

**Title:**  
**Code of Conduct: what to do right now**

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With two weeks left before the new Solicitors' Code of Conduct comes in, what should solicitors be doing to prepare? **Kate Beaumont** talks to legal risk management specialist Frank Maher.

The Guide to the Professional Conduct of Solicitors is to be replaced by the new Solicitors' Code of Conduct on 1 July 2007. What will it mean to solicitors, and how will it impact on the profession?

Frank Maher is a partner at Legal Risk, a solicitors' firm that advises other law firms on professional indemnity, risk management and compliance. He believes that "the key change will be not so much the Code itself—much of which is similar to what went before—but the enforcement of it by the Solicitors Regulation Authority (SRA). Despite the SRA's 'light touch' intentions, under pressure to demonstrate that it can deliver as a fully-fledged regulator, it can surely be expected to strive hard to deliver".

According to Maher, most in the public eye will be Rule 2 (Client care and Costs information): "Firms will need to crank up their efforts to ensure clients are fully informed on how much a matter will cost and when they next expect to hear from their solicitor."

He advises that firms should consider monitoring the effectiveness of individual staff at estimating costs. "Firms are beginning to wake up to the business management requirements gradually, but few will be anywhere near compliant on the business continuity aspects; the guidance so far on the latter is rather badly lacking, though the Law Society is in the course of preparing a model policy and guidance," he says.

As far as other key changes are concerned, Maher anticipates that the addition of age discrimination to Rule 6, the Equality and Diversity rule, will "focus minds" as it impacts widely on the running of the practice. He points out that "firms will also need to prepare their own policies because the Law Society's model policy is withdrawn".

Maher thinks it likely that Rule 9, Referrals of Business, will also be in the public eye, "given the widespread concern over the coal miners' compensation claims, and the SRA's ongoing review of compliance".

With July 1 fast approaching, are solicitors prepared for the new Code of Conduct? Maher says: "The larger firms are broadly ready, as are firms which have quality accreditation such as Lexcel or ISO 9000." However, he stresses that all firms will need to train staff, "if only to reinforce the message that ethics are very much on the agenda and part of the firm's culture".

In compiling the new Code, the SRA had several aims: clarity of principles and purpose, simplification of structure, the raising of service standards, to name a few. But will the new rule book live up to expectations and fulfil its aims? As Frank Maher states, "It does fulfil the aim of clarity and simplification in many respects, but only time will tell whether it raises standards, as that is down to enforcement."

A specific code of conduct acts as a benchmark for a profession. So, does the new Code bode well for the solicitors' profession? Maher says: "It is a step in the right direction, but the proof of the pudding will be in the eating. There will always be firms who step out of line and it is to the detriment of the profession as a whole when they do."

Finally, when asked how the short- or long-term effectiveness of the Code might be measured, Maher responds, "I don't think it can be measured. The profession lost its status in the eyes of the public many years ago when the message was perceived to be that we were businesses rather than professionals. That is not to say that change is all bad, but the world has moved on." If you have any comments about this or any other news item or feature, please respond via e-mail to: [news@lexisnexis.co.uk](mailto:news@lexisnexis.co.uk)

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