



NEW SOUTH WALES  
BAR ASSOCIATION

# But what if the solicitors go broke?

**Presented by:**

**Mark Brabazon SC, Chair Costs and Fees Committee**

**Chaired by:**

**Mark Walsh SC, Costs and Fees Committee**

**NSW Bar Association**

**Common Room**

**5.15pm Monday 12 March 2018**

**This seminar has been organised by the NSW Bar Associations Costs and Fees Committee.**

**1.5 HOUR SEMINAR**

**1.5 CPD POINT IN THE PRACTICE MANAGEMENT AND BUSINESS SKILLS**

Conventionally, solicitors who retain a barrister also take exclusive responsibility for payment of the barrister's fees. The barrister need not duplicate the solicitors' work in checking the creditworthiness of the client. By pledging their own credit, the solicitors relieve the barrister of the credit risk that the client may become insolvent or otherwise fail to pay. But what happens if the solicitors go broke?

This is not fanciful speculation. Personal bankruptcies of solicitors have happened and will happen again. It is also reasonable to infer that the risk of the solicitors' insolvency has increased with the phenomenon of the incorporated law practice, which allows solicitors to insulate their personal assets from the general debts and liabilities of their practices. Even a large incorporated law practice may risk insolvency if its commercial strategies are unwise or unlucky.

This seminar considers how a barrister can dodge the bullet of solicitors' insolvency.

**THIS SEMINAR IS OPEN TO MEMBERS OF THE NSW BAR ASSOCIATION**

**REGISTRATION IS NOT REQUIRED**

**For more information, please contact Tiffany McDonald  
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**cpd** Continuing Professional Development