

**ADVOCATES ORDINANCE
(CAP. 2)**

**ADVOCATES (GROUP LAW PRACTICE) RULES 2022
(G.N.S 12 of 2022)**

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ADVOCATES (GROUP LAW PRACTICE) RULES 2022
(G.N.S 12 of 2022)

IN exercise of the powers conferred by section 17 of the Advocates Ordinance, the Sabah Law Society, in consultation with the Chief Judge and the State Attorney-General, makes the following rules:

Citation and commencement

1. (1) These rules may be cited as the Advocates (Group Law Practice) Rules 2022.
- (2) These Rules are deemed to have come into operation on 1 November 2022.

Interpretation

2. In these Rules –

“group law practice” means the practice described in rule 3;

“firm” means a sole proprietorship or a partnership of advocates.

Group law practice

3. (1) A group law practice is a practice which comprises two to five firms as its members –
 - (a) where all of the firms share a premises at a common address and facilities under a group law practice name; and
 - (b) where each firm cooperates with each other without being partners.
- (2) Any firm in a group law practice shall not be a member of another group law practice.

Application to practice as group law practice

4. (1) All firms who wish to practice as a group law practice shall apply in writing to the Sabah Law Society for an approval of –

- (a) practising as a group law practice;
- (b) the proposed name of the group law practice; and
- (c) the manner in which the name of the group law practice will be used together with the name of the firm of each firm in the group law practice.

(2) The Sabah Law Society shall not approve any proposed name of a group law practice if the name –

- (a) is or may reasonably be regarded as being ostentatious, misleading, exploitative, deceptive, sensational, offensive or in any other way unbecoming the dignity of the legal profession; or
- (b) is so similar to other existing group law practices as to likely to be confused with.

(3) A firm that has branches shall not be permitted to join a group law practice.

(4) The Sabah Law Society may, within thirty working days from the date of receiving the application under subrule (1), notify the firms who wish to practice as a group law practice in writing of the approval or refusal of such application.

Name of group law practice

5. (1) No firm shall practice as a group law practice unless the name of the group law practice has been approved in accordance with subrule 4(4).

(2) A group law practice shall use the words “group law practice” as part of its name.

(3) A group law practice shall display the names of all firms in the group law practice on the group law practice nameplate outside the premises of the group law practice.

(4) The nameplate of the group law practice shall be in such form as determined by the Sabah Law Society.

(5) If the Sabah Law Society believes on reasonable grounds that the name of a group law practice should be changed, the Sabah Law Society shall serve a written notice with the said grounds to the group law practice to change its name.

(6) The group law practice shall comply with the written notice under subrule (5) within six weeks from the date of receipt of the written notice or any longer period as the Sabah Law Society allows.

(7) If the group law practice fails to comply with the written notice under subrule (5), the group law practice shall immediately cease to practice under the name of the group law practice.

Group law practice cannot have a branch

6. A group law practice shall not have a branch.

Notification of change of number of firms in a group law practice

7. A group law practice shall notify the Sabah Law Society in writing of any change in the number of firms in the group law practice within fourteen days from the date of such change.

Holding out as a group law practice

8. (1) No firm which is not a member of a group law practice shall describe itself as a group law practice.

(2) A firm in a group law practice shall –

(a) use the name of the group law practice together with the name of the firm provided that the name of the firm shall be more prominent than the name of the group law practice; and

(b) use the name of the group law practice in documents in which its name appears including its letterheads and business cards.

Register of group law practice

9. (1) The Sabah Law Society shall maintain a register of group law practice.

(2) Any firm which joins or withdraws from a group law practice shall, within fourteen days of such joining or withdrawal, notify the Sabah Law Society of the same in writing.

Client of firm in a group law practice

10. (1) A firm in a group law practice may –
- (a) request another firm in the same group law practice to undertake work instructed by a client of the firm provided that the client has given his or its consent in writing; and
 - (b) act for a party in a matter where another firm in the same group law practice is acting for the other party in the same matter provided that both parties have given their consent in writing.
- (2) A notice incorporating the matters in paragraphs (1)(a) and (b) in such form as determined by the Sabah Law Society shall be displayed prominently within the office of the group law practice.
- (3) An advocate of any firm in a group law practice who is a commissioner of clients of another firm in the group law practice.

Separate liability

11. (1) A group law practice does not have a juridical entity and a notice to this effect shall be displayed prominently within the office of the group law practice.
- (2) A group law practice shall not operate as a partnership and a notice to this effect shall be given to clients of the respective firm.
- (3) Each firm in a group law practice –
- (a) shall be liable to pay and discharge its own debts and liabilities; and
 - (b) shall keep the other firms in the group law practice and their respective estates indemnified against such debts and liabilities and against all actions, proceedings, costs, claims and demands in respect of the said debts and liabilities.
- (4) Each firm in a group law practice shall bear its own professional indemnity insurance premium, accountancy and audit costs, professional and similar subscriptions, and levies payable to the Sabah Law Society.

Bank account

12. (1) Any firm in a group law practice may open and operate a common bank account for the purpose of meeting common expenses of the group law practice.

(2) Notwithstanding subrule (1), each firm in a group law practice shall maintain, separately from the other firms in the group law practice, its own office account and its client accounts.

(3) In this rule, -

(a) “client account” has the meaning assigned to it under the Advocates’ Account Rules 1988, and

(b) “office account” means an account maintained by an advocate for his practice, other than a client account.

Incapacity or death of sole proprietor

13. (1) In relation to a firm in a group law practice which is sole proprietorship, the sole proprietor shall appoint in writing another firm in the same group law practice to act in his stead in the event of his incapacity or death.

(2) The appointment made under subrule (1) is subject to the permission of the Sabah Law Society.

Made 27 October 2022.

ROGER CHIN KEN FONG,
President,
Sabah Law Society.

Sabah LawNet