



## LPLC Emergency Bulletin – Victorian Floods

19 January 2011

The Committee and staff of LPLC extend our thoughts and sympathies to all those who have been adversely affected by this devastating event.

LPLC is aware that some law firms may lose access to their premises as a result of flooding in Victoria. Even if your firm's offices remain open or you are able to make alternative arrangements to continue operations, you may be affected by loss of power supply and/or other disruption.

Firms with which you conduct transactions may also be in such a position.

### Information requested by LPLC

If you have an office in a flood-affected area, please let LPLC know:

- whether your professional staff have remote access to your servers;
- whether your professional staff have remote access to electronic diaries; and
- what access you have to your office to retrieve critical hard copy.

### Time sensitive matters and obligations to clients

You should remain conscious of any time sensitivities. LPLC considers that you will need to be especially aware of the following time sensitive matters:

1. **litigation and workers' compensation** matters, particularly the time sensitive steps of issuing proceedings and joining parties. Other time limits may also be critical and you will need to identify and be aware of those. We understand that at the time of writing there has been no suspension of the running of time;
2. deadlines in the **patent, trademark and design** areas;
3. **real estate** – settlement, rights of termination, passing of risk, insurance issues, cooling off periods and/or the exercise of options. Similarly, for leases the exercise of options or other notices may be required to be given. There may be consequences for buyers and sellers of properties affected by the floods and consideration will need to be given to any contractual termination rights or dealing with the exercise of termination rights;
4. **corporate** – there may be put and call options or other time critical dates relating to valuations, objections to valuations, termination notices etc;
5. **securities** – mortgages may require registration. Similarly, caveats may need to be lodged and charges registered with ASIC;

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6. **arbitration agreements**, which may have time limits that need to be complied with; and
7. **wills and estates** – there may be outstanding instructions where wills need to be drawn or notices or proceedings issued in relation to probate matters.

Where possible you will need to seek your client's instructions about extensions of time. It will be necessary for you to warn your clients about critical dates that are approaching. You will need to keep your clients fully informed of their position, including possible options, risks, consequences and outcomes.

### **Other firms and third parties**

If your client gives notice or is relying on another firm or a third party to do something, and any failure to act (due to disruption or closure) is potentially prejudicial to your client's interests, you should ascertain the status of the other firm/third party as soon as possible and consider your client's position accordingly.

### **Service of documents**

If your firm is unable to occupy any of its offices, you will need to ensure that documents served at the relevant addresses and fax numbers are monitored; otherwise, alternative forwarding arrangements will need to be made.

### **Contact LPLC**

If you have any queries about issues raised in this bulletin or otherwise concerning the floods, please contact Miranda Milne (CEO) or Matthew Rose (Risk Manager) by email at [lplc@lplc.com.au](mailto:lplc@lplc.com.au) or by phone on (03) 9672 3800.