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Module: Principles of Professional Legal Practice BMLW4001

Tutor: Scott Tuppen

Task description: Task 1 Email Writing/ Advice task. Prepare an email to the client, explaining the ethical and professional problems this would cause, with reference to the financial services and Market Act 2000.

Task 2: Email to a newly qualified solicitor who is joining your firm

Task 3: Poster on funding

TASK 1

TRINITY SOLICITORS

Email: Trinitysolicitors@uwtsd.ac.uk

Tel: 07850506984

24th July 2023

Re: Legal Advice (REF: MM2786)

Dear Mr Moneymaker:

I write further to our meeting on 24th July 2023 where you sought advice on how much money you should invest in a new startup company.

After taking all relative steps to confirm legally If I was able to fulfil this request, I would like to inform you that it would not be possible for myself to advise you regarding a financial matter as it would pose significant ethical and professional risks regarding the regulations set out for solicitors in the SRA code of conduct, the financial services and market Act 2000 and Money Laundering Regulations.

Since we solicitors rely on the public's trust, any unethical action would be detrimental to the public's faith in our position as solicitors, our company, and the entire legal system, it might potentially cause.

we are not registered by the Financial Conduct Authority to carry regulated financial advice and services, which would pose a risk of breaching any regulations set out by the Financial Services and Market Act 2000 who set out the regulations for the financial firms and creates public confidence in the Uk financial markets and financial services businesses operating in the Uk.

Also, a significant risk of money laundering implications under the Money Laundering, Terrorist Financing and Transfer of funds 2017 Regulations section 12.1, subsections 12.1 d and 12.1e is posed due the statement "A person participates in a transaction by assisting in the planning or execution of the transaction or otherwise acting for on behalf of a client in the transaction".

Having considered all the information and any potential risks posed as my advice would to be to contact a financial adviser who can help you further regarding your inquiry.

Please do not hesitate to contact me should you require any further assistance.

Yours sincerely

Sarah Rafique

Task 2:

TRINITY SOLICITORS

Sarah Rafique
425 High Street
Swansea
SA1 1NF

Email: trinitysolicitors@uwtsd.ac.uk

Tel: 07850506984

Dear Mr Smith

Firstly, I would like to congratulate you on qualifying as a solicitor and joining the Trinity solicitor's firm. Whilst on this new journey in your new legal career, I would like to highlight certain ethical and professional standards that we must always adhere to in our professional and private lives. I will provide an overview of the first 4 principles and principles 6.1 to 6.5 that we are expected to follow as set out in the SRA Code of conduct for solicitors in this letter.

- TRUST AND ACTING FAIRLY

As a solicitor it is your duty to always maintain trust and act fairly, not discriminate unfairly by allowing your personal views to cloud your professional relationship or how you provide your services. Ensure that you do not abuse your position or take advantage of your clients or others. Ensure that your client, the courts, or anyone else is not misled or attempted to be misled by your actions. That you are not involved or encouraging others in their acts or omissions that are morally wrong or unlawful including your clients also ensure that you behave in a manner that treats your colleagues fairly, with integrity and not bully, harass, or discriminate against them unfairly.

- DISPUTE RESOLUTION AND PROCEEDINGS BEFORE COURTS, TRIBUNALS AND INQUIRIES

When handling dispute resolutions and proceedings before courts, tribunals, and Inquiries ensure that you are not enabling, attempting to misuse or alter any evidence by creating false evidence or persuading witnesses to change their statements to influence the substance of evidence. Do not

offer or provide any witness any forms of benefits depending on the cases outcome or nature of any evidence. Ensure that you put forward statements or make assertions or representations or

submissions to the court or others that are genuinely debateable and directs the courts attention to relevant cases and statutory provisions or procedural irregularities that you are aware of and could have a material effect on the outcome of the proceedings. That at you do not waste the courts time, put yourself in a position of being in contempt of court and that you ensure you comply with all court orders and obligations placed on you.

- SERVICES AND COMPETENCE

When acting on behalf of a client ensure that you only act for your clients on their instructions or by someone who is properly authorised to give instructions on your client's behalf. If suspecting that it is not on the client's instructions, then do not act until you are satisfied that it is. Ensure you protect the client's best interests by overriding any obligations where it is not possible to ascertain or obtain the instructions of the client. Ensure that you behave competently and keep your professional knowledge and skills in accordance with the latest amendments and that the service you provide is delivered competently and in an appropriate time limit. When you are in a position of managing or supervising others in providing legal services ensure they have up to date knowledge and skills and are competent to fulfil the role and that you remain accountable for any work that they carry out and that you sufficiently oversee the work being done on behalf of a client.

- CLIENT MONEY AND ASSETS

When assisting with any financial benefit that you receive because of the client's instructions ensure you account it properly to the client and safeguard any money or assets that they or others have entrusted you with and do not personally hold any client's money unless as permitted under s10.2 (b) (vii) of the authorisation of individuals regulations.

- CONFLICT OF INTERESTS

If there is a risk of own interest conflict, then you must not act. Also ensure where there is a certain section or matter that you have a conflict of interest in that you do not act unless the clients have a similar interest in relation to it or all clients are trying to get the same objective and that all the clients have consented to it and that you have effectively safeguarded your clients confidential information and satisfied it is reasonable for you to act on the clients behalf. An example of this is where all clients are wanting to sell their business for an equal share.

- CONFIDENTIALITY AND DISCLOSURE

Ensure that all information you have knowledge on regarding a matter is made available to your client except when there is a disclosure of information prohibition in interests of the national service or prevention of crime or you client has expressed an informed consent to the information not being disclosed. You suspect that the information may cause safeguarding risks to your clients physical or mental health if disclosed or it is contained in a document that you were mistakenly notified of. Ensure that in circumstances where a client poses interest regarding another client or previous client and you, or your firm holds confidential information that you do not act regarding their matter unless effective precautions have been made to ensure there is no risk of disclosure of the confidential information and or the previous client has consented to confidential information not been disclosed.

Please feel free to refer to this in the future for any clarity.

Yours sincerely

Sarah Rafique

FUNDING OPTIONS AVAILABLE FOR LEGAL CASES IN CRIMINAL LAW



LEGAL AID is available for criminal cases when being held in police custody. To be eligible you must be in receipt of certain benefits or on low income. It is available for under 16-year-olds in court and for under year-olds who are full time students or claiming certain benefits.



CROWD FUNDING Is available when the individual sets up a campaign profile for donations to help pay for their legal costs. The person sets a target amount to raise. They then share their campaign to friends and family and on other online platforms to highlight them and enable donors to donate to their case.



CROWDJUSTICE.COM is like crowd funding but built by lawyers as an online funding platform specifically for public or private legal services. When you reach your target amount then crowd justice charges a 3% of funds raised plus VAT (if applicable) and a third-party payment processing fee. Funds are transferred to your lawyer with net of fees and charges. The disadvantage of using any online platform to raise funds is if you don't meet the target then the donations will be returned to donors, and you are liable to pay your legal fees still.



AXIA FUNDING is a litigation platform for flexible fast low litigation funding where people invest and get a high return with zero correlation and has a natural exit strategy.

REFERENCES:

AXIAFUNDER ACCESSED 28TH JULY 2023 @ [Commercial Litigation Funding and Investing | AxiaFunder](#)

CROWD FUNDING ACCESSED 27TH JULY 2023 AVAILABLE @ [Crowdfunding for Good from JustGiving](#)

CROWDJUSTICE ACCESSED 28TH JULY 2023 @ [CrowdJustice: The world's crowdfunding platform for legal action](#)

FINANCIAL SERVICES AND MARKETS ACT 2000 ACCESSED 27TH JULY @ [Financial Services and Markets Act 2000 \(legislation.gov.uk\)](#)

LEGAL AID ACCESSED 29TH JULY 2023 @ [Legal aid: Overview - GOV.UK \(www.gov.uk\)](#)

SRA CODE OF CONDUCT ACCESSED ON 24TH JULY @ [SRA | Code of Conduct for Solicitors, RELs and RFLs | Solicitors Regulation Authority](#)

THE MONEY LAUNDERING, TERRORIST FINANCING AND TRANSFER OF FUNDS ACCESSED ON 25TH JULY 2023 @ [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(legislation.gov.uk\)](#)