



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

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No. 44A

No. 56A

THE LEGAL PROFESSION ACT

THE LEGAL PROFESSION (PRESCRIBED OFFENCES) RULES, 1998

In exercise of the powers conferred on the General Legal Council by sections 12 (1) (b) and (7) (b) of the Legal Profession Act and of every other power hereunto enabling, the following Rules are hereby made:—

1. The Rules may be cited as the Legal Profession (Prescribed Offences) Rules, 1998.
2. The following criminal offences are hereby prescribed under section 12 (1) (b) of the Legal Profession Act:
 - (1) treason;
 - (2) treason felony;
 - (3) capital and non-capital murder;

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- (4) manslaughter, excluding manslaughter on the ground of criminal negligence;
 - (5) incest, rape, carnal abuse and any sexual offence for which a convicted person is liable to a sentence of imprisonment of five years or upwards;
 - (6) abduction, child stealing and all other offences against the Offences against the Person Act in respect of which a convicted person is liable to a sentence of imprisonment of five years or upwards;
 - (7) counterfeiting money and uttering counterfeit money and offences against the Coinage Offences Act in respect of which a convicted person is liable to a sentence of imprisonment of over two years;
 - (8) forgery, uttering a forged document and all other felonious offences against the Forgery Act;
 - (9) offences against the Larceny Act and all other offences involving fraud or dishonesty in respect of which a convicted person is liable to a sentence of imprisonment.
 - (10) piracy by law of nations, sinking or destroying a vessel at sea;
 - (11) cultivating ganja, selling or dealing in dangerous drugs or selling or dealing in, importing, exporting or manufacturing dangerous drugs contrary to the Dangerous Drugs Act;
 - (12) money laundering contrary to the Money Laundering Act;
 - (13) corruption and bribery contrary to the Corruption Prevention Act;
 - (14) perjury and the making of false statements and declarations contrary to the Perjury Act;
 - (15) practising as an attorney without a practising certificate contrary to section 8 (3) of the Legal Profession Act;
 - (16) conspiracy to commit, attempts to commit and aiding, abetting, procuring or counselling the commission of any of the abovementioned offences.

Dated this 19th day of August, 1998.

LLOYD G. BARNETT,
Chairman,
General Legal Council.

ALTHEA RICHARDS,
Secretary,
General Legal Council.

No. 56B

THE LEGAL PROFESSION ACT

THE LEGAL PROFESSION (CANONS OF PROFESSIONAL ETHICS) (AMENDMENT) RULES, 1998

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:—

1. These Rules may be cited as the Legal Profession (Canons of Professional Ethics) (Amendment) Rules, 1998 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.

2. Clause (d) and all the subsequent clauses of Canon II are hereby revoked and the following substituted therefor:

* (d) An Attorney may advertise in connection with the attorney's practice provided that such advertising:

- (i) shall not be false in any material particular;
- (ii) shall not be misleading or deceptive or likely to mislead or deceive or likely to create an unjustified expectation;
- (iii) shall not be vulgar, sensational or of such frequency or otherwise such as would or would be likely to adversely affect the reputation or standing of any attorney or the legal profession;
- (iv) shall not claim or imply superiority for the attorney over any or all other attorneys;
- (v) shall not contain any testimonials or endorsements concerning the attorney;
- (vi) shall not make any reference to the fact that the attorney has held judicial appointment;
- (vii) shall not name a member of staff in the advertisement unless that member of staff is an attorney qualified to practice and, where the attorney named in the advertisement is not a partner, the status of such attorney must be expressly stated and any of the following terms used alone or in combination will be deemed a sufficient indication of the status of such person, namely, associate, assistant, consultant;
- (viii) shall not contain any claim or words to the effect or implying that the attorney is a specialist, expert, leader or an established or experienced practitioner in any field of practice or generally although it may contain a statement of the fields of practice in which the attorney will or will not accept instructions except that an attorney who has obtained a certificate of accreditation in an area of law pursuant to and in accordance with an accreditation scheme approved by the General Legal Council, may advertise the fact of that accreditation, and may be identified as a "specialist", "accredited specialist" or "accredited attorney" in the area of law to which the certificate of accreditation relates.

* (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.

* (f) An attorney shall cause a record of any advertisement:

- (i) to be kept at his principal place of business for a period of at least 12 months from the date of its last use together with a record of when and where it was used; and

- (ii) to be produced to the General Legal Council for inspection within seven days if he is requested by the General Legal Council within the said period of 12 months; and
- (iii) the record of such advertisement shall state the name of at least one attorney responsible for its content, as well as the name of the attorney's firm.

*(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 relates 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 and it is not contrary to the interests of the attorney's client to do so.

*(b) the attorney shall not claim or imply that the attorney is a specialist, expert, leader or an established or experienced practitioner in that or any other legal subject unless:

- (i) the subject matter thereof concerns a legal or related topic in the context of a lecture or talk given or to be given by the attorney to other attorneys, law students or other professional or similar groups or organisations; or
- (ii) the attorney is accredited according to any accreditation scheme approved by the General Legal Council into which the subject matter thereof falls.

*(h) The General Legal Council may by notice in writing to any attorney order:

- (i) the alteration, withdrawal, removal or discontinuance of an advertisement;
- (ii) the alteration or discontinuance of the use of a business card by an attorney,

where the Council is of the opinion that the advertisement or business card contravenes the provisions of the Canons.

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- (i) The Council may, having regard to the matters referred to in the above clause, by notice in writing to an attorney order him to cease or limit the lectures, talks, public appearances, transmissions or publications in which he participates, either absolutely or upon conditions.
 - * (j) An attorney shall forthwith comply with any order given by the Council pursuant to clauses (h) and (i) hereof.
 - * (k) An attorney shall not advertise in connection with his or her practice in the field of personal injury claims or fatal accidents claims unless:
 - (i) such advertising is, of its nature, "limited advertising" (as hereinafter defined); or
 - (ii) prior to the advertisement being published, the Attorney has obtained from the Advertising Committee of the General Legal Council written approval of the form and content of the advertisement.
 - (iii) In this clause—
 - (a) "limited advertising" shall mean advertising whether in a printed or electronic form in which there appears nothing more than the name of the attorney, and/or his firm, advertising the attorney's address and telephone and facsimile numbers and the fact that the attorney and/or his firm will accept instructions in personal injury and fatal accidents claims.
 - (b) "Advertising Committee" shall mean a committee consisting of at least three attorneys who are members of the Council established by the General Legal Council for the sole purpose of considering and approving or rejecting for publication advertisements submitted by attorneys who wish to advertise their practices and the fact that they will accept instructions in personal injury and fatal accidents claims.
 - (c) "personal injury claims" shall mean claims for damages and/or compensation by persons who allege that they have suffered an injury or injuries in circumstances in which some other person may be liable to pay them damages and/or compensation.
 - (d) "fatal accidents claims" shall mean claims for damages brought under the Fatal Accidents Act and/or the Law Reform (Miscellaneous Provisions) Act consequent upon the death of any person.
 - * (l) An Attorney shall not permit his professional standing to be used for the purpose of advertising any particular product, service or commercial organisation.
 - * (m) Save as provided by section 7 of the principal Act, an Attorney shall not practise as a lawyer unless he has paid the prescribed fee in accordance with section 5 (2) of the principal Act and has been issued with a Practising Certificate by the General Legal Council.

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

“II (a), (b), (e), (f), (g), (h), (j), (k)”.

Dated this 19th day of August, 1998.

LLOYD G. BARNETT,
Chairman,
General Legal Council.

ALTHEA RICHARDS,
Secretary,
General Legal Council.