
Using professional letterheads in personal matters

Legal Practitioners Complaints Committee

Lawyers need to have good judgment about where to apply their legal professional status and when it's inappropriate. Used wrongly, lawyers' powers may amount to bullying.

The relevant professional guideline applies to the risk of bringing the legal profession into disrepute.¹ The UK Bar Council's website includes a view on the particular issue:

Members of the bar should not attempt to gain an advantage or put any pressure on other people by virtue of their position as barristers. It would not be appropriate for barristers to use their status as an implied threat to those with whom they are in dispute. Using Chambers' notepaper in correspondence about a personal dispute or when conducting personal business could well constitute an implied threat and leave the barrister open to a justified complaint of professional misconduct.'

The Victorian Legal Ombudsman has expressed a view about the conduct of lawyers in their personal life:

It is a grey area, and there are some [complaints] where the public genuinely complain about lawyers thinking that it makes them unfit to practise, but really, we can't do anything about it. No disciplinary action takes place. I mean silly ones, like having a barking dog or telling a neighbour off or something, that's the lawyer being a person, and has no effect on their practice. However, if the lawyer uses the fact that they are a lawyer to intimidate others outside of legal practice, ... where the lawyer will say 'I'm a lawyer, I'll see you in court', or 'I'll reserve my rights', that is intimidating, and we have a look at that from time to time because it's bullying.'

A particular situation of risk is where a practitioner uses the letterhead of the firm or chambers when writing to someone with whom he or she is in a personal dispute, such as a family member or neighbour. If the letter expressly or implicitly involves the use of professional status to intimidate the other person, then the writing and sending of the letter may amount to bullying and be considered unsatisfactory conduct by the Legal Practitioners Complaints Committee.

1. For the current governing guideline, see Rule 2.2 of the Law Society of Western Australia Professional Conduct Rules. December 2005 revision.
2. *v. barcouncil.org.uk. Rules and Guidance/Conduct and Ethics: Frequently Asked Questions.* ABC Radio National programme. *The Law Report*. 17 February 2004.