

GUIDANCE FOR THE PROPER CONDUCT OF CRIMINAL LAW MATTERS

For the proper conduct of criminal law matters, it is recommended that attorneys take care to -

1. obtain full personal particulars of the accused's work and residential addresses, contact details, qualifications and family particulars;
2. determine who is responsible for payment of the attorney's fee. Discuss, as early as possible, the fee arrangement and the circumstances under which you will withdraw from the matter;
3. properly canvass all the issues with the client when taking instructions and/or accepting a mandate. Take care to explain the practical and legal implications of the matter;
4. always confirm arrangements made with an investigating officer pertaining to a bail application in writing to prevent any confusion or delay;
5. prepare well for all court appearances and consultations with clients and witnesses. Take care to familiarise yourself with applicable aspects of the law;
6. introduce yourself to the prosecutor and the magistrate on your first appearance in a particular court;
7. note carefully the actual time spent at court in order to prepare a proper account for the client and to justify attendances to the Legal Aid Board;
8. present yourself at court in good time. Make arrangements with prosecutors, magistrates and colleagues timeously and confirm such arrangements in writing. Where you are going to be late for a hearing, due to unforeseen circumstances, arrange for the matter to stand over to a suitable time at as early a stage as possible. Where possible, such arrangements should be confirmed by your support staff, in writing;
9. do not set down more than one matter for trial in different courts, unless such an arrangement is expressly agreed with the prosecutor. Should such a circumstance

arise at a late stage or due to unforeseen circumstances, you should take immediate steps to advise all involved and to make the best arrangement possible;

10. advise both the prosecutor and the magistrate timeously when withdrawing from a matter. File a Notice of Withdrawal as Attorney of Record with the State and deliver copy to the client;
11. withdraw as attorney of record where a conflict of interest may arise;
12. always, as a matter of courtesy, notify a colleague in writing if you are instructed to take a matter over and the colleague's mandate is to be terminated;
13. in Court, always address all parties correctly and conduct yourself in a professional and courteous manner, irrespective of the Court room situation;
14. ensure that you are always neatly and properly dressed and robed. You should not under-estimate the value of appearing in court well dressed. Your appearance designates you as a professional person and communicates your respect to the court.