

Appendix 1

Code of Conduct

Note:- The guide to good practice shall amplify the principles of behaviour to assist the Legal Executive. They cannot be absolute rules, as the Legal Executive may have to depart from them if the law or professional obligations so require. As a statement of principles and objectives they represent the standards to be observed by experienced Legal Executives.

For the purposes of this guide the expressions:-

"The Legal Executive" - includes all grades of membership of the Irish Institute of Legal Executives.

"I.I.L.Ex" - means Irish Institute of Legal Executives.

"Solicitor Principal" - means any Solicitor under whose name the Legal Executive is practising whether the Solicitor is the employer or employed as a Solicitor in any office, department, corporation or undertaking.

A. PURPOSE OF THIS CODE:-

A-1 All Institute members of whatever grade of membership should be concerned with the maintenance of good practice within the profession and must commit themselves to this Code of Professional Conduct, which sets out the standards of professional conduct to which members must adhere. All Institute members shall observe and become bound by its Memorandum and Articles of Association, Code of Rules and Code of Conduct. It is the responsibility of each and every member to read, understand and be familiar with these documents.

B. EACH AND EVERY MEMBER UNDERTAKES TO:-

B-1 Support and promote the aims and objectives of the I.I.L.Ex. as set out in the Memorandum and Articles of Association.

B-2 Uphold the standards of professional practice as prescribed in the Code of Conduct and comply with the supporting guides to good practice as issued by I.I.L.Ex. from time to time.

B-3 Support and promote the operation and administration of I.I.L.Ex. as provided in the Code of Rules.

B-4 Uphold and afford full co-operation with I.I.L.Ex.'s disciplinary and complaints policy when necessary.

C. GENERAL PRINCIPLES:-

A member, in professional life and employment is expected to use the utmost skill and care for the Solicitor Principal. The standard of care is that of a reasonably competent Legal Executive.

A member shall conduct himself/herself and the matters of which he/she has control, in such a manner:-

C-1 So as to avoid any doubt being cast upon his/her professional integrity.

C-2 So as to avoid any action or situation which may bring disrepute upon I.I.L.Ex. or its members.

C-3 As will assist the impartial administration of justice.

C-4 As will at all times work within the framework of the law and shall use his/her best endeavours to avoid any breach of the law by his/her Solicitor Principal.

D. A MEMBER SHALL NOT:-

D-1 Misuse the trust placed in him/her, or disclose confidential information other than to those entitled to receive it.

D-2 For the personal gain of himself/herself or his/her family, take advantage of information gained in the course of his/her conduct of any matter.

D-3 In furthering the interests of the client on the instructions of the Solicitor Principal, be guilty of deceit.

D-4 In view of the fiduciary relationship between the client and Solicitor Principal and as a result of the position the Legal Executive may be placed in under the instructions and guidance of the Solicitor Principal take advantage of the inexperience, youth, want of education, lack of knowledge or business acumen of the client.

D-5 Hold himself/herself out as a member of I.I.L.Ex., nor display the distinguishing letters allocated after his/her name unless that member is in good standing as a fully paid up member entered in the register of members of I.I.L.Ex.

D-6 In the course of employment discriminate against any person nor treat any person less favourably because of their ethnic or national origin, sex, sexual orientation, religion or political persuasion.

E. GUIDE TO GOOD PRACTICE FOR MEMBERS OF I.I.L.EX.:-

Generally:-

E-1 The Legal Executive should only accept work he/she is competent to handle and perform without fear or favour but where advisable obtain additional expertise or guidance from appropriately qualified persons. Should the Legal Executive consider it appropriate to do so, he/she may recommend or introduce clients to another lawyer.

E-2 The Legal Executive should endeavour to maintain the highest level of legal knowledge within his/her chosen field and to that end should be aware of changes in the law or legal practice. The Legal Executive shall attend, where possible, as many courses of education available in further pursuance of ongoing legal knowledge.

E-3 The Legal Executive, although acting under the instructions and supervision of the Solicitor Principal, should consider himself/herself accountable for his/her own work and ensure that those he/she supervises are equipped to carry out their duties in a competent manner.

E-4 The Legal Executive should ensure that he/she is familiar with the Solicitors Acts, solicitors professional practice, conduct and discipline regulations, solicitors accounting regulations, guide to professional conduct of solicitors and any further regulations, as from time to time be in force and comply with those that are relevant to his/her work.

E-5 When acting on the instructions of his/her Solicitor Principal, when dealing with clients in any matter, the Legal Executive should advise the client of his/her qualification as a Legal Executive and position in relation to the organisation within which he/she is working. The client should also be made aware of the effect of costs upon any course of action chosen. He/she must advise on the availability of any right of the client to apply for legal aid, if applicable.

F. EMPLOYMENT:-

F-1 The Legal Executive shall at all times keep the Solicitor Principal promptly and effectively informed of progress and developments in each matter in hand.

F-2 The Legal Executive on becoming aware that any matter is not being conducted with reasonable expedition, whether for want of decision by some party or otherwise, shall inform his/her Solicitor Principal of the delay as the circumstances dictate.

F-3 The Legal Executive shall have regard to the health and safety of his/her colleagues at work.

F-4 The Legal Executive shall use his/her best endeavours to ensure the safety and security of deeds and documents.

F-5 The Legal Executive should not withdraw his/her services from his/her employer in a manner contrary to the procedure agreed between employers and employees for settling disputes. The I.I.L.Ex. does not regulate relations between employers and employees and therefore the withdrawal of services in furtherance of an industrial dispute does not, of itself, constitute unprofessional conduct, nor does litigation relating to the terms of employment of the Legal Executive.

F-6 The Legal Executive shall maintain due respect towards the Court. The Legal Executive shall never knowingly give to the Court incorrect information or advice, which is to their knowledge contrary to law.

F-7 The Legal Executive shall not directly communicate about a case with any person whom they know to be represented, in that case, by another lawyer without the latter's consent.

G. COLLEAGUES:-

G-1 Whether in the same employment or with whom the Legal Executive has dealings, the Legal Executive shall recognise that each has obligations and should not attempt to injure the reputation or professional standing of another lawyer. The Legal Executive shall treat their professional colleagues with the utmost courtesy and fairness.

G-2 Attached to this code is a description of the procedure, which shall be applied in dealing with any complaints arising.

H. STANDARDS OF PROFESSIONAL CONDUCT:-

H-1 Institute members are expected to exercise relevant competence in accordance with the Institutes professional standards and qualifications.

I. COMPLAINTS:-

I-1 Any person, whether or not a member, may complain to the Institute that a member has been guilty of conduct which is not in accordance with the provisions of this code and/or where that conduct appears likely to bring discredit to the Institute or the profession. Such conduct shall be considered under the terms of the Disciplinary Procedure.