

WORKSHOP ON THE TERMS OF ENGAGEMENT BETWEEN ATTORNEYS AND CLIENTS: RELEVANCE OF THE CODE OF ETHICS FOR ATTORNEYS ORGANIZED BY THE IJLS IN COLLABORATION WITH THE MAURITIUS LAW SOCIETY

The IJLS together with the Mauritius Law Society organized a full day workshop on ethics for attorneys titled: “The terms of engagement between Attorneys and clients”. The workshop was held on the 22nd of April, at Gymkhana Club hall in Vacoas, commenced at 8:00am and was concluded at 15:00pm. There were about 70 attendees including the Chairperson Of the IJLS, Hon. Judge Ah Foon Chui Yew Cheong and 57 Attorneys.

There were three different courses held by three resource persons including Mr Gilbert Noel, Secretary of the Mauritius Law Society who delivered the first session on ‘successful client on-boarding procedures’, Mr Rajeshwar Bucktowonsing S.A, the President of the MLA delivered the session on ‘a critical review of the Code of Ethics and its application’. Dr Navin Beekarry, the Chief Executive of the ICAC delivered the session on ‘Attorneys: Money laundering and Ethics’. The courses counted for six Continuous Professional Development (CPD) hours.

The session was kicked off by an introductory address by Mr Bucktowonsing and a welcome speech given by the Director of the IJLS, Ms Mokshda Pertaub. In her welcome speech, she spoke about the importance of bonding in the legal profession and giving inter generational support so that the justice delivery system becomes more efficient in the long run. She thanked the Mauritius Law Society for their support of the IJLS and declared the workshop open.

The first speaker, Mr Noel Gilbert began his session by shedding light on the numerous complaints the Mauritius Law Society has received thus far with regards to the drafting of a letter of engagement. In his discussion, he mentioned the

important features to be covered in a letter of engagement; features such as the scope of work and duration of responsibilities, the expenses, fees and commission and most importantly, the importance of knowing your client; which was referred to as the KYC. Furthermore, there was emphasis on the importance of getting to grips with the Customer Due Diligence (CDD); in light of which the resource person recommended a website called the World-check – a website used as part of the Thompson Reuters risk management solutions and to gain better knowledge of clients. The resource person also appealed to the PEPs (Politically exposed persons) among the Attorneys to take extra caution in their dealing with politicians and politics in whole.

The head of the ICAC, Dr Navin Beekarry, commenced his session by giving an overview of the topic of discussion. He had mentioned that the session aimed to lecture rather it was aimed at effecting change and creating more awareness in the system. At this point, Dr Navin Beekarry's delivery was very practical and grounded and participants asked a lot of questions. The topic of discussion is a continuous area of concern of unintentional corruption through carelessness in KYC of clients. The Attorneys were cautioned and requested to take extra care in the nature of cases they accept as they are highly vulnerable to criminals who would like to use their legal knowledge to launder black money.

The last session held by Mr Bucktowolsing was on the relevance of the Code of Ethics and the importance of compliance with the Code. The code of Ethics, contrary to popular belief is not just a set of rules to be followed in the conduct of one's day to day activities in the legal and professional world, rather it serves as a protection and a shield against incriminating oneself in compromising situations. The resource person also shed light on the tendency to compare Ethics and morality. In this respect, the session was concluded with a very significant and though provoking quote which said – 'what is ethical may be immoral and what is

moral may be unethical, in a case where there is a compromising situation between the two principles or two principles of Ethics, the principle which best serves the public interest takes precedence’.

Overall the workshop was a resounding success.