

ACL Members Code of Conduct

Approved by Council – 25 February 2025

Interpretation

1. Headings in this Code of Conduct are for convenience only and do not affect their interpretation.
2. The term "Member" shall denote all categories of membership as set out in the Association of Costs Lawyers by-laws.
3. "The Council" denotes the Council of the Association as constituted in the Association's articles and by-laws.

General principles

4. It is the duty of every Member:
 - a. To comply with any code of conduct established by their professional regulator.
 - b. Additionally, to comply with all provisions of this code of conduct.
 - c. Not to engage in any conduct which is discreditable to the Association, or a member of the Association; or which is likely to bring the Association, or a member thereof, into disrepute.
 - d. To provide to the Council, forthwith, a full and frank report of any of the following events:
 - i. Any complaint (from whatever source) that the Member has acted in breach of this code of conduct.
 - ii. Any material breach of this code by the Member or any other Member.
 - iii. Any prosecution of the Member or any other Member for any criminal offence, save fixed penalty motoring offences.
 - iv. Any matter relating to the Member's insolvency or any other Member's insolvency including the issue of a bankruptcy petition or any proposal, whether formal or informal, for an arrangement with a Member's creditors.

Confidentiality

5. A Member must maintain the confidentiality of information they obtain as a result of their membership, where that information is not in the public domain.
6. Where confidential information is shared with the Member by the Association, such information cannot be shared with other Members unless permission is given to do so.

Publication of Membership

7. A Member shall not be entitled to hold themselves out as a Member, or to advertise as such, or to pass themselves off as being a Member unless:
 - a. They have been duly admitted as a Member.

- b. Their name is on a definitive list of Members retained by the Association.
- c. Any applicable application fee or annual subscription has been paid.

Change of address

- 8. A Member shall notify the Association of any change of their place of employment or place or places of business and home address within thirty days of the date on which the change took effect.

Supervision

- 9. Any Member responsible for the employment or supervision of another Costs Lawyer is required to ensure that they conduct themselves in accordance with this Code irrespective of whether those being supervised are Members. Accordingly, Members may be vicariously liable for any breaches of this Code by their employees, agents or subordinates

Practice outside the jurisdiction

- 10. A Member's obligation to comply with this Code is unaffected by where they practice their profession. A Member practicing in a jurisdiction outside England and Wales must make themselves aware of and comply with the requirements of the local law and regulations concerning the practice of legal costs

Dispute resolution

- 11. Members are encouraged to refer disputes between themselves and their clients to the Council who will offer to arrange suitable alternative dispute resolution as the client, the Member and the Council may determine and agree.

Complaints and Disciplinary Procedures

- 12. Members of the Association are governed by this code of conduct and are expected to co-operate and comply with the Association's Complaints and Disciplinary Procedure. Should a Member or a third party wish to make a complaint, or where it is suspected that a Member is in breach of this Code of Conduct, a complaint should be made to the Association using the complaints form published for the purpose. The form is obtainable from the Association. Completion and submission of the complaints form will start the Complaints and Disciplinary Procedure:
 - a. Upon receipt of a completed complaints form the matter is passed immediately to the Vice-Chair who will determine within 14 days if the complaint should be heard.
 - b. A copy of the complaint is sent to the Member for their response to the allegations. The Member has 14 days in which to respond. Failure to respond is, in itself, a breach of the Code of Conduct.

- c. Under exceptional circumstances the Vice-Chair may extend this time scale. Requests for an extension and agreement thereto must be in writing. A copy of the member's response and of any extensions of time will be sent to the complainant.
- d. The Complaints Committee is made up of the Vice-Chair and two Ordinary Council members.
- e. The complainant and the member will be advised when the matter is to be considered by the Complaints Committee.
- f. The decision will be reported to the Council, in writing, within 7 days of the Complaints Committee meeting.
- g. The Complaints Committee may recommend to the Council of the Association that they:
 - i. Reject the complaint
 - ii. Provide advice to the member
 - iii. Publicly rebuke the member
 - iv. Refer the matter to a professional regulator
 - v. Suspend the member from the Association
 - vi. Remove the member from the Association
- h. The Council shall at the first available meeting after the receipt of the Committee's report consider the Committee's recommendations and accept or reject the recommendations made.
- i. The decision of the Council is final and not subject to appeal.