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**No. S 82**

LEGAL PROFESSION ACT  
(CHAPTER 161)

LEGAL PROFESSION  
(PROFESSIONAL CONDUCT)  
(AMENDMENT) RULES 2018

In exercise of the powers conferred by section 71(2) of the Legal Profession Act, the Professional Conduct Council makes the following Rules:

**Citation and commencement**

1. These Rules are the Legal Profession (Professional Conduct) (Amendment) Rules 2018 and come into operation on 12 February 2018.

**Amendment of rule 2**

2. Rule 2(1) of the Legal Profession (Professional Conduct) Rules 2015 (G.N. No. S 706/2015) (called in these Rules the principal Rules) is amended —

(a) by inserting, immediately before the definitions of “client account” and “client’s money”, the following definition:

““child representative” means a child representative appointed, under Division 1 of Part 4 of the Family Justice Rules 2014 (G.N. No. S 813/2014), to represent the interests of a child in any proceedings involving the child, or the custody and welfare of the child;”;

(b) by inserting, immediately after the definition of “dispute resolution proceedings”, the following definition:

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““family proceedings” has the same meaning as in section 2(1) of the Family Justice Act 2014 (Act 27 of 2014);”; and

(c) by inserting, immediately after the definition of “law practice”, the following definition:

““parenting coordinator” means a parenting coordinator appointed by the court to manage and facilitate the resolution of disputes relating to the custody of, access to and welfare of a child, for instance, by educating and providing guidance to the parents of the child, and by making recommendations to the court (when required);”.

### **New rules 15A and 15B**

3. The principal Rules are amended by inserting, immediately after rule 15, the following rules:

#### **“Representing client in family proceedings**

**15A.—**(1) The following principles guide the interpretation of this rule.

##### *Principles*

- (a) A legal practitioner who represents a client in any family proceedings must be conscious that the client’s interests may be affected by considerations such as the interests of a child, the psychological health of the client, and the desirability of reducing conflict.
- (b) A legal practitioner who represents a client in any family proceedings must, whenever it is reasonably possible, be constructive and conciliatory in the conduct of those proceedings and all matters relating to those proceedings, from the time those proceedings are contemplated until the resolution of those proceedings.

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(2) A legal practitioner who represents a client in any family proceedings must —

- (a) from the time those proceedings are contemplated, inform the client of all available dispute resolution options (including, but not limited to, mediation and counselling) that are reasonably available to the client, so as to enable the client to make an informed decision on how to resolve those proceedings;
- (b) from the time those proceedings are contemplated, and whenever it is reasonably possible, advise the client to consider resolving those proceedings amicably; and
- (c) advise the client to be constructive and reasonable when participating in those proceedings.

(3) Where a legal practitioner represents a client in any family proceedings involving any child, the legal practitioner must —

- (a) advise the client that when the court makes any decision affecting the child, the welfare and best interests of the child take precedence over —
  - (i) the wishes of either parent of the child; and
  - (ii) the wishes of the child; and
- (b) advise the client to consider the welfare of the child, and the potentially adverse impact of those proceedings on the child.

(4) In this rule, “child” means an individual who is below 21 years of age.

### **Conflict of interest in family proceedings**

**15B.**—(1) The following principle guides the interpretation of this rule.

#### *Principle*

A legal practitioner who acts in a particular role in family proceedings must ensure that there is no conflict between that role and the interests of a client.

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(2) A legal practitioner who has acted as a child representative or parenting coordinator in any family proceedings must not subsequently act for any party to those proceedings in relation to —

- (a) the subject matter of those proceedings; or
- (b) any matter relating to those proceedings that was discussed with or in the presence of the legal practitioner, while the legal practitioner was acting as a child representative or parenting coordinator in those proceedings.”.

### **Amendment of Third Schedule**

4. The Third Schedule to the principal Rules is amended by inserting, immediately after item 5, the following item:

“5A. The Singapore University of Social Sciences”.

*[G.N. No. S 69/2017]*

Made on 9 February 2018.

SUNDARESH MENON  
*Chairman,*  
*Professional Conduct Council.*

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(To be presented to Parliament under section 185 of the Legal Profession Act).