

# CODE OF CONDUCT

Members of PanLaw must agree to abide by this code of conduct. All breaches which come to the attention of PanLaw's secretary will be fully investigated to preserve the integrity of this code.

## Introduction

The Association of Pandemic Lawyers (PanLaw) was established in May 2020 by a group of barristers and solicitors.

Members of PanLaw subscribe to a code of conduct and support PanLaw's main objectives.

Members shall recognise and abide by PanLaw's Consumer Charter, which is a set of promises to help reassure people that their cases will be dealt with sympathetically and professionally.

Membership of PanLaw is on the basis of a commitment to PanLaw's objectives and this code. Membership is not a guarantee of excellence or specialisation.

## PanLaw's objectives are:

- To foster and promote the understanding of legal issues relating to pandemics (including, but not limited to, the COVID-19 pandemic) amongst lawyers, academics and other interested parties, both nationally and internationally.
- To promote and develop expertise in areas of law impacted by the COVID-19 pandemic through research, education and the dissemination of information and knowledge to all interested parties.
- To promote, encourage and develop cooperation amongst lawyers in the field of pandemic law, both nationally and internationally.
- To promote an awareness of the relevant laws (statutes, regulations and common law) that relate to all areas affected by the COVID-19 pandemic and lockdown.
- To promote and advocate for changes to statutes and regulations to:
  - a. ensure that the detrimental impact of the COVID-19 pandemic and lockdown are minimised; and
  - b. reduce the chances of any future potential pandemic having the same or worse consequences than the COVID-19 pandemic.
- To encourage, procure and promote the writing and publication of legal articles, reports, books and other written works on areas related to pandemic law.
- To arrange and hold lectures, conferences, seminars and webinars on pandemic legal issues.
- To promote and encourage organised research into pandemic legal issues and publish the results of that research where it may be of interest to the legal profession or wider public.

- To facilitate the provision of legal services to all impacted by the COVID-19 pandemic and lockdown.

### **PanLaw members recognise the need to:**

- Provide a professional service;
- Keep themselves informed, educated and up to date with current law and procedure;
- Share information with other PanLaw members;
- Ensure that the client is fully aware of, and fully and professionally advised, on all costs issues, including public funding, where available.

### **Code of Conduct**

1. PanLaw members will act in the best interests of the client;
2. PanLaw members will provide the client with independent advice;
3. Every PanLaw member shall be required to donate 5% of net fees derived from work obtained through PanLaw to a COVID-19 related charity.
4. PanLaw members shall at all times behave and act in a manner which will uphold the standing and good reputation of PanLaw;
5. No PanLaw member shall pursue a frivolous claim, issue or position; but no PanLaw member should refrain from taking or pursuing any claim issue or position which is believed to have merit;
6. PanLaw members will proceed expeditiously with all Pandemic claims;
7. No PanLaw member shall make excessive or unnecessary monetary charges to the client;
8. No PanLaw member shall directly or indirectly, personally or through an agent make representations of experience or specialist skills which they do not possess;
9. No PanLaw member shall knowingly make any statement, whether in publicity material to a prospective client, an existing client, or otherwise which may give the client false expectations;
10. No PanLaw member shall undertake false, deceptive or misleading advertising;
11. PanLaw's logo is a trade mark and shall not be used by any PanLaw member, either personally or through their firm, for advertising or marketing purposes. Accredited firms and individual accredited members are permitted to use the logo which correctly identifies their accreditation status. All members are permitted to identify their individual PanLaw membership without using the PanLaw logo.
12. No PanLaw member shall personally, or through a representative, directly contact a potential client (except through permitted advertising), where there has been no request for such contact ('cold calling'). "Permitted advertising" is defined as advertising which complies with the Code of Practice of the Advertising Standards Authority and with the Rules of the member's relevant legal professional regulatory body.

13. PanLaw members may not pay or receive a fee for the introduction of clients unless permitted by legislation and the rules of the member's relevant legal professional regulatory body.
14. No PanLaw member shall knowingly accept a referral from a person, whether a PanLaw member or not, who obtained the representation by means contrary to this code or the rules of the member's professional regulatory body.

In relation to Code 3, (Net fees for these purposes shall be the fees received by the PANLAW Member of their firm, net of VAT and 3<sup>rd</sup> party disbursements. The Executive Committee shall provide guidance on this matter from time to time. Deductibles shall include expert fees, court fees (and in the case of solicitors, barrister's fees), but not including such items as rents, staff costs, commissions payable and the like).

## Enforcement Procedure

1. PanLaw's Professional Services Manager, or if no-one is appointed to that position, such person as it appointed by the Executive Committee from time to time as the Professional Services Manager, shall investigate any alleged breach of the code of conduct as soon as it comes to his/her attention and if it appears there may have been a breach of this code, shall refer the matter to the PanLaw Executive Committee. If in their majority view there has been a breach, the secretary shall commence the enforcement procedure of this code.
2. If the Executive Committee by majority vote is of the opinion that there appears to be a prima facie breach of the code but that such breach is not grave or persistent, the secretary will communicate with the member or members concerned to attempt to resolve the matter complained of.
3. If the Executive Committee by majority vote is of the opinion that there appears to be a breach of the conduct rules of the member's legal professional regulatory body, then they may at this time or at any time during the operation of this enforcement procedure, refer the alleged breach of the code of conduct to that regulatory body for investigation. Referral to such a body can be an alternative, or in addition, to this enforcement procedure.
4. If the Executive Committee by majority vote is of the view that the prima facie breach is grave or persistent, or if a complaint dealt with under paragraph 2 above cannot be satisfactorily resolved, the PanLaw Executive Committee members shall appoint such persons (the "Investigations Panel") as they deem fit to investigate the alleged breach, giving the member proper opportunity to answer the complaint, and ensuring the member is aware of the relevant Articles of Association relating to termination or suspension of membership.
5. The Investigations Panel will make recommendations as to what sanction(s) should be imposed to the full Executive Committee which will make one of the following decisions:
  - (a) approve the recommendations;
  - (b) reject the recommendations; or (c) refer the recommendations back to the Panel for reconsideration, giving its reasons for doing so in writing.The Executive Committee decision upon the Panel recommendations will be notified to the member or members concerned in writing.

In the event that pending such decision on the recommendations made the Executive Committee forms the view that it is appropriate to do so, then the Executive Committee may suspend the membership of any member pending such decision.

The decision and reasons for the suspension will be notified to the member or members concerned in writing.
6. An appeal against the Executive Committee's decision must be made to the secretary in writing within 21 days of notification to the member of the Executive Committee's decision.
7. An appeal will be dealt with by an appeals panel consisting of an independent legally qualified chair (who has never been an PanLaw member), appointed by the Executive Committee, and two other panel members who shall be appointed by the chair, both of whom shall be members of PanLaw who have never been members of the PanLaw Executive Committee
8. The decision of the Executive Committee, or after appeal, the decision of the appeals panel, will be published on the website.

9. Sanctions which may be imposed, either singly or in combination, by the Executive Committee or appeals panel include, but not exclusively:
- Expulsion from PanLaw;
  - Suspension;
  - Public rebuke of the member's conduct;
  - Referral to the member's legal professional regulatory body and any relevant professional accreditation body for investigation;
  - Referral of the decision to other organisations with which the member may be associated.