirements, and
- I understand that VLA will check internal and publicly available records to verify information provided or requested as part of the application process.

I authorise:

- VLA to place all materials submitted as part of the application process before a designated Panel assessor.

Guidance Notes

General entry requirements

Practising certificate

i Refer to questions 6 and 7

If your practising certificate is subject to a supervision condition, you are not eligible for inclusion on the Family Law Panel. We recommend that you apply to the Panel after the condition has been removed.

Working with Children Check

i Refer to question 8

You must have a current Working with Children Check to be eligible for inclusion on the Family Law Panel. You must maintain a Working with Children Check for the duration of your membership on the Panel.

Misconduct

i Refer to questions 9, 10 and 11

When assessing any finding of professional misconduct or unsatisfactory professional conduct VLA will consider whether the conduct:

- indicates 'a material risk of harm to [legal aid] consumers of legal services', and
- undermines VLA's obligation in section 7(1)(a) of the *Legal Aid Act 1978* to ensure that legal aid is provided in a manner which dispels fear and distrust.

VLA 'may give consideration to the honesty, open candour and frankness demonstrated by [the] person in their disclosure' (Legal Services Board's RRP 017 Fit and Proper Person Policy – V2, Dec 2011).

Practice experience

Accredited Specialist in family law

i Refer to question 12

Practitioners who have been accredited by the Law Institute of Victoria as an Accredited Specialist in family law are eligible for a streamlined application process. They are not required to address the Practice Experience Requirements (*questions 14–17*) in their applications.

ICL Panel Members

i Refer to question 13

Members of VLA's Independent Children's Lawyer (ICL) Panel are eligible for a streamlined application process. They are not required to address the Practice Experience Requirements (*questions 14–17*) in their applications.

Post-admission experience

i Refer to question 14

You must have at least two years of post-admission experience in family law to be eligible for inclusion on the Panel.

When determining years of post-admission experience, you should count time during which family law has constituted a significant proportion of your workload.

Carriage of family law matters

i Refer to question 15

To be eligible for inclusion on the Panel, you must have had carriage of at least 10 family law matters each year, for the past two years.

You have carriage of a matter if you have 'continuing control and responsibility for overseeing the handling of a legal matter for a client.' (Australian Law Dictionary, 2010)

If you are unable to meet this requirement because of parental or other leave, flexible work arrangements, or because you practise in a regional or rural area, consider whether you are eligible for an exemption.

Continuing Professional Development (CPD)

i Refer to question 16

You must have completed at least three CPD units in family law, child development or family violence within the last two years to be eligible for the Panel.

CPD units must fall within the 'substantive law' field, meaning they must deal primarily with matters related to your practice of law or must extend your knowledge and skills in areas that are relevant to your practice needs or professional development (see *Legal Profession Uniform Continuing Professional Development (Solicitors) Rules 2015*, rules 7.1.1 and 7.1.3).

You may be asked to provide your CPD record.

If you are unable to meet his requirement because of parental or other leave, flexible work arrangements, or because you practise in a regional or rural area, consider whether you are eligible for an exemption.

Intersections eLearning module

 Refer to **question 17**

You must have completed VLA's eLearning module, 'Intersections: the links between crime, child protection, family law and family violence' to be eligible for the Panel.

You can access the module free of charge on VLA's website.

Exemptions

 Refer to **question 18**

VLA will consider exempting practitioners from one or more Practice Experience requirements where:

- the practitioner has special circumstances warranting an exemption; and
- VLA is satisfied that the practitioner will meet the quality standards required of panel members.

Special circumstances warranting an exemption may include, but are not limited to:

- recently taking extended leave,
- part-time or other flexible work arrangements, or
- practising in a geographic area where there is a particular need for legal aid practitioners, and/or where the nature of available work impacts a practitioner's ability to meet the Practice Experience requirements.

If you are seeking an exemption, you must attach a written outline of no more than 750 words. In your outline, please address:

- the exemption you seek,
- the special circumstances warranting the exemption, and
- your capacity to meet VLA's Practice Standards.

Information which may be relevant includes:

- the dates, duration and nature of any relevant leave,
- the nature and duration of any relevant part-time or other flexible work arrangements, the geographical area of your practice (and its impact on your work volume and mix), and need for legal aid practitioners,
- the number of Family Law matters of which you have had carriage in the last two years,
- your experience acting in Family Law matters in the last five years, and
- indicators of the quality of your work.

If an exemption is granted, VLA will stipulate any conditions of the exemption. These will be decided on a case-by-case basis in consultation with the applicant.

Sample affidavits

 Refer to **questions 15 and 18**

Sample affidavits should:

- be an initiating application affidavits, or affidavits prepared for trials, and
- have been legally finalised within the last two years.

At least one of your sample affidavits should concern a matter involving family violence.

Your sample affidavits should demonstrate your skills and capacity. They will be assessed against VLA's Practice Standards. The Practice Standards can be found on VLA's website.

If you are required to provide sample affidavits under **question 15 and question 18**, you are only required to provide two affidavits in total.

 Sample affidavits, with their annexures, should be submitted by email, as attachments to this form, to **panels@vla.vic.gov.au**.