

PRACTICAL ASPECTS OF ETHICS

(Duties – formality - frankness – confidentiality-conflicts - disclosure – problems – social media - new conduct rules – examples)

Legal Profession Uniform Law

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Contents: information and references

- **Rules and legislation** at Law Society of NSW www.lawsociety.com.au and solicitors' rules at <http://www.lawsociety.com.au/ForSolicitors/professionalstandards/Ruleslegislation/index.htm>
- **NSW Law Society services for the legal profession**
 - [Mental health and wellbeing](#) – information on mental health organisations, support services for solicitors, such as Lifeline for Lawyers, the Lawyers Assistance Program and Law Care, as well as support services for clients.
 - [Wellbeing seminar series](#) seminar series – MCLE seminars for solicitors across NSW.
 - [Mentoring Programs](#) – the Law Society currently offers two mentoring programs for its members.
 - [Professional Conduct Advisory Panel](#) – the PCAP provides confidential support to solicitors who are subject to disciplinary proceedings.
 - [Care and lifestyle solutions](#) – child, elder and special needs care solutions, as well as lifestyle advice for Law Society members.

At <https://www.lawsociety.com.au/ForSolicitors/professionalsupport/supportingyou/index.htm>

- Some recent case on Conflicts are and duties:
 - Paino –v- MDN Mortgages Pty Ltd [2009] NSWSC 898 (1 September 2009)**
Rule 27 – where practitioner likely to be a material witness and should not act
Conflict with duty to court and client (and Kallinicos –v Hunt [2005] NSWSC 1181)
 - Law Society of NSW –v- Nguyen [2009] NSW ADT 199 (28 July 2009)**
Conflict of interest – confidentiality, privilege, loyalty to client
Rule 4 and 9
 - Wilson – v- Department of Human Services [2010] NSWSC 1489 (17 Dec 2010)**
Duties of solicitor to court – forms of address to court – rule 18
 - Dye –v- Commonwealth Securities Ltd (No. 5) [2010] FCA 950**
In-house solicitor – confidentiality – Rule 9
 - Expense Reduction Analysts Group Pty Ltd v Armstrong Strategic Management and Marketing Pty Limited [2013] HCA 46 (6 November 2013)**
In-advertent disclosure and solicitors' obligations – paragraphs 64 to 67 (Rule 31)

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