

ETHICAL RULES FOR LAWYERS
of the All-Ukrainian public organization “Ukrainian Bar Association”
Kyiv 2012
(approved by the Legal Assembly of the Ukrainian Bar Association on October
05, 2012)

Sharing the view of the International Bar Association (IBA) on the ethical principles of the legal profession, which were reflected in the General Principles for the Community of Lawyers adopted by the Council of the International Bar Association on September 20, 2006. The All-Ukrainian public organization “Ukrainian Bar Association” (the “Association”) has developed these Ethical Rules of Professional Conduct (the “Rules”) for lawyers to promote and advance the ideals of the legal profession among Ukrainian lawyers.

These Rules are based on the fact that lawyers are legal professionals who practice in various legal specialties, put the interests of the Law, Justice, and their clients above their own, and strive to gain respect for the Rule of Law.

Article 1. Scope of Application

1. The Ethical Rules of the Ukrainian Bar Association contain the standards of ethical and professional behavior and are mandatory for all members of the Ukrainian Bar Association, for the control of which the Ethics Commission is established.
2. All legal professionals shall comply with the norms of the sectoral rules of ethics (judges, lawyers, prosecutors, notaries, etc.). In case a certain provision of the Ethical Rules contradicts the sectoral rules of ethics, the provisions of the relevant sectoral rules shall apply.
3. The provisions of the Ethics Rules do not replace the provisions of the current legislation. If a certain provision of the Ethics Rules contradicts the current legislation, the law shall prevail.
4. The Ethical Rules shall apply to all types of professional activities of a lawyer.
5. The content of the Ethical Rules may be specified in respect of certain categories of lawyers by amending these Rules. The content of the Ethical Rules may be interpreted following the Charter of the Association.

Article 2. Independence

A lawyer shall maintain independence and have a guaranteed opportunity to protect it in order to provide impartial legal advice, assistance, and/or representation. The lawyer shall exercise his or her independent, impartial professional judgment when advising/providing legal aid to a client regarding the probability of success of his or her case.

Article 3. Honesty, Candor and Impartiality

A lawyer shall at all times maintain the highest standards of honesty, candor and impartiality towards the court, his or her colleagues, and all those with whom he or she comes into professional contact.

Article 4. Conflict of Interest

The lawyer shall not place himself or herself in a position where the professional interests or the interests of his or her client conflict with his or her own interests, the interests of his or her partners, or another client, unless otherwise permitted by law or if authorized by the client.

Article 5. Confidentiality/Professional Secrecy

The lawyer shall always maintain confidentiality and have a guaranteed opportunity to protect it in respect of the affairs of current or former clients, unless otherwise required or permitted by law or if authorized by the client.

Article 6. The Interests of the Clients

A lawyer shall treat the interests of his or her clients as paramount, but always, subject to his or her duties to the court and the interests of justice, the duty to act following the law, and to maintain ethical standards.

Article 7. Obligations of the Lawyer

A lawyer shall comply with any obligation assumed in the course of his or her professional activity until the obligation is fully fulfilled or terminated, or until he or she is released from it.

Article 8. The Freedom

The lawyer shall respect the freedom of the client to choose a representative independently and at his or her own discretion. The lawyer shall be free to decide whether to accept or withdraw from the case unless this is prevented by professional rules or law.

Article 9. Property of Clients and Third Parties

The lawyer shall be accountable in good faith for any property of his or her clients or third parties entrusted to him or her and shall keep such property separate from his or her own.

Article 10. Competence

The lawyer shall perform his or her work competently and on time, and shall not undertake any work if he or she reasonably does not see the possibility of performing this work properly.

Article 11. Remuneration

The lawyer shall have the right to reasonable remuneration for his or her work and shall not charge unreasonable fees. The lawyer shall not take actions aimed at generating or performing unnecessary work.

Article 12. The Ethics Commission

The Ethics Commission shall consider cases of violation of the Ethical Rules of Professional Conduct. The Ethics Commission shall act on the basis of the Regulations approved in accordance with the Charter of the Association.