

Preamble and Rule 1 – Core Duties

Solicitors’ Code of Conduct 2007

Professional Ethics

Dated 10 March 2007 and commencing on 1 July 2007

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The Solicitors’ Code of Conduct 2007

Rules dated 10 March 2007 commencing 1 July 2007 made under Part II of the Solicitors Act 1974 and section 9 of the Administration of Justice Act 1985 with the concurrence of the Master of the Rolls under that section and the approval of the Secretary of State for Constitutional Affairs under Schedule 4 to the Courts and Legal Services Act 1990, regulating the conduct of solicitors, registered European lawyers, registered foreign lawyers and recognised bodies.

The guidance printed with these rules is not mandatory and does not form part of the Solicitors’ Code of Conduct.

Rule 1 – Core duties

1.01 Justice and the rule of law

You must uphold the rule of law and the proper administration of justice.

1.02 Integrity

You must act with integrity.

1.03 Independence

You must not allow your independence to be compromised.

1.04 Best interests of clients

You must act in the best interests of each client.

1.05 Standard of service

You must provide a good standard of service to your clients.

1.06 Public confidence

You must not behave in a way that is likely to diminish the trust the public places in you or the profession.

Guidance to rule 1 – Core duties

General

1. A modern just society needs a legal profession which adopts high standards of integrity and professionalism. As a solicitor, registered foreign lawyer (RFL), registered European lawyer (REL) or recognised body you serve both clients and society. In serving society, you uphold the rule of law and the proper administration of justice. In serving clients, you work in partnership with the client making the client's business your first concern. The core duties contained in rule 1 set the standards which will meet the needs of both clients and society.
2. The core duties perform a number of functions:
 - (a) They define the values which should shape your professional character and be displayed in your professional behaviour.
 - (b) They form an overarching framework within which the more detailed and context-specific rules in the rest of the Code can be understood, thus illuminating the nature of those obligations and helping you to comply.

- (c) The core duties can help you to navigate your way through those situations not covered in the detailed rules, as no code can foresee or address every ethical dilemma which may arise in legal practice.
 - (d) The core duties are fundamental rules. A breach may result in the imposition of sanctions.
3. Where two or more core duties come into conflict, the factor determining precedence must be the public interest, and especially the public interest in the administration of justice. Compliance with the core duties, as with all the rules, is subject to any overriding legal obligations.
 4. It will be a breach of rule 1 if you permit another person to do anything on your behalf which would compromise or impair your ability to comply with any of the core duties.

Justice and the rule of law – 1.01

5. You have obligations not only to clients but also to the court and to third parties with whom you have dealings on your clients' behalf – see in particular rule 10 (Relations with third parties) and rule 11 (Litigation and advocacy).

Integrity – 1.02

6. Personal integrity is central to your role as the client's trusted adviser and must characterise all your professional dealings – with clients, the court, other lawyers and the public.

Independence – 1.03

7. See also rule 3 (Conflict of interests) and rule 9 (Referrals of business).

Best interests of clients – 1.04

8. You must always act in good faith and do your best for each of your clients. Most importantly, you must observe:
 - (a) your duty of confidentiality to the client – see rule 4 (Confidentiality and disclosure);
 - (b) your obligations with regard to conflicts of interests – see rule 3 (Conflict of interests); and
 - (c) your obligation not to use your position to take unfair advantage of the client – see 10.01 (Not taking unfair advantage).

Standard of service – 1.05

9. You must provide a good standard of client care and of work, including the exercise of competence, skill and diligence. Disciplinary action will not always follow where breaches of this duty are minor and isolated.

Public confidence – 1.06

10. Members of the public must be able to place their trust in you. Any behaviour within or outside your professional practice which undermines this trust damages not only you but the ability of the profession as a whole to serve society.