

Chapter 1: Guidance on answering the self-test questions

Question 1: Name two core duties imposed by the SRA Code of Conduct.

Core Duties from the Solicitor's Code of Conduct:

- You must uphold the rule of law and the proper administration of justice.
- You must act with integrity.
- You must not allow your independence to be compromised.
- You must act in the best interests of each client.
- You must provide a good standard of service to your clients.
- You must not behave in a way that is likely to diminish the trust the public place in you or the legal profession.

Question 2: A client asks you to accept instructions in divorce proceedings. You saw his wife this morning at an earlier appointment. Can you accept his instructions?

There is a risk of a conflict of interest in this situation. In the SRA Code of Conduct, Chapter Three applies:

Prohibition on acting in conflict situations

O(3.4)

you do not act if there is an *own interest conflict* or a significant risk of an *own interest conflict*,

O(3.5)

you do not act if there is a *client conflict*, or a significant risk of a *client conflict*, unless the circumstances set out in Outcomes 3.6 and 3.7 apply;

As you have already received instructions from the potential client's wife, there is a risk that you have confidential information from the wife and this must not be divulged to the potential client. This places you in a potential conflict situation and so you should not see the husband in the case. Good practice in this case may mean that you give him a list of other solicitors in the local area.

Question 3: A client comes in for advice on a divorce and insists on paying 'up front' for the proceedings in cash. The client telephones later in the week to say that he and his wife have been reconciled and he wants his money back. What issues does this raise for the firm?

This raises a potential issue of money laundering. The client may be trying to place the money within the client account and then withdraw it as 'clean' money. The Law Society's Anti Money Laundering practice note includes warning signs of a client cancelling a transaction and the risk of 'sham' litigation as the case appears to have settled easily. The matter should be referred to the firm's nominated officer for guidance.