

# The Legal Profession Uniform Conduct (Barristers) Rules 2015 - comparing New South Wales Barristers' Rules 2014

Rule	<i>New rules:</i> Legal Profession Uniform Conduct (Barristers) Rules 2015	<i>Old rules:</i> New South Wales Barristers' Rules (January 2014)	Old rule repeated unchanged	Old rules to compare
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-		Waiver of Rules	11	
	<b>Advocacy Rules</b>	<b>Advocacy Rules</b>		
	<b>General</b>	<b>General</b>		
8	No dishonest or discreditable conduct		12	
	<b>Another vocation</b>			
9	No other vocation which would impair or conflict with duties to clients		13	
10	Only reasonable use of professional qualification for advancement of other activity		14	
11	<b>The work of a barrister</b>	<b>The Work of a Barrister</b>	15	
12	Sole practitioner (e) not 'practise by or through an unincorporated legal practice'		16(a)-(c)	(d) minor (e) was MDP

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13	Not act as agent, place self at risk of becoming witness etc (f) expressly refers to filing in court		17(a)-(e)	only (f) is different
14			18	minor
15			19	"
16	Referral to solicitor		20	
17	<b>Cab-rank principle</b>	<b>Cab-rank principle</b>	21	
18			22	
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20	No restrictive arrangement		24	
21	No duty to accept direct access brief		24A	
22	Disclosure to direct access client		24B	
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Rule	<b>New rules: Legal Profession Uniform Conduct (Barristers) Rules 2015</b>	<b>Old rules: New South Wales Barristers' Rules (January 2014)</b>	Old rule repeated unchanged	Old rules to compare
	<b>Criminal pleas</b>	<b>Criminal pleas</b>		
39			40A	
40			40B	
41	Effect of pleading		40C	
	<b>Independence</b>	<b>Independence</b>		
42	Not mere mouthpiece		41	
43	Exercise forensic judgments		42	
44	No personal opinion		43	
45			44	
46	No payment or gift for introduction of professional work	No commission or gift for introduction of professional work		45
47	No undue influence for benefit in excess of fair fee		46	
48	No loan from client, client's relative or business entity unless their ordinary business includes lending money		47	
	<b>Duty to opponent</b>	<b>Duty to opponent</b>		
49	No false or misleading statement to opponent	No false statement to opponent		48
50	Correct false or misleading statement	Correct false statement		49
51	No false or misleading statement by not correcting opponent's error	No false statement by not correcting opponent's error		50
52	Dealing with opposing client		51	
53			52	
54	Communication with court		53	
55			54	
56			55	
57	<b>Efficient administration of justice</b>	<b>Efficient administration of justice</b>	56	
58			57	
59	Advice to opponent re adjournment		58	
60	<b>Responsible use of court process and privilege</b>	<b>Responsible use of court process and privilege</b>	59	

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61	Allegations or suggestions under privilege justified, not to harass or embarrass		60	
62	Cross-examination of alleged victim not to mislead confuse harass or annoy		61	
63			62	
64	Allegations of fact to be justified		63	
65	Alleging fraud or serious misconduct		64	
66	Solicitor's opinion may support allegations		65	
67	Suggestions in cross examination on credit		66	
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69	<b>Integrity of evidence</b>	<b>Integrity of evidence</b>	68	
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71			70	
72			71	
73			72	
74			73	
75			74	
76	<b>Media Comment</b>	<b>Media Comment</b>	75	
77			76	minor
78			77	
79	<b>Delinquent or guilty clients</b>	<b>Delinquent or guilty clients</b>	78	
80			79	
81			80	
82	Risk to person's safety	Risk to person's safety	81	
	<b>Prosecutor's duties</b>	<b>Prosecutor's duties</b>		
83	Must fairly assist court to arrive at the truth, seek impartially to put all relevant evidence, assist with adequate submissions of law		82	
84	Not press case for conviction beyond full and firm presentation		83	

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85	Not seek to inflame or bias court against accused		84	
86	Not argue proposition not believed capable of contributing to a finding of guilt and to carry weight		85	
87	Disclosure		86	
88			87	
89	Calling witnesses		88	
90			88A	
91	Unlawfully obtained material		89	
92	Not confer with accused unless with representative		90	
93	Statements regarding available evidence		91	
94			92	
95	Addresses		93(a)-(d)	omits (e)
	<b>Investigative tribunals</b>			
96	Rules 77 and 83-95 not apply to a counsel assisting an investigative tribunal			94
97	Must fairly assist tribunal to arrive at the truth, seek to assist with adequate submissions of law and fact			82
98	Not seek to inflame or bias tribunal			84
99	Not argue proposition not believed capable of contributing to a finding on the balance of probabilities			85
100	Media comment			77
	<b>Briefs</b>	<b>Briefs</b>		
101	<b>Briefs which must be refused or must be returned</b>	<b>Briefs which must be refused or must be returned</b>	95	
102			96(a)	Omits (b) re approval to keep brief
103	Confidentiality		97	
104	Conflicting court commitment		98	

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105	<b>Briefs which may be refused or returned</b>	<b>Briefs which may be refused or returned</b>	99(a)-(m)	Omits (n) re other circumstances if permitted
106	'conditional costs agreement'	'speculative fee agreement'		100
107			101	
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109			103	
110			104	
111			105	
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113	<b>Devilling</b>	<b>Devilling</b>	107	
114	<b>Confidentiality &amp; conflicts</b>	<b>Confidentiality &amp; conflicts</b>	108	
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122	No disclosure of communications with opponent without consent / prior agreement as to use or compulsion		116	
123	<b>Anti-discrimination and harassment</b>	<b>Anti-discrimination and harassment</b>	117	
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125	Changed definitions of 'discrimination' 'sexual harassment' 'workplace bullying' New definition 'investigative tribunal' New definition 'proceedings'			119