

A practical guide

The beginning of April marks the new continuing professional development (CPD) year for Victorian lawyers. The *LIV Continuing Professional Development Rules 2008* outline the requirements for CPD compliance, however many practitioners are still unsure of what CPD involves and how to make the most of what the rules have to offer. Here's a guide to help you navigate the professional development requirements.

What are the requirements?

In order to practise as a lawyer in Victoria, practitioners are required to complete at least 10 CPD units each year from four prescribed fields:

- ethics and professional responsibility;
- professional skills;
- substantive law; and
- practice management and business skills.

A practitioner must complete at least one CPD unit from each of the four fields. The table below provides a non-exhaustive list of CPD activities that can fall into each category.

Ethics and professional responsibility	<ul style="list-style-type: none"> • Lawyer's duty of competence and confidentiality • Conflicts of interest • Undertakings • Written and unwritten rules of professional conduct and courtesy • How to identify an ethical issue • Ethical duties in advocacy • Communicating with third parties
Professional skills	<ul style="list-style-type: none"> • Taking a witness statement • Interviewing and the use of interpreters • Giving plain English advice – identifying options • Plain English letter-writing and drafting • Simple advocacy for solicitors • Legal research
Substantive law	<ul style="list-style-type: none"> • Areas of practice such as family law, intellectual property, construction, tax, commercial, costs, criminal, media, migration, personal injury, sports and workplace relations (just to name a few).
Practice management and business skills	<ul style="list-style-type: none"> • Costs rules and review • Billing and cashflow management • Trust accounts rules • Risk management • Staff management and HR • Business and financial planning • Effective use of technology

From Appendix A of the *Continuing Professional Development Rules 2008*

How can I meet the requirements?

CPD units can be completed in a number of ways. One of the most common is by completing a seminar or workshop. These can be run internally by a legal practice or by specialist external providers such as the LIV. It is important to note that a practitioner cannot claim more than six CPD units per day, so don't wait to the last minute.

Another option is to write a legal article that is published in a legal or non-legal publication or the "research, preparation or editing" of a published law report. A practitioner can claim one CPD unit for every 1000 words up to a maximum of five CPD units per year. Likewise, membership of a committee, taskforce or section of the LIV, the Law Council of Australia (LCA) or a practice section committee of a law association will earn you up to three CPD units per year, provided that you regularly attend meetings and can prove that the work performed is of substantial significance to the practice of law and is reasonably likely to assist your professional development. (Rule 4.2(e) of the *Continuing Professional Development Rules 2008*.)

Those who are more experienced may want to consider completing a specialist accreditation in your chosen field. Completion of the specialist accreditation exam will not only enhance your standing in the profession but will also earn you 10 CPD units for the year.

Are you ready for an audit?

The Legal Services Board (LSB) regularly audits the CPD compliance of Victorian practitioners. It is therefore vital that you maintain records of CPD units you have completed. Some legal practices maintain these records for their employees but most practitioners must manage their own records. The LIV website allows members to maintain their CPD records online and also offers CPD record statements on the LIV website. It is also wise to keep evidence, such as proof of enrolment in CPD workshops and certificates of completion. Remember to keep this evidence for three years after the end of the CPD year as you could be audited.

to CPD

MAKE THE MOST OF CONTINUING PROFESSIONAL DEVELOPMENT TO ENHANCE YOUR SKILLS, DEEPEN YOUR KNOWLEDGE AND BUILD YOUR PROFESSIONAL NETWORK.

Professional development

Take-off

What if I am taking a break from practice?

Taking some time off or about to go on maternity leave? You can claim a partial or total exemption from completing the full 10 CPD units for the year by writing to the LSB. The table below outlines the CPD pro rata calculations for a practitioner who recommences legal practice after the start of the CPD year.

Applications for an exemption should be made as soon as practicable and no less than one month before the end of the CPD year.

Renewal month	CPD requirement
1 April	10
1 May	9
1 June	8
1 July	7
1 August	6
1 September	5
1 October	4
1 November	3
1 December	2
1 January	1
1 February	0
1 March	0

Rule 5.3 of the *Continuing Professional Development Rules 2008*

If you have not held a practising certificate for more than three consecutive years, a practitioner must file a training plan with the LIV within 21 days of receiving a practising certificate. The training plan must be executed in full within six months of being filed. It is also necessary to provide the LIV with written notification of the CPD activities completed in the training plan within 21 days of completion. Training plan templates are available on the LIV website.

Tips from the pros

Meeting your professional development requirements is not just about ticking boxes. CPD is a great opportunity to enhance your skills, deepen your legal knowledge and sometimes even build your professional network. We asked a few lawyers for their tips for having an effective CPD year in 2015:

1. Don't be afraid to ask your boss to attend sessions run by external providers. Even if your employer usually provides all your professional development, external sessions can be highly specialised and are often run by eminent facilitators. You can also ask your mentor or supervising partner for suggestions about the sort of CPD you should attend.
2. Look for sessions with a hands-on component to add practical value to your development. Whether it be a client-interviewing workshop where you practise on your peers, or a writing clinic with exercises completed in class. Your learning is much more likely to stick if you practise.
3. Why not offer to run a professional development session yourself? Preparation counts for CPD points and the opportunity to teach others will do wonders for your knowledge on the chosen topic. Running a session will develop your own presentation skills and it's a great way to build your professional profile.
4. Have you been thinking about changing jobs or looking to specialise? Use your CPD sessions to build skills in particular interest areas and pump up your resume to help you get to where you want to be.
5. Don't just stick to your 10 hours per year. CPD should be about developing your knowledge and skills as a lawyer. There is always a lot to learn.

Remember that the *Legal Profession Uniform Law Act 2014* will come into effect on 1 July 2015, replacing the *Legal Profession Act 2004 (Vic)*. The LCA and Australian Bar Association have recently released proposed continuing professional development rules in response to the new Act, so watch this space for CPD developments. ■

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