

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY R.G. LE HÉRISSEIER OF ST. SAVIOUR
ANSWER TO BE TABLED ON TUESDAY 1st MARCH 2011**

Question

To what extent, if any, are the provisions of Article 3 of the Law Society of Jersey Law 2005 replicated in procedures that apply to Lawyers in public service and, if there is no replication, what disciplinary provisions, if any, exist to deal with complaints from the public?

Answer

Article 3(4) of The Law Society of Jersey Law 2005 which was a 2006 amendment to the original law exempts the Law Officers and persons practising law as a Jersey Advocate or Solicitor in the course of their employment with the Law Officers' Department from a requirement that they must be members of the Law Society and subject to its rules and regulations. This exemption only applies to the Law Officers' Department and persons employed and practising as lawyers in other States Departments would be required to be members of the Law Society.

Article 32 of the Law specifically preserves the inherent jurisdiction of the Royal Court to exercise disciplinary control over its practitioners. This would include Jersey Advocates and Solicitors employed by the Law Officers' Department.

Some employees of the Law Officers' Department were admitted as solicitors or barristers in England and Wales or are professionally qualified by virtue of them being fellows of the Institute of Legal Executive and are not eligible, in any event, to be members of the Law Society.

The independence of officers employed in the Law Officers' Department is preserved by Departments of the Judiciary and the Legislative (Jersey) Law 1965. The consent of the Attorney General is required before a person employed by the Law Officers' Department could have his or her appointment suspended or terminated. These safeguards and legal protections are important to ensure that the work of the Law Officers' Department may be and be seen to be free from any Political or Executive interference.

All officers employed in the Law Officers' Department perform their duties for and on behalf of the Law Officers. As such, they are accountable to me for their actions. As Attorney General, I am accountable in the States and I am, from time to time, required to provide information about the work of the Law Officers' Department.

If a member of the public wished to complain that a member of my staff was guilty of professional or other misconduct, the matter should be reported to me so that I might decide how the complaint should be dealt with.

Staff employed in the Law Officers' Department are public servants and we are committed to providing a good service to the public. I expect all members of staff, whether professionally qualified or not, to maintain high professional and personal standards.