



1. Legal practitioners, candidate legal practitioners and support staff shall –

- 1.1 maintain the highest standards of honesty and integrity;
- 1.2 uphold the Constitution of the Republic and the principles and values enshrined in the Constitution, and without limiting the generality of these principles and values, shall not, during his or her or its practice or business activities, discriminate against any person on any grounds prohibited in the Constitution;
- 1.3 treat the interests of their clients as paramount, provided that their conduct shall be subject always to:
 - 1.3.1 the interests of justice;
 - 1.3.2 observance of the law; and
 - 1.3.3 the maintenance of the ethical standards prescribed by this code, and any ethical standards generally recognised by the legal profession;
- 1.4 honour any undertaking given, unless prohibited by law;
- 1.5 refrain from doing anything in a manner prohibited by law or by the code of conduct which places or could place them in a position in which a client's interests conflict with their own or those of other clients;
- 1.6 maintain legal professional privilege and confidentiality regarding the affairs of present or former clients or employers, according to law;
- 1.7 respect the freedom of clients to be represented by a legal practitioner of their choice;
- 1.8 account faithfully, accurately and timeously for any of their clients' money which comes into their possession, keep such money separate from their own money, and retain such money for only as long only as is strictly necessary;
- 1.9 retain the independence necessary to enable them to give their clients or employers unbiased advice;
- 1.10 advise their clients at the earliest possible opportunity on the likely success of such clients' cases and not generate unnecessary work, nor involve their clients in unnecessary expense;

- 1.11 use their best efforts to carry out work in a competent and timely manner and not take on work which they do not reasonably believe they will be able to carry out in that manner;
- 1.12 remain reasonably abreast of legal developments, applicable laws and regulations, legal theory and the common law, and legal practice in the fields in which they practise;
- 1.13 behave towards their colleagues, whether in private practice or otherwise, including any legal practitioner from a foreign jurisdiction, and towards members of the public, with integrity, fairness and respect and without unfair discrimination, and shall avoid any behaviour which is insulting or demeaning;
- 1.14 refrain from doing anything which could or might bring the legal profession into disrepute;

2. Integrity in performance of professional services:

- 2.1 A legal practitioner, support staff and a firm shall take reasonable steps to avoid and prevent any reasonable suspicion arising that his, her, or its integrity is compromised in any respect.
- 2.2 A legal practitioner shall not, in giving advice to a client, advise conduct that would contravene any law; more particularly, a legal practitioner shall not devise any scheme which involves the commission of any offence.
- 2.3 A legal practitioner may give advice about whether any act, omission or course of conduct may contravene any law.
- 2.4 Whenever a legal practitioner performs any act in a personal capacity, which is ostensibly of a professional nature, he or she shall not permit any confusion to exist on the part of any interested person about whether he or she acts in a personal or professional role or both.
- 2.5 A legal practitioner shall, when a client gives conflicting instructions, or attempts to retract earlier instructions, withdraw from the matter if continuing to act for the client would cause unavoidable embarrassment to the legal practitioner.
- 2.6 A legal practitioner shall in the composition of pleadings and of affidavits rely upon the facts given to him or her by the instructing attorney or client, as the case may be, and in so doing:
 - 2.6.1 shall not gratuitously disparage, defame or otherwise use invective;
 - 2.6.2 shall not recklessly make averments or allegations unsubstantiated by the information given to the legal practitioner.
- 2.7 A legal practitioner who is briefed to prepare a document articulating the reasons relied upon by any entity or person whose decision is being reviewed or subjected to administrative appeal, must scrupulously express the reasons, as instructed, and must not distort their meaning by the manner of formulation or by the addition or subtraction of additional material.

2.8 A legal practitioner shall, in giving any advice about the prospects of success in any matter, give a true account of his or her opinion and shall not pander to a client's whims or desires. However, in any matter in which the legal practitioner's opinion is adverse to the prospects of success, the legal practitioner may upon client's insistence place before a court the client's case for the adjudicating officer to decide the matter and the legal practitioner shall advance that case as best as the practitioner is able.

3. Specific provisions relating to conduct of attorneys and support staff:

An attorney shall –

- 3.1 refrain from accepting from any person directly or indirectly any sum of money or financial reward which it is agreed or intended should be used as payment or part payment for services to be rendered or for disbursements to be made in the future in the event of any future act or omission forming the basis of any criminal charge against the person by or for whose benefit such payment was made;
- 3.2 issue and, on request, hand over or otherwise deliver to the person making payment, a receipt for any money received;
- 3.3 exercise proper control and supervision over his or her staff and offices;
- 3.4 not overreach a client or overcharge the debtor of a client, or charge a fee which is unreasonably high, having regard to the circumstances of the matter. Any disputes about the quantum or rate of fees by an attorney or by work done by and value received from an attorney shall be subject to a fees enquiry conducted by the Council or an authorised sub-structure of the Council, and an onus shall rest on the attorney to justify the reasonableness of fees charged and that the work charged for was done and was reasonably necessary to do, or was done at the request of the client;
- 3.5 use the services of a third party (including services for the purpose of gathering evidence) only where the attorney has established a bona fide attorney and client relationship with the client, such that –
 - 3.5.1 the client is free to elect whether or not to use the services of the third party;
 - 3.5.2 the attorney takes proper instructions directly from the client; and
 - 3.5.3 the attorney is mandated to engage the third party at the client's cost, in which event the attorney may issue an instruction to a third party whom the attorney considers will be competent to do specific work, and the attorney may, on the client's behalf, pay to the third party a fair and reasonable fee, consistent with the value of the work actually done by the third party;
- 3.6 when using the services of a third party, render an account to the client which discloses the payment to the third party as a disbursement;

- 3.7 not accept a mandate –
 - 3.7.1 knowing there to be an existing mandate, or a freshly terminated mandate, given to another attorney without explaining to the client all the implications of his doing so, including in particular the cost implications;
 - 3.7.2 in a matter taken on a contingency fee basis where he or she knows or ought reasonably to know that there were no good grounds for the potential client to terminate the existing mandate;
 - 3.7.3 perform professional work or work of a kind commonly performed by an attorney with such a degree of skill, care or attention, or of such a quality or standard, as may reasonably be expected of an attorney;
 - 3.7.4 in any communication with another person on behalf of a client –
 - 3.7.5 not represent to that person that anything is true which the attorney knows, or reasonably ought to know, or reasonably believes, is untrue; or
 - 3.7.6 not make any statement that is calculated to mislead or intimidate that other person, and which materially exceeds the legitimate assertion of the rights or entitlement of the attorney's client; or
 - 3.7.6.1 not threaten the institution of criminal proceedings against any other person in default of that person's satisfying a concurrent civil liability to the attorney's client; or
 - 3.7.6.2 not demand the payment of any costs to the attorney in the absence of an existing liability owed by the person to the attorney's client;
- 3.8 be in attendance, or immediately accessible, during a consultation with counsel or an attorney acting as counsel, or at court during the hearing of a matter (other than an unopposed application) in which he or she is the attorney of record, in person or through a partner or employee, being an attorney or a candidate attorney;
- 3.9 take all such steps as may be necessary from time to time to ensure compliance at all times as an accountable institution with the requirements of the Financial Intelligence Centre Act, 38 of 2001;
- 3.10 pay timeously, in accordance with any contractual terms or, in the absence of contractual terms, in accordance with the standard terms of payment, the reasonable charges of any legal practitioner, whether an advocate or an attorney, whom he or she has instructed to provide legal services to or on behalf of a client; such liability shall extend to every partner of a firm or member of an incorporated practice, and if the firm is dissolved or the incorporated practice is wound up, liability shall remain with each partner or member, as the case may be, the one paying, the others to be absolved;
- 3.11 dress appropriately when rendering services to or on behalf of a client;
- 3.12 not have a branch office unless, at all times when practice is being conducted there, that office is under the effective supervision of a practising attorney;

- 3.13 comply with and observe the letter and the spirit of the law, including internal binding and non-binding codes, principles and standards of conduct;
 - 3.14 observe and protect confidentiality and privacy of all information made available to him or her and received during the course of performing his or her duties, unless there is a legal obligation to disclose that information; and
 - 3.15 generally act in a manner consistent with the good reputation of legal practitioners, support staff and of the legal profession, and refrain from conduct which may harm the public, the legal profession or legal practitioners or which may bring the legal profession or legal practitioners into disrepute.
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