

Standards of Service

"Lawyers help people at times of crisis and bereavement, they protect the rights of the vulnerable, and they support business and economic growth."¹ Lawyers interact with a wide cross section of our society and fulfil a critical role in meeting the interests of that society. Their clients are entitled to expect a good level of professional service from their solicitor. This means the solicitor must demonstrate the appropriate legal knowledge and skill to address the needs of the client, must communicate effectively in a clear and understandable way with their clients and others, must do what they say they are going to do, and must treat their clients and all others with respect and courtesy at all times

At the same time, a solicitor is required to comply with rules of professional conduct and behaviour, recognising that their professional obligations are not only to their clients, but to the courts, the legal profession and the public. Amongst other things, these rules regulate:

- Confidentiality and legal professional privilege
- Trust and personal integrity
- The interest of the client
- Independence of the solicitor
- Disclosure of interest
- Relations with the Courts
- Conflict of Interest

Standards of service are based on broad principles recognising the range and variety of work which can be undertaken by a solicitor. The standards have equal application to an individual solicitor, whether as a partner in a firm or an employee, and to firms. The application of these standards requires the use of effective systems, good training and appropriate supervision.

At the heart of providing a legal service are the interests and needs of the client. The importance of those interests and needs means that solicitors must adhere to the following overriding principles:

- **Competence**
- **Diligence**
- **Communication**

¹ Justice Secretary, Kenny MacAskill, 26 November 2007

- **Respect**

Competence

- Know and apply the relevant law
- Keep up-to-date
- Ensure that those to whom work is delegated are properly trained and supervised

In deciding whether or not to agree to work for a client and in carrying out the work, a solicitor must consider the nature and complexity of the matter and must have the appropriate level of professional skills to do that work. This means that a solicitor must consider if he or she has the knowledge and experience needed. Given the range of specialised areas of legal work it is essential that a solicitor recognises the need to keep his/her knowledge up to date and to make an ongoing commitment to continuing professional development.

Where a solicitor delegates work, whether to another solicitor or solicitors or to paralegals or other members of staff, it is essential that such staff are properly trained and that there are in place systems to ensure that the delegated work is adequately supervised.

Diligence

- Deliver on commitments
- Act in the best interests of each client
- Maintain and review systems of work
- Prompt and transparent fee arrangements

It is expected that a solicitor will fulfil commitments made to the client, other solicitors and the court. By way of example, this would include responding to letters, e-mails and telephone calls within an appropriate or agreed timescale.

A solicitor must only agree to work for a client where the work can be done within a reasonable timescale. Where a solicitor considers, for example, that the service to a client would be inadequate because they already have so much work to do that it would not be dealt with within a reasonable period of time, they should not agree to take on the work.

The solicitor will at all times seek to do his or her best for the client. This will include identifying the client's objectives in relation to the work to be done, giving the client a clear explanation of the issues involved and the options available to the client, and agreeing with the client the next steps to be taken. In keeping the client informed, the solicitor must provide updates on progress.

With the increasing advancement of technology, it is expected that the solicitor will regularly look at ways in which technology can support client service. By way of example, this may include client reporting systems, file and data management systems and use of knowledge management systems.

At the conclusion of the work, or earlier if agreed, the solicitor will ensure that the fees to be charged are promptly notified to the client and that a clear explanation and breakdown is provided. If there is any variation from the fees previously discussed, the solicitor must explain the reasons for the variation. The solicitor must respond promptly to any clarification sought from the client.

Communication

- Use of clear language and explanation from the perspective of the client
- Agreement on the means and frequency of communication between client and solicitor
- Letters of engagement or their equivalent clearly explaining and defining the service to be carried out, how that work will be carried out, who is responsible and the cost associated with the service
- How complaints will be handled in the event of dissatisfaction

Whatever the nature of the work carried out by a solicitor, communicating effectively with the client is very important. Solicitors must make sure that they communicate clearly, effectively and in plain understandable language with their clients and others. This includes keeping clients informed regularly about progress with the matter. The overriding aim is to ensure that the client can gain a proper understanding of what is being communicated. This necessarily requires the communication to be tailored to suit the audience, their needs and interests. Communication requires the solicitor to listen to the client and understand their objectives.

Solicitors must send a letter to their clients as soon as possible after the first instruction providing information about:

- (a) the work to be carried out;

- (b) what the fees and other costs will be, or the basis upon which such fees and costs will be charged including where appropriate the hourly rate to be charged. Where the client is receiving legal advice and assistance or legal aid, they should be told about any contribution that might be payable, the consequences of preserving or recovering property, and where appropriate their possible liability for the expenses of the other party;
- (c) the name of the person or persons who will do the work ; and
- (d) the name of the person the client should speak to if they are unhappy about the work done.

Clients who use a solicitor or firm regularly to carry out the same type of work should be sent such a letter whenever there is any change in the terms previously agreed with them.

Solicitors should advise their clients of any significant development in relation to the matter they are working on for them and explain matters clearly in order to allow clients to make informed decisions. Information should be clear, easy to understand and comprehensive and where necessary or appropriate confirmed in writing. In particular solicitors should advise clients in writing as soon as it becomes known that the cost of work will exceed any estimate previously provided.

The duty to communicate effectively includes the duty of solicitors to report to their clients at the appropriate time about all money related to their matter which is handled by the solicitor.

Respect

- Treat each person as an individual
- Recognise diversity, different cultures and values

The relationship between solicitor and client is a mutual one built upon trust and respect. Relationships based on openness, trust and good communication enable the solicitor to work in partnership with the client to address their needs. Implicit within a good level of professional service provided by a solicitor is that each and every client will be treated respectfully and with courtesy, in recognition of their dignity and rights as individuals. The solicitor also has a responsibility to treat colleagues, other members of the legal profession and the public with similar politeness and respect.

This will require of the solicitor to listen to and understand the interests and needs of the client and to bring his or her knowledge and experience to the work.

The solicitor must treat clients fairly and in line with the law. The solicitor must not discriminate against clients because of their age, sex, race, ethnic origin, nationality, special needs or disability, sexuality, health, lifestyle, beliefs or any other relevant consideration.