

Legal Profession

Cap. 370A.

LEGAL PROFESSION CODE OF ETHICS, 1988

1988/113.

Authority: This Code of Ethics was made on the 12th December, 1988 by the Disciplinary Committee under section 18 of the *Legal Profession Act*.

Commencement: 12th December, 1988.

PART I

Preliminary

1. This Code may be cited as the *Legal Profession Code of Ethics, 1988*.

2. In this Code "tribunal" includes the Disciplinary Committee.

3. Every attorney-at-law shall uphold at all times the standards set out in this Code.

4. A breach of the rules in Parts II, to VII may constitute professional misconduct and in Part VIII shall constitute professional misconduct.

PART II

In Relation to the Profession and Himself

5. (1) An attorney-at-law whether in practice or not shall uphold at all times the standards set out in this Code.

(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 his profession and in his private life and shall refrain from conduct which is detrimental to the profession or which may tend to discredit it.

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

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

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

8. (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 refers a client to another attorney-at-law, the client remains 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 to the referral, that attorney-at-law shall not accept that offer unless it has been brought to the attention of the referring attorney-at-law.

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

10. 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

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

11. An attorney-at-law shall defend the interests 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.

12. An attorney-at-law is obliged to act, either as adviser or advocate in the field in which he proposes to practise, for every person who may wish to become his client on payment of the

proper professional fee charged in accordance with rule 68. Special circumstances such as a conflict of interest or the possession of relevant and confidential information may justify his refusal to accept a particular employment.

13. 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 deception or betrayal of the public.

14. Every attorney-at-law should bear in mind that the oath of office taken on his admission to practise is not a mere form but is a solemn undertaking to be strictly observed on his part.

15. An attorney-at-law should also bear in mind that he can only maintain the high traditions of his profession by being a person of high integrity and dignity.

16. (1) The dress of an attorney-at-law appearing in open Court should be unobtrusive and compatible with the wearing of robes.

(2) Suits and dresses should be of dark colour. Dresses or blouses should be long sleeved and compatible with the wearing of bands and collarettes. Shirts and blouses should be predominantly white or other unemphatic appearance. Collars should be white and shoes dark.

(3) No conspicuous jewellery or ornaments should be worn.

(4) Attorneys should at all times, both in Court and when seeing clients, dress in a manner appropriate to and compatible with the status of their profession.

PART III

In Relation to the State and the Public

17. 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.

18. When engaged as a public prosecutor the primary duty of an attorney-at-law is not to secure a conviction but to see that

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justice is done and to that end he shall not withhold the facts tending to prove either the guilt or innocence of the accused.

19. 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.

20. An attorney-at-law shall not by his actions, stir up 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 therefor; 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.

21. An attorney-at-law shall not be deterred from accepting proffered employment owing to the fear or dislike of incurring disapproval of officials, other attorneys-at-law or members of the public.

22. Where an attorney-at-law consents to undertake the provision of legal services and he is appointed by the Director of Community Legal Services, by any Legal Aid and Advisory Authority or is requested by the Bar Association and consents to undertake the representation of a person unable to afford such representation or to obtain legal aid, the attorney-at-law shall not, except for compelling reasons, seek to be excused from undertaking such representation.

23. An attorney-at-law in undertaking the defence of persons accused of crime shall use all fair and reasonable means to present every defence available at law.

PART IV

In Relation to Clients

24. (1) An attorney-at-law shall always act in the best interests 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 and not without the bounds of the law.

(2) 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.

25. (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 beware of 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.

(3) Whenever the controversy admits of fair adjustment, an attorney-at-law should inform his client accordingly and advise to avoid or settle litigation.

26. (1) An attorney-at-law shall at the time of retainer disclose to his client all the circumstances of his relations to the parties and his interest in or connection with the controversy (if any) which might influence the client in his selection of an attorney-at-law.

(2) An attorney-at-law shall scrupulously guard and never divulge his client's secrets and confidences.

27. 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 imparting to his professional duties his client's personal feelings and prejudices.

28. It is the right of an attorney-at-law to undertake the defence of a person accused of crime regardless of his own personal opinion as to the guilt of the accused and having undertaken such defence he is bound by all fair and honourable means to present every 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.

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29. (1) An attorney-at-law may represent multiple clients only if he can adequately represent the interests 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.

30. (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.

31. 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.

32. (1) An attorney-at-law on the record may instruct one or more attorneys-at-law to appear as advocates, in the same way as a solicitor on the record prior to 31st March, 1973, instructed Counsel.

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

(3) Where more than one attorney-at-law appears as advocate for the same party in the same proceedings, who shall lead the conduct of that party's 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.

33. An attorney-at-law including a Queen's Counsel who appears with the leader is entitled to negotiated fee appropriate for his conduct of the case.

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

(2) The ability of a client to pay cannot 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.

35. 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.

36. The right of an attorney-at-law to ask for a retainer or to demand payment of out-of-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.

37. 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 there is express agreement to the contrary, but where an attorney-at-law directs a client to a foreign colleague he is not responsible for the payment of the latter's charges, nor is he entitled to a share of the fee of his foreign colleague.

38. 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 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 reasons of his mental or physical condition or other good and compelling reason it is difficult for him to carry out his services effectively; or
- (e) in cases of conflict as contemplated in Rule 29 or Rule 68.

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39. (1) An attorney-at-law should not appear as a witness for his own client except as to merely formal matters or where such appearance is essential to the ends of justice.

(2) If 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.

PART V

In Relation to the Courts and the Administration of Justice

40. (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.

41. 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.

42. An attorney-at-law should 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 curry favour with juries by fawning, flattery or pretended solicitude for their personal comfort.

43. An attorney-at-law shall be punctual in attendance before the Courts and concise and direct in the trial and disposition of causes.

44. An attorney-at-law shall expose without fear or favour before a proper tribunal, unprofessional or dishonest conduct by any other attorneys-at-law and shall not lightly refuse a retainer against another attorney-at-law who is alleged to have wronged his client or committed any other act of professional misconduct.

PART VI

In Relation to his Fellow Attorneys-at-Law

45. (1) The conduct of an attorney-at-law towards his fellow attorneys shall be characterized 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 wrangling.

46. (1) An attorney-at-law shall reply promptly to letters from other attorneys-at-law making inquiries on behalf of their clients.

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

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

48. (1) There is a duty on every attorney-at-law to report improper or unprofessional conduct by another attorney-at-law to the Disciplinary Committee, save 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.

(2) An attorney-at-law shall expose without fear or favour before the proper tribunal unprofessional or dishonest conduct by another attorney-at-law and shall not lightly refuse a retainer against another attorney-at-law who is alleged to have wronged a client.

49. 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 the basis that the attorney-at-law to whom they are sent will receive them on his undertaking to do or 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.

50. 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.

51. (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.

52. 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 attorney 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.

53. 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 ascertain that the retainer of that attorney-at-law has been determined by the client, or that the client wishes both attorneys-at-law to represent him.

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

55. In undertaking to render assistance to a foreign colleague, an attorney-at-law shall remember 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 Barbados.

PART VII

General

56. 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 VIII

Mandatory Provisions and Specific Prohibitions

57. An attorney-at-law shall not practise as such unless he has been issued a practising certificate in accordance with the Act.

58. (1) An attorney-at-law shall never knowingly mislead the Court.

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

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

60. 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 assigned to him by the Director of Community Legal Services or referred by the Bar Association or by another attorney-at-law or for which he is engaged in any other manner not inconsistent with these Rules.

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61. An attorney-at-law shall not in the carrying on of his practice or otherwise permit any act or thing which is likely or is intended to attract business unfairly or can reasonably be regarded as touting or advertising.

62. (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 organization.

(3) An attorney-at-law shall not advertise for business indirectly by furnishing or inspiring newspaper comment concerning cases or causes in which an attorney-at-law has been or is connected or concerning the manner of their conduct, the magnitude of the interests involved, the importance of the attorney-at-law's position and any similar self-laudations.

Provided however that

- (a) 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 organizations 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 emphasize his own professional competence and are not likely to be

- regarded as being concerned with the giving of individual advice by him;
- (b) an attorney-at-law may speak in public or write for publication on legal topics so long as he does not thereby emphasize his own professional competence;
 - (c) 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 or brochure identifying the attorney-at-law by name and as an attorney-at-law giving his decorations and degrees, legal or otherwise, his legal areas of work, his addresses, telephone numbers and the name of his law firm or professional associates so however that such cards are not published in the news media;
 - (ii) a brief professional announcement card to be delivered to attorneys-at-law, clients, personal friends and relations and government bodies and stating new or changed associations or addresses, changes of firm name or like professional matters;
 - (iii) a sign or 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;
 - (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 the attorney-at-law is also a notary public or a Justice of the Peace.

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

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- (a) he has been convicted by any court, including a foreign Court of competent jurisdiction, for the offence; or
- (b) although he has not been prosecuted the Committee is satisfied of the facts constituting the criminal offence; or
- (c) 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.

64. 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.

65. (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 for or charge or collect a fee in contravention of this Code or any other law.

66. (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, if any involved;
- (e) the time limitations imposed by the client 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;

(h) any scale of fees or recommended guide as to charges prescribed by law or by the Judicial Advisory Council.

(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.

67. (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.

68. (1) An attorney-at-law who withdraws his services under Rule 38 shall not do so until he has taken reasonable steps to avoid foreseeable prejudice or injury to the position and rights of his client 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 subject however to any lien which the attorney-at-law may have over the same;

(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.

69. An attorney-at-law shall withdraw forthwith his services or from a matter pending before a tribunal

(a) where the client insists upon his representing a claim or defence that he cannot conscientiously advance;

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- (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 as such 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 carry out his service effectively.

70. An attorney-at-law shall not retain money he received for his client longer than is absolutely necessary.

71. 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.

72. 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.

73. 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 Barbados only to be performed by a qualified attorney-at-law.

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

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

76. An attorney-at-law shall not wilfully make false accusations against a Judge or Magistrate.

77. 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.

78. 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.

79. An attorney-at-law shall not give, lend or promise anything of value to a Judge, juror or official of a tribunal before which there is a pending matter in which he is engaged.

80. 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 with 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.

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

82. 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.

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

84. 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.

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

86. (1) An attorney-at-law shall not commit a 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.

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

88. (1) An attorney-at-law shall keep such accounts as clearly and accurately distinguish 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 Judicial Advisory Council under section 13 of the Act, but nothing contained in this Rule or Rule 89 shall deprive an attorney-at-law of any recourse or right whether by way of lien, set-off, counterclaim, charge or otherwise against monies standing to the credit of a client's account maintained by that attorney-at-law.

89. An attorney-at-law shall reply promptly to any letter received from the Disciplinary Committee or the Barbados Bar Association relating to his professional conduct.

90. (1) Breach by an attorney-at-law of any Rules contained in this Part shall constitute professional misconduct and an attorney-at-law who commits such a breach shall be liable to any of the penalties which the Disciplinary Committee recommends and which the Court of Appeal is empowered to impose.

(2) Breach by an attorney-at-law of any of the provisions of Parts II to VII of this Code while not automatically amounting to punishable professional misconduct is a derogation from the high standards of conduct expected from an attorney-at-law and may, depending on the circumstances of the particular case, amount to punishable professional misconduct or form a material ingredient thereof.

Made by the Disciplinary Committee under section 18 of the Legal Profession Act, Cap. 370A this 12th day of December, 1988.

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