



## **Code of Professional Conduct and Ethics**

### **Preamble**

Membership in NARCA - The National Creditors Bar Association is voluntary. By accepting membership, a law firm assumes an obligation of self-discipline above and beyond the requirements of laws and regulations.

The principles of the Code of Professional Conduct and Ethics of NARCA – The National Creditors Bar Association express the profession’s recognition of its responsibilities to the public, to clients, and to colleagues. They guide members in their professional responsibilities and express the basic tenets of ethical and professional conduct. The principles call for an unswerving commitment to honorable behavior, even at the sacrifice of personal advantage.

### **Article I - Principles**

Section 1. Responsibilities. In carrying out their responsibilities as professionals, members should exercise sensitive professional and moral judgments in all their activities. Members have a continuing responsibility to cooperate with each other to improve the practice of creditors rights, maintain the public’s confidence, and carry out the profession’s special responsibilities. The collective efforts of all members are required to maintain and enhance the traditions of the profession.

Section 2. The Public Interest. Members should accept the obligation to act in a way that will serve the public interest, honor the public trust, and demonstrate commitment to the profession. The public interest is defined as the collective well-being of the community of people and institutions the profession serves. Those who rely on creditors rights attorneys expect them to discharge their responsibilities with integrity, objectivity, due professional care, and a genuine interest in serving the public. They are expected to provide quality services, enter into fee arrangements, and offer a range of services - all in a manner that demonstrates a level of professionalism consistent with these Principles of the Code of Professional Conduct and Ethics. All who accept membership in NARCA – The National Creditors Bar Association commit themselves to honor the public trust. In return for the faith that the public reposes in them, members should seek continually to demonstrate their dedication to professional excellence.

### **Article II - Rules**

A member shall comply with the following standards in that he/she shall:

1. Maintain a high standard of business principles and avoid all conduct, which would bring reproach upon the Association, its members or the creditors rights industry.
2. Abide by the Association’s Charter, Bylaws, this Code, and other policies adopted by the Executive Board.
3. Comply with all federal, state, county, and municipal laws relating to the practice of creditors rights law.
4. Never operate in any manner to imply affiliation with any branch of any governmental or law enforcement agency.
5. Insure that he/she and all personnel are thoroughly familiar with consumer collection law, the NARCA Charter, Bylaws, this Code and other policies of this Association; and that they are complied with.
6. Delegate tasks only to qualified personnel.
7. Never discriminate or interfere with on the basis of race, creed, color, sex or national origin:
  - a. The selection of creditors whom he/she represents;
  - b. The selection of staff, personnel or employees;

- c. Business dealings with consumers and the general public;
  - d. Colleagues and competitors;
  - e. Prospective members of the Association;
  - f. Fellow members of the Association.
8. Maintain a sufficiently strong financial position to reasonably assure continued business operation.
  9. Provide efficient, effective representation in the member's area of practice.
  10. Always protect the interest of the clients and give prompt diligent attention to all claims.
  11. Follow instructions given by clients, give prompt explanation in the event of inability to do so and always seek clarification of or additional instruction in a doubtful situation.
  12. Never misrepresent qualifications, capacity, experience or abilities as to the practice of creditors rights.
  13. Always compete in a fair and honorable manner, never publicly attacking the reputation of a competitor.
  14. Never distort an evaluation of competitors or colleagues. Members should refrain from disclosing detrimental information except to correct, eliminate or avoid unethical or illegal practices.
  15. Comply with the Association policies governing the forwarding and handling of forwarded accounts.
  16. Confirm or acknowledge all claims promptly.
  17. Reply to a client's request with reasonable promptness.
  18. Provide the client with reports to keep client informed of the activity findings on the account.
  19. Secure and segregate all collected assets from those of the operation of the law firm.
  20. Disburse all collected assets to the client on a timely and regular basis.
  21. Never mislead any third person into the mistaken belief that the member represents NARCA – The National Creditors Bar Association.

### **Article III – Due Care**

Section 1. A member should observe the profession's technical and ethical standards, strive to continually improve competence and the quality of services, and discharge professional responsibility to the best of the member's ability.

Section 2. Due care requires a member to discharge professional responsibilities with competence and diligence. It imposes the obligation to perform professional services to the best of a member's ability with concern for the best interest of those for whom the services are performed and consistent with the profession's responsibility to the public.

Section 3. The maintenance of competence requires a commitment to learning and professional improvement that must continue throughout a member's professional life. It is the member's responsibility to undertake to achieve a level of competence that will assure the quality of the member's services meets the high level of professionalism required by these principles. Each member is responsible for evaluating whether education, experience, and judgment are adequate for the responsibility to be assumed, and to adequately supervise all professional activities.