

# CHAPTER 167A LEGAL PROFESSION ACT

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• Act • Subsidiary Legislation •

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## ACT

Act No. 25 of 2011

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## CHAPTER 167A

### LEGAL PROFESSION ACT

#### An Act to provide for the regulation of the legal profession, for the qualification, enrolment and discipline of its members, and for related matters.

[Act No. 25 of 2011.]

[To be proclaimed.]

#### PART I

##### *Preliminary*

#### Short title and commencement

1. (1) This Act may be cited as the Legal Profession Act.

(2) This Act shall come into force on a day to be appointed by the Minister by Notice in the *Gazette*; and a later day may be appointed for the purposes of sections 53 and 58 of the Act.

#### Interpretation

2. In this Act—

“Agreement” has the meaning assigned to it under the Council of Legal Education Act, Chapter 71;

“attorney-at-law” means a person whose name is entered on the Roll in accordance with this Act, or under any law for the time being in force;

“certificate of enrolment” means the certificate of enrolment issued under section 22;

“Chairperson” means the Chairperson of the Council;

“client” includes—

- (a) in respect of contentious business, any person, who as principal or on behalf of another person, retains or employs an attorney-at-law, and any person who is, or may be liable to pay an attorney-at-law fees for that business; and
- (b) in relation to non-contentious business, any person who, as principal, or on behalf of another, or as trustee or executor, or in any other capacity has power, expressed or implied, to retain or employ, and retains or employs an attorney-at-law for such business;

“Council” means the General Legal Council established under section 5;

“Council of Legal Education” means the Council of Legal Education established under the Agreement;

“Court of Appeal” means the Court of Appeal of the Supreme Court;

“fees” include remuneration, charges and disbursements;

“firm” means a partnership or an associateship of attorneys-at-law;

“Government” means the Government of Grenada;

“insure” has the meaning assigned to it under the Insurance Act;

“Legal Education Certificate” means the certificate issued by the Council of Legal Education established under the Agreement;

“member” means a member of the General Legal Council appointed under sections 5 and 7(3);

“Member State” means a Member State listed in the Fifth Schedule;

“Minister” means the Minister responsible for legal affairs;

“Practising Certificate” means a certificate as provided for in Form III of the Second Schedule issued pursuant to sections 26 and 27;

“qualifications prescribed by law” means the qualifications set out in the Agreement;

“Registrar” means the Registrar of the Supreme Court;

“Roll” means a list of attorneys-at-law kept by the Registrar pursuant to section 15;

“Supreme Court” means the West Indies Associated States Supreme Court of Grenada;

“to practise law” means to practise as a barrister, solicitor, or both, or an attorney-at-law, or the undertaking or performing of the functions of a barrister, solicitor, or an attorney-at-law, as recognised by any law, whether before or after the commencement of this Act;

“unqualified person” means a person who under section 24, is disqualified from practising law;

“valid Practising Certificate” means a Practising Certificate which is in force.

## PART II

### *The Grenada Bar Association, the General Legal Council and Enrolment and Practice in the Legal Profession*

#### **The Bar Association**

3. The Grenada Bar Association (“the Association”) is continued.

#### **The purposes of the Association**

4. The purposes of the Association are to—

- (a) maintain and improve the standards of conduct of the members of the Legal Profession in Grenada;
- (b) represent and protect the interests of the legal profession in Grenada;
- (c) assist the public in Grenada in all matters relating to law;
- (d) promote good relations within the profession and persons concerned in the administration of justice in Grenada, and between the profession and the public generally;
- (e) promote good relations between the profession and professional bodies of the legal profession in other countries and to participate in any relevant international activities of the legal profession and to become a member thereof;
- (f) promote, maintain and support the administration of justice and the rule of law;
- (g) provide ongoing public education programmes on basic issues of law and current legislation; and
- (h) do all things incidental or conducive to the achievement of the purposes set out in this section.

#### **Establishment of Council**

5. (1) There shall be established, for the purposes of this Act, a body to be known as the General Legal Council, which shall be concerned with the legal profession, and in particular, with regulating and upholding standards of professional conduct.

(2) The Council shall consist of the following members appointed by the Governor-General as follows—

- (a) a judge, who may be a retired judge, nominated by the Chief Justice;
- (b) the Attorney-General or the Solicitor-General in his absence;
- (c) one representative from the Grenada Conference of Churches;
- (d) two representatives of the public, nominated by the Governor-General acting in his own deliberate judgment; and
- (e) three members nominated by the Grenada Bar Association.

(3) The persons nominated by the Grenada Bar Association under subsection (2)(e), shall consist of the following—

- (a) one member from the Inner Bar;
- (b) one member of at least ten years standing, in practising law in Grenada; and
- (c) one member with between three and five years standing, in practising law in Grenada.

(4) The judge nominated by the Chief Justice shall be the Chairperson of the Council, and where this judge is unable to perform his duties as Chairperson, the Attorney-General or the Solicitor-General in the Attorney-General’s absence, shall act as Chairperson of the Council.

### **Tenure of office**

6. The appointment of a member under section 5(2)(c), (d) or (e) shall, subject to the provisions of this Act, be for a period not exceeding three years, and such member shall be eligible for re-appointment.

### **Acting appointment**

7. (1) Where a member of the Council is absent or unable to act, the Governor-General may appoint any person to act in the place of that member.

(2) Where the power to appoint a person to act in an office is being exercised pursuant to this section, the appointment shall be made in the same manner, and from among such persons, as would be required in the case of a substantive appointment.

(3) Subsections (1) and (2) shall not apply to the office of Chairperson of the Council.

### **Resignation**

8. A member appointed under section 5(2)(c), (d) or (e), may at any time, resign his office, by instrument in writing addressed to the Governor-General and transmitted through the Chairperson, and from the date of receipt by the Governor-General of such instrument, such person shall cease to be a member of the Council.

### **Revocation of appointments**

9. The Governor-General, acting on the advice of the Chief Justice may revoke the appointment of a member appointed under section 5(2)(c), (d) or (e) for the following reasons—

- (a) if the member is found guilty of misconduct, which is related to the performance of his functions, pursuant to the provisions of this Act;
- (b) if the member is absent without leave granted by the Chairperson, from four consecutive meetings of the Council; or
- (c) if the member becomes incapable of carrying out his functions under the Act.

### **Filling of vacancies**

10. If any vacancy occurs in the membership of the Council, such vacancy shall be filled by the appointment of another member who shall, subject to the provisions of this Act, hold office for the remainder of the period for which the previous member was appointed, and the appointment shall be made in the same manner and from the same category of persons, if any, as the appointment of the previous member.

### **Gazetting of appointments**

11. The names of all members of the Council as first constituted, and every change in the membership thereof, shall be published in the *Gazette*.

### **Procedure and meetings**

12. (1) The Council shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such place and times, and on such days as the Council may determine.

(2) The Chairperson may, at any time, call a special meeting of the Council, within seven days of the receipt of a written request for that purpose addressed to him, by any three members of the Council.

(3) The Chairperson shall preside at all meetings of the Council at which he is present, and in the case of the absence of the Chairperson from any meeting, the Attorney-General shall preside at the meeting, and when so presiding, he shall have an original and a casting vote.

(4) The quorum of the Council shall be five, of whom either the judge nominated by the Chief Justice, or the Attorney-General or the Solicitor-General in his absence, shall at all times form part thereof.

(5) The Registrar shall be the Secretary to the Council, and shall be responsible for the administrative functions of the Council.

(6) Without limiting the generality of subsection (5), the Registrar shall be responsible for the keeping of the minutes of each meeting of the Council in such manner as may be determined by the Council.

(7) In performing the duties as secretary under subsections (5) and (6), the Registrar shall not divulge any of the complaints, proceedings or exhibits which come to his knowledge, to anyone, unless so authorised by the Council or a court of law.

(8) The validity of any proceedings of the Council shall not be affected by any vacancy amongst the members, or by any defect in the appointment of a member thereof.

(9) Subject to the provisions of this Act, the Council may regulate its own proceedings.

#### **Protection of members**

13. A member of the Council shall not be personally liable for any act or default of the Council done, or omitted to be done in good faith, in the course of the operations of the Council.

#### **Remuneration of members**

14. The members of the Council shall be paid such remuneration, whether by a way of honorarium, salary or fees, and such allowances as Cabinet may determine.

### **PART III**

#### *Membership of the Legal Profession Enrolment, Admission and Status*

#### **Roll of attorneys-at-law**

15. (1) The Registrar shall keep a list of attorneys-at-law to be known as the “Roll” on which he shall cause to be entered, the name of every person entitled to practise law under section 16, or admitted and entitled to practise law under sections 17, 18 and 19, together with the following particulars in respect of each such person—

- (a) the full name and address of the person;
- (b) the date of enrolment of the person; and
- (c) a description of the qualifications which entitle the person to practise law.

(2) The Registrar shall have custody of the Roll and of all documents relating to the Act, and shall allow any person to inspect the Roll during office hours free of charge.

(3) The Registrar shall make such alterations in the particulars entered on the Roll as are necessary.

#### **Registration of persons entitled to practise before commencement of Act**

16. Forthwith upon the commencement of this Act, the Registrar shall cause to be registered on the Roll, the name of every person who, immediately before the commencement of this Act, appeared on the Court Roll kept pursuant to section 78 of the West Indies Associated States Supreme Court (Grenada) Act, Chapter 336, according to the dates on which they were respectively admitted to practise law.

#### **Admission to practise and enrolment**

17. (1) Subject to the provisions of this Act, a person who makes an application to the Supreme Court, and satisfies the Supreme Court that he—

- (a) is of good character; and either—
  - (i) holds the qualifications prescribed by law, or
  - (ii) is a person in respect of when an Order has been made under section 18;
- (b) has paid the prescribed fees under the provisions of the Stamp Act, Chapter 309, in respect of such admission;
- (c) has filed in the office of the Registrar an affidavit of his identity, and stating that he has paid the prescribed fee; and
- (d) has deposited with the Registrar for inspection by the Court, his certificate, with respect to his qualifications prescribed by law,

shall be eligible to be admitted by the Court to practise as an attorney-at-law in Grenada.

(2) Notwithstanding the provisions of this Act or any other written law to the contrary, a national of Grenada who makes an application to the Court and satisfies the Court that—

- (a) he has the qualifications which would allow him to practise law in any country having a sufficiently analogous system of laws as Grenada; and

- (b) he has obtained a certificate from the head of chambers of an attorney-at-law of not less than ten years standing, practising in Grenada to the effect that the national has undergone an attachment to those chambers for a continuous period of not less than six months relating to the practise of law,

is deemed to hold the qualifications prescribed by law and is entitled, subject to fulfilling the conditions under subsection (1), to be admitted by the Court to practise as an attorney-at-law in Grenada.

(3) Before any person is admitted as an attorney-at-law, the Registrar shall enquire whether the person has fulfilled all the conditions for admission laid down by law, and if the Registrar is satisfied that the person has done so, he shall report accordingly to the Supreme Court.

(4) The Supreme Court may issue directions and conditions as to the manner in which the qualifications for admission to practise law may be proved, and may order any person to furnish such evidence as may be requested, for the purpose of this section or section 18.

(5) Notwithstanding any law to the contrary, the Minister, where he considers it necessary or expedient after consultation with the Chief Justice, may, by Order, provide that a Commonwealth citizen who has been admitted to practise in a Commonwealth country, is eligible to be admitted to practise law in Grenada on such terms and conditions, including but not limited to the duration of the admission, as the Minister may specify in the Order.

### **Admission to practise by Order**

**18.** (1) The Minister after consultation with the Council, may by Order provide that, subject to such exceptions, conditions and modifications a citizen or national of a country to which this section applies, who has obtained the qualifications prescribed by law, shall be eligible to be admitted by the Supreme Court to practise law in Grenada.

(2) This section applies to the country, if the Minister after consultation with the Council is satisfied—

- (a) that the law of that country relating to the admission of legal practitioners to practise law in a superior Court of jurisdiction in that country, is such as to ensure that a citizen of Grenada, who has obtained the qualifications and satisfied the conditions which would entitle a citizen or a national of that country to be admitted to practise as a legal practitioner in that country is entitled, or would, if an Order were made under this subsection, be or become entitled to admission as a legal practitioner of the superior Courts of jurisdiction of that country; and
- (b) that such entitlement to admission would be on terms as favourable as those which citizens or nationals of that country would, if an Order were made under this subsection, be or become entitled to admission as an attorney-at-law in Grenada.

(3) A person shall be eligible to be admitted to practise law under subsection (1), only upon satisfying the Court of his qualifications and good character, and upon payment of the prescribed fees.

(4) Every person admitted to practise law by the Supreme Court under the authority of an Order made under subsection (1), shall be deemed to have been duly admitted to practise law under this Act, and his name shall be registered forthwith in the Roll by the Registrar.

(5) For the purposes of this section, “national” means, in the case of a country where there is no law in force conferring citizenship of that country, a person who is regarded as belonging to that country under any law in force in that country.

### **Appeal**

**19.** (1) An appeal shall lie to the Court of Appeal, from the refusal by the Supreme Court of any application under section 17.

(2) Rules of the Supreme Court may prescribe the practice and procedure to be followed in relation to appeals under this section.

### **Law officers of Government**

**20.** (1) Notwithstanding the provisions of this Act, any person who possesses the qualifications mentioned in section 17 or 18 respectively, and who holds any of the offices designated in the First Schedule, or hereafter designated or altered by the Minister by Order published in the *Gazette*, (in this Act referred to as “a law officer of Government”), shall be entitled, *ex officio*, to be admitted and enrolled as an attorney-at-law, without payment of the prescribed fee, and so long

as that person continues to hold such office, or to exercise and perform the duties of such office, he shall be entitled to practise law in all courts in Grenada without holding a Practising Certificate.

(2) Upon termination of appointment of a person as a law officer of Government, such a person shall not thereafter be entitled to practise law, unless and until admitted and enrolled in the manner prescribed under section 17, but in that event, his admission and enrolment shall date retroactively to the date when he was first admitted to practise and enrolled pursuant to subsection (1).

#### **Oath of attorney-at-law**

21. Every person, on being admitted to practise law, shall take the oath as prescribed in Form I of the Second Schedule.

#### **Certificate of enrolment**

22. (1) The Registrar shall, on request, issue to an attorney-at-law duly registered on the Roll, a certificate of enrolment of that attorney-at-law as prescribed in Form II of the Second Schedule.

(2) The production of a certificate of enrolment shall be *prima facie* evidence that the person named in it is duly enrolled as an attorney-at-law, and the certificate of enrolment shall be admissible as evidence, without further proof of the sealing and signing thereof by the Registrar.

#### **Status of attorney-at-law**

23. Every person whose name is entered on the Roll in accordance with the provisions of this Act, shall be known as “an attorney-at-law”, and—

- (a) subject to section 24, be entitled to practise law and to sue for, and recover, his fees for services rendered in that respect;
- (b) be an officer of the Supreme Court;
- (c) subject to section 24, have the right of audience before any court;
- (d) subject to section 25, except where engaged as an advocate in any court, be subject to liability in respect of negligence in a professional capacity.

#### **Prohibition of practice**

24. (1) Subject to section 20, a person shall not practise law unless his name is entered on the Roll, and he is the holder of a valid Practising Certificate.

(2) A person who practises law in contravention of subsection (1), shall not be entitled to maintain an action for recovery of any fee or reward on account of, or in relation to, any legal business done by him in the course of such practice.

(3) An attorney-at-law who draws or prepares a legal document, shall sign his name under his hand, and the name of the person, (if any) with whom he is employed, together with the appropriate address.

(4) A law officer of Government shall not act as a conveyancer or notary public, or accept any remuneration for the performance of any act as an attorney-at-law, agent or advisor to any claimant, respondent, suitor or other party in, or to, any proceeding in any court in Grenada.

#### **Liability for negligence and lack of skill**

25. (1) Subject to subsection (2), an attorney-at-law shall not enjoy immunity from action for any loss or damage caused by his own negligence or lack of skill in the performance of his functions.

(2) An attorney-at-law shall be immune from suit of negligence in respect of his conduct of litigation only.

(3) The immunity referred to in subsection (2), shall not be confined to proceedings in court, but shall extend to such pre-trial work as is so intimately connected with the verdict of the case in court, that it could be said to be a preliminary decision, affecting the way in which the case is to be conducted at the hearing.

(4) In this section, “function” means a function undertaken by an attorney-at-law in relation to the conduct or management of litigation, or prospective litigation, whether performed in or out of court, or before, during or after any court proceedings.

### **Application, issuance and renewal of Practising Certificate**

26. (1) Subject to section 20, an attorney-at-law who desires to practise law, shall make an application to the Council, through the Registrar, to be issued with a Practising Certificate.

(2) The Council, on being satisfied that the attorney-at-law—

- (a) has paid the prescribed fee;
- (b) is not disqualified from holding a Practising Certificate; and
- (c) has paid any fee or amount due for professional liability insurance under section 53, where applicable,

shall issue to him a Practising Certificate, in the Form set out in Form III of the Second Schedule.

(3) A Practising Certificate shall be valid for a period of two years, and shall expire on the last day of the month in which it was issued of the following year.

(4) An application for renewal under subsection (3), shall only be determined by the Council if it is received within the period starting sixty days before the expiry of the Practising Certificate, and ending immediately before the expiry of the Practising Certificate.

(5) An application made under subsection (3) shall—

- (a) be in prescribed form;
- (b) be accompanied by—
  - (i) the prescribed renewal fee,
  - (ii) evidence of continuing professional development, and
  - (iii) any documents or information which the Council reasonably requires to decide the application.

(6) If an application for renewal is made pursuant to this section, the applicant's Practising Certificate is taken to continue in force from the day it would, apart from this section, have expired, until the Council decides to renew or refuse to renew the Practising Certificate.

(7) The Council shall consider an application made under subsection (4) and decide to renew or refuse to renew the applicant's Practising Certificate.

(8) In making its decision to renew a Practising Certificate, the Council shall have regard to such evidence in relation to the continuing professional development of the applicant.

(9) The Council shall, as soon as practicable, after it makes a decision to refuse to issue a Practising Certificate to an applicant, give notice in writing to the applicant, of the refusal to issue the Practising Certificate, the reasons for the refusal, and the applicant's right to appeal pursuant to the provisions of the Act.

(10) The Registrar shall cause to be published in the *Gazette*, in the month of February of each year, an alphabetical list of the names of persons who have, as at the end of February in that year, obtained a Practising Certificate.

(11) The name of a person who holds a valid Practising Certificate under this Act, published in the *Gazette* under subsection (10), shall be *prima facie* evidence in any Court, of the registration of that person on the Roll.

(12) A law officer of the Government who holds any of the offices mentioned in the First Schedule, shall be issued a certificate in the Form set out as Form IV of the Second Schedule signed by the Registrar, and a copy of such certificate shall be *prima facie* evidence of the fact.

### **Notice to Registrar prior to application for Practising Certificate**

27. (1) In the cases described in subsection (2), an attorney-at-law applying for a Practising Certificate shall, unless the Supreme Court otherwise orders, give to the Registrar at least four weeks before the application is made, notice of his intention to make the application, and the Court may, in its discretion, order the Registrar to issue or refuse to issue a Practising Certificate, or to issue a Practising Certificate to the applicant subject to such terms and conditions as it may deem fit.

(2) Subsection (1) applies to any case where an attorney-at-law makes an application for a Practising Certificate—

- (a) where for twelve months or more he has ceased to hold a valid Practising Certificate;
- (b) where he is an undischarged bankrupt, or there is in force against him, a receiving order in bankruptcy;

- (c) where, having been suspended from practice, or having had his name struck off the Roll, the period of his suspension has expired, or his name has been restored to the Roll;
- (d) when he has been declared a person of unsound mind by a qualified medical practitioner;
- (e) without having paid any fine, compensation, or reimbursement or costs ordered by the Council to be paid by him, or without having otherwise complied with any order of the Council;
- (f) after having had an order made against him for the issue of a writ of attachment;
- (g) after having been declared a bankrupt and obtained his discharge, or after having entered into a composition with his creditors, or a deed of arrangement for the benefit of his creditors; or
- (h) after having had judgment given against him, any judgment which involves the payment of monies, other than costs, and is not a judgment as to the whole effect upon him, he is entitled to indemnity or relief from any other person, and without having produced to the court, evidence of the satisfaction of such judgment.

(3) In the event of an appeal having been made against a receiving order referred to in subsection (2)(b), the Court shall not refuse the application, while the appeal is pending, unless, in its opinion, the proceedings on the appeal have been unduly protracted by the appellants or, are unlikely to be successful.

(4) Where, having regard to certain facts, a discretion becomes exercisable by the Supreme Court in any of the cases set out in subsection (2)(a), (c), (f), (g) or (h), as soon thereafter as a Practising Certificate has been issued in the exercise of such discretion, to the applicant, free of conditions, those facts shall cease to operate, so as to require the attorney-at-law to give the notice mentioned in this section, or to vest any discretion in the Court.

#### **Suspension of Practising Certificate**

**28.** Where and so long as any of the provisions of section 27(2)(b), (d) (e) or (f), apply to an attorney-at-law, he shall be suspended from practising law.

### PART IV

#### *Removal from Roll and Suspension*

#### **Voluntary removal from the Roll**

**29.** An application by an attorney-at-law to procure the removal of his name from the Roll, shall be made in a summary manner to the Supreme Court, which shall make such order as it thinks fit.

#### **Removal from Roll and suspension from practice**

**30.** (1) The Registrar shall make the appropriate alteration in the Roll, and publish the appropriate notice in the *Gazette* where—

- (a) the Supreme Court orders the name of an attorney-at-law to be removed from the Roll, or that the attorney-at-law be suspended from practising law;
- (b) by virtue of any law, the name of an attorney-at-law is removed from the Roll, or an attorney-at-law is suspended from practising law pursuant to the provisions of this Act,

but where there is an appeal against any order or decision from which the suspension or removal results, the Registrar shall ensure, that in the event of an appeal, he takes no action under this section until the order has been confirmed on appeal.

(2) Where the name of an attorney-at-law is removed from the Roll, his Practising Certificate ceases to be valid and shall be returned by the attorney-at-law to the Registrar.

(3) During the period of suspension of an attorney-at-law from practising law, no Practising Certificate shall be issued to him, and any Practising Certificate issued to him prior to such suspension, ceases to be valid for the period of that suspension.

(4) An attorney-at-law who fails to comply with subsection (2) commits an offence, and is liable on summary conviction, to a fine not exceeding ten thousand dollars.

### **Expiration of suspension to be noted on Roll**

31. Upon the termination of the suspension of an attorney-at-law from practising law, the Registrar shall cause a notice of the termination of the suspension to be entered on the Roll against the name of the attorney-at-law, and cause a notice thereof to be published in the *Gazette*.

### **Restoration of name to Roll**

32. An attorney-at-law whose name has been removed from the Roll, in accordance with section 30, may appeal, to the Court of Appeal to have his name restored to the Roll.

## **PART V**

### *Professional Practice and Conduct*

#### **Rules to govern professional practice**

33. (1) The rules contained in the Code of Ethics set out in the Third Schedule shall regulate the professional practice, etiquette, conduct and discipline of an attorney-at-law.

(2) A breach of the rules in—

- (a) Part A of the Code of Ethics may constitute professional misconduct;
- (b) Part B of the Code of Ethics shall constitute professional misconduct.

(3) Where no provision is made by the rules in respect of any matter, the rules and practice of the legal profession which before the commencement of this Act governed the particular matter, shall apply in so far as is practicable.

(4) The Council may amend the Third Schedule.

(5) An attorney-at-law whose name is entered on the Roll shall be deemed to have notice of the provisions of the Code of Ethics.

#### **Complaints to Council**

34. (1) A client, or by leave of the Council, any other person alleging to be aggrieved by an act of professional misconduct (including any default) committed by an attorney-at-law, other than a law officer of Government, may make an application supported by an affidavit of facts, of which he complains to the Council, to require the attorney-at-law to answer to the allegations.

(2) The Council may, on its own motion initiate an investigation in respect of the conduct of an attorney-at-law.

(3) In the matter or hearing before any court, where the Judge considers that any act of professional misconduct has been committed by an attorney-at-law, other than a law officer of Government, he may refer the matter to the Council.

(4) A complaint against an attorney-at-law for professional misconduct, shall not be brought more than three years after—

- (a) the date of occurrence of the facts giving rise to the complaint; or
- (b) the date of knowledge of the facts giving rise to the complaint of the complainant.

(5) Nothing in this section shall prevent a person from bringing a complaint against an attorney-at-law, or from appearing before a court by himself or with legal representation.

#### **Procedure for making a complaint before the Council**

35. (1) An application to the Council requiring an attorney-at-law to answer allegations contained in an affidavit, shall be made in writing under the hand of the applicant in Form I of the Fourth Schedule, and shall be sent to the secretary of the Council, together with an affidavit by the applicant in Form II of the Fourth Schedule, stating the facts on which he relies in support of this application.

(2) The Council, before fixing a date for the hearing of a matter, may require the applicant to supply further information and documents relating to all allegations as it thinks fit, and in any case where, in the opinion of the Council, no *prima facie* case is shown, the Council may, without requiring the attorney-at-law to answer the allegations, dismiss the application, and notify the applicant and the attorney-at-law of the dismissal within seven days of the application being made.

(3) In any case in which, in the opinion of the Council, a *prima facie* case is shown, the Council shall fix a date for hearing, and the secretary shall serve notice of the date on the applicant and the attorney-at-law, together with a copy of the application and affidavit.

(4) The notice under subsection (3) shall be served not less than forty-two days before the date of the hearing.

(5) The notice to the applicant shall be in Form III of the Fourth Schedule, and the notice to the attorney-at-law shall be in Form IV of the Fourth Schedule, and shall require the applicant and the attorney-at-law respectively, to furnish to the secretary and to each other, a list of all documents on which they respectively propose to rely, and the lists shall, unless otherwise ordered by the Council, be furnished by the applicant and by the attorney-at-law respectively, at least fourteen days before the date of hearing.

(6) Either party may inspect the documents included in the list furnished by the other party, or a copy of any document mentioned in the list of either party shall, on the application of the requesting party, be furnished to that party by the other, within seven days after the receipt of the application.

(7) If either or both parties fail to appear at the hearing, the Council may, upon proof of service of the notice of hearing, proceed to hear and determine the application in their absence.

(8) The Council may, either as to the whole case, or as to any particular fact, proceed and act upon evidence given by affidavit, but a party to the proceedings may require a deponent to an affidavit to be summoned to appear before the Council, and be cross-examined on his affidavit, unless the Council is satisfied that the affidavit is purely formal, and that the requirement of the appearance of the deponent is made frivolously.

(9) A summons issued by the Council under subsection (8), may be in Form V, as set out in the Fourth Schedule, with such variation as the case may require.

(10) The Council shall hear all applications in camera, but shall pronounce its findings in public.

(11) Notes of proceedings shall be taken by the secretary or other person appointed by the Council, and any party who appeared at the proceedings, shall be entitled to inspect the original or a copy of any document.

(12) Every person entitled to be heard on an appeal from the decision of the Council, shall be entitled to a copy of the notes on the payment of the charges, if any, prescribed by the Council.

(13) Notwithstanding anything to the contrary, the Council may extend or abridge the time for doing an act, under this Act.

(14) Attorneys-at-law and witnesses, shall have the same privileges and immunities in relation to hearings on applications under this Act, as in a court of law, and a party to an application, shall be entitled to be represented by an attorney-at-law.

(15) No stamp duty shall be paid on any document, and no fee shall be charged by the secretary, in respect of an application alleging professional misconduct by an attorney-at-law.

(16) The Council may, after hearing an application, dismiss it if it is satisfied that a case of professional misconduct has not been made out.

(17) The Council may, where a case of professional misconduct has been established, make such order as it thinks appropriate.

### **Power of Council in disciplinary proceedings**

**36.** (1) For the purposes of any application made to it under this Act, in relation to disciplinary proceedings against an attorney-at-law, the Council shall have the powers of the Supreme Court to summon witnesses, call for the production of books and documents, and examine witnesses and parties concerned in such proceedings.

(2) Where a person is held in contempt in any proceedings before the Supreme Court, the Council may make an application to the Supreme Court, in the prescribed form, for an order of committal.

(3) The conviction of an attorney-at-law of a criminal offence may, for the purposes of disciplinary proceedings against that attorney-at-law, be accepted by the Council as proof against that attorney-at-law in disciplinary proceedings.

### **Powers of Council**

**37.** (1) If the Council, after hearing an application under this Part, is not satisfied that the allegations made against the attorney-at-law to whom the application relates constitutes professional misconduct, the Council shall dismiss the application.

(2) If the Council, after hearing an application under this Part, is satisfied that the allegations made against the attorney-at-law to whom the application relates have been established, and that the conduct alleged against him constitutes professional misconduct, as the case may be, the Council may—

- (a) where it is of the opinion that a case has been made out which justifies punishment more severe than may be imposed by the Council, such as removal from the Roll, the Council shall forward to the Supreme Court, in accordance with section 82 of the West Indies Associated States Supreme Court (Grenada) Act, Chapter 336, a copy of the proceedings before it and its findings thereon;
- (b) suspend the Practising Certificate of the attorney-at-law to whom the application relates;
- (c) reprimand the attorney-at-law to whom the application relates; or
- (d) make such order as to costs as it thinks fit,

and in addition, except where the application is dismissed under subsection (1), the Council may order the attorney-at-law to pay the applicant or person aggrieved, such sum by way of compensation and reimbursement, and such further sums in respect of expenses incidental to the hearing of the application and consideration of the matter, as it thinks fit.

(3) Any two judges of the Supreme Court may, upon hearing an application made by the Council under this Part, order the suspension of an attorney-at-law or have the name of an attorney-at-law struck off the Roll.

(4) The Chief Justice may issue practiced directions to prescribe the procedures for the hearing of an application made under this Part.

(5) The removal from the Roll of the name of an attorney-at-law, shall not be a bar to the continuation of the hearing and determination of an application.

(6) A decision, or an order made under this section, shall be drawn up, and settled and signed by the Registrar, who shall keep a record of any such decision or order.

(7) Where an attorney-at-law is ordered by the Council to pay compensation, or to make reimbursement to an applicant or other aggrieved person, any compensation or reimbursement to an applicant shall be taken into account, in the assessment of damages recoverable against the attorney-at-law, in any civil proceedings brought against him by the applicant, or other aggrieved person, in respect of any act or default which was the subject matter of the application, which gave rise to the order by the Council.

(8) Where a case of misconduct is forwarded to the Supreme Court under subsection (2)(a), the standard of proof for proceedings leading to disbarment shall be the criminal standard of proof.

### **Appeal from Council**

**38.** (1) Except in the case of an appeal against punishment only, an appeal against an order of the Council, shall lie to the Court of Appeal by way of re-hearing, at the instance of the attorney-at-law or person aggrieved to whom the order relates, and every such appeal shall be made within such time and in such form, and shall be heard in such manner, as may be prescribed by rules of court.

(2) Upon appeal, any order or decision of the Council against which the appeal has been made, shall be suspended, and no action taken thereupon, unless and until the Court of Appeal confirms the order or a decision or, upon order by the Court of Appeal for re-hearing, unless and until the Council finds against the attorney-at-law to whom the application relates, and confirms the decision.

(3) Nothing contained in subsection (2) shall prejudice the execution of any order or a decision varied by the Court of Appeal, or any new order or decision made upon re-hearing by the Council, pursuant to any direction of the Court of Appeal.

### **Powers of Court of Appeal**

**39.** (1) The Court of Appeal may dismiss the appeal and confirm the decision or order, or may allow the appeal and set aside the decision or order, or may vary the decision or order, or may allow the appeal and direct that the application be re-heard by the Council, and may also make such order as to costs before the Council, and as to costs of the appeal, it may think proper:

Provided, that in the re-hearing of an application following an appeal by the attorney-at-law, no greater punishment shall be inflicted upon the attorney-at-law concerned, than was inflicted by the order or decision made by the Council.

(2) Where the Court of Appeal confirms the decision or order, whether with or without variation, it shall take effect from the date of the decision made by the Court of Appeal confirming it.

### **Saving of jurisdiction of courts**

**40.** Notwithstanding anything contained in this Act, the jurisdiction, power and authority vested in any Court immediately before the commencement of this Act—

- (a) by the common law, with respect to the discipline of; or
- (b) by any written law, to deal with contempt of court committed by,

barristers, solicitors or attorneys-at-law, shall continue to be exercisable after the commencement of this Act.

### **Bankruptcy**

**41.** If an attorney-at-law is adjudicated a bankrupt, any Practising Certificate issued to him, shall cease to be valid for the period during which he remains an undischarged bankrupt.

## **PART VI**

### *Disciplinary Offences*

#### **Attorneys-at-law not to act as agents for unqualified person**

**42.** (1) An attorney-at-law shall not—

- (a) act as an agent in any action or in any matter in bankruptcy, or in relation to any business which can only be transacted by a person with legal qualifications, for any unqualified person;
- (b) permit his name to be made use of in any such action, or matter upon the account, or for the profit of any unqualified person;
- (c) send any process to any unqualified person; or
- (d) do any other act enabling any unqualified person to appear, act or practise, or entitle to practise in any respect, as an attorney-at-law, in any such action or matter.

(2) Where it appears to the Council that an attorney-at-law has acted in contravention of this section, the Council shall make an application to the Supreme Court for his name to be struck off the Roll, and the Supreme Court, if satisfied, may grant the application.

#### **Attorney-at-law not to commence or defend actions whilst in prison**

**43.** (1) An attorney-at-law, while a prisoner in any prison, shall not—

- (a) act as an attorney-at-law, in his own name or in the name of any other attorney-at-law;
- (b) issue any writ or process; or
- (c) commence, prosecute or defend any action or any matter in bankruptcy.

(2) An attorney-at-law commencing, prosecuting or defending any action or matter in contravention of this section, shall be incapable of maintaining any action for the recovery of any costs in respect of any business done by him, while so confined, as described in subsection (1), and the attorney-at-law and any attorney-at-law permitting him to commence, prosecute or defend any such action or matter in his name, commits professional misconduct.

(3) Nothing in this section shall be construed as abrogating or derogating from the right of a person to represent himself in any criminal prosecution, civil action or matter in bankruptcy.

#### **Employment of person suspended from practice**

**44.** (1) An attorney-at-law shall not, in connection with his practice, employ or remunerate a person who, to his knowledge, is suspended from practice, during the period of such suspension, or whose name has been removed from the Roll, otherwise than at the person's own request.

(2) An attorney-at-law who contravenes subsection (1) commits professional misconduct.

PART VII  
*General Offences*

**Unqualified person acting through attorney-at-law**

45. Where the Supreme Court orders the name of an attorney-at-law to be struck off the Roll for committing professional misconduct under section 43(2), the unqualified person who was enabled by the conduct of that attorney-at-law commits an offence, and is liable, on summary conviction, to a fine not exceeding ten thousand dollars or to imprisonment for a term not exceeding six months.

**Unlawful practice and similar offences**

46. (1) Subject to the provisions of this Act, if a person whose name is not entered on the Roll, or who is suspended from practising law—

- (a) practises law;
- (b) willfully pretends to be an attorney-at-law; or
- (c) makes use of any name, title or description implying that he is entitled to be recognised, or to act as an attorney-at-law,

that person commits an offence, and is liable, on summary conviction, to a fine not exceeding twenty thousand dollars and to a term of imprisonment not exceeding two years.

(2) A person who, not being entitled to act as an attorney-at-law, acts, in any respect as an attorney-at-law, in any action or matter or in any Court, in the name, or through the agency of an attorney-at-law entitled so to act, commits an offence, and is liable, on summary conviction, to a fine of twenty thousand dollars, or to a term of imprisonment not exceeding six months.

(3) This section shall not extend to—

- (a) a public officer or an officer of a statutory board—
  - (i) drawing up or preparing instruments, or
  - (ii) appearing, for the informant, or plaintiff in a Magistrate's court, in the course of his duty; or
- (b) a person employed merely to engross any instrument or proceeding.

**Unauthorised attorney-at-law seeking employment**

47. If an attorney-at-law who has been suspended from practising law, or whose name has been removed from the Roll otherwise than at his own request, seeks or accepts employment from another attorney-at-law, in connection with the practice of that attorney-at-law, without previously informing the attorney-at-law in writing, of the suspension or removal from the Roll, he commits an offence, and is liable on summary conviction, to a fine of ten thousand dollars, and to imprisonment for a term not exceeding six months.

PART VIII  
*Remuneration and Costs*

**Interpretation**

48. For the purposes of this Part—

“attorney-at-law” includes the executors, administrators and assignees of an attorney-at-law;

“costs” include fees for any legal business done by an attorney-at-law;

“person chargeable”, in relation to any attorney-at-law's bill of costs, includes any person who has paid, or is liable to pay the bill, either to the attorney-at-law, or to any other person chargeable with the bill;

“taxing officer” means, in relation to the Supreme Court or any Court of Record, the Registrar of that court.

**Payments in advance and accountability**

49. (1) An attorney-at-law who receives in advance from, or on behalf of a client, any money to cover prospective costs, other than a retainer, or as a security for future costs shall, on the written demand of the client made at any time after the expiration of three months from the receipt of the money, or at any subsequent time during any period which is at least three months from the date of the last such demand, deliver to the client a statement in writing showing—

- (a) the amounts of money so received up to the date of the statement;
- (b) the dates when they were so received; and
- (c) the purposes for which any amount of the money or so much of it as has been expended, have been applied.

(2) If an attorney-at-law fails to supply a client with such a statement referred to in subsection (1) after the client made a demand for it, the client may apply to the Council or a judge in chambers for an order requiring the attorney-at-law to deliver the statement, and the Council or the judge may, on the making of that order, give such other directions as he thinks fit.

### **Bills of costs to be prepared**

**50.** (1) Subject to the provisions of this section, an attorney-at-law shall not commence any suit for the recovery, from his client, of the amount of any bill of costs for any legal business done by him, unless the bill of costs has been certified by the Council and a copy of the certified bill of costs is served on the client with a demand in writing, for payment, fifteen days before the filing of the suit.

(2) For the purposes of this section, “certified” means that the said bill of costs is in reasonable conformity with the scale of legal fees prescribed by the Council under the provisions of this Act.

(3) The Supreme Court may, on the application of an attorney-at-law, authorise him to commence or proceed with a suit for the recovery of any costs, before the expiration of fifteen days from the delivery of the copy of the bill of costs required by subsection (1), if it is satisfied that there is reasonable cause for believing that the person chargeable with the costs is about—

- (a) to leave Grenada;
- (b) to become bankrupt; or
- (c) to do any other act which would tend to prevent or delay the attorney-at-law from obtaining payment.

(4) If in any proceedings before the Supreme Court—

- (a) the amount set out in a bill of costs is—
  - (i) sought to be recovered, or
  - (ii) disputed; and
- (b) the bill of costs or part thereof, relates to matters in respect of which no scale of fees is prescribed,

the Supreme Court shall make a determination accordingly.

(5) It shall not be necessary, in the first instance, for an attorney-at-law in proving compliance with this section, to prove the contents of the bill of costs served, and it shall be sufficient to prove that the bill of costs—

- (a) signed by the attorney-at-law or, in the case of a partnership, by any one of the partners either in his own name or in the name of the partnership; or
- (b) being enclosed in, or accompanied by a letter signed in the manner specified in paragraph (a), referring to the bill, was duly served.

### **Rules as to costs for non-contentious business**

**51.** (1) The Council may, upon consultation with the Association, make rules prescribing and regulating the remuneration of attorneys-at-law in respect of non-contentious business.

(2) Rules made under this section may—

- (a) regulate the amount of remuneration which may be charged, having regard to the following—
  - (i) the skill, labour and complexity required by the attorney-at-law in handling the business,
  - (ii) the number and importance of documents prepared or perused by the attorney-at-law,
  - (iii) the place where, and the circumstances in which, the business or any part of it is transacted,
  - (iv) the amount of money that is expended, or likely to be expended, in the business, and
  - (v) the number and importance of documents prepared or perused without regard to length; or

- (b) authorise and regulate—
  - (i) the taking, by an attorney-at-law from his client, of security for payment of any remuneration to be ascertained by taxation or otherwise, which may become due to him, and
  - (ii) the allowance of interest.

(3) Where the rules under this section are in force, taxation of a bill of costs of an attorney-at-law, in respect of non-contentious business, shall be regulated by those rules.

#### **Agreement for remuneration for non-contentious business**

**52.** (1) Notwithstanding section 51, an attorney-at-law and his client may, either before, or after, or in the course of the transaction of any non-contentious business by the attorney-at-law, enter into an agreement as to the remuneration of the attorney-at-law in respect of the work to be performed.

(2) The agreement made by virtue of subsection (1), may provide for the remuneration of the attorney-at-law by a gross sum, by commission, by percentage, by salary, or otherwise, and it may be made on the terms that the amount of the remuneration stipulated in the agreement shall not include all, or any disbursements made by the attorney-at-law, in respect of searches, plans, travelling, stamps, fees or other matters.

(3) An agreement made by virtue of subsection (1), shall be in writing, and signed by the person to be bound, or by his agent.

(4) A party to an agreement made by virtue of subsection (1), may sue and recover on, or set aside in the same manner, and on the same grounds, as an agreement not relating to the remuneration of an attorney-at-law; but if on any taxation of costs the agreement is relied on by the attorney-at-law, and objected to by the client as unfair or unreasonable, the taxing officer may inquire into the facts and certify them to the Supreme Court, and if on that certificate it appears just to the Supreme Court, that the agreement should be cancelled or the amount payable under it reduced, the Court may order the agreement to be cancelled, or the amount payable under it to be reduced, and may give consequential orders as it may think fit.

#### **Professional liability insurance**

**53.** (1) An attorney-at-law shall not practise law in Grenada or represent that he is entitled to practise law in Grenada, unless he is covered by professional indemnity insurance that covers legal practice in Grenada.

(2) The Council may make rules establishing classes of membership for insurance purposes and to exempt an attorney-at-law or a class of attorney-at-law, from the requirement to maintain professional liability insurance.

(3) A contravention by an attorney-at-law of subsection (1) shall constitute professional misconduct.

(4) This section does not apply to a law officer of the Government.

### **PART IX**

#### *Accounts*

#### **Rules as to accounts**

**54.** (1) All monies received for, or on behalf of a client, by an attorney-at-law, shall be held in trust for that client, to be paid to the client, or as the client may direct.

(2) The Council may make rules generally, as to the keeping and operating of bank accounts for clients' money by an attorney-at-law, and without prejudice to the generality of the foregoing, such rules may provide—

- (a) for an attorney-at-law to open and keep accounts at banks;
- (b) for an attorney-at-law to keep accounts containing particulars and information as to money received, held, or paid by them for, or on accounts of their clients; and
- (c) for the Council to take such action as may be necessary, to enable it to ascertain, whether or not the rules are complied with.

#### **Relief to banks**

**55.** (1) Subject to subsections (2) and (3), a bank shall not be liable on any transaction concerning an account of an attorney-at-law, other than an account kept by an attorney-at-law as trustee for a specified beneficiary; and a bank shall be under no obligation to make any inquiry, or be

considered to have knowledge of any right of any person, to money paid or credited to that account.

(2) Notwithstanding anything in subsection (1), a bank at which an attorney-at-law keeps an account for client's money shall not, in respect of any liability of the attorney-at-law to the bank, not being a liability in connection with that account, have or obtain any recourse or right, whether by way of set-off, counterclaim, charge or otherwise, against monies standing to the credit of that account.

#### **Failure to comply with rules**

**56.** (1) If an attorney-at-law fails to comply with any of the rules made under section 54, a person may make a complaint in respect of that failure to the Council.

(2) The provisions of Part V shall apply, *mutatis mutandis*, in relation to complaints to the Council under this section.

(3) Where, on any complaint made against an attorney-at-law under this section, the Council finds that the attorney-at-law has failed to comply with the rules made pursuant to section 54, it may make an application to a Judge in Chambers, that he makes such order as to the keeping or distribution of any money standing to the credit of any account kept by the attorney-at-law for clients' money, as he thinks proper in the circumstances of the case.

#### **Dealing with clients' accounts where improper conduct alleged**

**57.** (1) Where a Judge is satisfied, on application made to him in Chambers by any client of an attorney-at-law, that there is reasonable cause to believe—

- (a) that an attorney-at-law has committed an offence, involving fraud or improper conduct in relation to the money or property of any person; or
- (b) that any money entrusted to the attorney-at-law has been appropriated by the attorney-at-law, his servant or agent,

the Judge shall cause the Registrar forthwith to inform the attorney-at-law of the application and the grounds thereof, and require him, by summons, to attend in Chambers before the Judge, on a date and at a time stated in the summons, to be examined concerning the matter, and shall also cause the Registrar to summon the person who made the application also to appear before the said Judge, on that date and at that time.

(2) If, on inquiry, it appears to the judge that the attorney-at-law is guilty of an offence involving fraud or any professional misconduct, the Judge may make such an order as to the keeping of money held by a banker in any clients' account of the attorney-at-law, or any account in the name of the attorney-at-law or his firm, as he thinks proper, and such order shall be served on the banker, and the banker shall comply with such order.

(3) Where after inquiry, it appears to the judge that the attorney-at-law is guilty of an offence involving fraud, or improper conduct, he may make, or cause the Registrar to make an application to the Council in respect of the attorney-at-law, and the provisions of Part V shall apply *mutatis mutandis*.

## **PART X**

### *Miscellaneous*

#### **Continuing legal education**

**58.** (1) The Council shall make arrangements for the provision of a system of continuing legal education and professional development.

(2) The Council may make rules relating to matters connected with its functions under subsection (1).

#### **Rules**

**59.** The Council may make rules to give effect to the provisions of this Act.

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## **FIRST SCHEDULE**

### **LEGAL PROFESSION ACT**

[Sections 20 and 26.]

- (a) Attorney-General;
- (b) Director of Public Prosecutions;
- (c) Solicitor General;
- (d) Chief Parliamentary Counsel;
- (e) Senior Crown Counsel;
- (f) Senior Legal Counsel;
- (g) Parliamentary Counsel;
- (h) Registrar;
- (i) Deputy Registrar;
- (j) Legal Drafter;
- (k) Crown Counsel;
- (l) Magistrates.

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SECOND SCHEDULE

LEGAL PROFESSION ACT

*Forms*

FORM I

LEGAL PROFESSION ACT

*Oath of Attorney-at-law*

[Section 21.]

I, (.....),  
do swear, that I will truly and honestly conduct myself in the practice of law as an attorney-at-law, according to the best of my knowledge, skill and ability, and in accordance with the laws of Grenada.

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FORM II

LEGAL PROFESSION ACT

*Certificate of Enrolment*

[Section 22.]

It is hereby certified that .....  
is registered on the Roll of attorneys-at-law under section 20 of the Legal Profession Act, his or her name having been entered on the Roll.

Dated this ..... day of .....

.....  
*Registrar of the Supreme Court*

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FORM III

LEGAL PROFESSION ACT

*Practising Certificate*

[Sections 2 and 26.]

Under section 24 of the Legal Profession Act, it is hereby certified that .....  
..... whose name is registered on the Roll of Attorneys-at-law, is entitled to practise as an attorney-at-law.

Dated this ..... day of .....

.....  
*Registrar of the Supreme Court*

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FORM IV

LEGAL PROFESSION ACT

*Law Officers Certificate*

[Section 26.]

It is hereby certified that .....  
is a law officer of Government, holding the office of .....  
in the Public Service, and appointed by the ..... (the appropriate authority).

Dated this ..... day of .....

.....  
*Attorney-General*

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THIRD SCHEDULE

LEGAL PROFESSION ACT

*Legal Profession Code of Ethics*

[Section 33.]

**Observance of Code of Conduct**

**1.** (1) An attorney-at-law shall in the pursuit of the practise of his profession, comply with, and be subject to, this Code of Ethics.

(2) These Rules shall not be construed as a denial of the existence of other duties and rules of professional conduct, which are in keeping with the traditions of the legal profession, though not specifically mentioned herein.

(3) Where in any particular matter, explicit ethical guidance does not exist, an attorney-at-law shall determine his conduct, by acting in a manner that promotes public confidence in the integrity and efficiency of the legal system, and the legal profession.

PART A

*In Relation to the Profession and Himself*

**2.** (1) An attorney-at-law shall uphold, at all times, the standards set out in the Code of Ethics.

(2) An attorney-at-law shall maintain his integrity and the honour and dignity of the legal profession and of his own standing as a member of it, and shall encourage other attorneys-at-law to act similarly, both in the practice of the profession and in their private lives, and shall refrain from conduct which is detrimental to the profession, or which may tend to discredit it:

Provided that, the Council will not normally be concerned with the purely private or extra professional activities of an attorney-at-law which do not bring his professional integrity or competence into question.

**3.** (1) An attorney-at-law shall scrupulously preserve his independence of judgment in the discharge of his professional duties.

(2) An attorney-at-law practising on his own account with a firm, shall not engage in any other business or occupation, if in doing so may cause him to have a conflict of interest.

**4.** An attorney-at-law shall protect the profession against the admission thereto of any person who is unfit for such admission.

**5.** (1) An attorney-at-law shall not endeavour, by direct or indirect means, to attract the clients of another attorney-at-law, and where one attorney-at-law refers a client to another attorney-at-law, the client remains for all other purposes, the client of the referring attorney-at-law, and the attorney-at-law to whom the client is referred, shall act with due deference to the relationship between the client and the referring attorney-at-law.

(2) Where a referred client offers other work to the attorney-at-law to whom he was referred, and the offer is sufficiently proximate in time to the referral, the attorney-at-law shall not accept that offer, unless it has been brought to the attention of the referring attorney-at-law.

**6.** An attorney-at-law may speak in public or write for publication on legal topics, provided that he does not thereby emphasise his own professional competence.

**7.** The best advertisement for an attorney-at-law is the establishment of a well-merited reputation for personal integrity, capacity, dedication to work and fidelity to trust, and it is unprofessional for an attorney-at-law to—

- (a) solicit business by circulars or advertisements or interviews, not warranted by personal relations; or
- (b) seek retainers through agents of any kind.

**8.** An attorney-at-law shall defend the interest of his client without fear of judicial disfavour or public unpopularity, and without regard to any unpleasant consequences to himself or to any other person.

**9.** An attorney-at-law has the right to decline employment, and is not subject to act either as advisor or advocate for every person who may wish to become his client.

**10.** No client is entitled to receive, nor should any attorney-at-law render, any service or advice involving disloyalty to the State or disrespect for judicial office, or the corruption of any persons exercising a public or private trust, or involving deception or betrayal of the public.

**11.** Every attorney-at-law should bear in mind that the oath of office taken on his admission to practice is not a mere formality, but is a solemn undertaking to be strictly observed on his part.

**12.** Every attorney-at-law should also bear in mind, that he can only maintain the supreme traditions of his profession, by being a person of integrity and dignity.

**13.** An attorney-at-law appearing before the Court shall, at all times, be attired in such manner as may be prescribed, or as may befit the dignity of the Court.

#### *In Relation to the State and the Public*

**14.** An attorney-at-law owes a duty to the State to maintain its integrity, its Constitution and its laws, and not to aid, abet, counsel or assist anyone to act in any way contrary to those laws.

**15.** When engaged as a public prosecutor, the primary duty of an attorney-at-law is not to secure a conviction, but to see that justice is done and to that end, he shall not withhold facts tending to prove either the guilt or innocence of an accused.

**16.** An attorney-at-law shall endeavour by lawful means, where the needs of society require, to promote and encourage the modernization, simplification and reform of the laws.

**17.** An attorney-at-law shall not, by his actions, instigate strife or litigation by seeking out defects in titles, claims for personal injury or other causes of action, for the purpose of securing a retainer to prosecute a claim thereof, or pay or reward any person directly or indirectly, for the purpose of procuring him to be retained in his professional capacity, and where it is in the interest of his client, he shall seek to obtain reasonable settlements of disputes.

**18.** An attorney-at-law shall not, unless he has reasonable grounds, refuse his services in capital offences.

**19.** An attorney-at-law, in undertaking the defence of persons accused of a criminal offence, shall use all fair and reasonable means to present every defence available at law.

#### *In Relation to Client*

**20.** (1) An attorney-at-law shall provide competent representation to his client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

(2) An attorney-at-law shall always act in the best interest of his client, represent him honestly, competently and zealously, and endeavour, by all fair and honourable means, to obtain for him the benefit of any and every remedy and defence which is authorised by law, steadfastly bearing in mind that the duties and responsibilities of the attorney-at-law are to be carried out within the bounds of the law.

(3) The interests of his client and the exigencies of the administration of justice should always be the first concern of an attorney-at-law, and rank before his right to compensation for his services.

**21.** (1) Before advising on a client's cause, an attorney-at-law should obtain full knowledge thereof, and give a candid opinion of the merits or demerits and probable results, of pending or contemplated litigation.

(2) An attorney-at-law should be reluctant in proffering bold and confident assurances to his client, (especially where employment may depend on such assurances) always bearing in mind that seldom are all the laws and facts on the side of his client; and that "*audi alterem partem*" is the safest rule to follow.

(3) Where a dispute allows for settlement without litigation, an attorney-at-law should advise his client to settle the dispute.

**22.** An attorney-at-law shall, at the time of retainer, disclose to his client, all the circumstances of his relations to the parties with whom the client intends to bring an action, and his interest in or in connection with the controversy, (if any), which might influence the client in his selection of an attorney-at-law.

**23.** An attorney-at-law shall scrupulously guard and never divulge his client's secrets and confidences, except with his client's consent.

**24.** An attorney-at-law shall treat adverse witnesses, litigants, and other attorneys-at-law with fairness and courtesy, refraining from all offensive personal references, and shall avoid demeaning his client's personal views.

**25.** It is the right and duty of an attorney-at-law to undertake the defence of a person accused of a crime, regardless of his own personal opinion as to the guilt of the person; and having undertaken such defence, he is bound by all fair and honourable means, to present every appropriate defence that the law of the land permits, so that no person may be deprived of life or liberty except by due process of the law.

**26.** (1) An attorney-at-law may represent multiple clients only if he can adequately represent the interest of each, and if each consents to such representation, after full disclosure of the possible effects of multiple representation.

(2) In all situations where a possible conflict of interest arises, an attorney-at-law shall resolve all conflicts by leaning against multiple representation.

(3) Notwithstanding any other paragraph of this Part, no attorney-at-law shall represent both the—

- (a) mortgagor and mortgagee; or
- (b) vendor and vendee,

except where both parties seek independent legal advice and present evidence of the written consent of both parties to such joint representation.

**27.** (1) An attorney-at-law shall deal with his client's business with all due expedition and shall, whenever reasonably so required by the client, provide him with full information as to the progress of the client's business.

(2) It is improper for an attorney-at-law to accept instructions in a matter unless he can handle it without undue delay.

**28.** Where an attorney-at-law determines that the interest of his client requires it, he may, with the specific or general consent of the client, refer his business, or part of it to another attorney-at-law, whether or not a member of his own firm.

**29.** (1) An attorney-at-law on the record may instruct one or more attorneys-at-law to appear as advocates.

(2) A Queen's Counsel shall be entitled to accept instructions, appear, or do any work without a junior, unless by doing so, he would be unable to properly carry out his instructions or conduct his case.

(3) Where more than one attorney-at-law appears as an advocate for the same party in the same proceedings, the decision of who shall lead the conduct of that case shall, subject to the instructions of the client, be settled by the attorneys-at-law representing that party before they appear in court, and shall not be altered during the course of the proceedings, and the leader shall have all authority over the conduct of the case.

**30.** An attorney-at-law, including a Queen's Counsel, who appears with the leader, is entitled to negotiate with the leader, a fee for his services.

**31.** (1) An attorney-at-law is entitled to reasonable compensation for his services, but should avoid charges which either over-estimate or undervalue the services rendered.

(2) The ability of a client to pay, should not justify a charge in excess of the value of the service rendered, though the client's indigence may require a charge that is below such value, or even no charge at all.

**32.** An attorney-at-law should avoid controversies with clients regarding compensation for his services, as far as is compatible with self-respect, and his right to receive reasonable compensation for his services.

**33.** The right of an attorney-at-law to ask for a retainer, or to demand payment of out-of-the-pocket expenses and commitments, failing payment of which, he may withdraw from the case, or refuse to handle it, shall not be exercised, where the client may be unable to find other assistance in time to prevent irreparable damage being done to his cause.

**34.** Where an attorney-at-law engages a foreign colleague to advise on a case, or to co-operate in handling it, he is responsible for the payment of the latter's charges, except where there is express agreement to the contrary, but where an attorney-at-law directs a client to a foreign attorney-at-law, he is not responsible for the payment of the latter's charges, nor is he entitled to a share of the fee of the foreign attorney-at-law.

**35.** An attorney-at-law may at any time withdraw his services—

- (a) where the client fails, refuses, or neglects to carry out an agreement with, or his obligation to, the attorney-at-law, as regards the expenses or fees payable by the client;
- (b) where his inability to work with colleagues, or to advocate the case of his client in court, indicates that the best interest of the client is likely to be served by his withdrawal;
- (c) where his client freely assents to the termination of his services;
- (d) where by reason of his mental or physical condition, or other good and compelling reasons, it is difficult for him to carry out his services effectively; or
- (e) in cases of conflict, as contemplated under these Rules.

**36.** (1) An attorney-at-law should not appear as a witness for his own client, except as to merely formal matters.

(2) Where an attorney-at-law is a necessary witness for his client, with respect to matters other than such as are merely formal, he should entrust the conduct of the case to another attorney-at-law of his client's choice.

*In Relation to the Courts and the Administration of Justice*

**37.** (1) An attorney-at-law shall maintain a respectful attitude towards the court, and shall not engage in undignified or discourteous conduct which is degrading to the court.

(2) An attorney-at-law shall encourage respect for the courts and the Judges.

(3) An attorney-at-law shall support Judges and Magistrates against unjust criticisms.

(4) Where there is ground for complaint against a Judge or Magistrate, an attorney-at-law may make representation to the proper authorities, and in such cases, the attorney-at-law shall be protected.

**38.** An attorney-at-law shall endeavour always to maintain his position as an advocate and shall not, either in argument to the court, or in address to the jury, assert his personal belief in his client's innocence or in the justice of his cause, or his personal knowledge, as to any of the facts involved in the matter under investigation.

**39.** An attorney-at-law shall never seek privately to influence, directly or indirectly, the Judges of the Court, in his favour, or in the favour of his client, nor should he attempt to influence juries by fawning, flattery or pretended solicitude for their personal comfort.

**40.** An attorney-at-law shall be punctual in attendance before the courts, and concise and direct in the trial and disposition of causes.

*In Relation to His Fellow Attorneys-At-Law*

**41.** (1) The conduct of an attorney-at-law towards his fellow attorneys-at-law shall be characterised by courtesy, fairness and good faith, and he shall not permit ill-feeling between clients to affect his relationship with his colleagues.

(2) All personal conflicts between attorneys-at-law should be scrupulously avoided, as should also colloquies between them, which cause delay and promote unseemly conduct.

**42.** (1) An attorney-at-law shall reply promptly to letters from other attorneys-at-law, whether on behalf of their clients or on behalf of themselves.

(2) An attorney-at-law shall endeavour, as far as is reasonable, to suit the convenience of the opposing attorney-at-law, when interest of his client or the cause of justice will not be injured by so doing.

**43.** An attorney-at-law shall not give a professional undertaking that he cannot fulfill, and shall fulfill every such undertaking that he gives.

**44.** There is a duty on every attorney-at-law, to report improper or unprofessional conduct by another attorney-at-law, to the Council, except where the information relating to the improper or unprofessional conduct is received in professional confidence, in which case he must respect the duty of silence imposed in such circumstances.

**45.** Where an attorney-at-law has been sent money, documents or other things by another attorney-at-law which, at the time of sending, are expressed to be sent only on basis that the attorney-at-law to whom they are sent, will receive them on his undertaking to refrain from doing some act, the receiving attorney-at-law shall forthwith return whatever was sent, if he is unable to accept them on such undertaking, otherwise he must comply with the undertaking.

**46.** An attorney-at-law shall not, in any way, communicate upon a subject in controversy, or attempt to negotiate or compromise a matter directly with any party represented by another attorney-at-law, except through such other attorney-at-law or with his prior consent.

**47.** (1) An attorney-at-law shall not ignore the customs or practices of the legal profession, even when the law expressly permits it, without giving timely notice to the opposing attorney-at-law.

(2) An attorney-at-law should avoid all sharp practices, and should refrain from taking any paltry advantage when his opponent has made or overlooked some technical error or matter, bearing in mind, that no client has a right to demand that an attorney-at-law representing him shall be illiberal, or shall do anything repugnant to his own sense of honour and propriety.

**48.** (1) An attorney-at-law shall not accept instructions to act in court proceedings in which, to his knowledge, the client has previously been represented by another attorney-at-law, unless he first notifies the other attorney-at-law of the change, and makes reasonable efforts to ensure that the attorney-at-law has been paid for his services, but shall be deemed to have notified the other attorney-at-law, if he has made reasonable efforts to notify him.

(2) An attorney-at-law shall not accept instructions to act in proceedings, (other than Court proceedings) in which, to his knowledge, another attorney-at-law has previously represented the client, unless he makes reasonable efforts to ensure that, the attorney-at-law has been paid, or that the client wishes both attorneys-at-law to represent him.

**49.** An attorney-at-law who instructs another attorney-at-law to act on behalf of his client shall, unless otherwise agreed, pay the proper fee of such attorney-at-law, whether or not he has received payment from his client.

**50.** In undertaking to render assistance to a foreign attorney-at-law, an attorney-at-law shall bear in mind that his responsibility is much greater, both when giving advice and handling a case, than it would be, had he undertaken to assist a colleague in Grenada.

## PART B

### *Mandatory Provisions and Specific Prohibitions*

**51.** An attorney-at-law shall not practise as such, unless he has been issued with a Practising Certificate in accordance with the provisions of this Act.

**52.** (1) An attorney-at-law shall not knowingly mislead the Court.

(2) An attorney-at-law shall not withhold facts or secret witnesses in order to establish the guilt or innocence of the accused.

**53.** An attorney-at-law shall not hold out any person who is not qualified to practise law, as a partner, associate, consultant or attorney-at-law.

**54.** An attorney-at-law shall not solicit business, or consent to become involved in a matter, unless at the request of a party thereto, but it is proper for an attorney-at-law to become involved in matters referred to him by the Bar Association, or by another attorney-at-law for which he is engaged, in any other manner not inconsistent with these Rules.

**55.** An attorney-at-law shall not, in the carrying on of his practice or otherwise, permit any act or thing which is likely, or can reasonably be regarded as touting or advertising.

**56.** (1) An attorney-at-law shall not, in any way, make use of any form of advertisement calculated to attract clients to himself, or any firm with which he is associated, and he shall not permit, authorise, or encourage anyone to do so, or reward anyone for doing so on his behalf.

(2) An attorney-at-law shall not permit his professional standing to be used for the purpose of advertising any particular product, service or commercial organisation.

Provided however, that—

- (a) an attorney-at-law or a law firm may have a website or publish professional newsletters, the contents of which shall be in accordance with good practice of the legal profession, informing of the firm, its members and staff and current legal issues. Website and professional newsletters must carry content of a professional nature, and not contain any thing derogatory of the legal profession, Government, judiciary or other respective members;
- (b) an attorney-at-law may permit limited and dignified identification of himself as an attorney-at-law—
  - (i) in political advertisements relevant to the course of a political campaign, or issue,
  - (ii) in public notices where the announcement of his professional status is required or authorised by law, or is reasonably necessary for a purpose other than the attraction of potential clients,
  - (iii) in reports and announcements of bona fide commercial, civic, professional or political organisations, in which he serves as a director or officer,
  - (iv) in and on legal textbooks, articles, professional journals, and other legal publications, and in dignified and restrained advertisements thereof,
  - (v) in announcements of any public address, lecture, or publication by him on legal topics, provided that such announcements do not emphasise his own professional competence, and are not likely to be regarded as being concerned with the giving of individual advice by him;
- (c) an attorney-at-law may speak in public or write for publication on legal topics, so long as he does not thereby emphasise his own professional competence, and is not likely to be regarded as being concerned thereby, with the giving of individual advice;
- (d) the following cards, office signs, letterheads or directory listings may be used by an attorney-at-law, but in a restrained and dignified form—
  - (i) a professional card identifying the attorney-at-law by name and as an attorney-at-law, giving his decorations, degrees, legal or otherwise, his legal areas of work, his addresses, telephone numbers and the name of his law firm or professional associates, so long, however, that such cards are not published in the news media, and are only handed out on request, and for the purposes of identification or address,
  - (ii) a brief professional announcement card to be delivered to attorneys, clients, personal friends and relations and government bodies, and stating new or changed associations or addresses, changes of firm name, or such like professional matters,
  - (iii) a sign of a size and design compatible with the existing practice of the profession, on or near the door of the office, and in the building directory, identifying the law office; provided that neither decorations nor degrees shall be mentioned on such sign,
  - (iv) a letterhead, identifying the attorney-at-law by name and as an attorney-at-law, and giving his decorations and degrees, legal or otherwise, his addresses, telephone numbers and the name of his law firm and of his associates,

- (v) a listing in a telephone directory, a reputable law list, legal directory or biographical reference, giving brief biographical or other relevant information; and any such professional card, office sign, letterhead or listing, may state that the attorney-at-law is also a notary public,
- (vi) an attorney-at-law who becomes a Minister of Government, shall not, while he is such a Minister, permit his name to be used on any such professional card, office sign, letterhead or listing, except as part of the name of his firm.

**57.** Where an attorney-at-law commits a criminal offence, which in the opinion of the Council is of a nature likely to bring the profession into disrepute, such commission of the offence shall constitute professional misconduct if—

- (a) he has been convicted by any court, including a foreign court of competent jurisdiction, for the offence;
- (b) he has been prosecuted and has been acquitted by reason of a technical defence, or he has been convicted, but such conviction is quashed by reason of some technical defence, and the Council is satisfied of the facts constituting the criminal offence.

**58.** An attorney-at-law shall not acquire, directly or indirectly, by purchase or otherwise, a financial or other interest in the subject matter of a case which he is conducting.

**59.** (1) An attorney-at-law shall not enter into partnership or fee sharing arrangements concerning the practice of law, with non-qualified bodies or persons.

(2) An attorney-at-law shall not enter into an agreement, or charge or collect a fee, in contravention of these Rules, the Act, or any other law.

**60.** (1) An attorney-at-law shall not charge fees that are unfair or unreasonable.

(2) In determining the fairness and reasonableness of a fee, the following factors may be taken into account—

- (a) the time and labour required, the novelty and difficulty of the questions involved, and the skill required to perform the legal service properly;
- (b) the likelihood, that the acceptance of the particular employment, will preclude other employment by the attorney-at-law;
- (c) the fee customarily charged in the locality for similar legal services;
- (d) the amount involved, (if any) or the value of the subject matter;
- (e) the time limitations imposed by the clients or by the circumstances;
- (f) the nature and length of the professional relationship with the client;
- (g) the experience, reputation and ability of the attorney-at-law concerned.

(3) An attorney-at-law shall not accept any fee or reward for merely introducing a client, or referring a case or client to another attorney-at-law.

**61.** (1) Except with the specific approval of his client given after full disclosure, an attorney-at-law shall not act in any manner in which his professional duties and his personal interest conflict, or are likely to conflict.

(2) An attorney-at-law shall not accept or continue his retainer or employment on behalf of two or more clients, if their interests are likely to conflict, or if his independent professional judgment is likely to be impaired.

**62.** (1) An attorney-at-law who withdraws his services in accordance with these Rules, shall not do so, until he has taken reasonable steps to avoid foreseeable prejudice or injury to the position and rights of his clients, including—

- (a) giving due notice;
- (b) allowing time for retaining of another attorney-at-law;
- (c) delivering to the client, all documents and property to which he is entitled;
- (d) complying with such laws, rules or practice as may be applicable; and
- (e) where appropriate, obtaining the permission of the Court where the hearing of the matter has commenced.

(2) An attorney-at-law who withdraws his services shall refund promptly, such part of the fees if any, already paid by his client as may be fair and reasonable, having regard to all the circumstances.

**63.** An attorney-at-law shall withdraw forthwith his services from a matter pending before a tribunal—

- (a) where the client insists upon his representing a claim or defence that he cannot conscientiously advance;
- (b) where the client seeks to pursue a course of conduct which is illegal, or which will result in deliberately deceiving the Court;

- (c) where a client has, in the course of the proceedings, perpetrated a fraud upon a person or tribunal, and on request by the attorney-at-law, has refused or is unable to rectify the same;
- (d) where his continued service will involve him in the violation of the law or a disciplinary rule;
- (e) where the client, by any other conduct, renders it unreasonably difficult for the attorney-at-law to carry out his service effectively, or in accordance with the judgment and advice of the attorney-at-law, or the rules of law or professional ethics;
- (f) where for any good and compelling reason, it is difficult for him to effectively render his services.

**64.** An attorney-at-law shall not retain money he receives for his client, longer than is absolutely necessary.

**65.** An attorney-at-law shall never disclose, unless lawfully ordered to do so by the Court or required by statute, what has been communicated to him in his capacity as an attorney-at-law by his client, and this duty not to disclose extends to his partners, to junior attorneys-at-law assisting him, and to his employees, provided however, that an attorney-at-law may reveal confidences or secrets necessary to establish or collect his fee, or to defend himself or his employees or associates, against an accusation of wrongful conduct.

**66.** An attorney-at-law shall not permit his professional services or his name, to be used in any way which would make it possible for persons who are not legally authorised to do so, to practise law.

**67.** An attorney-at-law shall not delegate to a person not legally qualified and not in his employ or under his control, any functions which are, by the laws of Grenada, only to be performed by a qualified attorney-at-law.

**68.** In the performance of his duties, an attorney-at-law shall not act with inexcusable or undue delay, negligence or neglect.

**69.** An attorney-at-law shall not engage in undignified or discourteous conduct which is degrading to the Court or his profession.

**70.** An attorney-at-law shall not willfully make false accusations against a Judge or Magistrate.

**71.** An attorney-at-law who holds a public office, shall not use his public position to influence or attempt to influence a tribunal, to act in favour of himself or of his client.

**72.** An attorney-at-law shall not accept private employment in a matter upon the merits of which he previously acted in a judicial capacity, or for which he had any responsibility while he was in public employment.

**73.** An attorney-at-law shall not with intent, improperly influence, give, lend or promise anything of value to a judge, juror or official of a tribunal.

**74.** In any proceedings in a Court, an attorney-at-law shall not communicate or cause any other person to communicate with a juror, as to the merits of such proceedings, and shall only do so in the presence of a judge or person exercising judicial functions—

- (a) in the normal course of the proceedings; or
- (b) where authorised by law, or the practice of the Courts.

**75.** An attorney-at-law shall not, for the purpose of making any person unavailable as a witness, advise or cause that person to secrete himself or leave the jurisdiction of the Court.

**76.** An attorney-at-law shall not pay, or offer to pay or acquiesce in the payment of compensation to a witness, for giving evidence in any cause or matter, save as reimbursement for expenses reasonably incurred, and as reasonable compensation for loss of time in attending for preparation and for testifying, and in the case of an expert witness, a reasonable fee for his professional services.

**77.** An attorney-at-law shall not knowingly use perjured testimony or false evidence or, participate in the creation, or use of evidence, which he knows to be false.

**78.** An attorney-at-law shall not counsel or assist his client or a witness, in conduct that the attorney-at-law knows to be illegal or fraudulent, and where he is satisfied that his client has, in the course of the particular representation, perpetrated a fraud upon a person or tribunal, he shall promptly call upon him to rectify the same.

**79.** An attorney-at-law shall not knowingly make a false statement of law or fact.

**80.** (1) An attorney-at-law shall not commit breach of an undertaking given by him to a Judge, a Court, or other tribunal or an official thereof, whether such undertaking relates to an expression of intention as to future conduct, or is a representation that a particular state of facts exists.

(2) An attorney-at-law shall not knowingly represent falsely to a Judge, a Court or other tribunal, or to an official of a Court or other tribunal, that a particular state of facts exists.

**81.** In pecuniary matters, an attorney-at-law shall be most punctual and diligent; and shall never mingle funds of others with his own, and he shall at all times be able to refund money he holds for others.

**82.** (1) An attorney-at-law shall keep such accounts as clearly and accurately distinguished, the financial position between himself and his client, as and when required.

(2) An attorney-at-law shall comply with such rules as may be made by the Council under section 54 of this Act; but nothing contained in Rules 81, and this rule shall deprive an attorney-at-law of any recourse or right, whether by way of lien, set-off, counter claim, charge or otherwise, against monies standing to the credit of a client's account, maintained by that attorney-at-law.

**83.** An attorney-at-law shall reply promptly to any letter received from the Council, relating to his professional conduct.

**84.** A breach by an attorney-at-law of any of the provisions contained in this Part, shall constitute professional misconduct, and an attorney-at-law who commits such a breach, is liable to any of the penalties which the Council, the Court, or both are empowered to impose.

**85.** Nothing contained in these Rules shall be construed as affecting the liability of an attorney-at-law, or any other person, for conduct which amounts to a crime under the Act, or any other law.

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FOURTH SCHEDULE

LEGAL PROFESSION ACT

*Forms*

FORM I

LEGAL PROFESSION ACT

*Application against an Attorney-at-Law*

[Section 35.]

To the Council under the Legal Profession Act.

IN THE MATTER OF ..... (ATTORNEY-AT-LAW)

AND

..... (APPLICANT)

IN THE MATTER OF THE LEGAL PROFESSION ACT

I, the undersigned .....  
hereby make application that \* .....  
of ....., attorney-at-law, may be required to answer the allegations contained in the affidavit which accompanies this application.

I make this application on the ground that the matters of fact stated in the accompanying affidavit constitute conduct unbecoming to his profession on the part of the said .....  
....., in his capacity as attorney-at-law.

In witness whereof I have hereunto set my hand this ..... day of ..... 20.....

.....  
*Signature*

Address .....

Profession, business or occupation .....

\* insert full name and last known place or places of business.

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FORM II

LEGAL PROFESSION ACT

*Affidavit by Applicant*

[Section 37.]

IN THE MATTER OF ..... (a) ..... (ATTORNEY-AT-LAW)

AND

..... (b) ..... (APPLICANT)

IN THE MATTER OF THE LEGAL PROFESSION ACT,

AFFIDAVIT

I, ..... (b) ..... make oath and say as follows—

1. I reside at ..... (c) .....

in the country of ..... (d) .....  
2. I am a ..... (e) ..... and my postal address is ..... (f) .....  
3. the above-named attorney-at-law ..... (g) .....  
4. the complaint I make against the attorney-at-law is that he ..... (h) .....

Sworn at ..... )  
This ..... day of ..... 20 .....

.....  
*Signature or mark of applicant*

[the same having been first read over and explained to the deponent, and he appeared fully to understand the same]

Before me: ..... )  
..... )

(If the person making the affidavit can read and write, strike out the words in square brackets)

- (a) Name of the attorney-at-law
- (b) Name of applicant
- (c) Place of residence
- (d) Country
- (e) Occupation
- (f) Postal address
- (g) Set out facts complained of
- (h) Set out shortly the ground of complaint

FORM III

LEGAL PROFESSION ACT

*Notice by Council to Applicant*

[Section 35.]

Complaint No. .... of 20 .....

IN THE MATTER OF ..... (ATTORNEY-AT-LAW)

AND

..... (APPLICANT)

IN THE MATTER OF THE LEGAL PROFESSION ACT

To .....  
of .....  
The ..... day of ..... 20 ..... is the day fixed for the hearing of your application in the matter of ..... attorney-at-law, by the Council constituted under the Legal Profession Act.

The Council will sit at ..... at ..... o'clock in the forenoon. If you fail to appear, the Council may, in accordance with rules made under the Legal Profession Act 20 ....., proceed in your absence.

You are requested by the rules under the Legal Profession Act 2011 to furnish to the said ..... and the Secretary of the Council at ..... at least 14 days before the said ..... day of ..... 20 ....., a list of all documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other party, and a copy of any document mentioned in the list of either party must, on the application of a party requiring it, be furnished to him by the other party, within three days after receipt of the application.

You are requested to acknowledge the receipt of this Notice without delay.

Dated the ..... day of ..... 20 .....

.....  
*Secretary, Council*

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FORM IV

LEGAL PROFESSION ACT

*Notice by Council to Attorney-at-Law*

[Section 35.]

Compliant No. .... of 20.....

IN THE MATTER OF ..... (ATTORNEY-AT-LAW)

AND

.....(APPLICANT)

IN THE MATTER OF THE LEGAL PROFESSION ACT

To ..... of ..... , attorney-at-law.

Application has been made by ..... of ..... to the Council constituted under the Legal Profession Act, that you be required to answer the allegation contained in the affidavit, a copy of which accompanies this Notice.

The ..... day of ..... 20..... is the day fixed for the hearing of the application by the Council. The Council will sit at ..... at ..... o'clock in the afternoon.

If you fail to appear, the Council may, in accordance with the rules made under the Legal Profession Act 2011, proceed in your absence.

You are requested by the rules under the Legal Profession Act 2011, to furnish to the said ..... and the Secretary of the Council at ..... at least 14 days before the said ..... day of ..... 20..... a list of all documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other party, and a copy of any document mentioned in the list of either party must, on the application of a party requiring it, be furnished to him by the other party, within three days after receipt of the application.

You are requested to acknowledge the receipt of this Notice without delay.

Dated this ..... day of ..... 20.....

.....  
*Secretary, Council*

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FORM V

LEGAL PROFESSION ACT

*Summons by Council to Witness*

[Section 37.]

Complaint No. .... of 20 .....

IN THE MATTER OF ..... (ATTORNEY-AT-LAW)

AND

..... (APPLICANT)

IN THE MATTER OF THE LEGAL PROFESSION ACT

To .....

You are hereby summoned to appear before the Council constituted under the Legal Profession Act, at on the ..... day of ..... at the hour of ..... o'clock in the ..... noon, and so from day to day, until the application in the above matter is heard, to give evidence on behalf of ..... , (if the person summoned is to produce books or documents add) and you are required to bring with you (specify the books or documents required).

Dated this ..... day of ..... 20.....

.....  
*Secretary, Council*

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FIFTH SCHEDULE

LEGAL PROFESSION ACT

[Section 2.]

*Member States*

Anguilla

Antigua and Barbuda

Barbados

Belize

Commonwealth of Dominica

Grenada

Guyana

Jamaica

Montserrat

Saint Christopher and Nevis

Saint Vincent and the Grenadines

Trinidad and Tobago

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**CHAPTER 167A**

**LEGAL PROFESSION ACT**

**SUBSIDIARY LEGISLATION**

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*No Subsidiary Legislation*

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