

SCHEDULE 5

(Section 39)

PART A**CODE OF ETHICS****GENERAL GUIDELINES***In Relation to the Profession and Himself or Herself*

1. A legal practitioner shall observe the rules of this Code, maintain his or her integrity and the honour and dignity of the legal profession and encourage other legal practitioners to act similarly and both in the practice of his or her profession and in his or her private life, shall refrain from conduct which is detrimental to the profession or which may tend to discredit it.
2. A legal practitioner shall in the discharge of his or her professional duties expose without fear or favour before the proper tribunals unprofessional or dishonest conduct by any other legal practitioner and shall not lightly refuse a retainer against another legal practitioner who is alleged to have wronged his or her client or committed any other act of professional misconduct.
3. A legal practitioner shall scrupulously preserve his or her independence in the discharge of his or her professional duties.
4. A legal practitioner shall protect the profession against the admission of any candidate whose moral character or education renders him or her unfit for admission.
5. A legal practitioner shall not endeavour by direct or indirect means to attract the clients of another legal practitioner and where a client is referred to him or her by another legal practitioner, the client remains for all other purposes the client of the referring legal practitioner and the legal practitioner to whom the client is referred shall act with due deference to the relationship between the client and the referring legal practitioner.
6. A legal practitioner may speak in public or write for publication on legal topics so long that it is not likely to be regarded as a result of that action as being concerned with the giving of individual advice.
7. (1) A legal practitioner shall endeavour to uphold standards of integrity, capability, dedication to work, fidelity, and trust.

(2) It is unprofessional for a legal practitioner to seek retainers through agents of any kind.
8. A legal practitioner shall defend the interest of his or her client without fear of judicial disfavour or public unpopularity and without regard to any unpleasant consequences to himself or herself or to any other person.
9. A legal practitioner has a right to decline employment and is not obliged to act either as adviser or advocate for every person who may wish to become his or her client.
10. A client is not entitled to receive nor is a legal practitioner entitled to render any service or advice—
 - (a) exhibiting disrespect for a judicial office;
 - (b) concerning the corruption of any person exercising a public or private trust; or
 - (c) concerning the deception or betrayal of the public.
11. Every legal practitioner shall bear in mind that the oath of office taken on his or her admission to practise is not a mere formality but is a solemn undertaking to be strictly observed on his or her part.

In Relation to the State and the Public

12. The primary duty of a legal practitioner when engaged as a public prosecutor is not to secure a conviction but to see that justice is done and to that end he or she shall not withhold facts tending to prove either guilt or innocence of the accused.
13. A legal practitioner shall endeavour by lawful means where the needs of society require to promote and encourage the modernisation, simplification and reform of legislation.
14. A legal practitioner shall not by his or her actions, stir up strife or litigation by seeking out defects in titles, claims for personal injury or other causes of action for the purpose of securing a retainer to prosecute a claim or pay or reward any person directly or indirectly for the purpose of procuring him or her to be retained in his or her professional capacity, and where it is in the interest of his or her client, he or she shall seek to obtain reasonable settlement of disputes.
15. A legal practitioner shall not except for good reason refuse his or her services in capital offences.
16. A legal practitioner shall not be deterred from accepting proffered employment owing to the fear or dislike of incurring the disapproval of officials, other legal practitioners or members of the public.
17. Where a legal practitioner consents to undertake legal aid and he or she is requested by the Council and consents to undertake the representation of a person who is unable to afford legal representation or to obtain legal aid, the legal practitioner shall not, except for compelling reasons, seek to be excused from undertaking that representation.
18. A legal practitioner in undertaking the defence of a person accused of crime shall use all fair and reasonable means to present every defence available at law.

In Relation to the Client

19. (1) A legal practitioner shall always act in the best interest of his or her client, represent him or her honestly, competently and zealously and endeavour by all fair and honourable means to obtain for him or her the benefit of any and every remedy and defence which is authorised by law, always bearing in mind that his or her duties and responsibilities should be carried out within and not without the boundaries of the law.
- (2) The first concern of a legal practitioner should always be the interest of his or her client and the exigencies of the administration of justice which should rank before his or her right to compensation for his or her services.
20. (1) A legal practitioner should, before advising on the cause of a client, obtain a sound knowledge of the matter and give a candid opinion of its merits or demerits and the probable results of pending or contemplated litigation.
- (2) A legal practitioner should be reluctant in proffering bold and confident assurances to his or her client especially where his or her employment may depend on these assurances in light of the fact that the law is not always on the side of his or her client and that the law allows for the *audi alteram partem* rule to be followed.
- (3) Where a dispute allows for settlement without litigation, a legal practitioner should advise his or her client to avoid or settle the dispute.
21. (1) A legal practitioner shall at the time of agreeing on a retainer disclose to his or her client all the circumstances of his or her relations to the parties and his or her interest in or connection with the dispute which may influence the client in his or her selection of a legal practitioner.
- (2) A legal practitioner shall scrupulously guard and never divulge the secrets and confidence of his or her client except with his or her client's consent.

22. A legal practitioner shall treat adverse witnesses, litigants and other legal practitioners with fairness and courtesy, refraining from offensive personal references and should refrain in conducting his or her professional duties from being influenced by his or her client's personal feelings and prejudices.

23. A legal practitioner has the right to undertake the defence of a person accused of crime regardless of his or her own personal opinion as to the guilt of the accused and having undertaken to conduct the defence, he is bound by all fair and honourable means to present every defence that the law of the land permits so that no person may be unjustly deprived of life or liberty.

24. (1) A legal practitioner may represent multiple clients only if he or she can adequately represent the interests of each and if each consents to his or her representation after full disclosure of the possible effects of multiple representations.

(2) A legal practitioner shall, in all situations where a possible conflict of interest arises, resolve the conflict by leaning against multiple representations.

25. (1) A legal practitioner shall deal with the business of his or her client with all due expedition and shall whenever reasonably so required by the client, provide him or her with full information as to the progress of the business.

(2) It is improper for a legal practitioner to accept a case unless he or she can handle it without undue delay.

26. Where a legal practitioner determines that the interest of his or her client requires it, he or she may with the specific or general consent of the client refer his or her business or part of it to another legal practitioner whether or not a member of his or her own firm of legal practitioners.

27. (1) A Queen's Counsel or Senior Counsel may accept instructions, appear or do any work without a junior, except where he or she would otherwise be unable properly to carry out his or her instructions or conduct his or her case if he or she were to do so.

(2) Where more than one legal practitioner appears as advocate for the same party in the same proceedings, the decision of who shall lead the conduct of the case shall, subject to the instructions of the client, be settled by the legal practitioners representing that party before they appear in court and shall not be altered during the course of the proceedings and the leader shall have all authority over the conduct of the case.

(3) A legal practitioner, including a Queen's Counsel, who appears with the leader, is entitled to an appropriate negotiated fee for his or her conduct of the case.

28. (1) A legal practitioner is entitled to reasonable compensation for his or her services but should avoid charges which either overestimate or undervalue the service rendered.

(2) A legal practitioner shall not charge in excess of the value of the service rendered because of the ability of a client to pay, however, he or she may consider the indigence of a client as a factor in charging below the value of the service rendered, or not charging at all.

(3) A legal practitioner should avoid controversies with clients regarding compensation for his or her services as far as is compatible with self-respect and his or her right to receive compensation for his or her services.

29. The right of a legal practitioner to ask for a retainer or to demand payment of out-of-pocket expenses and commitments and to withdraw his or her services for non-payment of these fees shall not be exercised where the client may be unable to find other timely assistance to prevent irreparable damage being done to his or her case.

30. Where a legal practitioner engages a foreign colleague to advise on a case or to co-operate in handling it, he or she is responsible for the payment of the charges involved except if there is an express agreement to the contrary, but where a legal practitioner directs a client to a foreign colleague he or she is

not responsible for the payment of the charges, nor is he or she entitled to a share of the fee of his or her foreign colleague except where there is an express agreement to the contrary.

31. Subject to paragraph 12 of Part B, a legal practitioner may at any time withdraw from employment—

- (a) where the client fails, refuses or neglects to carry out an agreement with or his or her obligation to the legal practitioner as regards the expenses or fees payable by the client;
- (b) where his or her inability to work with colleagues indicates that the best interest of the client is likely to be served by his or her withdrawal;
- (c) where his or her client freely assents to the termination of his or her employment;
- (d) where by reason of his or her mental or physical condition or other good and compelling reason it is difficult for him or her to carry out his or her employment effectively; or
- (e) in cases of conflict as contemplated in paragraph 25 of this Part or paragraph 8 of Part B.

32. (1) A legal practitioner may not appear as a witness for his or her own client except in merely formal matters or where the appearance is essential to the ends of justice.

(2) If a legal practitioner is a necessary witness for his or her client with respect to matters other than those that are merely formal, he or she shall entrust the conduct of the case to another legal practitioner of his or her client's choice.

In relation to the Courts and the Administration of Justice

33. (1) A legal practitioner shall maintain a respectful attitude towards the Court and shall not engage in undignified or discourteous conduct which is degrading to the Court.

(2) A legal practitioner shall encourage respect for the Courts and the Judges.

(3) A legal practitioner shall not support unjust criticisms of Judges and Magistrates.

(4) Where there is ground for complaint against a Judge or Magistrate a legal practitioner may make representation to the proper authorities and where this is done, the legal practitioner shall be protected.

34. A legal practitioner shall endeavour always to maintain his or her status as an advocate and shall not either in argument to the court or in address to the jury assert his or her personal belief in his or her client's innocence or in the justice of his or her cause or his or her personal knowledge as to any of the facts involved in the matter under investigation.

35. A legal practitioner shall never seek privately to influence directly or indirectly the Judges of the Court in his or her favour or in the favour of his or her client, nor shall he or she attempt to influence juries by fawning, flattery or pretended solicitude for their personal comfort.

36. A legal practitioner shall be punctual in attendance before the Courts and concise and direct in the trial and disposition of causes.

37. A legal practitioner appearing before the Court shall at all times be attired in the manner prescribed or agreed upon by the proper authorities and as befits the dignity of the Court.

In Relation to his or her Fellow Legal practitioners

38. (1) The conduct of a legal practitioner towards his or her fellow legal practitioners shall be characterised by courtesy, fairness and good faith and he or she shall not permit ill-feelings between clients to affect his or her relationship with his or her colleagues.

(2) All personal conflicts between legal practitioners should be scrupulously avoided as should also colloquies between them which cause delay and promote unseemly wrangling.

39. (1) A legal practitioner shall reply promptly to letters from other legal practitioners making inquiries on behalf of their clients.

(2) A legal practitioner shall endeavour as far as reasonable to suit the convenience of the opposing legal practitioner when the interest of his or her client or the cause of justice will not be injured by so doing.

40. A legal practitioner shall not give a professional undertaking that he or she cannot fulfil.

41. (1) A legal practitioner shall in the course of his or her professional duties report improper or unprofessional conduct by a colleague to himself or herself or his or her client to the Council, except where the information relating to the improper or unprofessional conduct is received in professional confidence in which case he or she shall respect the duty of silence imposed in those circumstances.

(2) A legal practitioner shall in the course of his or her professional duties expose without fear a legal practitioner who is alleged to have wronged a client and shall not lightly refuse a retainer against another legal practitioner if called upon to do so.

42. Where a legal practitioner has been sent money, documents or other things by a colleague in pursuance of a legal matter on condition that the receiving party will use them for a particular purpose, he or she must comply with that request or forthwith return the money, document or other things.

43. A legal practitioner shall not in any way communicate upon a subject in controversy or attempt to negotiate or compromise a matter directly with any party represented by another legal practitioner except through that other legal practitioner or with his or her prior consent.

44. (1) A legal practitioner shall not ignore the customs or practices of the legal profession even when the law expressly permits it, without giving timely notice to the opposing legal practitioner.

(2) A legal practitioner should avoid all sharp practices and should refrain from taking any paltry advantage when his or her opponent has made or overlooked some technical error or matter, bearing in mind that no client has a right to demand that a legal practitioner representing him or her shall be illiberal or shall do anything repugnant to his or her own sense of honour and propriety.

45. A legal practitioner shall not accept instructions to act in court proceedings in which to his or her knowledge a client has previously been represented by another legal practitioner, unless he or she first notified the other legal practitioner of the change, and makes reasonable efforts to ensure that the other legal practitioner has been paid for his or her services, however he or she shall be deemed to have notified the other legal practitioner if he or she has made reasonable efforts to notify him or her of the change.

46. A legal practitioner shall not accept instructions to act in proceedings other than Court proceedings in which to his or her knowledge, another legal practitioner has previously represented the client unless he or she makes reasonable efforts to ascertain that the retainer of that legal practitioner has been determined by the client or that the client wishes both legal practitioners to represent him or her.

47. A legal practitioner who instructs or employs another legal practitioner to act on behalf of his or her client shall, unless otherwise agreed, pay the proper fee of that legal practitioner whether or not he or she has received payment from the client.

General

48. Nothing contained in this Code shall be construed as derogating from any existing rules of professional conduct and duties of a legal practitioner which are in keeping with the traditions of the legal profession and which are not specifically provided for in this code.

49. Where in any particular matter explicit ethical guidance does not exist, a legal practitioner shall determine his or her conduct by acting in a manner that promotes public confidence in the integrity and efficiency of the legal system and the legal profession.

50. (1) A person who previously held a substantive appointment as a Judge of the Supreme Court shall not appear as a legal practitioner in any of the Courts of Anguilla for a period of 5 years commencing on the date of his or her retirement, resignation or other termination of appointment.

(2) This rule shall not apply to a person who is appointed to act as a Judge in a temporary capacity.

PART B

MANDATORY PROVISIONS AND SPECIFIC PROHIBITIONS

1. A legal practitioner shall not practise as a legal practitioner unless he or she has been issued a practising certificate in accordance with the provisions of this Act.

2. (1) A legal practitioner shall never knowingly mislead the Court.

(2) A legal practitioner shall not withhold facts or secrete witnesses in order to establish the guilt or innocence of the accused.

3. A legal practitioner shall not hold out any person who is not qualified to practise law as a partner, associate, consultant or legal practitioner.

4. A legal practitioner shall not become involved in a matter unless at the request of a party to the matter; however, it is proper for a legal practitioner to become involved in matters referred by the Bar Association or by another legal practitioner or for which he or she is engaged in any other manner not inconsistent with this Code.

5. A legal practitioner shall not in the carrying on of his or her practice or otherwise permit any act or thing which is likely or is intended to attract business unfairly or can reasonably be regarded as touting or public advertising.

6. (1) A legal practitioner shall not in any way make use of any form of public advertisement calculated to attract clients to himself or herself or any firm of legal practitioners with which he or she is associated and he or she shall not permit, authorise or encourage anyone to do so or reward anyone for doing so on his or her behalf.

(2) A legal practitioner shall not permit his or her professional standing to be used for the purpose of advertising any particular product, service or commercial organisation.

(3) A legal practitioner shall not advertise for business indirectly by furnishing or inspiring newspaper comment concerning cases or causes in which he or she has been or is connected or concerning the manner of his or her conduct, the magnitude of the interest involved, the importance of his or her position and any similar self-laudations.

(4) Notwithstanding subparagraphs (1), (2), and (3)—

(a) a legal practitioner or firm of legal practitioners may have a website or publish professional newsletters, the contents which shall be in accordance with good practice of the legal profession, informing of the firm of legal practitioners, its members and staff, current legal issues. Websites and professional newsletters must carry content of a professional nature and not contain anything derogatory of the legal profession, Government, judiciary or their respective members.

(b) a legal practitioner may permit limited and dignified identification of himself or herself as a legal practitioner—

(i) in political advertisements relevant to the cause of a political campaign or issue,

- (ii) in public notices where the announcement of his or her professional status is required or authorised by law, or is reasonably necessary for a purpose other than attracting potential clients,
 - (iii) in reports and announcements of bona fide commercial, civic, professional or political organisations in which he or she serves as a director or officer,
 - (iv) in and on legal textbooks, articles, professional journals and other legal publications and in dignified and restrained advertisements of these publications,
 - (v) in announcements of any public address, lecture, or publication by him or her on legal topics except that these announcements do not emphasise his or her own professional competence and are not likely to be regarded as being concerned with the giving of individual advice by him or her;
- (c) a legal practitioner may speak in public or write for publication on legal topics so long as it is not likely to be regarded as being concerned with the giving of individual advice;
- (d) the following cards, office signs, letterheads or directory listings may be used by a legal practitioner but in a restrained and dignified form—
- (i) a professional card identifying the legal practitioner by name and as a legal practitioner, giving his or her decorations and degrees, legal or otherwise, his or her addresses, telephone numbers and the name of his or her law firm or professional associates; however these cards should not be published in the news media and should only be handed out on request;
 - (ii) a brief professional announcement card which may be delivered only to legal practitioners, clients, former clients, personal friends and relations, and government bodies stating new or changed associations, addresses, or law firm names or similar professional matters;
 - (iii) a sign of a size and design compatible with the existing practice of the profession displayed on or near the door of the office and in the building directory identifying the law office;
 - (iv) a letterhead identifying the legal practitioner by name and as a legal practitioner and giving his or her decorations and degrees, legal or otherwise, his or her addresses, telephone numbers and the name of his or her law firm and of his or her associates;
 - (v) a listing in a telephone directory, a reputable law list, legal directory or biographical reference giving a brief biographical or other relevant information and the professional card, office sign, letterhead or listing may also state that the legal practitioner is a notary public;
 - (vi) a listing in a legal or other related trade journal giving information on the contact details of the attorney at law and his or her law firm, and the services provided.

7. Where a legal practitioner commits a criminal offence which in the opinion of the Council is of a nature likely to bring the profession into disrepute, the commission of the offence shall constitute professional misconduct if—

- (a) he or she has been convicted by a Court, including a foreign court of competent jurisdiction, of the offence; or

- (b) he or she has been prosecuted and has been acquitted by reason of a technical defence or he has been convicted but the conviction is quashed by reason of some technical defence.

8. A legal practitioner shall not acquire directly or indirectly by purchase or otherwise a financial or other interest in the subject matter of a case which he or she is conducting.

9. (1) A legal practitioner shall not enter into partnership or fee sharing arrangements concerning the practice of law with a non-qualified body or person.

(2) A legal practitioner shall not enter into an arrangement for or charge or collect a fee in contravention of this Code or any law.

10. (1) A legal practitioner shall not charge fees that are unfair or unreasonable and in determining the fairness and reasonableness of a fee the following factors may be taken into account—

- (a) the time and labour required, the novelty and difficulty of the questions involved and the skill required to competently perform the legal service;
- (b) the likelihood that the acceptance of the particular employment will preclude other employment by the legal practitioner;
- (c) the fee customarily charged in the locality for similar legal services;
- (d) the amount, if any involved;
- (e) the time limitations imposed by the client or by the circumstances;
- (f) the nature and length of the professional relationship with the client;
- (g) the experience, reputation and ability of the legal practitioner concerned;
- (h) any scale of fees or recommended guide as to charges prescribed by law or by the Council.

(2) A legal practitioner shall not accept any fee or reward for merely introducing a client or referring a case or client to another legal practitioner.

(3) A legal practitioner shall not charge a contingency fee except with the prior agreement of the client for reasonable commissions on the collection of liquidated claims.

11. (1) A legal practitioner shall not act in any matter in which his or her professional duties and personal interests conflict or are likely to conflict except with the specific approval of his or her client given after full disclosure to the client.

(2) A legal practitioner shall not accept or continue his or her retainer or employment on behalf of two or more clients if their interests are likely to conflict or if his or her independent professional judgment is likely to be impaired.

12. (1) A legal practitioner who withdraws from employment under paragraph 31 of Part A shall not do so until he or she has taken reasonable steps to avoid foreseeable prejudice or injury to the position and rights of his or her client including—

- (a) giving adequate notice;
- (b) allowing time for employing another legal practitioner;
- (c) delivering to the client all documents and property to which he or she is entitled subject however to any lien which the legal practitioner may have over these items;

- (d) complying with any laws, rules or practice that may be applicable; and
- (e) where appropriate, obtaining the permission of the Court where the hearing of the matter has commenced.

(2) A legal practitioner who withdraws from employment shall refund promptly that part of the fees, if any, already paid by his or her client as may be fair and reasonable having regard to all the circumstances of the case.

13. A legal practitioner shall withdraw forthwith from employment or from a matter pending before a tribunal—

- (a) where the client insists upon his or her presenting a claim or defence that he or she cannot conscientiously advance;
- (b) where the client seeks to pursue a course of conduct which is illegal or which will result in deliberately deceiving the Court;
- (c) where a client has in the course of the proceedings perpetrated a fraud upon a person or tribunal and on request by the legal practitioner has refused or is unable to rectify the same;
- (d) where his or her continued employment will involve him or her in the violation of the law;
- (e) where the client by any other conduct renders it unreasonably difficult for the legal practitioner to carry out his or her employment as such effectively, or in accordance with his or her judgment and advice, or the rules of law or professional ethics; or
- (f) where for any good and compelling reason it is difficult for him or her to carry out his or her employment effectively.

14. A legal practitioner shall not retain money he or she receives for his or her client for longer than is absolutely necessary.

15. A legal practitioner shall never disclose, unless ordered to do so by the Court or required by statute, what has been communicated to him or her in his or her capacity as a legal practitioner by his or her client or the legal practitioner of his or her client and this duty not to disclose extends to his or her partners and to any junior legal practitioner assisting him or her, however, a legal practitioner may reveal confidences or secrets necessary to establish or collect his or her fee or to defend himself or herself or associates against an accusation of wrongful conduct.

16. A legal practitioner shall not permit his or her professional services or his or her name to be used in any way that would make it possible for persons who are not legally authorised to do so to practise law.

17. A legal practitioner shall not delegate to a person not legally qualified and not in his or her employ or under his or her control, any functions which are by the laws of Anguilla, should only be performed by a qualified legal practitioner.

18. A legal practitioner shall not act with inexcusable or undue delay, negligence or neglect in the performance of his or her duties.

19. A legal practitioner shall not engage in undignified or discourteous conduct which is degrading to the Court or his or her profession.

20. A legal practitioner shall not wilfully make false accusations against a Judge or Magistrate.

21. A legal practitioner who holds a public office shall not use his or her public position to influence or attempt to influence a tribunal to act in favour of himself or of his or her client.

- 22.** A legal practitioner shall not accept private employment in a matter upon the merits of which he or she previously acted in a judicial capacity or for which he or she had substantial responsibility while he or she was in public employment.
- 23.** A legal practitioner shall not give, lend or promise anything of value to a Judge, juror or official of a tribunal before which there is pending any matter in which he or she is engaged.
- 24.** A legal practitioner shall not, in any proceedings in a Court, communicate or cause any other person to communicate with a juror information as to the merits of the proceeding, and shall only do so with a Judge or person exercising judicial functions -
- (a) in the normal course of the proceedings; or
 - (b) where authorised by law or the practice of the Courts.
- 25.** A legal practitioner shall not for the purpose of making any person unavailable as a witness, advise or cause that person to secrete himself or herself or leave the jurisdiction of the Court.
- 26.** A legal practitioner shall not pay or offer to pay or acquiesce in the payment of compensation to a witness for giving evidence in any cause or matter except as reimbursement for expenses reasonably incurred and as reasonable compensation for loss of time in attending, for preparation and testifying, and in the case of an expert witness a reasonable fee for his or her professional services.
- 27.** A legal practitioner shall not knowingly use perjured testimony or false evidence or participate in the creation or use of evidence that he or she knows to be false.
- 28.** A legal practitioner shall not counsel or assist his or her client or a witness in conduct that the legal practitioner knows to be illegal or fraudulent, and where he or she is satisfied that his or her client has in the course of the particular representation perpetrated a fraud upon a person or tribunal, he or she shall promptly call upon the client to rectify the act.
- 29.** A legal practitioner shall not knowingly make a false statement of law or fact.
- 30.** (1) A legal practitioner shall not commit a breach of an undertaking given by him or her to a Judge, a Court, tribunal or any of its officials, whether the undertaking relates to an expression of intention as to future conduct or is a representation that a particular state of facts exists.
- (2) A legal practitioner shall not knowingly represent falsely to a Judge, a Court or tribunal that a particular state of facts exists.
- 31.** In pecuniary matters a legal practitioner shall be most punctual and diligent and shall never mingle funds of others with his or her own and shall at all times be able to refund money he or she holds for others.
- 32.** (1) A legal practitioner shall keep accounts as clearly and accurately as is possible to distinguish the financial position between himself or herself and his or her client as and when required.
- (2) A legal practitioner shall comply with the rules that may be made by the Council under the provisions of the Act.
- (3) Nothing contained in paragraphs 28 and 29 shall deprive a legal practitioner of any recourse or right whether by way of lien, set-off, counterclaim, charge or otherwise against monies standing to the credit of an account maintained by that legal practitioner for a client.
- 33.** A legal practitioner shall reply promptly to any letter received from the Council relating to his or her professional conduct.
- 34.** Where no provision is made in this Code in respect of any matter, the rules and practice of the legal profession which govern the particular matter shall apply in so far as is practicable.
- 35.** (1) Breach by a legal practitioner of any of the rules contained in this Part shall constitute professional misconduct and a legal practitioner who commits a breach is liable to any of the penalties which the Council is empowered to impose.

(2) Breach by a legal practitioner of any of the provisions of Part A of this Code while not automatically amounting to punishable professional misconduct is a derogation from the standard of conduct expected from a legal practitioner and may, depending on the circumstances of the particular case, amount to misconduct or form a material ingredient thereof.