

ADVOCATES' PUBLICITY CODE 2000

Code dated 28th February 2000 promulgated by the Bar Council, regulating the publicity of advocates in the Bailiwick of Guernsey or overseas,

1. General principles

(a) *Right to publicise services*

Subject to the rules which follow an advocate may publicise his services in any way.

(b) *Compliance with professional obligations*

Nothing in this code shall be construed as authorising any breach of the Rules, and in particular Rule 1 thereof, or any other professional obligation or requirement.

(c) *Publicity in bad taste*

Advocates shall not publicise their practices in any manner which may reasonably be regarded as being in bad taste.

(d) *Misleading or inaccurate publicity*

Publicity must not be inaccurate or misleading in any way.

✓ *Approved by the Code.*

[Signature]
17th February 2000

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A. A. Leveson

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(e) *Advocates' responsibility for publicity*

It is the responsibility of advocates to ensure that all their publicity, and all publicity for their services which is conducted by other persons, complies with the provisions of this code. The responsibility cannot be delegated. Where advocates become aware of any impropriety in any publicity appearing on their behalf, they must use their best endeavours to have the publicity rectified or withdrawn as appropriate.

2. Contents of publicity - general

(a) *Advocate to be identified*

Every advertisement by an advocate must bear the advocate's name or firm name.

(b) *Claims to specialisation or particular expertise*

It is not improper for a claim to be made that an advocate is a specialist, or an expert, in a particular field provided that such a claim can be justified.

(c) *Success Rate*

No publicity may refer to an advocate's success rate.

(d) *Comparisons and Criticisms*

No publicity may make direct comparison or criticism in relation to the charges or quality of service of any other identifiable advocate. However, an advocate may participate in the preparation of a bona

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vide survey of legal services conducted by a third party which may make comparisons between the charges of or quality of service provided by different advocates.

3. Unsolicited visits and telephone calls

Advocates may not publicise their practices by means of unsolicited visits or telephone calls except:

- (i) by means of a telephone call to a current or former client; or
- (ii) by means of a visit or telephone call to another advocate or to an existing or potential professional connection.

4. Naming clients

Advocates may name or identify their clients in advertisements for their practices or in the public media, or supply information about their clients to publishers of directories, provided that:

- (i) the client gives consent which, in the case of advertisements and directories, shall be in writing; and
- (ii) any such naming or identification of a client is not likely to prejudice the client's interests.

5. Statements as to charges

- (a) *Clarity*

Any publicity as to charges or a basis of charging must be clearly expressed. It must be stated what services will be provided for those

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charges or on that basis of charging. Any circumstances in which the charges may be increased or the basis altered must be stated. It must be clear whether disbursements are included.

(b) *Fee from or upwards of a figure*

It is prohibited to state a fee as being from or upwards of a certain figure.

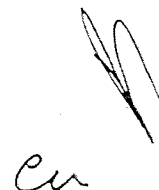
(c) *Service free of charge*

Publicity may state that a particular service of an advocate is free of charge, but this must not be conditional on the advocate or any other person being given any other instructions, or receiving any commission or other benefit, in connection with that or any other matter.

(d) *Composite Fees*

Advocates may quote a composite fee for two or more separate services offered, but

- (i) the advocate must if required quote separate fees for the individual services; and
- (ii) the advocate must if required carry out any one only of those services on the basis of the separate fee quoted.

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6. Naming and describing partners and staff

Provisions applying to all practices

- (i) A member of staff other than an advocate may only be named in a practitioner's publicity, including stationery, if the status of that person is unambiguously stated.
- (ii) Practitioners are reminded of the danger of inadvertently holding out persons as partners in a firm by inclusion of both partners' and non-partners' names in a list. The status of non-partners must be indicated for avoidance of doubt whenever a situation of inadvertent holding out might otherwise arise.
- (iii) The following terms, used alone or in combination, will be deemed to indicate that a person is an advocate, unless it is made clear that the person is not so qualified:
 - (A) associate;
 - (B) assistant;
 - (C) consultant.
- (iv) The following terms, used alone or in combination, will be deemed to indicate that a person is not an advocate, unless a contrary indication appears:-
 - (A) executive;
 - (B) clerk;
 - (C) manager;
 - (D) secretary;
 - (E) paralegal.

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- (v) The appearance against a person's name of an indication that he or she is qualified in a jurisdiction other than Guernsey or the title of any other profession, will be deemed to indicate that the person is not an advocate, unless a contrary indication appears.

7. Directory headings

A firm may have an entry or advertisement in a directory or listing under any appropriate heading provided that the word "advocate" appears *either* in the heading of the directory or listing *or* in a name or description of the practice appearing in the entry or advertisement itself.

8. Professional stationery

(a) *Application of the Code to Stationery*

The provisions of this code apply to an advocate's letterhead and matter similarly forming part of an advocate's professional stationery.

(b) *Practising Address on Stationery*

Any stationery used by advocates for their professional work must include a practising address and not merely a box number. Where a facsimile transmission is being sent, the frontsheet should contain the advocate's address if this is not contained in some other part of the transmission.

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9. Professional announcements, advertisements for staff, etc.

Any professional announcement, advertisement for staff, advertisement offering agency services, or any other like advertisement by an advocate must comply with the provisions of this code.

10. Institutional publicity

(a) *Institutional Publicity by the Bar Council*

This code does not apply to publicity by the Bar Council, or any body established under the control of the Bar Council, concerning the services of advocates in general or any class or group of advocates.

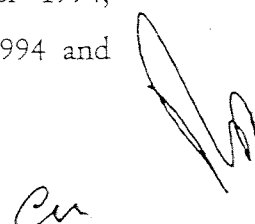
(b) *Publicity Naming advocates*

Where any publicity referred to in (a) above names individual advocates or firms, such publicity must comply with this code as if the publication were by individual advocates.

11. Interpretation

In this code:-

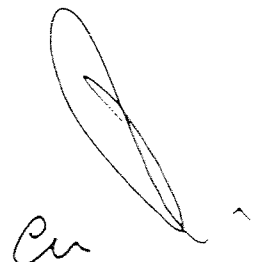
- (i) "advertisement" except where the context otherwise requires, refer to any form of advertisement and include *inter alia* brochures, directory entries, stationery, and press releases promoting a advocate's practice; but exclude press releases prepared on behalf of a client.
- (ii) references to the "Rules" are to the Rules of Professional Conduct which were promulgated by the Bar Council in October 1994, approved by Her Majesty's Procureur on 25th October 1994 and



sanctioned by the Bailiff on 25th October 1994 and which came into force on 1st January 1995.

12. Commencement

This code will come into force on such date as the Batonnier shall appoint and notify to the members of the Bar Council.

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