



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 82

No. 138

THE LEGAL PROFESSION ACT

THE LEGAL PROFESSION (CANONS OF PROFESSIONAL ETHICS)
(AMENDMENT) RULES, 2016

In exercise of the powers conferred upon the General Legal Council by section 12(7) of the Legal Profession Act and of every other power hereunto enabling the following Rules are hereby made:—

These Rules may be cited as the Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 2016 and shall be read and construed as one with the Legal Profession (Canons of Professional Ethics) Rules (hereinafter referred to as the Principal Rules) and all amendments thereto.

1. Canon II(b) is hereby amended by deleting the words “or advertising” in the last line thereof.

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2. Canon II(bb) is inserted after Canon II(b) as follows:
 - (bb) Touting is defined as seeking/soliciting instructions from potential clients by the use of persistent, pushy or annoying tactics whether directly or indirectly.
 3. Canon II(d)(v) is hereby revoked.
 4. Canon II(e) is hereby revoked and the following substituted therefor:
 - *(e) Except as allowed by this Canon, an attorney shall not, directly or indirectly, apply to a person who is not then or who has not been his client for instructions for professional business save for institutions who customarily accept applications for the provision of legal services.
 5. Canon II(g) is hereby revoked and the following substituted therefor:
 - *(g) An Attorney may participate in;
 - (i) any lecture, talk or public appearance;
 - (ii) any radio, television or other transmission; or
 - (iii) any written or printed publication,

and be identified therein by the attorney's name, appointments, firm, academic qualifications, and if the attorney is accredited according to any rules of an accreditation scheme approved by the General Legal Council, the attorney may be identified as a "Specialist", "Accredited Specialist" or "Accredited Attorney" in the area of law to which the certificate of accreditation related and the fact of being a practitioner.

Provided that:

- (a) where the subject matter or part of the subject matter thereof concerns a matter in which the attorney is or has been professionally engaged:
 - (i) the attorney shall in all cases give an objective account of the matter in a restraint manner consistent with the maintenance of the reputation and the dignity of the legal profession and without giving undue publicity to the attorney's role in the matter; and
 - (ii) the attorney shall not participate therein unless the attorney has the express consent of his client, or where a judgment has been handed down and it is in the public domain provided that in any such case it is not contrary to the interests of the attorney's client to do so.
6. Canon II (k) is hereby revoked and the following substituted therefor:
 - *(k)(i) An Attorney shall be responsible, in so far as it is or should be within his control, to ensure that any publicity relating to his practice or the practice of his firm is done in accordance with these Canons, whether such publicity is done by him, his employee or any other person on his behalf.

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- (ii) Where an Attorney becomes aware of any impropriety in any publicity relating to his practice or the practice of his firm, he shall be responsible, in so far as it is or should be within his control, to use his best endeavours to rectify or withdraw the publicity, and he shall at all times ensure that the General Legal Council is informed in writing as regards such matter.
 - (iii) Where it appears to the General Legal Council that any publicity relating to the practice of an Attorney or his firm is contrary to these Rules, it may, without prejudice to its powers under the Act, after making due inquiry regarding the publicity, order the Attorney or his firm, or both to alter, modify, withdraw, remove or discontinue the publicity.

7. Canon VIII (d) of the Principal Rules is hereby amended by deleting the number, symbols and letters II(a), (b), (e), (f), (g), (h), (j) and (k) where they appear therein and substituting therefor the following:

II (a), (b), (d), (e), (f), (g), (h), (j), (k), (m).

8. The following Canon II(n) is inserted next after Canon II (m):

- (m) An "Advertisement" means any communication (whether oral or in writing or any other visual form and whether produced by electronic or any other means) which is intended to publicise or otherwise promote an Attorney or Law Firm in relation to their practice or their availability for professional engagement. This includes but it is not limited to: any brochure, signage, website, notice, circular, leaflet, poster, placard, photograph, illustration, emblem, display, stationery, directory entry, article or statement for general publication.

Dated the 16th day of December, 2016.

ALLAN S. WOOD, Q.C.
Chairman,
General Legal Council.