

**TERMS AND CONDITIONS OF GUIDANCE PROVIDED
BY THE LAW SOCIETY'S ETHICS ASSIST HELPLINE**

A. OBJECTIVE

1. The objective of the Law Society's Ethics Assist Helpline ("**Helpline**") is to provide a mechanism for lawyers to receive external guidance and mentorship on ethical issues, in a manner that is less formal than a request to the Advisory Committee of the Professional Conduct Council ("**Advisory Committee**"), and which is able to provide more immediate advice on a specific difficulty.

B. PROCESS FOR SEEKING GUIDANCE THROUGH THE HELPLINE

2. The process for lawyers to receive guidance through the Helpline is as follows:
 - (a) A lawyer who requires guidance on ethical issues can call the Helpline and outline the issue.
 - (b) The Secretariat of the Law Society will anonymise the details and contact a senior practitioner for advice.
 - (c) The senior practitioner will render the guidance through the Law Society, which will be conveyed to the lawyer.

3. The operating hours of the Helpline are:

Monday to Friday only (excluding weekends and public holidays)
Morning: 9.00 a.m. to 11.00 a.m.
Afternoon: 3.00 p.m. to 5.00 p.m.

4. The Law Society will aim to provide a response to the enquirer as soon as possible within 5 working days.

C. SCOPE OF GUIDANCE

5. The scope of guidance provided by the Helpline is limited to addressing ethical queries:
 - (a) from members of the Law Society only;
 - (b) which concern the member's own prospective conduct only;
 - (c) which require the expertise of a senior practitioner but do not involve reviewing voluminous documents or adjudicating on disputed facts; and
 - (d) which do not require substantive written ethical guidance from the Advisory Committee.
6. The Helpline does **not**:
 - (a) provide legal advice or answer questions of law;

- (b) respond to anonymous calls;
- (c) address questions about past conduct or the conduct of other lawyers;
- (d) deal with matters involving an area of professional misconduct or inadequate professional services that should properly be dealt with at the appropriate disciplinary or other forum provided for under the Legal Profession Act 1966 (“**Act**”) or otherwise; or
- (e) deal with matters that are the subject of ongoing court proceedings.

D. CONDITIONS OF GUIDANCE

7. Any guidance provided by the Helpline to a member is subject to the scope of guidance set out above and the following additional conditions:
- (a) The Law Society may request additional clarifications or information from the member that the Law Society considers necessary or relevant to address the member’s query;
 - (b) The Law Society may at any time decline to provide guidance through the Helpline at its discretion, such as in the following situations:
 - (i) The subject matter of the member’s query is already substantially addressed in existing resources published by the Law Society. In this situation, the Law Society will direct the member to the relevant resources;
 - (ii) The information provided by the member is insufficient for guidance to be provided through the Helpline; or
 - (iii) The queries made are repetitive, trivial, frivolous or otherwise vexatious.
 - (c) Any guidance provided through the Helpline is:
 - (i) based on the information provided by the member and may not apply in other factual situations or to other members;
 - (ii) provided for the member’s sole use and must be kept confidential and must not be disclosed or circulated to any third party; and
 - (iii) not a ruling or decision by the Law Society on the member’s query. Only the courts can provide rulings on the scope and extent of legal practitioners’ professional obligations and bind legal practitioners or third parties with those rulings.
 - (d) Whilst the Law Society aims to guide and assist the member, the member must ultimately exercise their own professional judgment on what their professional obligations and ethics require of them in any particular situation. The member remains solely and fully responsible in complying with the Act, including the Legal Profession (Professional Conduct) Rules 2015, and:

- (i) no express or implied retainer arises between the member and the Law Society or any individual involved in assisting with and/or responding to member's query from the operation of the Helpline; and
- (ii) neither the Law Society nor any individual involved in assisting with and/or responding to the member's query accepts any responsibility or liability in tort or otherwise for any action taken in reliance of it.