
11 March 2025

TO ALL LEGAL PRACTITIONERS

UNETHICAL CONDUCT IN CONVEYANCING PRACTICE

The Legal Practice Council (LPC) has received numerous complaints regarding practitioners engaging in unethical practices, including, but not limited to, touting for business and accepting bribes from estate agents and bond originators.

This notice serves to draw practitioners' attention to the following provisions of the LPC Code of Conduct:

“12. Sharing of fees

12.1 An attorney or a firm shall not, directly or indirectly, enter into any express or tacit agreement, arrangement or scheme of operation or any partnership (express, tacit or implied), the result or potential result whereof is to secure for him or her or it the benefit of professional work, solicited by a person who is not an attorney, for reward, whether in money or in kind; but this prohibition shall not in any way limit *bona fide* and proper marketing activities.

14. Payment of commission

An attorney or firm may not effect payment, directly or indirectly, of agent's commission in advance of the date upon which such commission is due and payable, except out of funds provided by the person liable for such commission and on the express authority of such person.

17. Naming in deed of sale or alienation

An attorney may not act in terms of a deed of sale or alienation of immovable property in which the attorney's name or the name of the attorney's firm has been pre-printed or duplicated as the transferring attorney. This prohibition will not, however, apply if a separate written instruction is given to the attorney prior to the signature of the deed of sale or alienation or to an agreement prepared by the attorney on instruction from the client.

18. Specific provisions relating to conduct of attorneys

An attorney shall –

- 18.9 not act in association with any organisation or person whose business or part of whose business it is to solicit instructions for the attorney;
- 18.10 not buy instructions in matters from a third party and may not, directly or indirectly, pay or reward a third party, or give any other consideration for the referral of clients other than an allowance on fees to an attorney for the referral of work;
- 18.22 not tout for professional work. An attorney will be regarded as being guilty of touting for professional work if he or she either personally or through the agency of another, procures or seeks to procure, or solicits for, professional work in an improper or unprofessional manner or by unfair or unethical means, all of which for purposes of this rule will include, but not be limited to -
 - 18.22.1 the payment of money, or the offering of any financial reward or other inducement of any kind whatsoever, directly or indirectly, to any person in return for the referral of professional work; or
 - 18.22.2 directly or indirectly participating in an arrangement or scheme of operation resulting in, or calculated to result in, the attorney's securing professional work solicited by a third party.

For purposes of this paragraph 18.22 "professional work", in addition to work which may by law or regulation promulgated under any law be performed only by an attorney, means such other work as is properly or commonly performed by or associated with the practice of an attorney."

Practitioners found guilty of any of these categories of unethical conduct will be subject to LPC disciplinary proceedings, which may include suspension from practice or being struck from the roll.

Practitioners and members of the public are encouraged to report any conduct of this nature to the relevant provincial office for investigation.

Legal Practice Council