

Queensland
Legal Profession Act 2007
[section 505(2)]**Instrument of Appointment of Manager**To: (insert name and address of manager)Re: (insert name and address of law practice) ('the law practice')

The Council of the Queensland Law Society ('the Society') **RESOLVED** on the
(insert day) of (insert month and year), pursuant to the provisions of s497
(insert relevant paragraph) of the *Legal Profession Act 2007* ('the Act'), that the law practice has (insert
relevant default provision).

The Council of the Society further **RESOLVED** on the (insert day) of
 (insert month and year), pursuant to s498 (1) of the Act that external intervention in
the law practice is warranted.

The Council of the Society further **RESOLVED** on the (insert day) of
 (insert month and year), pursuant to s498(2)(b) of the Act to commence external
intervention by appointing you the manager of the law practice.

You have agreed to accept appointment and are hereby appointed manager of the law practice subject to the following terms and conditions:

- 1 You are appointed manager of the law practice until such time as you resign or until you are advised by the Society that your appointment is terminated. As manager of the law practice you are authorised to carry on the practice and may do all things that the practice might lawfully have done, including but not limited to the following:
 - 1.1 transacting any urgent business of the practice;
 - 1.2 transacting with the approval of any or all of the existing clients of the practice any business on their behalf, including:
 - 1.2.1 starting, continuing, defending or settling any proceeding; and
 - 1.2.2 receiving, retaining and disposing of property;
 - 1.2.3 accepting instructions from new clients and transacting any business on their behalf, including:
 - 1.2.3.1 starting, continuing, defending or settling any proceeding; and
 - 1.2.3.2 receiving, retaining and disposing of property;
 - 1.2.3.3 charging and recovering legal costs, including legal costs for work in progress at the time of your appointment as manager;
 - 1.2.3.4 entering into, executing or performing any agreement;

- 1.2.3.5 dealing with trust money; and
 - 1.2.3.6 winding up the affairs of the practice.
- 2 Pursuant to s508(2) of the Act you may do any or all of the following:
 - 2.1 enter and remain on premises used by the law practice in connection with its engaging in legal practice;
 - 2.2 require the practice or an associate or former associate of the practice, or another person having control of client files and associated documents, including documents relating to trust money received by the practice, to give you:
 - 2.2.1 access to the documents that you reasonably require; and
 - 2.2.2 information relating to client matters that you reasonably require.
 - 2.3 operate equipment or facilities on the premises, or require a person on the premises to operate equipment or facilities on the premises, for a purpose relevant to your appointment;
 - 2.4 take possession of any relevant material and retain it for as long as may be necessary;
 - 2.5 secure any relevant material found on the premises against interference, if the material can not be conveniently removed;
 - 2.6 take possession of any computer equipment or computer program reasonably required for a purpose relevant to your appointment.
- 3 You are required to submit accounts, relevant to the duties performed by you as manager, to the Director, Professional Standards of the Society ('the Director'), within twenty-one (21) days of the last day of each month during your appointment. The information you are required to include in the accounts includes:
 - 3.1 the date the work was carried out;
 - 3.2 brief details of the work carried out;
 - 3.3 the time taken to complete the work;
 - 3.4 the charge for the work.
- 4 You are required to make an assessment about the viability of the law practice and report to the Society on same within 7 days of the date of this notice, or such extended period as the Society may allow. If you assess that the business is viable, you are to include in your report a business plan, a budget, a cash flow forecast, a proposed schedule for the reduction of debts of the law practice incurred before your appointment, and an assessment as to whether the providers of essential goods and services to the law practice will supply same to you as the manager of the law practice.
- 5 You are required to withdraw any money deposited by the law practice to an account prescribed under s285 of the *Legal Profession Act 2007* and deposit that money to a law practice general trust account.
- 6 You are required to open a new trust account for the law practice with a financial institution in the name of (insert name of law practice) Trust Account (Manager Appointed) ('the manager's trust account').
- 7 You are required to transfer the balances of the law practice general trust accounts, after completing step 6 above, to the manager's trust account by drawing cheques on the law practice general trust accounts for the balances of the money in those accounts (the cash book balances) and banking those cheques into the manager's trust account.
- 8 You are required to issue trust account receipts for the receipt of the money from the law practice general trust accounts.

- 9 The receipts can be issued from the law practice trust account receipt book, or a receipt book kept by you exclusively for use in respect of your appointment as the manager for the law practice, or by means of a receipt generated by a computerised accounting system that complies with the requirements of the *Legal Profession Act 2007* and the *Legal Profession Regulation 2007* and that records that it is issued on behalf of the law practice.
- 10 You are required to advise all financial institutions that hold trust money in the name of the law practice, or the principal, or a partner or partners, of the law practice, as trustee for another person or entity, that the money in the account is trust money and can only be withdrawn or transferred from the account by you.
- 11 You are required to comply with the provisions of the *Legal Profession Act 2007* and the *Legal Profession Regulation 2007* including but not limited to the requirements to give notices to the Society, the requirements to issue trust account receipts and controlled money receipts, the requirements in relation to the disbursement of trust money, the requirements in relation to the maintenance of trust accounting records and the requirements for the external examination of trust accounts and trust accounting records.
- 12 You are required to take possession of safe custody documents and maintain a safe custody register.
- 13 You are required to take possession of client files and maintain a file register.
- 14 You are required to open a new business account for the law practice with a financial institution in the name of (insert name of law practice) Business Account (Manager Appointed) ('the manager's business account').
- 15 You are required to maintain records in relation to the operation of the affairs of the practice, including the issue of receipts for all money received on behalf of the practice, the maintenance of a business account cash book and the maintenance of a business account ledger, including client debtors ledger accounts and creditors ledger accounts.
- 16 You are required to comply with all legal requirements relevant to the operation of a legal practice.
- 17 You are required to provide to the Director, within twenty-one (21) days of the last day of each month during your appointment, copies of the reconciliations of the manager's trust account and the law practice trust account, including the following:
 - 17.1 the cash book balance at the beginning of the month;
 - 17.2 the total amount of trust money received during the month;
 - 17.3 the total amount of trust money disbursed during the month;
 - 17.4 the cash book balance at the end of the month;
 - 17.5 the balance of the financial institution account for the trust account at the end of the month;
 - 17.6 details of all trust money received but not banked to the trust account, including the relevant trust account receipt number, the date of issue of the trust account receipt, the amount received and the date the money was banked to the trust account;
 - 17.7 details of all cheques issued on the trust account before the end of the month that have not been presented at the end of the month, including the cheque number, the date of issue of the cheque, the amount of the cheque and the cheque payee.
 - 17.8 listings of trust ledger balances.
- 18 You are required to provide to the Director, within twenty-one (21) days of the last day of each month during your appointment, listings of controlled money account balances and investment money account balances at the end of each month.

- 19 You are required to provide to the Director, within twenty-one (21) days of the last day of each month during your appointment copies of the reconciliations of the manager's business account, including the following:
- 19.1 the cash book balance of the manager's business account at the beginning of the month;
 - 19.2 the total amount of money received for the manager's business account during the month;
 - 19.3 the total amount paid from the manager's business account during the month;
 - 19.4 the cash book balance of the manager's business account at the end of the month;
 - 19.5 the bank statement balance of the manager's business account at the end of the month;
 - 19.6 details of all money received for the manager's business account but not banked to the manager's business account, including the relevant receipt number, the date of issue of the receipt, the amount received and the date the money was banked to the manager's business account;
 - 19.7 details of all cheques issued on the manager's business account before the end of the month that have not been presented at the end of the month, including the cheque number, the date of issue of the cheque, the amount of the cheque and the cheque payee.
- 20 You are required to report to the Director, within twenty-one (21) days of the last day of each month during your appointment:
- 20.1 whether you are satisfied that a trust account receipt has been issued for the manager's trust account for all trust money received by the law practice since your appointment;
 - 20.2 details of any breaches of the provisions of the *Legal Profession Act 2007* and the *Legal Profession Regulation 2007* before and after your appointment that have not previously been reported to the Director, Professional Standards of the Society;
 - 20.3 the amount of fees billed during the month;
 - 20.4 the total amount owed to the practice for fees billed before your appointment;
 - 20.5 the total amount owed to the practice for fees billed after your appointment;
 - 20.6 the total amount owed to the practice for disbursements before your appointment;
 - 20.7 the total amount owed to the practice for disbursements after your appointment;
 - 20.8 the total amount owed to creditors of the practice for debts incurred before your appointment;
 - 20.9 the total amount owed to creditors of the practice for debts incurred after your appointment;
 - 20.10 whether you have any reason to doubt whether the law practice can pay its debts as and when they fall due and whether you consider that the business is viable;
 - 20.11 any other matters that you consider should be reported.

signed for and on behalf of the Society by the Society's Secretary,

this (insert day) day of (insert month and year).

Please refer to the Queensland Law Society's website, www.qls.com.au, for a copy of its privacy policy.