



# Code of Conduct

Members of APIL must agree to abide by this code of conduct. All breaches which come to the attention of APIL's secretary will be fully investigated to preserve the integrity of this code.

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## **Association of Personal Injury Lawyers**

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# Introduction

The Association of Personal Injury Lawyers (APIL) was established in April 1990 by a group of barristers and solicitors working for claimants, dedicated to the improvement of services provided for victims of accidents and disease.

APIL's head office, based in Nottingham, is staffed by dedicated full-time staff under the direction of a chief executive, reporting to APIL's elected officers.

Members of APIL subscribe to a code of conduct and support APIL's main objectives.

Members shall recognise and abide by APIL's Consumer Charter, which is a set of promises to help reassure injured people that their cases will be dealt with sympathetically and professionally.

Membership of APIL is on the basis of a commitment to APIL's objectives and this code. Membership is not a guarantee of excellence or specialisation.

## APIL's objectives are:

- To promote full and just compensation for all types of personal injury
- To promote and develop expertise in the practice of personal injury law
- To promote wider redress for personal injury in the legal system
- To campaign for improvement in personal injury law
- To promote safety and alert the public to hazards wherever they arise
- To promote a communication network for members.

## APIL members recognise the need to:

- Provide a professional service;
- Keep themselves informed, educated and up to date with current law and procedure;
- Share information with other APIL members;
- Maximise the amount of compensation receivable in the hands of the client
- Ensure that the client is fully aware of, and fully and professionally advised, on all costs issues, including public funding, where available.
- Ensure that clients have the opportunity to receive advice on the investment and/or use of damages.

# Code of Conduct

1. APIL members will act in the best interests of the client;
2. APIL members will provide the client with independent advice;
3. APIL members shall at all times behave and act in a manner which will uphold the standing and good reputation of claimant personal injury lawyers and APIL;
4. No APIL member shall pursue a frivolous claim, issue or position; but no APIL member should refrain from taking or pursuing any claim issue or position which is believed to have merit;
5. APIL members will proceed expeditiously with all personal injury claims;
6. No APIL member shall make excessive or unnecessary monetary charges to the client;
7. No APIL member shall personally or through an agent make representations of experience or specialist skills which they do not possess;
8. No APIL member shall knowingly make any statement, whether in publicity material to a prospective client, an existing client, or otherwise which may give the client false expectations;
9. No APIL member shall undertake false, deceptive or misleading advertising;
10. APIL's logo is a registered trade mark and shall not be used by any APIL member, either personally or through their firm, for advertising or marketing purposes. Accredited firms and individual accredited members are permitted to use the logo which correctly identifies their accreditation status. All members are permitted to identify their individual APIL membership without using the APIL logo.
11. No APIL member shall personally, or through a representative, directly contact a potential client (except through permitted advertising), where there has been no request for such contact ('cold calling'). "Permitted advertising" is defined as advertising which complies with the Code of Practice of the Advertising Standards Authority and with the Rules of the member's relevant legal professional regulatory body.
12. APIL members may not pay or receive a fee for the introduction of clients unless permitted by legislation and the rules of the member's relevant legal professional regulatory body.
13. No APIL member shall knowingly accept a referral from a person, whether an APIL member or not, who obtained the representation by means contrary to this code or the rules of the member's professional regulatory body.

# Enforcement Procedure

1. APIL's Legal Services Manager shall investigate any alleged breach of the code of conduct as soon as it comes to his attention and if it appears there may have been a breach of this code, shall refer the matter to the APIL secretary. If in the secretary's view there has been a breach, the secretary shall commence the enforcement procedure of this code.

2. If the secretary is of the opinion that there appears to be a *prima facie* breach of the code but that such breach is not grave or persistent, the secretary will communicate with the member or members concerned to attempt to resolve the matter complained of.

3. If the secretary is of the opinion that there appears to be a breach of the conduct rules of the member's legal professional regulatory body, then the secretary may at this time or at any time during the operation of this enforcement procedure, refer the alleged breach of the code of conduct to that regulatory body for investigation. Referral to such a body can be an alternative, or in addition, to this enforcement procedure.

4. If the secretary is of the view that the *prima facie* breach is grave or persistent, or if a complaint dealt with under paragraph 2 above cannot be satisfactorily resolved, the secretary and three other APIL executive committee (EC) members shall investigate the alleged breach, giving the member proper opportunity to answer the complaint, and ensuring the member is aware of the relevant Articles of Association relating to termination or suspension of membership.

5. The four member EC panel will make recommendations as to what sanction(s) should be imposed to the full EC which will make one of the following decisions: (a) approve the recommendations; (b) reject the recommendations or (c) refer the recommendations back to the four-member EC panel for reconsideration, giving its reasons for doing so in writing. The EC decision upon the four-member EC panel's recommendations will be notified to the member or members concerned in writing. In the event that pending such decision on the recommendations made the EC forms the view that it is appropriate to do so, then the EC may suspend the membership of any member pending such decision. The decision and reasons for the suspension will be notified to the member or members concerned in writing.

6. An appeal against the EC's decision must be made to the secretary in writing within 21 days of notification to the member of the EC's decision.

7. An appeal will be dealt with by an appeals panel consisting of an independent legally qualified chair (who has never been an APIL member), appointed by the EC, and two other panel members who shall be appointed by the chair, both of whom shall be members of APIL who have never been members of the APIL EC.

8. The decision of the EC, or after appeal, the decision of the appeals panel, will be published in the next available issue of APIL's PI Focus magazine, or its equivalent publication.

9. Sanctions which may be imposed, either singly or in combination, by the EC or appeals panel are:

- Expulsion from APIL;
- Suspension;
- Public rebuke of the member's conduct;
- Referral to the member's legal professional regulatory body and any relevant professional accreditation body for investigation;
- Referral of the decision to other organisations with which the member may be associated.