



Guideline for Ethics Committee Rapid Rulings

Introduction:

- These guidelines describe the process through which the LIV Ethics Committee (“the Committee”) may provide an expedited ruling for an LIV member (“the Member”).
- The Committee usually only provides expedited rulings in the following two limited circumstances:
 - (1) where, promptly after having become aware of the relevant ethical issue, the Member requests ethical guidance in relation to a court or tribunal matter in which they are due to appear soon; or
 - (2) where a court or tribunal requests or directs the Member instructing counsel, or appearing before it as an advocate, to obtain an urgent ruling from the Committee.

LIV member:

- In the first instance the Member should telephone the LIV ethics advice line (9607 9336) to discuss with an ethics lawyer the request for an expedited ruling from the Committee.
- Following that discussion the Member should email the LIV ethics department (ethics@liv.asn.au) and formally request an expedited ruling from the Committee.
- The email must be full and frank (in the same manner as when making an ex parte application to a court for an injunction).
- The email must set out clearly and concisely all relevant facts and attach copies of any documents which are directly relevant to the ruling request.
- The email must set out clearly the nature of the ruling which is sought by the member together with any supporting arguments.
- If there is another legal practitioner(s) with an interest in the ruling they should ordinarily be invited by the Member to make an urgent email submission to the

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Committee through the LIV ethics department.

- The Member will receive a return email confirming receipt of the expedited ruling request and indicating if and when it is anticipated that the Committee's ruling will be made available to the Member.
- The Committee will ordinarily endeavor to provide a ruling overnight.
- In its absolute discretion the Committee may decline to make a ruling. In addition, these guidelines are merely guidelines and do not bind the Committee or the LIV.
- Committee members will be advised of the time frame within which the ruling needs to be made.
- The Committee secretary will collate email or telephone responses from Committee members and seek a direction from the Committee chair (or substitute chair if the chair is not available) concerning the wording of the Committee's ruling.
- The Committee secretary will email the ruling to the Member.
- The ruling must be entered into the records of the LIV ethics department as a ruling of the Committee and reported formally to the Committee's next meeting.

LIV ethics department:

- Upon receiving a telephone call from the Member requesting an expedited ruling from the Committee the ethics lawyer will advise the Member of the procedure to be followed and give guidance to the Member concerning the nature of the material which must be provided to the Committee.
- Upon receipt of the email requesting an expedited ruling, the Committee secretary will email Committee members with the ruling request including a short executive summary and recommendation.