
Articled Clerks:

What is adequate supervision?

The Legal Complaints Committee has received complaints from the Legal Practice Board and/or articled clerks involving the question of adequate supervision by a principal of their articled clerks. The complaints have been largely of too much legal work assigned to clerks and inadequate supervision by the principal of that work.

The deed of articles of clerkship, which practitioners and clerks are required to execute, pursuant to the Legal Practice Board Rules, provides that the principal's obligations during the articles period is to ensure that the articled clerk:

- (a) is instructed in the practice and profession of the law as conducted in Western Australia;
- (b) is given exposure to as many different areas of law as is practicable;

- (c) is provided with an appropriate working environment; and

- (d) is not required to carry out duties, or be present at places or times, that are not related to the Principal's practice or to the practice of law generally, or that are unreasonable.

The deed further provides that the principal must comply with the proper standards of the legal profession in relation to dealing with articled clerks.

Practitioners are personally responsible for ensuring that their legal practice is efficiently and properly administered. This includes ensuring that the principal, or another suitably qualified practitioner, is in charge of the place of practice, gives substantial attendance during the normal hours of the practice and provides adequate and regular supervision of all professional business.

The practitioner is ultimately responsible for the work carried out by his/her employees, including articled clerks.

Articles is a period of learning and training, and it is expected that practitioners will closely supervise all the professional work performed by articled clerks. They should be available to the clerks for guidance and the legal work allocated to clerks should not be beyond the clerks competence and ability.

Pursuant to Section 20 of the Legal Practice Act 2003 a principal cannot take an articled clerk without the approval of the Legal Practice Board. The Board may revoke that approval or impose conditions if it is not satisfied that an articled clerk is being, or will be, properly supervised.

Legal Practitioners Complaints Committee