RULES
OF PROFESSIONAL ETHICS OF ADVOCATES

(as amended by the Regulation of the Ministry of Justice 227 dated 28.12.2018)
RULES
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CHAPTER 1 GENERAL PROVISIONS

1. This Rules are based on high moral standards and traditions of legal practice as well as on international standards and rules of legal profession, and represent the list of provisions determining requirements for the personality of an Advocate and his behavior in course of professional duties' performance, as well as during his interrelations with clients, colleagues, self-management advocacy bodies, governmental authorities, law enforcement authorities and courts, other organizations and officials, and are developed in accordance with paragraph 6 clause 1 of Article 38 of the Law of the Republic of Belarus on the Bar and Advocacy Activity in the Republic of Belarus dated 30 December 2011 (National Register of Laws of the Republic of Belarus, 2012, N2, 2/1884) and are based on proposals of Advocates and Advocates' formations.

2. This Rules apply to Advocates in legal consultations, a advocates bureau and Advocates who carry out advocacy activity individually (thereinafter – Advocates).

Advocate's assistants, trainees and other employees of Advocates' formations or Advocates practicing individually are obliged to follow the Rules in relation to their work duties.

3. Advocate is obliged to comply with law and follow the standards of professional ethics, permanently sustaining reputation and value of the legal profession as a participant of justice administration and public person along with personal honor and dignity, to keep and increase the professional reputation.

Advocate in course of his professional activity should affirm appreciation of advocatory profession, its essence and public role, to keep and increase prestige of the profession.

4. In cases when issues of professional ethics of Advocates are not determined by legislation of the Republic of Belarus or present Rules, Advocate should follow to the customs and traditions common for legal profession and corresponding with general ideals and moral principles of the society.

5. Advocate's profession is a liberal profession which is based on the rule of law, trust and independence.

6. Advocate is absolutely independent in course of his professional activity. Advocate should perform his obligations to defend client's rights and interests with ease and independence, politely, honestly and following the principles, conscientiously and confidentially, free of any interruption or external pressure.

CHAPTER 2
PROFESSIONAL AND PERSONAL DIGNITY OF ADVOCATE

7. Dignity of Advocate's profession is ensured by his special moral attitude toward himself which in turn determines corresponding attitude of the society toward him.

8. Assertion and sustaining of Advocate's dignity supposes commission of corresponding moral actions or omittance of acts degrading his dignity. Behavior discrediting distinguished title and damaging public credibility toward advocacy is considered to be degrading professional dignity.

9. In order to maintain honor and dignity Advocate should:
   be polite, discreet, diligent, essential and independent;
   act in a competent manner, use all lawful means, techniques and methods of legal assistance;
   actively defend his legal position;
   keep Advocate's secret;
not perform actions undermining prestige of advocacy and personal dignity of the Advocate, assist in increase of the role and authority of legal practice in society;
use only reliable information participating in legal education of citizens and providing information to mass media;
prevent any infringement upon the professional independence;
permanently extend and enlarge legal knowledge;
communicate in business manner and follow business dress code when executing professional duties.
10. The Advocate is prohibited to:
act against Client's lawful interests, to provide legal assistance following personal benefit, unmoral interests or being under external pressure;
hold legal position contrary to Client's interests;
disclose or use for personal purposes without Client's consent any information, disclosed to him as to Advocate in relation with the legal assistance;
to use information obtained in the course of negotiations on settlement, conciliation proceedings, mediation, unless otherwise is determined by the legal acts;
make public announcements that Client's guilt is proved in case the Client denies that he is guilty;
request and file documents, discrediting the participants of the legal proceeding or other persons in case it is not necessary for the case;
impose his assistance to people and attract them as clients through personal interrelations with law enforcement authorities and court officials, by offering a client his legal assistance instead of the chosen by the client Advocate, by promising favorable outcome of the proceedings in case of his participation and by other unworthy methods;
allow comments containing personal offence of the case participants as well as to be rude in return;
buy or in other way acquire in his name or in the name of any other person any property including property rights of a client that are subject to the dispute.
11. Statements of Advocates affecting honor and dignity of a party to the dispute, its representative, prosecuting officer or defender, witness, victim, expert, interpreter which do not violate the Rules are beyond persecution.
12. Information distributed by Advocate or Advocate's formation concerning their activity and types of services rendered shall not contain comparison with and criticism of other Advocates, as well as statements, allusions and ambiguities deluding prospective clients or provoking unreasonable expectations on satisfactory outcome of the case.
13. Advocate may combine legal practice with work in the governing authorities of the Bar Association and Advocate's formations, pedagogical (in the implementation of the content of educational programs), scientific, creative activities, activities of the arbitrator, mediator, and facilitator in conciliation procedure.
Performance of such activity should not discredit honor and dignity of Advocate and damage the authority of advocacy.

CHAPTER 3
LEGAL PRIVILEGE

14. Adherence of legal privilege (Advocate's secret) is a top priority of Advocate's practice. Obligation of non-disclosure of Advocate's secrets is unlimited in time.
15. The rules of adherence of legal privilege are applied to:
information concerning client's request for legal assistance;
essence of consultations, explanations and references received by client from Advocate;
information on client's private life;
information received from a client concerning crime circumstances in relation to the
criminal case in which Advocate provided legal defense to rights, freedoms and interests of the
client;
business secrets of clients.
16. All materials included into Advocate's files on the case as well as any
correspondence between Advocate and his client shall be clearly and explicitly marked as
belonging to the Advocate;
17. Advocate may disclose confidential information trusted by client in amount
considered reasonably necessary in the following cases:
upon client's consent if the information disclosure is necessary for legal assistance;
for substantiation of Advocate's position in case of dispute resolution between the
Advocate and his client, or for substantiation of personal defense in a case initiated against him and
based on actions which involve the client;
consulting with other Advocates in case client has no objections thereto.
18. Advocate is prohibited to give witness statements and explanation on legally
privileged issues.
   In case Advocate is summoned by bodies, conducting administrative, criminal, civil,
economic proceedings for questioning or examination as a witness on the issues related to his
professional activity, Advocate shall inform manager chairman of Advocates' self-management
body.
The obligation to keep advocate-client privilege is the responsibility of the Advocates,
carrying out activity in Advocates' self-management bodies.

CHAPTER 4
RELATIONS BETWEEN ADVOCATE AND COLLEAGUES

19. Relation between Advocate and other Advocates shall be based on mutual respect
and observance of professional rights.
20. Advocate shall be responsive and friendly, respect honor and dignity of colleagues,
render assistance to colleagues if needed in their professional activity (e.g. choosing legal position,
the most reasonable methods, technologies and means of legal assistance).
21. Advocate should assist novice colleagues with his knowledge and experience.
22. Advocate is prohibited to:
   use in legal documents and letters to clients any offensive expressions in relation to other
Advocate, as well as any criticism in his addressed;
   discuss accuracy of actions of another Advocate who had previously participated in the
case or was rendering another legal assistance to the client;
   challenge actions of another Advocate in front of a client (when finding colleague's
mistake, it is necessary to find a way to correct it tactfully).
23. In case of inability (for good reason) to arrive on time for participation in court
session or investigative action, as well as if intended to request another time of their arrangement,
Advocate should inform the court or investigator on the matter in advance and let other Advocates
(in case known) participating in the case know, to coordinate with them mutually acceptable time
for hearing of the case, and to notify the court or investigator on the matter.
24. If client asks for legal assistance and suggests concluding an agreement on legal
service in criminal case, Advocate should inform on the matter legal consulting office at the
location of the court hearing the case.
25. If client asks to conduct the case jointly with other Advocate (Advocates) who has
already undertaken to provide legal assistance, the Advocate shall obtain the colleague's consent on
joint conduct of the case, and if disagreed, to inform the client on the matter suggesting to choose between the Advocates.

26. Advocate may communicate with another Advocate's client concerning the same case if agreed and in the presence of them both and with the consent of his own client. In case of absence of Advocate representing the interests of the other party, communication on the same case between the Advocate, representing one of the parties, with the other party is possible with the consent of Advocate's client and the other party.  

27. In case Advocate undertakes to render legal services to a client, who initiated proceedings against another Advocate, he is recommended to inform the colleague on the matter and subject to the Client's interests to suggest amicable settlement agreement. If it is impossible to settle the dispute, the Advocate representing client's interests shall continue provision of legal assistance without any communication with the colleague.  

28. Relations between Advocates should not influence the defense of interests of the parties to a dispute. Advocate should not waive client's interests neither for the sake of companionship, nor for the sake of any other relationship.  

29. Advocate is recommended in polite manner) to tactfully draw colleague's attention to the fact of violation of the professional ethics by the named colleague.  

30. Advocate is entitled to transfer the obligation on legal service rendering to another Advocate only with the consent of the client.  

In case of obligations on legal assistance provision were transferred from another Advocate, the Advocate undertaking the obligation is obliged to conclude an agreement on legal assistance providing with the Client.

CHAPTER 5
RELATIONS BETWEEN ADVOCATE AND CLIENTS

31. Advocate shall maintain honest and trusting relations with Clients.  

32. Advocate shall not unreasonably refuse a person seeking legal assistance in undertaking obligations on legal assistance rendering.  

33. Advocate cannot participate in the case if of the obligations on legal assistance rendering are not executed in accordance with the legislation on legal profession.  

34. Advocate who had involved in preliminary criminal investigation as assigned or under agreement for legal assistance, is not allowed without good reasons to refuse to undertaken obligation to defend the client.  

Good reasons are considered to be circumstances listed in the clause 35 of these Rules, as well as violation of the provisions of the agreement for legal assistance by the client.  

35. Advocate cannot provide legal assistance to a client and shall refuse from undertaking obligations on legal assistance rendering or their further fulfillment if:  
he is rendering now or has been rendering before legal assistance to another client whose interests contradict the interests of individual or legal entity seeking for Advocate's legal assistance;  
he took part as a judge, public prosecutor, investigator, person conducting inquiry, expert, specialist, interpreter, secretary of court session, witness, arbitrator, patent attorney, mediator or participated in conciliation or mediation, as well as if the official person involved or had been involved in the investigation or trial, is a spouse, father, mother, son, daughter, brother or sister of the Advocate;  
a close relative of the Advocate is judge in the court hearing the case as the court of first instance;  
he is a close relative of the Advocate involved in the same case as legal representative of the person whose interests contradict interests of the person seeking for legal assistance;
requirements of the person seeking for legal assistance evidently go against the law, or in case such demands to accept for the purpose of his defense deliberately false or obtained with violation of the law evidence or to use any other illegal means and methods.

he is aware that investigator, person conducting inquiry or court might call him as a witness to the case;

there can arise circumstances requiring disclosure of other person's secret, excluding case if written consent of the interested person was received;

undertaking obligations on rendering legal assistance may hinder legal assistance provision to another client;

legal assistance might be so complicated that Advocate is not sure that he possesses sufficient knowledge and experience;

36. In case of refusal of perform the obligations on legal assistance rendering, Advocate shall inform a client on the matter in advance so the client is able to engage another Advocate.

Advocate practicing in any form of legal formation shall immediately inform the manager of the formation.

37. Removed.

38. Upon client's request or if so agreed with him, it is allowed to accept the same request by several Advocates practicing in the same legal office. In such case, the agreement on rendering legal assistance may contain allocation of duties between the Advocates carrying out the commission.

39. If the agreement on rendering legal assistance is terminated, Advocate should at client's request return to him all the documents received from him or issued to the Advocate by other persons in course of the commission, inform the client on the work performed in relation thereto and transfer the copies of procedural documents prepared by the Advocate.

40. Advocate defending at the assignment of the Bar Association upon request of the body conducting the criminal proceedings is entitled to conclude agreement on legal assistance at any stage of the criminal proceedings.

41. Advocate should not represent or defend his relatives or friends without conclusion of the agreement on legal assistance.

42. Advocate should not promise or guarantee satisfying client's claims, but is allowed to express his opinion on the prospects for the case's outcome.

43. If doubting client's position validity (in lawsuit or objections to lawsuit), Advocate can undertake obligations on legal assistance providing, but should warn the client about probability of claims dissatisfaction.

Advocate shall identify and determine legal essence of client's request, explain legal provisions and give legal assessment of the situation.

44. If Advocate is sure of clear invalidity of client's claims or objections and of absence of legal position, the Advocate should inform the client thereon. In such case the Advocate has the right to refuse from providing legal assistance and suggest the client not to initiate or terminate the case.

45. If invalidity of lawsuit or objection thereto becomes clear in course of the proceeding, but client insists on Advocate's further participation in the case, the Advocate should state the client's requirement and claims without reference to legal provisions.

46. Advocate shall coordinate his legal position with client and cannot change it without client's consent but in cases specified in clauses 47-78 of this Rules. Advocate should inform his client on any change of means, techniques and methods of his defense when it is necessary under new circumstances which may arise at time of proceedings.

47. If the available evidence presented in the case prove the presence in the actions of the defendant of a less serious crime that that of which he is accused, Advocate shall inform the Client on the matter and coordinate with him the legal position keeping in mind the less serious crime. If the client disagrees with Advocate's opinion, the Advocate shall defend the client in accordance with his own position.
48. If there are contradictions between the interests of defendants in criminal cases with several accused persons, Advocate should collect, analyze and present in the defensive speech the evidences refuting the guilt of his Client or doubting the guiltiness, or the e mitigating client's liability. If there is a need to clarify the circumstances exposing the other accused, Advocate has to collect, analyze and present only those that are relevant to his client.

49. While collecting the information in relation to the circumstances of the case by himself, the Advocate shall be tactful and honest. Advocate is not entitled to persuade victims or witnesses to provide false testimony. In case a person refuses to testify (give explanations), Advocate shall not insist on that, but he is entitled to make an application on examination of the named person as a witness.

50. At time of rendering legal assistance Advocate assumes that documents and information provided by the client is true and does not perform additional verification thereof. Advocate is not responsible for credibility of information in the prepared by him documents if the information was provided to him by the client, as well as for filing documents containing false information if he did not know that the information is false.

51. Advocate's obligations determined by legislation on legal practice and advocacy when rendering legal assistance at the costs of the Bar Association in cases specified by law or at assignment by the regional Bar Association upon request of the body conducting criminal proceedings, do not differ from the obligations at time of rendering legal assistance for remuneration.

52. Advocate shall not visit a client at his home. This rule is not applicable to Advocates visiting client at his home due to bad health of the latter upon instructions of manager of the law office.

53. Advocate cannot advise a client at Advocate's home.

CHAPTER 6 PAYMENT FOR LEGAL ASSISTANCE

54. Order and amount of payment for legal assistance rendered by Advocate to a client ("Remuneration") shall be determined by the agreement on rendering legal assistance and is considered to be essential provisions of the named agreement.

When concluding an agreement on rendering legal assistance on civil cases, Advocate explains to a client the process of reimbursement of Advocate's fees for acting as a representative.

55. Advocate has the right to recover of his expenses and costs incurred when rendering legal assistance.

56. Remuneration amount and method of its determination (fixed amount, payment per one day of participation in preliminary investigation or in court, payment of the agreed hourly rate, success fee, etc.) are agreed between the Advocate (advocatory bureau) and his client and specified in the agreement on rendering legal assistance.

57. It is recommended to determine Remuneration amount basing on the following factors:
experience and qualification of the Advocate necessary for the proper rendering of legal assistance;
professional authority of the Advocate;
originality and complexity of the issues;
necessary time and labour inputs;
likelihood that acceptance of the request will limit the possibility of Advocate to work on other cases at the same time;
deadlines determined by client or circumstances;
necessity of other specialists engagement;
expenses associated with the rendering of legal assistance;
practice of remunerations determination in the region, as well as in the region of client's residence;
the other.
58. Advocate should not undertake obligation on rendering legal assistance with Remuneration depending on future results.
59. Advocate has no right to discuss with anyone the amount of Remuneration charged by other Advocates.

CHAPTER 7
RELATIONS BETWEEN ADVOCATE, GOVERNMENTAL BODIES AND OFFICIALS

60. Advocate should not preclude the Ministry of Justice of the Republic of Belarus and other controlling bodies to exercise their functions assigned by law.
61. When performing professional duties in courts, in bodies conducting criminal and administrative processes, in other state bodies, institutions and organizations, public and other organizations, Advocate should act presuming that in accordance with the Constitution and the Law of the Republic of Belarus 'On Advocacy in the Republic of Belarus' his practice is aimed at defense of client's rights, freedoms and interests.
62. When participating in criminal proceedings Advocate shall inform the body conducting the criminal proceedings about all law violations infringing rights of the client made by thereby, apply for correction of the named violations or challenge the actions or omissions of the body conducting the criminal proceedings.
63. When participating in court hearing Advocate shall inform the court about all law violations infringing rights of his client, apply for correction of the named violations or challenge the actions or omissions of the court.
64. If necessary to make an objection against actions of Judge or other participants of the proceedings, Advocate should act in correct manner and in strict adherence to the legislation.
65. Advocate should not influence persons holding inquest, investigators, public prosecutors, Judges and other officials by means prohibited by law, as well as to make unofficial contacts with the named persons for achievement of favorable result.
66. Advocate who had previously worked in bodies conducting administrative, criminal, civil, economic proceedings shall not fulfill any assignments in relation to the cases conducted by the bodies for five years after his dismissal from such bodies.
67. When visiting detained persons Advocate shall comply with the rules of detention facilities and prisons.

CHAPTER 8
RELATIONS BETWEEN ADVOCATE, BODIES OF ADVOCATES' SELF-MANAGEMENT AND QUALIFICATION COMMISSION ON THE ISSUES OF LEGAL PROFESSION IN THE REPUBLIC OF BELARUS

68. Advocate is obliged to esteem the Advocates' self-management bodies and fulfill the decisions made by them within their competence;
69. Advocate shall assist the Advocates' self-management bodies in professional and public activity.
70. Advocate shall come on invitation of the Advocates' self-management bodies and Qualification Commission on the issues of legal profession in the Republic of Belarus in due time.
If arrival on time is impossible Advocate shall inform about the reason of absence and present necessary explanations.

71. Advocate against whom criminal case is initiated or civil claim discrediting his honor and dignity is filed shall inform the manager of the Advocates' self-management body about the proceedings results.

CHAPTER 9
LIABILITY FOR VIOLATION OF ADVOCATE'S PROFESSIONAL ETHICS

72. Violation of the present Rules by Advocate shall lead to disciplinary liability, and commission of misconducts incompatible with the title of Advocate shall lead to exclusion from the Bar Association according to the Law of the Republic of Belarus 'On Advocacy in the Republic of Belarus'.

73. The following misconducts are considered to be incompatible with the title of Advocate:
- commission of actions discrediting the title of Advocate and advocacy;
- regular non-fulfillment of decisions of the Belarusian Republican Bar Association, regional Bar Associations made within their competence in accordance with the Law of the Republic of Belarus 'On Advocacy in the Republic of Belarus';
- precluding the Ministry of Justice of the Republic of Belarus, other controlling bodies and Advocates' self-management bodies from exercising the functions imposed on them by the legal acts;
- acquisition in his name or in the name of any other person any property including property rights of a client that are subject to the dispute.