

Professional Ethics Revision Notes

10 Golden Rules

1. **CONFIDENTIALITY** Preserve the confidentiality of your lay client's affairs.
2. **DUTY TO COURT** You must not knowingly or recklessly mislead the court.
3. **DUTY TO PROFESSION** You must not engage in conduct:
 - (a) which is dishonest or otherwise discreditable to a barrister;
 - (b) prejudicial to the interests of justice; or
 - (c) which will diminish public confidence in the legal system or bring the legal profession into disrepute.
4. **DISCRIMINATION** You must not discriminate in relation to any person by reason of race, colour, ethnicity, religion, nationality, citizenship, sex, sexual orientation, marital status, disability or political persuasion.
5. **INDEPENDENCE** You must not permit your absolute independence, integrity, and freedom from external pressures to be compromised nor do anything which could lead to the inference that it is so compromised.
6. **CAB RANK** You must observe the "cab rank" rule: A barrister must accept instructions if it is in his field of expertise, whatever the instructions and whomever the client.
7. **PROFESSIONAL EMBARRASSMENT** A barrister would be professionally embarrassed and must refuse instructions if:
 - (1) He lacks sufficient experience or competence to handle the matter;
 - (2) He has inadequate time or opportunity to prepare to case;
 - (3) The instructions seek to limit his ordinary authority or discretion in the proceedings, or require him to act otherwise than in conformity with the law or this code;
 - (4) If he may be a witness in the matter;
 - (5) If by some connection with client or a member of the court it would be difficult for him to maintain professional independence or the administration of justice may be or appear to be prejudices.
 - (6) There is a conflict of interest or a risk of a conflict of interest between the barrister and the client or between any one or more of his clients;
 - (7) There is a significant risk that information confidential to a client or former client may be revealed or used without their consent;
 - (8) He has been instructed by a lay client who has not instructed a solicitor and it is in the interests of the client or of justice for him to do so.

118 Ethics Notes

**Gary L. Harrelson, Greg
Gardner, Andrew P. Winterstein**

118 Ethics Notes:

Plutarch's Morals. Ethical essays, tr. with notes by A.R. Shilleto Plutarchus,1888 [The Reasons for the Commandments in Jewish Thought](#) Yizhak Heinemann,2008 This classic work by early 20th century Jewish humanist and scholar Isaac Heinemann surveys the crucial phases of Jewish thought concerning correct conduct as codified in the commandments Heinemann provides his own systematic insights about the intellectual emotional pedagogical and pragmatic reasoning advanced by the major Jewish thinkers This volume covers Jewish thinkers from the Bible rabbis and Hellenistic philosophers through the Middle Ages and the Renaissance including Saadiah Halevi Maimonides Albo and many others Heinemann addresses such questions as What were the Biblical rabbinic medieval and modern rationales offered for the commandments in the course of Jewish thought

[Legal Ethics & Professional Responsibility](#) ,2008 [Law Commission: Fiduciary Duties of Investment Intermediaries: A Consultation Paper - Consultation Paper No 215](#) Great Britain: Law Commission,2013-10-28

The consultation paper Fiduciary Duties of Investments Intermediaries A Consultation Paper follows on from the Kay Report on UK Equity Markets and Long Term Decision Making see below and uses pensions as the example tracing a chain of intermediaries from the prospective pensioner saver to the registered shareholder of a UK company There are well established duties on pension trustees to act in the best interests of scheme members and it looks at how far these duties require trustees to maximize financial return over a short time scale and how far trustees can consider other factors such as environmental and social impact The consultation asks Whether the law is right to allow trustees to consider ethical issues only in limited circumstances Whether the legal obligations on trustees are conducive to investment strategies in the best interests of the ultimate beneficiaries and if not what specifically ne

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