

person had committed the offence charged, or to call any evidence, which he must know to be false having regard to the confession, such, for instance, as evidence in support of an alibi, which is intended to show that the accused could not have done or in fact had not done the act; that is to say, an advocate must not (whether by calling the accused or otherwise) set up an affirmative case inconsistent with the confession made to him.

8. A more difficult question is within what limits, in the case supposed, may an advocate attack the evidence for the prosecution either by cross-examination or in his speech to the tribunal charged with the decision of the facts. No clearer rule can be laid down than this, that he is entitled to test the evidence given by each individual witness, and to argue that the evidence taken as a whole is insufficient to amount to proof that the accused is guilty of the offence charged. Further than this he ought not to go.

9. The foregoing is based on the assumption that the accused has made a clear confession that he did “commit the offence charged,” and does not profess to deal with the very difficult questions which may present themselves to counsel when a series of inconsistent statements are made to him by the accused before or during the proceedings, nor does it deal with the questions which may arise where statements are made by the accused which point almost irresistibly to the conclusion that the accused is guilty but do not amount to a clear confession. Statements of this kind must hamper the defence, but the questions arising on them are not dealt with here. They can only be answered after careful consideration of the actual circumstances of the particular case.

MADE this 9th day of December, 2010.

YADA HASHIM WILLIAMS,  
Chairman  
General Legal Council.

## STATUTORY INSTRUMENT

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*THE LEGAL PRACTITIONERS ACT, 2000*  
(Act No. 15 of 2000)

THE LEGAL PRACTITIONERS (CODE OF CONDUCT) RULES, 2010      Short title.

IN EXERCISE of the powers conferred upon it by section 53 of the Legal Practitioners Act, 2000, the General Legal Council hereby makes these Rules—

### PART I—INTERPRETATION

1. In these Rules unless the context otherwise requires:— Interpretation.  
     “chambers” means premises or offices used by one or more legal practitioners to carry on their practice;  
     “Court” includes any court, committee or tribunal or any other person or body whether sitting in public or private before whom a legal practitioner appears.

### PART II—GENERAL OBLIGATIONS OF LEGAL PRACTITIONERS

2. Every legal practitioner, whether in practice or not, shall uphold at all times the standards, dignity and high standing of the legal profession including those set out in these Rules. Legal practitioners to uphold standards.
3. A legal practitioner— Duties of legal practitioner.
  - (a) is responsible for acts and omissions by his clerk or any employees when acting on his behalf;
  - (b) who takes a pupil shall supervise his professional conduct during pupilage;

- (c) shall not engage in conduct, whether in pursuit of his profession or otherwise, which is dishonest or which may otherwise bring the legal profession into disrepute or which is prejudicial to the administration of justice;
- (d) shall observe the ethics and etiquette of the legal profession and act with competence in his professional activities;
- (e) shall ensure that a pupil serves the requisite period of his pupillage before the certificate referred to in section 12 of the Act is issued.

Acts of legal practitioners.

4. (1) Every legal practitioner shall act with—

- (a) honesty, competence, and professionalism as is reasonably necessary for the preparation and conduct of a case;
- (b) independence in the performance of his functions and shall not engage in any activity which compromises his independence or which reasonably creates the appearance of such compromise;
- (c) integrity to ensure that his actions do not bring the administration of justice into disrepute.

(2) A legal practitioner shall act courteously and respectfully towards all persons with whom he has professional contact, including judges, other legal practitioners, court staff, litigants, witnesses, victims and clients.

Deception by legal practitioners.

5. (1) A legal practitioner shall not deceive or knowingly or recklessly mislead the Court or a judge.

(2) A legal practitioner shall take all necessary steps to correct an erroneous statement made by him as soon as possible after becoming aware that the statement was erroneous.

6. A legal practitioner shall not, unless permitted by these Rules or a Judge— Contacts with judges.

- (a) make contact with a judge concerning the proceedings in which the legal practitioner is involved, except within the proper context of the proceedings;
- (b) submit to a judge information, notes or documents concerning the proceedings in which the legal practitioner is involved, except through the court's Registrar and after service of the information, notes or documents on Counsel on the other side; or
- (c) make contact with a judge in the absence of the other side except the other side has expressly communicated his refusal to meet the judge or has given his consent for the legal practitioner to meet with the Judge in his absence.

7. (1) A legal practitioner shall not communicate with litigants on the other side in proceedings if that side is represented by a legal practitioner except through or with the permission of the litigant's legal representative. Communication with litigants.

(2) A legal practitioner communicating with a person who is not represented by counsel shall inform that person of his right to counsel, the role of counsel in a matter and the nature of legal representation in general.

8. (1) A legal practitioner shall not offer any monetary or other incentive to any person for the purpose of unduly encouraging or influencing the testimony of a witness. Offering of incentives to witness etc.

(2) A legal practitioner shall not coerce, threaten, intimidate, humiliate or harass a witness or his relatives or acquaintances.

Legal practitioner to accept briefs.

9. (1) Subject to sub-rule (2), a practicing legal practitioner shall accept any brief to appear before a Court in the field in which he professes to practice at his usual fee having regard to the type, nature, length and difficulty of the case.

(2) Special circumstances such as a conflict of interest or the possession of relevant and confidential information may justify his refusal to accept a particular brief.

Giving of legal advice to the public.

10. A legal practitioner shall not, whether or not he is acting for a fee, give legal advice or service to the public or to a section of the public otherwise than in the course of his practice except in the following circumstances:—

- (a) supplying legal advice or service in any country outside Sierra Leone if the rules in force in that country permit legal practitioners to do so;
- (b) lecturing, teaching, writing or editing of legal text-books or of articles in newspapers or journals;
- (c) giving advice on legal matters free to a friend or relative;
- (d) participating in a Legal Aid or Advice Scheme;
- (e) acting as unpaid or honorary legal adviser to any charitable, benevolent or philanthropic institution;
- (f) giving as a non-executive director of a company or a trustee or governor of a charitable, benevolent or philanthropic institution or a trustee of any private trust to the other directors, trustees or governors, as the case may be, the benefit of his learning and experience on matters of general policy and of general legal principles applicable to the affairs of the company, institution or trust;

- (g) giving advice on legal matters free in a scheme or program established to further the purpose of promoting among the public greater awareness of their legal rights or respect for the rule of law or otherwise promoting the objects of the Sierra Leone Bar Association.

11. A legal practitioner who is a pupil shall, between the hours of 9 a.m. and 5 p.m. apply himself full-time to his pupillage. Responsibilities of pupil legal practitioners.

12. A legal practitioner who is a member of chambers shall— Display of name of legal practitioner.
- (a) display his name at the chambers and in the case of a firm, the name of the firm under which he practices;
  - (b) have the right to make such use of the chambers, and of its administration and facilities, as his practice requires.

13. A legal practitioner may belong to two chambers provided that both chambers are not in Sierra Leone. Membership of two chambers.

14. (1) Legal practitioners may engage in partnerships. Partnership.

(2) Two or more legal practitioners may agree to share professional expenses, either in proportion to their receipts or in any other way and may agree to share professional receipts or agree that any one or more of them shall assume responsibility for the professional work of the other or others.

### PART III—PUPILS AND PUPILAGE

15. (1) A pupil master shall—
- (a) give specific and detailed teaching instruction in the drafting of pleadings and other documents; Obligations of pupil master.
  - (b) ensure that the pupil is well grounded in the rules of conduct and etiquette of the Bar and

follows such guidelines for pupils as may be approved from time to time by the General Legal Council;

- (c) require his pupil to read his papers and draft pleadings and other documents, including opinions, and shall discuss the drafts personally with the pupil;
- (d) require his pupil to accompany him to court on sufficiently frequent occasions, take proper notes of the proceedings during those occasions and discuss the proceedings with the pupil afterwards;
- (e) require his pupil to attend conferences and to do the necessary preparation to conduct such conferences.

(2) In requiring his pupil to do the work mentioned in paragraphs (c), (d) and (e) of sub-rule (1), the Pupil Master shall ensure that his pupil has the opportunity to do such work and gain such experience as is appropriate for a person commencing practice in the type of work done by the Pupil Master.

(3) If the opportunity referred to in sub-rule (2) can also be obtained from other members of the chambers, the Pupil Master may occasionally arrange for his pupil to see the work of such other members.

(4) The Pupil Master shall—

- (a) provide the pupil opportunities to engage in a variety of court-related work and arrange for the pupil from time to time to accompany other members of his chambers or other legal practitioners to other courts;
- (b) take steps to enable the pupil to understudy the work done by junior members of the chambers so that the Pupil may have an idea of the type of work which a legal practitioner would do when commencing practice.

- (c) encourage a relationship between himself, his chambers, his colleagues and his pupil whereby his pupil is encouraged to receive and share information on matters relating to practice and etiquette;
- (d) encourage the pupil to attend such activities as the Sierra Leone Bar Association and the General Legal Council may from time to time arrange;
- (e) ensure that the pupil does not accept briefs or instructions which are beyond the pupil's capacity;
- (f) ensure that his pupil serves the requisite period of pupillage exclusively from within his chambers;
- (g) not, at the end of the relevant period of pupillage, issue a certificate under section 12 of the Act, unless he is satisfied that the pupil has served pupillage in compliance with the Act and these Rules.

(5) Although a pupil has no right or expectation to receive a salary from his Pupil Master, a Pupil Master shall remunerate his pupil where the pupil has done work of value for him at any stage of his pupillage.

16. (1) A pupil shall—

Duties of pupils.

- (a) apprise himself of and comply with the provisions of the Act relating to admission to the Bar and pupillage;
- (b) treat his pupillage as a training period during which he must comply with these Rules;
- (c) be bound by these Rules and such other rules or guidelines as may be made from time to time by the General Legal Council;

- (d) acquaint himself generally with the etiquette of the Bar;
- (e) maintain a positive attitude towards his pupillage, be conscientious in receiving the instruction given by his Pupil Master and apply himself to it full time with all care and attention as if his Pupil Master's work were his own;
- (f) have the initiative to ask for instruction from his Pupil Master and where appropriate, to seek the consent of his Pupil Master to see the work of or go to Court with other members, in particular junior members of his Pupil Master's chambers;
- (g) seek guidance from his Pupil Master and, where appropriate, other members of his Pupil Master's chambers as to the type of work which he is likely to do when he commences practice and as to how such work ought to be done.
- (h) have the initiative to discuss with and receive information from his Pupil Master on all matters relating to practise and etiquette at the Bar;
- (i) preserve the confidentiality of the affairs of his Pupil Master, his Pupil Master's clients or the clients of any member of his Pupil Master's chambers;
- (j) not render professional advice to or do work for his Pupil Master's clients on behalf of his Pupil Master at any stage of his pupillage without the approval of his Pupil Master; and
- (k) in the course of his pupillage, ensure that he performs with diligence all work given to him by his Pupil Master.

- (l) serve the requisite period of pupillage exclusively from within the chambers of his Pupil Master.

(2) A Pupil and Pupil Master shall take reasonable steps to ensure that the Pupil is exposed to work of sufficient quantity and diversity during his pupillage

(3) A Pupil Master shall not seek or accept any pupillage fee, and shall use his best endeavours to ensure that his pupil complies with the requirements of this rule.

#### **PART IV – ACCEPTANCE OF BRIEFS OR INSTRUCTIONS**

17. (1) A legal practitioner shall not accept any brief or instructions which limit or seek to limit his authority or discretion. Acceptance of instructions.

(2) The papers in any brief or instructions delivered to a legal practitioner are normally the property of the client.

(3) A legal practitioner shall not, without the consent of the client, lend the papers of any brief or instructions delivered to him by a client or reveal their contents to any person otherwise than as may be necessary for the proper discharge of his duties as counsel or Pupil Master.

(4) A legal practitioner who finds, on receiving a brief or instructions that acceptance of the papers would amount to his replacing another legal practitioner who has previously been instructed in the same matter shall inform that legal practitioner that the papers have been delivered to him; except where the brief or instructions have been returned by that legal practitioner or the person instructing him in the matter has already informed that legal practitioner of the termination of his services or there has been no reasonable opportunity to inform him before the hearing.

18. (1) No legal practitioner shall accept a brief–

- (a) if he has previously advised or drawn pleadings or appeared for another person on or in connection with the same matter;

Acceptance of previous briefs.