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/](http://www.lawsociety.ie/)

* [www.lawinfo.ie](http://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...” McGuiness J.
Introduction

Solicitors/courts may add to distress

Preserve dignity, encourage agreement

Follow this Code and explain to clients

Resolve disputes

Result same, solution less costly

Consider Alternative Dispute Resolution methods
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
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

- Co-operation with other parent
- Parents agree arrangements
- Children matters separate
- Domestic Violence
- Strengths V Weakness
- Child V Parent Interest
- Undisputed Facts?
- Public Law Cases

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

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