

*Professional Ethics:
How to Enhance Client Service
and Maintain Professionalism*

Law Society's Family Law Handbook

Continuing Professional Development Regulations 2009

*** 13 hours**

- Regulatory Matters (1 hour)
- Management and Professional Development
(3 hours)

Law Society Family Law Committee

- * Functions?
- * Interesting/ Important/ Relevant Topics
- * Annual Conference



A resource for you and your client

* <http://www.lawsociety.ie/>

* www.lawinfo.ie

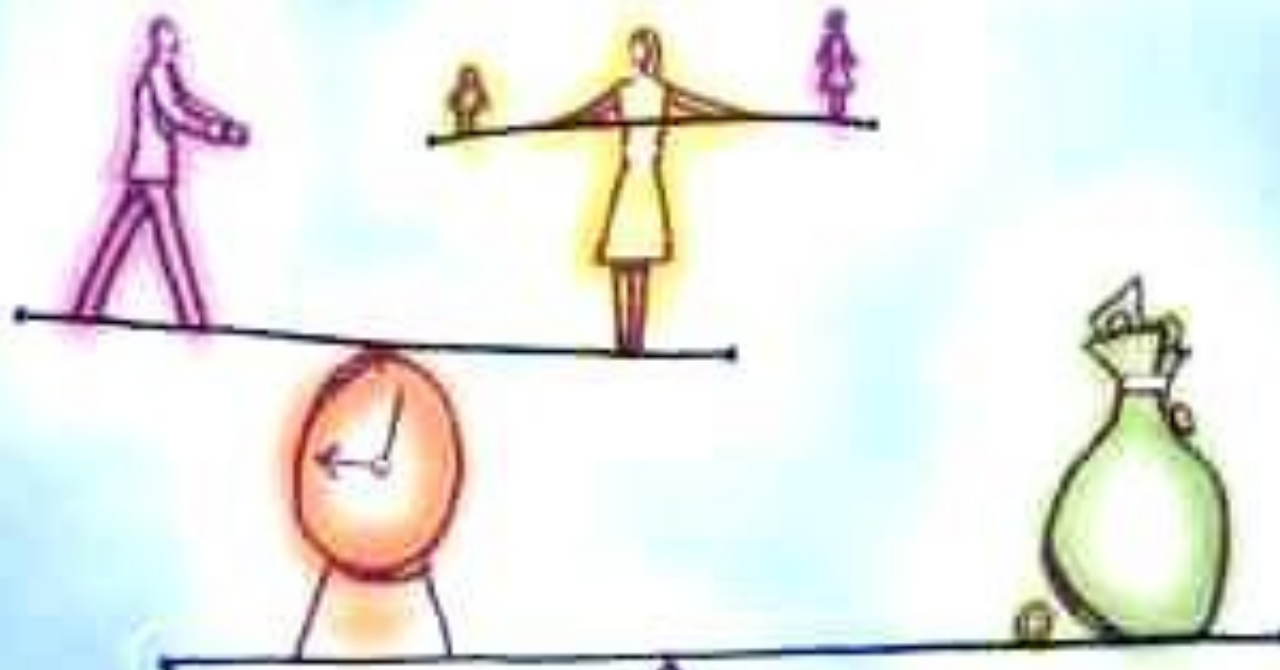
- Information Leaflets

- Reports



Law Society of Ireland


Family Law Handbook



Background

Aim

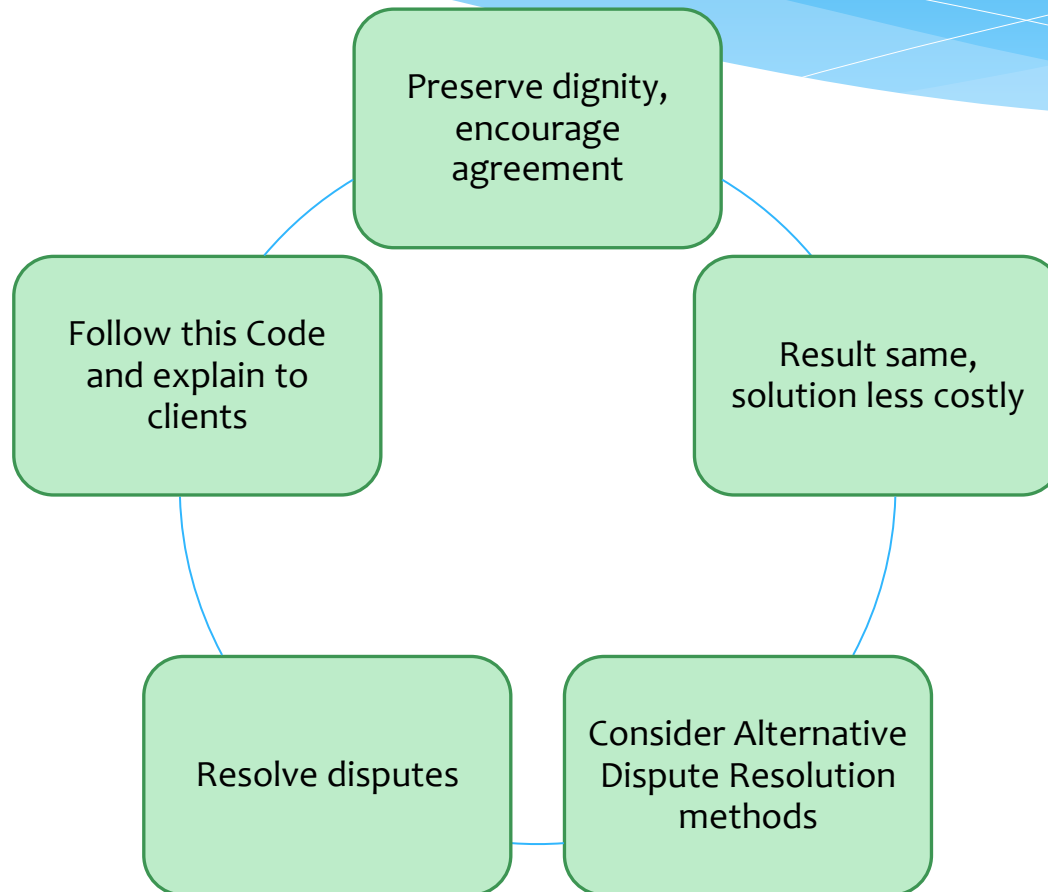




“... Role of family lawyer is both sensitive and complex, so that adherence to an ethical code of practice is all the more essential... (warns against) an overly aggressive or antagonistic approach... Litigation concerning children should never be treated as a battlefield...” McGuinness J.

Introduction

Solicitors/courts may add to distress



An Overview

Explain
Encourage

Best Interests
Separate
Language

Dispute
Stress



Alternative Methods of Dispute Resolutions (ADR)

➤ *Make the client aware of options*

- a) Reconciliation
- b) Mediation
- c) Collaborative Law
- d) Negotiation

Relationship with the client

- Objectivity and Boundaries
- Communication
- Expectations
- Options
- Consequences
- Disclosure
- Costs
- Solicitor/client relationship
- Avoid prejudice



Relationship with other solicitors

- Co-operative approach
- Do not criticise/express opinion
- Avoid confrontational language
- Explore less contentious options
- Full Disclosure
- Agree joint valuations/reports



Relationship with Counsel

- Client's instructions
- Specialist family barrister
- Responsibility for file
- Instruction to counsel
- Implications of settlement explained
- Client fully advised and involved



Lay Litigants

- Constitutional right to fair procedures
- Entitled to access courts
- Important to
 - Communicate clearly
 - Recommend solicitor/ legal aid
 - Any settlement ruled by court
- McKenzie Friend – S. 40(5) of Civil Liability & Courts Act, 2001

Court Proceedings

“A last resort”



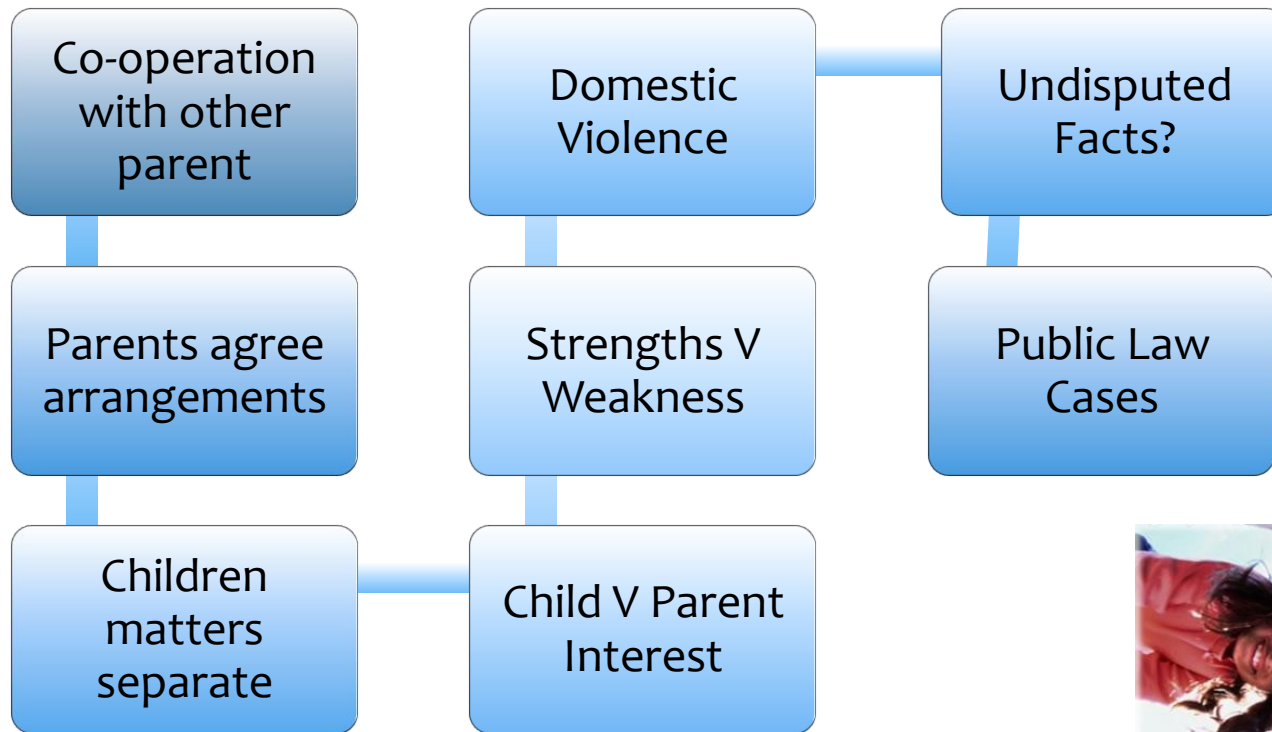
Consider?

- All ADR
- Contacting colleague
- Long term V short term
- Settling
- Sensitivity

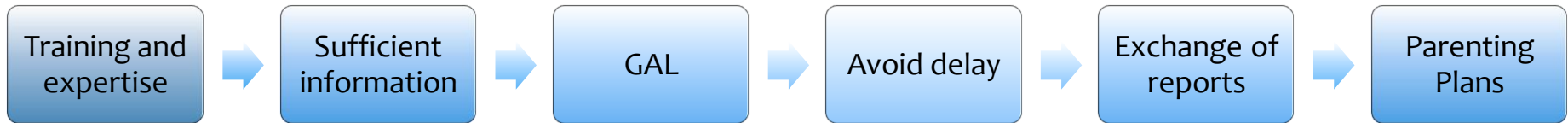
Avoid?

- Being aggressive
- Naming third parties

Children's welfare is paramount



Contd.



Expert Witnesses

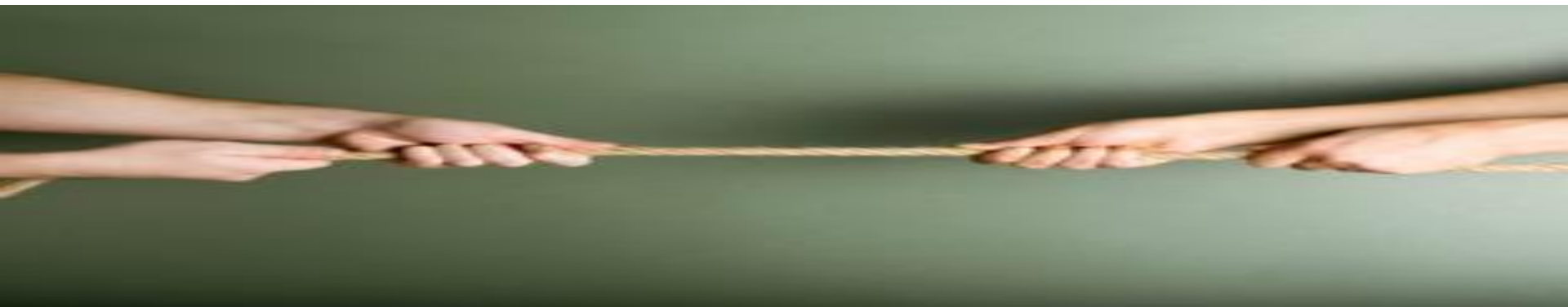
- Letter of joint appointment
- Minimises costs and time
- Role
- Agree referral
- Agree issues & areas

Conflict Of Interest

When advice sought...

Represent both parties?

Your role?



File Management



- Attendances
- Separate files
- Bringing a friend
- Advise re balance
- Costs letter
- Factors judge considers
- Require payment
- Legal Aid
- Lengthy/accusatory letters
- Efficient timely manner
- Conduct of litigation
- Time spent increases costs

Anti-Money Laundering Obligations

- Records
- Proceeds of criminal conduct
- Knowledge
- De minimis provision
- Assets/resources purchased with untaxed income
- Advise court of provenance
- Client regularise actions
- Law Society Guidance Notes



In conclusion

- ❖ Family Law Handbook
- ❖ Options/ Organisations
- ❖ CCBE
- ❖ Guide for Solicitors in the corporate and public sectors
- ...