



THE LAW SOCIETY OF TASMANIA

Information Sheet – Amendments to the *Rules of Practice* 1994

Summary

The *Rules of Practice Amendment Rules 2020* commence on 1 October 2020. Of the 89 current Rules, nine are to be retained in some form. There will be two new Rules.

Rules to be Retained

Rule of Practice 4	Attendance at practice
Rule of Practice 6	Firm names and professional description
Rules of Practice Part 6 – Rules 75 to 77	Indemnity cover
Rule of Practice 80	Charging of commission
Rule of Practice 88A	Barrister professional indemnity insurance
Rule of Practice 5	See table below
Rule of Practice 81	See table below

Adoption of Four of the Uniform Legal Practice (Solicitors) Rules

These Rules are in force in Victoria and New South Wales. Council has resolved to adopt the following Rules.

Rule of Practice 17	Transfer of a solicitor's practice – obligations of a solicitor when transferring his or her practice to another solicitor
Rule of Practice 18	Debt collection or mercantile agency – prohibition on misleading use of solicitors' business name or stationery and obligations when acting for a debt collection or mercantile agency
Rule of Practice 19 (Replacing current Rule 5)	Conducting another business – obligations when conducting another business concurrently, but not directly in association with the conduct of a legal practice
Rule of Practice 20 (Replacing current Rule 81)	Litigation lending – restrictions on the purposes money may be withdrawn from a litigation lending account

Deletions

Many deleted Rules of Practice are now covered by either the *Legal Profession Act* (LPA) or the *Legal Profession (Solicitors' Conduct) Rules* (SCR). The table below sets out the SCR or LPA section equivalent of deleted Rules of Practice:

Deleted Rule of Practice	SCR Equivalent
Rule 5 – Sharing of Premises and Carrying on another Business	SCR 45 and Rules of Practice rule 19
Rule 7 – Advertising	SCR 42

Rule 8 – Attracting business in an offensive manner	No equivalent but see SCR 8 which includes obligations to act in the best interests of the client, be honest and courtesy in all dealings, to avoid any compromised integrity and professional independence. See also SCR 9 – dishonest and disreputable conduct, SCR 33 – public comment during current proceedings and SCR 38 – communication with another solicitors’ client.
Rule 9 – Restrictions relating to mediation and arbitration	No equivalent
Rule 10 – Relationship and dealings between practitioner and client	SCR 8 – other fundamental ethical duties SCR 11 – communications and advice SCR 12 – client instructions
Rule 11 – Disclosure of information and interest	SCR 13 – Confidentiality SCR 16 – Conflict concerning a solicitors’ own interests
Rule 12 – Acting for more than one party	SCR 14 – Conflicts concerning former clients SCR 15 – Conflict of duties concerning current clients
Rule 12A – Practitioner member of statutory tribunal	SCR 41
Rule 13 - Advice on costs	LPA section 291. A practice must disclose the basis on which legal costs will be calculated.
Rule 14 - Advice on settlement	LPA Section 296 Requirement to disclose reasonable estimates of legal costs if the matter is settled
Rule 15 – Eligibility for legal aid	SCR 21
Rule 79 – Sharing of profits	SCR 46
Rule 82 – Remuneration	See costs provisions of the LPA
Rule 84 – Election to enter a costs agreement	See costs provisions of the LPA
Rule 85 – Fee for work done	See costs provisions of the LPA
Rule 86 – Recommended scale of charges	See costs provisions of the LPA
Rule 87 – Negotiation fee	No equivalent

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