



ETHICS COMMITTEE BULLETIN

SEEKING A RESOLUTION OF THE ETHICS COMMITTEE

This bulletin supersedes Bulletin No 2 of 2015

1. By a determination of Bar Council, the Ethics Committee has the authority to make resolutions:
 - (a) concerning matters of professional conduct and practice not specifically covered by the Rules; and
 - (b) where there is doubt about how a member should professionally engage in conduct or practice.
2. Further, that determination also provides that a member may consult and seek a resolution from the Committee.
3. Since the introduction of the Uniform Rules on 1 July 2015, the Committee no longer has power to give 'Rulings' or provide dispensations from the operation of the Rules.
4. Resolutions of the Ethics Committee are issued for the purpose of assisting a member faced with a particular ethical dilemma. They are not binding in the sense a member is not *obliged* to act in accordance with a resolution obtained from the Ethics Committee. Further, they are not *determinative* if a disciplinary complaint is lodged.
5. Members are encouraged to consult members of the Committee for advice about ethical issues and to seek a resolution in appropriate cases. However, members should make clear when approaching a member of the Committee whether they are seeking advice or a resolution of the Committee.
6. Usually a resolution is only made after the Committee as a whole is given the opportunity to consider the request of counsel. In urgent circumstances it may be possible to obtain a resolution from as many members of the Committee as can respond to the request in the time available.
7. However, where a member of counsel is consulting a single member of the Committee they should assume any assistance they are given is *advice* from that individual member, and not a *resolution* of the Committee, unless a resolution is expressly requested or offered. A resolution will always be reduced to writing, provided to counsel and retained in a register of resolutions.



8. Accordingly, before referring to or relying on a resolution of the Ethics Committee, a member should ensure he or she has obtained a written resolution or, in urgent circumstances, has confirmed that a written resolution will be provided.
9. Should members have any queries, they should contact **Alison Rock, Manager Compliance and Member Services**, The Victorian Bar Inc.

Ted Woodward S.C.
Chair

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