



## ***Litigation & Advocacy Supplementary Code***

**Note: this Code will only apply if the CLC's application to extend its regulatory scope is successful.**

In this Code 'you' refers to individuals and bodies regulated by the **CLC**; all individuals and bodies providing **litigation** and **advocacy** services regulated by the **CLC** must comply with this Code. You must not permit anyone else to act or fail to act in such a way as to amount to a breach of this Code.

All **CLC Litigation** Lawyers and Advocates are required to comply at all times with the **Principles** and **Specific Requirements** set out under the **Code of Conduct's Overriding Principle 4 of Comply with your duty to the Court** when providing **litigation** and **advocacy** services. This Code provides you with responsibilities supplementary those identified in the **Code of Conduct**, which are aimed at helping you deliver the **Outcomes** identified below.

### **Outcomes-Focused**

The **Code of Conduct** requires you to deliver the follow **Outcomes**:

- **You act in the interests of justice; (Outcome 4.1)**
- **You act in good faith towards Clients. (Outcome 4.2)**

Providing **clients** with a high standard of **litigation** and **advocacy** helps you deliver these **Outcomes** and requires you to act in a principled way:

1. You avoid unnecessary expense or waste of the court's time.
2. You do not offer or make payments to a witness.<sup>1</sup>
3. You do not say something which is merely scandalous or which seeks only to insult, vilify or annoy a witness or other person.
4. Wherever possible you do not name in open court any person if by doing so their character is, or is likely to be, impugned.
5. You do not devise facts to assist in advancing the **client's** case.
6. You advise the **Client** that your duties to the court override your responsibilities to them.
7. You do not pressurise a witness; in particular you do not do anything which gives rise to a significant risk that a witness will give evidence which is not truthful.

8. You deal sensitively with the evidence of child witnesses and other vulnerable persons, and hold it securely.
9. You may refuse to act as an advocate under a conditional fee agreement or where you are offered a fee which you can reasonably be expected to consider inappropriate.
10. If 9 is applicable, you inform the **client** in advance why you are ceasing to act and ask the **client** to agree to you passing their instructions onto another advocate.
11. When appearing as an advocate you do not assert any person is guilty of a crime, fraud or misconduct, unless you consider the assertion is reasonably supported and is material to your **client's** case.
12. If you become aware that you have inadvertently misled the court, you, with your **client's** agreement, immediately inform the court; if the **client** does not agree to this, you stop acting for them.
13. You do not call into question the character of a witness unless you have given them the opportunity to answer the allegation under cross-examination. <sup>1</sup> Except reasonable expenses and reasonable compensation for loss of time attending court