

SUMMARY OF THE REPORT OF THE COMMITTEE  
OF THE JAMAICAN BAR COUNCIL  
ON  
THE FAIR COMPETITION ACT

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On the 19th April, 1993, the Council of the Jamaican Bar Association appointed a committee to consider the implications to the Legal Profession of the Fair Competition Act and to report to a joint meeting of the Bar Council and the General Legal Council.

In summary, the following are the views and recommendations of that committee:-

- (i) It is the majority view that the Canons of the Legal Profession made by the General Legal Council pursuant to the Legal Profession Act are not an agreement, understanding or arrangement with the ambit of the Fair Competition Act. However, upon the assumption that the Canons are within the Fair Competition Act, the Committee would make the recommendations hereinafter set out.
- (ii) The majority of the Committee are in favour of amending the Canons to permit public advertising subject to rules being issued by the General Legal Council to properly regulate this practice.
- (iii) The Committee is not in favour of altering the Canons to permit any other form of soliciting or touting or to allow attorneys to charge for simple referrals of clients to other attorneys.
- (iv) With reservations, the Committee is in favour of having the General Legal Council consider changes to the existing restrictions upon multi-national and multi-disciplinary partnerships. In this regard such partnerships would have to be properly regulated and in any event, the rule must be maintained that only qualified persons can be held out to provide legal services in Jamaica.

(v) The Committee was equally divided and could not arrive at

- (vi) The Committee was not in favour of modifying the Canons to permit partnerships or fee sharing arrangements with para-legals, as there is no system for training, regulating or licencing such persons.
- (vii) In respect of law firms, the Committee recommends the removal of the partnership limitation of twenty persons presently contained in the Companies Act.
- (viii) The Committee does not recommend any change to the law which precludes attorneys for practicing through limited liability companies.
- (ix) By majority, the Committee was of the opinion that the Jamaican Bar Association's practice of making and publishing a scale of charges is contrary to section 17 (2) (a) of the Fair Competition Act and recommends that this practice ought to be discontinued.
- (x) The Committee was of the opinion that the scale of fees published by the Rules Committee pursuant to the Judicature (Rules of Court) Act does not contravene the Fair Competition Act and recommends that, the Rules Committee should proceed to publish a scale for Counsel's fees, which scale has to date been made by the Jamaican Bar Association.
- (xi) If the Jamaican Bar Association ceases to issue a scale of charges, the Committee recommends formulation of a Canon to impose a duty upon the attorney to advise proposed clients of the basis for charging and to obtain written agreement, if possible; non-compliance with such a Canon should not be a disciplinary offence.
- (xii) The Committee recommends the abandonment of the conveyancing