

**APPROVED**  
**by 2017 Reporting and Election**  
**Congress of Advocates of Ukraine**  
**on June 09, 2017**

**RULES OF PROFESSIONAL CONDUCT**

## PREAMBLE

The Constitution of Ukraine declares the most important social function of the Bar, namely, ensuring the right to defense against prosecution and provision of professional legal aid (legal assistance).

The Ukrainian Bar is a non-government self-governing institution, which ensures the provision of defense, representation and other types of professional legal aid on a professional basis, and independently resolves the issues of Bar organization and activities.

The extraordinary importance of the functional duty of the Bar calls upon the advocates to adhere to high ethical standards of conduct. At the same time, the specifics and the holistic nature of duties assigned to the Bar determine the need to balance the principles of advocate's serving to the interests of an individual client and to the interests of society as a whole, as well as adherence to the principles of legality and the rule of law.

The Law of Ukraine "On the Bar and Practice of Law" provides for adherence to the Rules of Professional Conduct as one of the main professional duties of the advocate.

The Rules of Professional Conduct (hereinafter – the Rules) are aimed at unification and consolidation of the traditions and experience of the Ukrainian Bar in the field of interpretation of the rules of professional conduct, as well as the generally recognized deontological rules and regulations accepted by the international bar community.

These Rules are used by the advocates as a compulsory system of guidelines to balance and practically harmonize their various and sometimes conflicting professional rights and duties in accordance with the status, the main objectives of the Bar and the core principles of its activity, as defined by the Constitution of Ukraine, the Law of Ukraine "On the Bar and Practice of Law" and other legislative acts, as well as to establish a single system of criteria to assess the ethical aspects of the advocate's conduct.

## CHAPTER I. GENERAL PROVISIONS

### **Article 1. Correlation between the Rules of Professional Conduct and the effective legislation on the Bar and practice of law**

The provisions of these Rules neither set aside nor replace the provisions of the effective legislation on the Bar and practice of law, but rather complement and elaborate upon them.

### **Article 2. Application of the Rules *ratione materiae*, *ratione personae* and *ratione temporis***

These Rules shall apply to:

- all types of practice of law and, to the extent determined by these Rules, to other advocate's activities (actions), including social and public activities, which can be in conflict with the advocate's professional duties or undermine the prestige of the legal profession;
- all advocates of Ukraine and foreign advocates, entered into the Unified Register of Advocates of Ukraine, as well as the advocates, whose right to practice law is suspended under procedure provided for by the Law;
- advocates being the members of the bar self-government bodies, advocate's assistants and trainees, other persons, employed by the advocate (law firm, law office), in part related to their activities;

- relations that have arisen or exist after their approval.

### **Article 3. Specifics of the application of requirements of the Rules of Professional Conduct to foreign advocates practicing law in Ukraine**

The foreign advocates practicing law in Ukraine pursuant to the Law of Ukraine “On the Bar and Practice of Law” shall comply with the requirements of these Rules and with the requirements of ethical and deontological rules governing the advocates’ activities in the country of their origin.

The advocates of foreign States, which are the member-states of the European Union and/or the Council of Europe (European Community), who practice law or make any professional contacts in Ukraine (regardless of their physical presence in Ukraine), shall also comply with the CCBE Code of Conduct for European Lawyers. The balance between and correlation of different sources of deontological standards shall be ensured in accordance with the principles laid down in these Rules.

In the event of a breach of the requirements of these Rules or the Code of Conduct for European Lawyers, the foreign advocate practicing law in Ukraine may be brought to disciplinary liability in accordance with the Law of Ukraine “On the Bar and Practice of Law”.

### **Article 4. Application of the Code of Conduct for European Lawyers to the Ukrainian advocates practicing law in other countries**

The Ukrainian advocates practicing law in other countries, which are member-states of the European Union and/or the European Community, shall also adhere to the requirements of the Code of Conduct for European Lawyers. The breach of the Code of Conduct for European Lawyers in such a case shall be considered a disciplinary offense.

At the same time the Ukrainian advocate shall also comply with the requirements of these Rules. In such a case the balance between these different sources of deontological standards shall be ensured in accordance with the principles laid down in the Code of Conduct for European Lawyers.

### **Article 5. Interpretation of the Rules of Professional Conduct**

The right of official interpretation of these Rules shall exclusively belong to the Congress of Advocates of Ukraine and the Bar Council of Ukraine.

Where the provisions of these Rules allow for their different interpretation, the said provisions shall be applied in the most favorable interpretation for the advocate.

## **CHAPTER II. CORE PRINCIPLES OF THE ADVOCATES’ RULES OF PROFESSIONAL CONDUCT**

### **Article 6. Advocate’s independence and freedom to practice law**

The specifics of the Bar’s goals and objectives require, as a prerequisite for the proper practice of law, the maximum independence of an advocate in the performance of his or her professional rights and duties, which envisages his or her freedom from any external influence, pressure or interference in his or her activity related to the provision of legal aid (assistance), defense or representation of the client, in particular, on the part of public authorities, political parties, other advocates, etc., as well as from the influence of his or her own interests.

In order to comply with this principle in his or her professional activities, the advocate shall resist any attempts of encroaching on his or her independence, be courageous and principled in the performance of his or her professional duties, while asserting the professional rights and guarantees of the practice of law and their effective use in the clients’ interests.

The advocate may share the fee received with other persons, unless specifically prohibited by the legislative acts on the Bar and practice of law.

The advocate shall not be guided by the assignments of other persons when performing the client's order.

The Ukrainian National Bar Association and the bar self-government bodies, within the limits of their competence and authority, shall protect the advocates' professional rights and legitimate interests, as well as take measures to ensure the advocates' rights and guarantees to practice law.

#### **Article 7. Respect for legality**

In his or her professional activity an advocate (law firm or law office) shall use all knowledge and professional skills for the proper defense and representation of the rights and lawful interests of the client, comply with the applicable legislation of Ukraine and promote the strengthening and practical implementation of the principles of the rule of law and legality.

The advocate shall not give advice to a client that is knowingly aimed at facilitating the commission of offenses or otherwise intentionally facilitate their commission by his or her client or other persons.

In his or her professional activity the advocate shall not resort to the means and methods that contradict the applicable legislation or these Rules.

#### **Article 8. Priority of the client's interests**

The advocate shall be independent of his or her client.

Subject to observance of the principle of legality, in his or her professional activity the advocate shall act on the basis of the priority of his or her clients' interests.

If possible, the advocate shall facilitate the pre-trial and out-of-court settlement of disputes between a client and other persons.

The advocate shall respect the client's freedom of choice of the defender (representative or person providing legal aid (assistance)) and shall not make any obstacles in realization of this freedom.

The advocate providing secondary legal aid under the order of the body (institution) for the provision of the secondary legal aid shall place the interests of a person, who is to receive such legal aid, before his or her own interests and shall not induce him or her to conclude the Agreement for provision of professional legal aid (assistance) with him personally or with the law firm, the law office or other entity or advocate.

The advocate, who concluded an agreement (contract) with the body (institution) for the provision of secondary legal aid, is obliged to place the interests of the client before his or her own interests and interests of other persons.

#### **Article 9. Impermissibility of the conflict of interest**

A conflict of interest shall be construed as a conflict between the advocate's personal interests and his or her professional rights and duties towards the client, the presence of which could affect the objectivity or impartiality in the performance by the advocate of his or her professional duties and commissioning or non-commissioning by him or her of acts in the course of carrying out the advocate's activities.

Without a written consent of clients, in respect of whom a conflict of interest exists, the advocate cannot represent or defend simultaneously two or more clients, whose interests are

mutually contradictory or may probably become contradictory, or provide them with legal aid (assistance) in the said circumstances.

Where the advocate received confidential information from the client whom he or she has provided with legal aid (assistance), related to the interest of his or her new client to be provided with legal aid (assistance), the advocate is obliged to receive a written consent of clients, in respect of whom a conflict of interest exists.

Without a written consent of a client, in respect of whom a conflict of interest exists, the advocate cannot represent, defend the client or provide him or her with legal aid (assistance) if the client's interests are in conflict with the advocate's own interests.

Where there is no a written consent of the client and a conflict of interest emerges in the course of the performance by the advocate of the agreement, such agreement shall be terminated pursuant to the conditions specified in these Rules.

### **Article 10. Confidentiality**

The adherence to the principle of confidentiality is a necessary and the most important precondition for the trust relationship between the advocate and the client, without which a proper legal aid (assistance), defense and representation are not possible. The preservation of confidentiality of any information which is defined by the Law of Ukraine "On the Bar and Practice of Law" as a subject of the professional secrecy or which contains personal data about an individual and are protected by the legislation on protection of personal data, is therefore the advocate's right in the relations with all subjects of law that may require the disclosure of such information, as well as the duty towards the client and those persons who are concerned with this information.

The principle of confidentiality is not limited in time.

The professional secrecy shall be:

- the fact of a person's request for legal aid;
- any information that became known to the advocate, law firm, law office, advocate's assistant, trainee or other person employed by the advocate (law firm, law office) in connection with the provision of a professional legal aid (assistance) or request of a person for legal aid;
- content of any communication, correspondence and other communications (including those using the communication means) between the advocate, advocate's assistant, trainee and the client or a person who requested the provision of professional legal aid (assistance);
- content of advice, consultations, explanations, documents, details, materials, things and information prepared, collected, obtained by the advocate, advocate's assistant or trainee, or provided to the client within the framework of professional legal aid (assistance) or other types of the advocate's activities.

The disclosure of information containing professional secrecy is prohibited in all circumstances, including the unlawful attempts by the inquiry and investigation authorities, and the court to question the advocate about the circumstances containing professional secrecy.

The information and documents may lose the status of professional secrecy upon the written request of the client or a person who was refused to conclude an agreement for provision of legal aid (assistance). In this case, in order to protect his or her professional rights and guarantees to practice law, the advocate has a right to continue to keep information and documents in the status of professional secrecy.

The advocate shall ensure the understanding and observance of the principle of confidentiality by his or her assistants, trainees and other persons employed by the advocate (law firm, law office).

The advocate shall ensure due conditions for the storage of information and documents handed over to him or her by a client, as well as the advocate's files and other materials which remain at his or her disposal and contain professional secrecy.

The advocate shall not bear responsibility for the refusal to disclose and granting access to the professional secrecy to any persons, authorities and institutions, if the client or a person requesting professional legal aid (assistance) has authorized the disclosure of the professional secrecy. In this case, the advocate may but shall not be obliged to disclose the professional secrecy.

Where a client or a person requesting professional legal aid (assistance) has presented any requirements to the advocate in connection with his or her professional activities, the advocate shall be exempted from the duty to preserve the professional secrecy (confidential information) within the limits necessary for the protection of his or her rights and interests.

Without a written consent of the person, in respect of whom a decision to provide secondary legal aid has been made, the advocate who provides (provided) such secondary legal aid shall have no right to transfer any information, things and documents containing a professional secrecy to any person, except for the persons carrying out disciplinary proceedings. The advocate may but shall not be obliged to provide such information, things and documents to persons who have the right to assess the quality, completeness and timeliness of the provision of legal aid, as well as to the advocate, who is subsequently involved in the provision of legal aid on the basis of the contract or order.

### **Article 11. Competency and good faith**

In view of the social importance and complexity of his or her professional duties, the advocate shall be required to have a high level of professional training, a thorough knowledge of current legislation and its application, and to master tactics, methods and techniques of the practice of law and elocution.

The advocate shall provide legal aid (assistance) to clients, defend and represent them competently and in good faith, which requires the knowledge of the relevant rules of law, necessary experience in their application, thoroughness in taking into account of all circumstances relating to a client's assignment and possible legal consequences of its performance, and thorough preparation for the performance of the assignment.

The advocate shall continuously improve his or her professional level and qualifications, and shall possess sufficient information about the changes in the applicable legislation.

The advocate shall ensure a reasonably necessary level of competency of his or her assistants, trainees, technical personnel and other persons engaged by him or her in the fulfillment of certain tasks related to the performance of the assignment.

### **Article 12. Respect for legal profession**

The advocate shall assert, by all his or her activity, the respect for the legal profession, which he or she embodies, for its nature and social purpose, and promote the preservation and strengthening of the respect for it in the society. This principle shall be observed in all areas of the advocate's activities, namely, in the professional, social, publicity fields, etc.

The advocate shall comply with the legitimate decisions of the bar self-government bodies, adopted within the scope of their competence; this does not however exclude a possibility of challenging thereof in the order prescribed by the Law.

The advocate shall not perform any actions aimed to limit the independence of legal profession, honor, dignity and good repute of his or her colleagues, as well as to undermine the prestige of the Bar and legal profession.

The criticism of the activity, decisions and procedures for the formation of the bar self-government bodies and their members, etc. cannot be directed at the undermining of the authority of the Bar, the legal profession and the advocate's status, be expressed in a humiliating way or in a way that discredits the honor, dignity and good repute of an individual, or contain knowingly false information or call to non-compliance with the decisions of the bar self-government bodies.

In the performance of his or her professional duties the advocate shall comply with the generally accepted rules of business etiquette, including those concerning personal appearance.

### **Article 13. Requirements for the advertising of advocate's activities**

The advocate shall have the right to advertise his or her professional activity subject to the compliance with the applicable legislation and these Rules.

The promotional materials (and any other materials such as letterheads, business cards, etc.) about the advocate's activity shall not include:

- judgment-based characteristics concerning the advocate;
- criticism by advocates of other advocates;
- statements about the probability of successful performance of assignments and other statements, which may form unjustified expectations on the clients' part;
- statements which may form the view that the activity of exactly this advocate is characterized by the features and parameters which in fact are inherent to the Bar as such.

The promotional materials about the advocate's activities shall be objective, accurate, clear and understandable; they shall not contain allusions, ambiguities or otherwise form a basis for misleading the potential clients; they shall also comply with the reasonable aesthetic requirements. The promotional materials about the advocate's activity cannot be demonstrated (displayed) with the use of methods (by methods) which discredit the institution of the Bar and create the conditions for its disrespect, debase the profession and the status of the advocate of Ukraine.

Advocates who are practicing law individually or through the law firm or associations of advocates (heads of the associations of advocates) shall be personally liable for the accuracy of promotional materials about them (law firm or law office), as well as for their compliance with the applicable legislation and these Rules.

Where the advocate became aware of the advertisement of his or her activity which was spread without his or her knowledge and which does not comply with the specified requirements, the said advocate, or head of the law firm or law office, shall take all reasonably available measures in order to retract and rectify such promotional information and shall inform about this the Regional Bar Council.

## **CHAPTER III. RELATIONS BETWEEN ADVOCATE AND CLIENTS**

### **Article 14. Grounds for provision of legal aid by the advocate**

The advocate shall provide legal aid in accordance with the legislation of Ukraine on the Bar and practice of law and by virtue of the agreement for provision of legal aid.

The agreement for provision of legal aid means an arrangement under which one party (advocate, law firm or law office) undertakes to provide legal aid to the other party (client) in the manner and under procedure provided for in the agreement, whereas the client undertakes to pay for the legal aid and cover the actual expenses necessary to perform the agreement, where such payment is envisaged by the agreement.

The agreement for the provision of legal aid falls within the scope of the general provisions of the civil law on contracts.

The advocate shall provide secondary legal aid by virtue of the agreement (contract) concluded with the body (institution) for provision of secondary legal aid.

**Article 15. Persons from whom the advocate may accept assignments for provision of legal aid (assistance). Ensuring a real client's consent for provision of aid by certain advocate**

The agreement for the provision of legal aid may be concluded by a client or in favor of the client by another person acting on his or her behalf. The specifics of conclusion and contents of contracts (agreements) with the advocates who provide legal aid, is established by the law governing the procedure for the provision of legal aid.

Where the agreement for the provision of legal aid was concluded in favor of a client by another person acting on his or her behalf, the advocate shall obtain the client's confirmation of his or her consent to receive legal aid (assistance) provided by this advocate only if this is required by law.

**Article 16. Information which ensures the client's free choice of the advocate**

Prior to the conclusion of the agreement for the provision of legal aid, an advocate (law firm or law office) shall inform a client whether the advocate possesses adequate qualification for provision of legal aid in this specific case and the circumstances, which may cause a possible conflict of interest.

Any person who does not have an advocate, in cases where the interests of justice require this, shall be provided with the assistance of an advocate having appropriate competence and experience in conducting such cases in order to provide him or her with effective professional legal aid (assistance).

**Article 17. Observance of the principles of competency and good faith at the stage of acceptance by the advocate of the client's assignment**

The advocate shall have a right to refuse the acceptance of the client's assignments for any reason whatsoever and without explanation.

When accepting the assignment for legal aid (assistance) the advocate shall weigh up his or her ability to perform it.

The advocate shall not conduct a case that does not correspond to his or her level of professional competence without participation of and the client's consent to another advocate possessing the necessary competence.

The advocate, who has defended the client during a pre-trial investigation on the basis of an agreement or assignments of the body (institution) authorized by the law to provide legal aid, shall have the right to refuse to accept the assignment to protect such client in court.

The advocate, who defends (defended) a client under assignments of the body (institution) authorized by the law to provide legal aid, shall have no right to accept the assignment for provision of professional legal aid (assistance) to the same client in the same proceedings, as well as in relation to the same or related circumstances, for which the advocate was engaged in the provision of legal aid by virtue of the agreement for the provision of legal aid (assistance), entered into with the advocate, law firm, law office or other entity.

**Article 18. Informing the client of taking conduct of the case**



The advocate shall inform its client of taking conduct of the case, including the legal position in a case.

Before signing the agreement for the provision of legal aid (assistance) the advocate shall identify all circumstances known to the client that may affect the determination of the existence of a legal position in case and its content, as well as request and examine all relevant documents at client's disposal. Where, after the fulfillment of these requirements, the advocate is satisfied with the presence of factual and legal grounds for the performance of certain assignment, he or she shall present them impartially and objectively to the client and inform in general terms of the time and scope of the work required for the performance of the assignment, as well as of the legal consequences of achieving the result desired by the client.

Where, in the presence of factual and legal grounds for the performance of the assignment, an advocate becomes aware of a common adverse (from the perspective of a hypothetical outcome desired for a client) practice of the application of the relevant rules of law, the advocate shall inform the client accordingly.

Where the advocate comes to the conclusion about the absence of factual and legal grounds for the performance of the assignment, he or she shall inform thereof a client and agree with him or her the modifications in the contents of the assignment, which would be consistent with the hypothetical result that can be achieved in accordance with the applicable legislation, or decline the assignment.

The advocate shall impartially and objectively inform the client of the factual and legal grounds he or she is aware of, which may positively or negatively affect the probable performance of a particular assignment, and inform in general terms of the time and scope of the work required for the performance of the assignment, as well as of the legal consequences of achieving the result desired by the client.

#### **Article 19. Observance of the principle of legality during acceptance of the client's assignment**

The advocate shall not accept the assignments, if the result desired by a client, or the methods for achieving it, on which the client insists, are unlawful, or if the client's assignment goes beyond the scope of the advocate's professional rights and duties. In cases, where the said circumstances are not obvious, the advocate shall give appropriate clarifications to the client. If it is still impossible to agree with the client the modifications in the contents of the assignment, the advocate shall decline the conclusion of the agreement with the client.

In his or her professional activities the advocate is prohibited to resort to means and methods that contradict the applicable legislation or these Rules.

#### **Article 20. Observance of the principle of impermissibility of conflict of interest during acceptance of the client's assignment**

The advocate shall not be entitled to accept the assignment, if the client's interests objectively conflict with those of another client, with whom the advocate is bound by the agreement for provision of legal aid.

Equally, the advocate shall not be entitled to accept the assignment, if a conflict of interest is related to the fact that the advocate has received from another client a confidential information which is covered by the subject of professional secrecy or otherwise protected by law, and which has the prospects to be used when legal aid is provided to a new client.

The restrictions provided for in this Article shall not apply in a particular case on written consent of both (all those) clients, whose interests are represented by an advocate and which are conflicting.

## **Article 21. Ethical principles of acceptance of the assignment for mediation between clients**

The advocate shall act as an intermediary between clients, provided that:

- there is no conflict of interests between the clients, or there is a written consent of both (all those) clients, whose interests are represented by an advocate and which are conflicting;
- the advocate explains each client the essence of the intermediation and obtains each client's consent to their simultaneous representation;
- the advocate has sufficient grounds to believe that he or she will be able to preserve objectivity in the simultaneous representation of the clients' interests and, in relation to either of them, to perform his or her professional duties in accordance with law and the requirements of these Rules.

The provisions of this Article shall not apply to the performance mediator's functions by an advocate. In this case, the advocate's acts shall conform to the internationally recognized ethical principles of mediation and the basic principles of advocate's ethics.

## **Article 22. Observance of the principle of confidentiality during acceptance of the client's assignment**

The advocate shall not accept the assignment, the performance of which may entail the disclosure of information which represents the professional secrecy under the Law of Ukraine "On the Bar and Practice of Law", unless a person interested in the preservation of confidentiality of such information has given a written consent thereto.

In case of refusal to accept the assignment, the advocate shall preserve the confidentiality of information which became known to him or her from the client or any other person, who sought the conclusion of agreement in the client's interests. The information obtained under the said circumstances shall constitute a separate subject of the professional secrecy.

## **Article 23. Respect for other advocates' rights during acceptance of the client's assignment**

Prior to signing of agreement with a client, an advocate (a person authorized to sign the agreement for provision of legal aid on behalf of the law firm or the law office) shall check with him or her whether he or she is bound by a valid agreement with another advocate (law firm or law office) for the performance of identical assignment or assignment which partially overlaps with it in the scope.

Where a client is bound by the valid agreement with another advocate (law firm or law office) for the performance of identical assignment or assignment which partially overlaps with it in the scope, and wishes to involve yet another advocate (law firm or law office), the advocate (a person authorized to sign the agreement for provision of legal aid on behalf of the law firm or the law office), provided that the client consents thereto, shall immediately, following the conclusion of the agreement for provision of legal aid, inform thereof the advocate (law firm or law office) who had previously accepted the assignment from the client.

It is unacceptable to directly or indirectly encourage the client to change the advocate (law firm or law office), if there are no objective reasons to believe that the continued provision of legal aid to the client by another advocate (law firm or law office) may prejudice his or her interests.

When replacing the advocate, a new advocate shall not liable for payment of fees and compensation to another advocate.

The advocate engaged in a separate legal proceeding shall promptly, upon assignment, take all possible measures to ascertain which advocate (advocates) represents the client's interests in this case, immediately contact the advocate (advocates), find out the reasons for his or her (their)

absence, as well as the peculiarities of the position of provision of professional legal aid (assistance) by the advocate (advocates) in this case.

The advocate, participating in separate proceedings, shall have no right to depart from the position of the client and the main advocate (advocates) in this case.

**Article 24. Principles of acceptance of the client's assignment by several advocates, law office firm or law office**

Several advocates may accept one assignment, if the client wishes so or if his or her consent thereto was obtained. In this case, the principles of division of duties and competence of advocates, who will jointly perform the assignment, as well as their responsibility towards the client, shall be defined.

It is forbidden to encourage the client to conclude the agreement with several advocates (which entails the increase in the amount of fee), if the reason for inability of performing the assignment by one of them alone lies in his or her incompetency.

Where an agreement for provision of legal aid is concluded with the law firm or law office, the decision on appointment of a particular advocate or several advocates for the performance of the assignment or on replacement of an advocate or advocates (where it is not contrary to the law) is adopted by the law firm or law office at its discretion, unless another procedure for the replacement of an advocate is specified in the agreement.

Where a client, following the conclusion of the agreement for provision of legal aid with a certain advocate, concludes, without the latter's consent, an agreement with another advocate, the former advocate, as well as the latter, if the client does not inform him or her about the existence of the former agreement, shall be entitled to unilaterally terminate the signed agreement for provision of legal aid.

**Article 25. Observance of the principle of legality during performance by the advocate of the client's assignment**

In the performance of a client's assignment the advocate shall be categorically prohibited to use unlawful and unethical means, in particular, to encourage witnesses to give false testimony, to resort to unlawful methods of pressure on the opposing party or witnesses (threats, blackmailing, etc.), to use his or her personal connections (or, in some cases, special status) in order to influence directly or indirectly the court or another body before which he or she represents or defends the clients' interests, to use information which was obtained from a former client and the confidentiality of which is protected by law, and to use other means contrary to the applicable laws or these Rules.

**Article 26. Informing of the client of the progress in the performance of the assignment**

The advocate shall inform the client of his or her legitimate rights and obligations.

The advocate shall with reasonable regularity inform a client about the progress in the performance of the assignment and timely respond to the client's inquiries about the status of his or her case. The information shall be given to the client in the volume sufficient for him or her to be able to make informed decisions as to the essence of his or her assignment and its performance.

**Article 27. Observance of the principle of good faith during performance by the advocate of the client's assignment**

In respect of each assignment, the advocate shall pay attention which is reasonably necessary for its successful performance, regardless of the amount of the specified fee.

In the performance of the assignment an advocate shall use all legal means which are reasonably necessary and available to him or her, in order to provide the effective legal aid (assistance) to a client, defend or represent him or her.

The advocate shall endeavor to promptly perform client's assignments, envisaged by the agreement for provision of legal aid, complying with all other requirements imposed by the law and these Rules.

#### **Article 28. Fee**

The advocate's fee is a form of remuneration to an advocate for provision of legal defense, representation and other types of legal aid (assistance) rendered to a client.

The procedure for calculation of the advocate's fee (fixed amount, hourly rate), grounds for changing the amount of the fee, the procedure for payment and reimbursement thereof shall be specified in the agreement for provision of legal aid.

The fee amount shall be determined by agreement between the advocate and the client. The advocate has the right, within reasonable limits, to determine the fee amount, based on his or her own considerations. The complexity of the case, the advocate's qualification and experience, the advocate's workload and other circumstances shall be taken into account in determining the amount of the advocate's fee. The advocate's fee, agreed by the advocate and the client and/or a person who has entered into an agreement in the interests of the client, may be changed only by mutual agreement. In case of special complexity assignments of the client or in case of increase of time spent and work carried out by the advocate for the actual performance of the assignment (preparation for execution), the amount of the fee may be increased by mutual agreement.

Failure of the client and/or a person, who has concluded the agreement in the interests of the client, to agree the fee amount when giving an assignment to the advocate or in the course of its execution, shall be the reason for the advocate to refuse the client's assignment or terminate the agreement at the advocate's initiative.

The advocate shall have a right to demand from a client and/or person, who has concluded the agreement in the interests of the client, an advance payment of the advocate's fee and/or compensation for possible expenses associated with the execution of the assignment.

The advocate who provides legal aid receives remuneration exclusively at the expense of the state in the order and in the amount established by law.

#### **Article 29. Payment of actual expenses associated with the performance of assignment**

Apart from the advocate's fee, the advocate is entitled to charge a client and/or person, who has concluded the agreement in the interests of the client, with the costs necessary to cover actual expenses associated with the performance of the assignment.

The agreement for provision of legal aid may provide for the types of envisaged actual expenses related to the performance of the assignment (payment for the work of experts, whose opinions are requested by the advocate, shipping costs, payment for printing, photocopying and other technical work, translation and notarization of documents, telephone conversations, etc.), their payment procedure (advance payment, payment after delivery of services within a certain period of time, etc.), and may determine their volume.

Where the necessity for incurring the actual costs of certain additional types or for the increase in their approximate volume, which was determined before, became apparent after the conclusion of the agreement, the advocate shall promptly inform thereof the client and/or person, who has concluded the agreement in the interests of the client, and obtain his or her consent to cover the costs which were not stipulated before.

### **Article 30. Receipt of unpaid fee (or not paid in full)**

The right of the advocate, law firm or law office to receive the unpaid fee (or the fee which was not paid in full) does not depend on the outcome of performance of the assignment, unless otherwise provided by the agreement for provision of legal aid.

### **Article 31. Unilateral termination of the agreement for provision of legal aid by the client**

The client and/or the person, who has concluded the agreement in the interests of the client, shall have the right to unilaterally terminate the agreement with the advocate under conditions, provided for in the agreement. At the same time, the client and/or person, who has concluded the agreement in the interests of the client, shall be obliged to pay the fee to the advocate (law firm or law office) for the work performed (services rendered) or preparations made, as well as compensate all expenses related to execution of the agreement. The termination of the agreement for provision of legal aid on the initiative of the client and/or the person, who has concluded the agreement in the interests of the client, is not an indicator of the unsatisfactory performance of the advocate (law firm or law office).

### **Article 32. Unilateral termination of the agreement for provision of legal aid by the advocate**

The advocate shall have a right to unilaterally early terminate the agreement (prior to the completion of performance of the assignment) with a client and/or the person, who has concluded the agreement in the interests of the client, under conditions, provided for in the agreement.

The agreement for provision of legal assistance concluded by advocate with a client and/or the person, who has concluded the agreement in the interests of the client, shall be terminated in case of suspension and/or cancellation of the certificate of right to practice law, except for the case of entering into an agreement with the law firm or law office. In this case, the head of the law firm or law office shall replace the advocate.

### **Article 33. Termination of the agreement for provision of legal assistance by the advocate's and client's mutual consent**

The agreement for provision of legal assistance may at any time be terminated by the advocate's and client's mutual consent.

### **Article 35. Termination of the agreement for provision of legal assistance due to the conflict of interest of clients or impossibility to observe the principle of confidentiality**

Where in the course of the performance of a client's assignment the advocate became aware of the existence of a conflict of interest between the interests of this and other clients, as well as of other persons in the circumstances specified in Articles 20 and 22 of these Rules, he or she shall terminate the agreement with the client (or several clients) and/or the person, who has concluded the agreement in the interests of the client, unless the relevant written consent was received from the client (clients), or persons interested in the preservation of confidential information, for his or her (their) continued representation by this advocate or for the disclosure of confidential information.

### **Article 35. Advocate's duties in case of the agreement termination**

In case of termination of the agreement (for whatever reason) an advocate shall: return to the client all documents received from him or her as well as the documents given to the advocate for the client by other persons in the course of the performance of the assignment; inform the client of the work performed (services rendered) by the advocate and give the client the copies of procedural documents kept by the advocate.

The advocate's duties arising from the principles of confidentiality and avoidance of a conflict of interest shall remain in force after the completion of performance of the agreement by the advocate.

The requirements specified in this Article of the Rules do not apply to cases of termination of the agreement on the grounds of a gross violation by a client of obligations he or she assumed under the agreement.

In case of termination of the agreement for provision of legal aid or withdrawal of the assignment, the advocate providing legal aid shall act according to the provisions of this Article.

#### **Article 37. Termination of the agreement for provision of legal aid with the law firm and law office**

Where the law firm or the law office is a party to the agreement for provision of legal aid with a client, in the event of emergence of circumstances which are the grounds for termination of the agreement relating to a particular advocate, who was engaged by the law firm or appointed by the law office for provision of legal aid to a client, the law firm or the law office shall take measures in order to replace the advocate upon the client's consent, provided that the requirements of these Rules are complied with.

#### **Article 38. Ethical aspects of relations between the advocate and legally incapable client (or client with limited or partial legal capacity)**

The legal incapacity (limited or partial legal capacity) of a client, or his or her actually decreased ability to adequately assess the reality cannot as such be the reason for justifying the advocate's failure to perform (improperly perform) his or her professional duties in respect of such a client.

Where due to the age, mental illness and other objective reasons the client has a reduced ability to make reasoned decisions as to the contents of the assignment, the advocate shall endeavor to maintain normal relations with him or her, which meet the requirements of these Rules.

Where the client was declared legally incapable (or with limited legal capacity) in accordance with law and placed under the guardianship (custody) or if the client is a minor, and the client's interests are represented, accordingly, by a legal representative (or guardian, custodian), who, as the advocate is aware of, acts to the detriment of the legitimate interests of the minor (ward), the advocate shall:

- refuse to accept (or, respectively, to continue performing) the assignment, which may prejudice the interests of the minor (ward);
- take all measures available to him or her for the protection of the client's legitimate interests;
- inform the guardianship authorities about the said actions taken by the guardian (custodian) of the legally incapable client (or client with limited legal capacity) or the legal representatives (guardian) of a minor.

#### **Article 39. Ethical aspects of relations between the advocate and the client being a legal entity**

In the relations concerning the provision of legal aid (assistance) to a client being legal entity, the advocate in the determination of the subject of the rights and obligations of the client and in the relevant establishment of the order for the fulfillment of his or her duties shall proceed from the following:

- for the purposes of interaction with the client provided for by law and these Rules (approval of the contents of the assignment, obtaining the consent to disclose confidential information, making of clarifications in respect of the legal position in the case, informing on the

- performance of the assignment, etc.), the client is represented by a person who, on behalf of the legal entity, concluded an agreement for provision of legal aid in respect of the latter and had the appropriate powers thereto, or another person (persons) specified in the agreement;
- the bearer of the rights and duties, which the advocate defends or represents in rendering legal aid (assistance), is the legal entity as such.

If the acts, related to the subject of the assignment, of the person (persons) specified in paragraph one of this Article, or other persons who remain in the employment (membership or similar) relations with the client being legal entity, are unlawful or such that objectively cause prejudice to the client's interests and make impossible the effective performance of the assignment, the advocate (law firm or law office) shall take reasonably necessary measures available to him or her in order to reduce the negative consequences of such acts.

Where, despite the measures taken by the advocate, the manager of the legal entity (or the authority superior to him or her) supports the said acts (or omissions) which are prejudicial to the legal entity's interests, the advocate may unilaterally terminate the agreement for provision of legal aid with the client being a legal entity.

### **Article 39. Specifics of application of the rules concerning the conflict of interest in relations with the client being a legal entity**

The relations concerning the provision of legal aid (assistance) to clients - legal entities are fully covered by the provisions of these Rules governing the advocate's conduct in situations in which the conflict of interest exists or may emerge.

If during communication with the officials, officers and other employees of the client - legal entity, which is associated with the provision of legal aid (assistance) to the client, it becomes apparent that a situation of conflict of interest emerges, the advocate shall inform that he or she represents the client - legal entity and explain his or her duties associated with the conflict of interest.

During the period of validity of the agreement for provision of legal aid, concluded with the client - legal entity, the advocate shall not conclude agreements for provision of legal aid with persons who are in labor, civil and other legal relations with the client, if this is contrary to the interests of the client - legal entity; nor shall the advocate conclude the agreements for provision of legal aid with the said persons, if he or she is a bearer of contradictory evidentiary information obtained in the course of provision of legal aid to the legal entity.

The advocate shall not accept the assignment from a client, if the essence of the assignment boils down to the necessity for the commission of actions in such client's interests aimed at protection of his or her rights, which are in conflict of interest with the legal entity, in which the advocate was previously employed or to which he or she provided legal aid (assistance), as a result of which he or she possesses information which can be used against such legal entity.

### **Article 40. Specifics of performance of assignment related to mediation between clients**

Where the advocate acts as a mediator between clients, he or she shall agree with each of them the decisions taken and ensure proper awareness by each of them of all circumstances and considerations necessary for making the reasoned decisions on the merits of the assignment.

The advocate shall stop his or her acts as a mediator and terminate the respective agreements with each client, if at least one of the clients represented by him or her requires so, or if there are circumstances in which compliance with the conditions stipulated in part one of Article 21 of these Rules becomes impossible.

Where the acts of the advocate as a mediator between clients did not achieve the result desired by the clients, he or she can no longer represent the interests of either of the clients on issues related to the subject of mediation.

**Article 41. Ethical aspects of provision of defense upon the assignment of the authority (body) authorized by law to provide legal aid, or in the course of defender's involvement in carrying out of certain procedural act**

The advocate shall have a right to refuse the provision of defense upon the assignment of the authority (body) authorized by law to provide legal aid, or in the course of the involvement of the defender in carrying out of a certain procedural act in the order provided for by the applicable criminal procedural law and by the legislation on provision of legal aid, according to the general principles and grounds, provided for by these Rules and the Law of Ukraine "On the Bar and Practice of Law".

The advocate shall be obliged to refuse the provision of defense upon the assignment of the authority (body) authorized by law to provide legal aid, or in the course of the involvement of the defender in carrying out of a certain procedural act in the order provided for by the applicable criminal procedural law and by the legislation on provision of legal aid, in cases where the assignment or the involvement in carrying out of a certain procedural act, for the objective reasons, can lead to violation of rights and legitimate interests of that person or damage her defending position.

The advocate shall provide secondary legal aid on the basis of a agreement (contract) concluded with the authority (body) for providing secondary legal aid. The inducement by the advocate of a person (a third party in the interests of this person), to whom he or she provides legal aid, to the conclusion of a contract in this proceeding, as well as in relation with the same or related circumstances for which the advocate was involved to the provision of legal aid, with him or her personally or with other persons offered by the advocate, shall be prohibited.

The advocate who defended (defends) the client on behalf of the authority (body) authorized by law to provide legal aid, is prohibited from concluding agreements for the provision of professional legal aid (assistance) to the same client in this proceeding, as well as for these or related circumstances for which the advocate was involved to the provision of legal aid.

**CHAPTER IV. ADVOCATE'S RELATIONS WITH THE COURT AND OTHER PARTICIPANTS OF THE COURT PROCEEDINGS**

**Article 42. Observance by the advocate of the principle of legality in relations with the court and other participants of the court proceedings**

In representing the client's interests or acting as a defender in the court the advocate shall comply with the requirements of applicable procedural legislation, legislation on the Bar and advocate's activity, judicial system and status of judges, other legislation governing the conduct of the parties to the court proceedings, and with the requirements of these Rules.

**Article 43. Observance of the principle of advocate's independence and dominance of client's interests in relations of the advocate with the court**

While observing the principle of legality, the advocate shall at the same time be persistent and principled in asserting the client's interests in the court; the advocate shall not compromise his or her independence in the defense and representation of the client's rights and interests in order not to worsen the relations with judges; in the case of court pressure on the advocate the latter shall not allow compromises which are contrary to the client's legally protected interests. The advocate shall



consistently adhere to the principle of dominance of the client's interests over all other interests and considerations related to the relations of the advocate with the court.

The advocate shall not ignore the breaches of the law, tactless and disrespectful attitude of the court and other parties to the proceedings towards his or her client, to himself or herself or to the bar as a whole and must respond to such acts in the manner provided by the applicable legislation and/or the UNBA, BCU regulations.

**Article 44. Observance by the advocate of the principles of honesty and decency during his or her professional activity in the court**

The advocate shall respect the procedural rights of the advocate who represents the other party, and shall not take actions which grossly breach such rights.

The advocate shall not take any actions aimed at unjustified protraction of the court proceedings.

**Article 45. Advocate's cultural behavior in relations with other participants of the court proceedings**

In his or her relations with other participants of the court proceedings the advocate shall:

- be distant and correct;
- respond to such persons' incorrect actions or statements in the manner prescribed by law, in particular in the form of motions, petitions, complaints etc.; and
- be tactful during the questioning of defendants, injured parties, parties to civil proceedings, witnesses and other persons.

**CHAPTER V. ADVOCATE'S RELATIONS WITH OTHER AUTHORITIES AND PERSONS IN THE COURSE OF HIS OR HER PROFESSIONAL ACTIVITY**

**Article 46. Ethical aspects of advocate's relations with the preliminary investigation and administrative jurisdiction authorities**

In his or her relations with the preliminary investigation and administrative jurisdiction authorities the advocate shall comply with the principles and approaches set forth in Section IV of these Rules, giving due account to these authorities' specific status and procedural forms of the advocate's interaction with them as provided by the applicable legislation.

The advocate shall keep the secrecy of the preliminary investigation within the limits set by the applicable criminal procedural legislation.

The advocate shall not accept the assignment for handling the client's case which was referred to him or her by persons who conduct preliminary investigation in this case.

**Article 47. Ethical aspects of advocate's relations with other public authorities**

In his or her relations with other public authorities concerning the performance of the client's assignment the advocate shall comply with the requirements of these Rules to the extent applicable to these relations.

**Article 48. Observance of the principle of independence and dominance of client's interests in advocate's relations with the preliminary investigation and administrative jurisdiction authorities and other state and municipal authorities**

In his or her relations with the preliminary investigation and administrative jurisdiction authorities, and with other state and municipal authorities the advocate shall demonstrate principled

stand in the assertion of the client's interests, and, upon the client's consent, challenge unlawful actions of officials or authorities, which interfere with the performance of the assignment, in the manner provided by the applicable legislation.

#### **Article 49. Ethical aspects of advocate's relations with other persons**

In the relations with any other persons with whom the advocate interacts in the course of performance of the client's assignment, the advocate shall comply with the requirements of these Rules to the extent applicable to these relations.

### **CHAPTER VI. RELATIONS BETWEEN ADVOCATES**

#### **Article 50. General ethical principles of relations between advocates**

Relations between advocates shall be based on the principles of mutual respect, respect for the advocates' professional rights, and adherence to the principles of advocate's activity provided by the Law of Ukraine "On the Bar and Practice of Law", these Rules, decisions of the Congress and BCU, UNBA regulations.

The corporate unity of advocates requires them to display mutual trust and cooperation for their clients' benefit, in particular, the avoidance of artificial emergence or aggravation of conflicts between clients. At the same time, however, the principle of dominance of client's interests takes precedence over considerations of corporate unity.

The advocate of Ukraine shall also recognize the professional status of foreign advocates who practice law in Ukraine pursuant to the Law of Ukraine "On the Bar and Practice of Law", and treat them with respect and like their colleagues.

Where the communication between advocates is made with the use of information-carrying media, an advocate who transmits the data the confidentiality of which he or she wishes to preserve, shall clearly inform thereof the advocate, who receives the information, and the latter shall preserve the confidentiality of such information or immediately inform about the impossibility of guaranteeing such confidentiality.

#### **Article 51. Particular ethical aspects of relations between advocates**

The advocate shall not allow, in respect of another advocate:

- statements which degrade his or her honor and dignity and damage his or her good repute, or indelicate and derogatory statements;
- dissemination of knowingly false information about him or her;
- attempts to persuade another advocate's client to terminate with him or her the agreement for provision of legal aid (assistance);
- communication with the client of another advocate without the latter's consent on issues relating to the assignment he or she performs;
- attempts to persuade a person who came to another advocate (law firm or law office) to conclude the agreement for provision of legal aid (assistance);
- intentional misleading of another advocate as regards the case, in the court examination of which they both participate, in respect of the venue and time of the court hearings, the outcome of examination of the case by courts of different instances, presence of evidence (and the intention to submit it), which in fact do not exist, intentions of his or her client

which concern the subject-matter of the dispute and the conduct of the case, and the terms of a friendly settlement being offered.

#### **Article 52. Acceptable forms of advocate's response to another advocate's illegal or unethical acts**

The acceptable forms of advocate's response to another advocate's unlawful or unethical conduct which caused or may cause damage to the interests of the advocate, his or her clients, law firm, law office, bar self-government bodies or the Bar as such, shall be the application (statement, complaint) to the bar self-government bodies, including those empowered to discipline advocates, and the use of other forms of defense of the rights and legitimate interests of a person provided by the legislation of Ukraine.

The abuse of the right to appeal to the bar self-government bodies, including those empowered to discipline advocates, to initiate the disciplinary liability of the advocate without sufficient grounds and the use of the said right as a means of pressure on the advocate, shall be prohibited.

Each advocate shall take measures to friendly resolve the conflict with the participation of another advocate. Where the advocate initiates a disciplinary proceeding with respect to another advocate, he or she shall first inform thereof the regional bar council at the advocate's practice of law location pursuant to the information from the Unified Register of Advocates of Ukraine, and in the case of the advocate of a foreign state – to the bar association or the law society of the respective state to find the way of peaceful resolution of the conflict.

In the event of a conflict between the advocates, resulting in the appeal of one of them with a complaint to the regional qualification and disciplinary commission of the bar, the advocate initiating the appeal shall be obliged to provide evidence that he or she has taken measures to friendly resolve such a conflict, in particular, documents testifying to the appeal of the latter to the regional bar council at the advocate's practice of law location pursuant to the information from the Unified Register of Advocates of Ukraine, and in the case of the advocate of a foreign state – to the bar association or the law society of the respective state.

#### **Article 53. Particular aspects of observance of the principle of mutual respect between advocates**

The advocate shall avoid disclosure in the media or any other dissemination (including on the Internet and social networks) of information which degrade the honor and dignity, or defame another advocate, law firm, law office or the Ukrainian Bar.

The advocate shall not discuss with clients the circumstances relating to another advocate's private life, his or her financial status, origin, ethnicity and other circumstances which concern the advocate and which are not related to the essence of the assignment.

The advocate shall not resort to anti-advertising in respect of another advocate (law firm or law office) or use this method in advertising his or her activity.

### **CHAPTER VII. COMPLIANCE WITH THE RULES OF PROFESSIONAL CONDUCT IN ADVOCATE'S PUBLIC, ACADEMIC AND PUBLICISTIC ACTIVITIES**

#### **Article 54. Correlation between advocate's professional duties and his or her public, academic and other interests**

In his or her social, academic and publicistic activities the advocate shall take into account the need to comply with his or her professional duties, in particular with those arising from the Rules of Professional Conduct.

In the event of emergence of a conflict between the advocate's professional duties provided for by the applicable legislation, these Rules and the duties towards certain clients arising from the agreements for provision of legal aid, on the one hand, and the advocate's interests related to his or her membership in a particular non-governmental organization, party, academic society, etc., on the other, the advocate shall neither neglect nor compromise his or her professional duties.

**Article 55. Observance of the principle of confidentiality in advocate's social, academic or publicistic activities**

In his or her social, academic or publicistic activities the advocate shall not use information, the confidentiality of which is protected by these Rules, without the relevant consent of persons interested in non-disclosure of such information.

**Article 56. Observance of the principle of respect for advocate's profession in advocate's publicistic activities**

In his or her publicistic materials (articles, publications, etc.) the advocate shall not disseminate information which discredits other advocates' honor, dignity or good repute, or the prestige of the Bar as such.

**CHAPTER VIII. OBSERVANCE OF RULES OF PROFESSIONAL CONDUCT WHEN USING THE INTERNET**

**Article 57. Principles of advocates' behavior in social networks**

The advocate's use of social networks (including but not limited to: Facebook, Twitter, LinkedIn, Pinterest, Google Plus+, Tumblr, Instagram, Flickr, MySpace, etc.), online forums and other forms of Internet communication are acceptable, however, the advocate can only post and comment on the information, the use of which does not adversely affect the authority of advocates and the Bar in general.

The advocate, when using social networks, Internet forums and other forms of communication on the Internet, shall adhere to his professional duties, provided for by the effective legislation of Ukraine, these Rules, decisions of the Congress of Advocates of Ukraine and the Bar Council of Ukraine.

The advocate's use of social networks, Internet forums and other forms of communication on the Internet shall comply with the following principles of:

- independence;
- professional behavior;
- responsibility;
- honesty;
- prudence and correctness;
- dignity;
- prevention of any demonstrations of discrimination;
- tolerance and patience;
- corporate identity and preservation of trust on the part of society;

– confidentiality.

**Article 58. Observance of the principles of independence, professionalism and responsibility by advocate when using social networks, online forums and other forms of communication on the Internet**

The professional independence is an integral part of the advocate's communication in social networks, Internet forums and other forms of communication on the Internet. When communicating with other members of social networks, Internet forums and other forms of communication on the Internet, including commenting and content sharing, the advocate shall take into account the consequences of such communication for the professional independence of the advocate in the future while exercising his or her professional activity.

When using social networks, online forums and other forms of communication on the Internet, the advocate shall take into account the limitations established for the legal profession in terms of completeness and perception of information, ensuring its confidentiality and preservation.

The advocate shall cautiously carry out his or her professional activity with the use of social networks, online forums and other forms of communication on the Internet for provision of legal aid, professional advice and legal consultations addressed and/or accessible to an unlimited number of individuals.

When using social networks, online forums and other forms of communication on the Internet, it is necessary to take into account the parameters of their confidentiality in order to ensure their responsible use, monitoring and regular analysis of their own social networks, Internet forums, other forms of communication on the Internet and content placed on the social networks. If any errors or any non-compliance with the confidentiality are detected, they shall be subject to immediate correction and/or deletion.

The advocates shall assess whether the chosen means of communication in social networks, Internet forums and other forms of communication on the Internet are appropriate for the desired result. When using social networks, online forums and other forms of communication on the Internet the advocates shall take into account the context and potential audience, and shall ensure the accuracy and unambiguousness of the comments.

The advocates shall be careful about the comments left in social networks, online forums, and other forms of online communication that may reflect the position opposite to that of the client.

When making contacts and establishing communication in social networks, Internet forums and other forms of communicating on the Internet with clients, colleagues, judges, procedural opponents and other persons and their associations, the advocate shall be obliged to exclude the possibility of a conflict of interest.

**Article 59. Observance of the principles of honesty, prudence, correctness and dignity by advocate when using social networks, online forums and other forms of communication on the Internet**

When using social networks, online forums and other forms of communication on the Internet the advocates shall adhere to high standards of honesty and have due regard to the consequences of their failure for the professional reputation and the reputation of the Bar in general.

When establishing contacts and communicating in social networks, online forums and other forms of communication on the Internet, the advocate shall display prudence, caution and correctness, inherent in the representatives of legal profession, prevent public comments delivered by advocates during their professional activities, as well as personal judgments, positions of another advocate/representative in a case, in which they do not take part. When advocates comment on specific cases, such comments shall not violate the provisions of the applicable legislation, the

Rules of Professional Conduct, the decisions of the Congress of Advocates of Ukraine and the Bar Council of Ukraine, and shall also meet the requirements for advocates and practice of law, established by the applicable legislation, the Rules of Professional Conduct, the decisions of the Congress of Advocates of Ukraine and the Bar Council of Ukraine.

The advocate's statements in social networks, Internet forums and other forms of communication on the Internet shall not have inherent legal nihilism, any kind of aggression, hostility and intolerance. The advocate shall be obligated to behave with respect and to avoid abusive behavior. Any advocate's statements or comments in social networks, Internet forums and other forms of communication on the Internet, including those related to the discussion and clarification of legal norms, peculiarities of legal proceedings and actions of the parties, shall be responsible, reliable and not misleading.

**Article 60. Observance of the principles of tolerance and patience, corporate identity and preservation of trust on the part of society, confidentiality and prevention of any demonstrations of discrimination**

When using the social networks, online forums and other forms of communication on the Internet the advocate shall be prohibited to use restrictions on the recognition, implementation or exercise of rights and freedoms in any form on the grounds of race, color, political, religious or other beliefs, sex, age, disability, ethnic or social origin, citizenship, marital or financial status, place of residence, linguistic or other characteristics which have been, are or may be real or presumed, except when such restriction has a legitimate, objectively justified purpose, and the means of achieving thereof are appropriate and necessary.

In social networks, online forums and other forms of communication on the Internet the advocate shall communicate with respect, acceptance and correct (in line with human values) understanding of the diversity of world cultures, forms of expression and means of manifestation of human individuality. In social networks, online forums and other forms of communication on the Internet the advocate shall, without any aggression, perceive thoughts, behavior, forms of expression and lifestyles of other persons and/or opponents that are different from his or her own.

The advocate shall consider signing of collective letters and appeals, as well as participation in other collective actions in social networks, online forums and other forms of communication on the Internet, with reasonable restraint and strict adherence to the principles and norms of advocates' professional conduct and traditions of the Ukrainian Bar.

The advocate shall not make statements in social networks, online forums and other forms of communication on the Internet on behalf of the Bar community and present his or her own position as the common position of the Bar, as well as take into account whether his or her actions in social networks meet the image and status of the advocate.

The advocate shall be required to create conditions and take all possible measures to maximize the protection of any information that is received and transmitted through social networks, Internet forums and other forms of communication on the Internet, including correspondence, transfer of documents and any other information subject to professional secrecy.

The publication of information related to the practice of law in social networks, online forums and other forms of communication on the Internet without the prior written consent of the client shall not be allowed.

**CHAPTER IX. LAW FIRMS AND LAW OFFICES AS SUBJECTS OF RELATIONS AIMED AT ENSURING THE COMPLIANCE WITH THE RULES OF PROFESSIONAL CONDUCT**

## **Article 61. Application of the Rules of Professional Conduct to activities of law firms and associations of advocates**

The Rules of Professional Conduct shall be binding upon law firms and associations of advocates.

Where a party to the agreement for provision of legal aid is a law firm or law office, in which the agreement is concluded with a client on behalf of the law firm or law office, it shall ensure the conformance by the candidate advocate who is assigned to perform the agreement (or certain duties under the agreement) with the requirements for competency, which are objectively based on the nature of the assignment, and shall ensure the compliance with other requirements of these Rules concerning the conclusion of the agreement for provision of legal aid, its performance and termination.

## **Article 62. Advocates' role in ensuring the compliance by law office or law firm of the Rules of Professional Conduct**

Each advocate, who is a member of the law office or who founded a law firm, shall make reasonable efforts in order to ensure that the law office takes measures contributing to the compliance with these Rules by all advocates and employees of this association or firm.

## **Article 63. Correlation between the professional duties of advocates, who are members of law office, with the duties related to a membership in such association**

For the advocate, who is a member of an law office, the professional obligations towards clients arising from the applicable legislation, Rules of Professional Conduct, agreements for provision of legal aid, shall take precedence over the advocate's obligations related to the fulfillment of instructions from the higher bodies of the law office.

A head of the law office shall ensure the compliance by an advocate, who is a member of the law office, with these Rules and shall not take any acts related to inclination of the advocate to evade from compliance with the professional ethical standards or facilitate such evasion.

## **CHAPTER X. BAR SELF-GOVERNMENT BODIES AS SUBJECTS OF RELATIONS AIMED AT ENSURING THE COMPLIANCE WITH THE RULES OF PROFESSIONAL CONDUCT**

### **Article 64. Role of the bar self-government bodies in ensuring the compliance with the rules of professional conduct**

The bar self-government bodies shall act with the purpose of ensuring the advocates' genuine independence in the course of their professional activities.

The bar self-government bodies shall promote and control the compliance with the Rules of Professional Conduct by all advocates of Ukraine and foreign advocates who practice law in Ukraine in accordance with the legislation of Ukraine.

The bar self-government bodies and their members shall themselves in their activities be strictly guided by the general principles of professional conduct, avoid acts or omissions which breach them, show respect both to the advocates' professional rights and to each advocate's right to participate in the bar self-government.

### **Article 65. Ethical aspects of relations between advocates and bar self-government bodies**

The advocate shall comply with the decisions of the bar self-government bodies adopted within their competence in the manner provided by the Law of Ukraine “On the Bar and Practice of Law”.

The decisions of the bar self-government bodies adopted within the scope of their competence shall be binding on the law firms and associations of advocates.

The advocates elected to the bar self-government bodies are obliged to steadily discharge their functions in accordance with the law, to participate in the work of the bar self-government bodies to which they were elected, to comply with the legal requirements, decisions of the Congress of Advocates and the BCU, UNBA regulations, to avoid acts or omissions that cause damage to the Bar in general or block the work of certain bar self-government bodies.

## **SECTION XI. LIABILITY FOR THE BREACH OF THE RULES OF PROFESSIONAL CONDUCT**

### **Article 66. Legal consequences of the breach of the Rules of Professional Conduct**

The disciplinary measures may be applied to the advocate for the breach of the Rules of Professional Conduct under procedure provided by the applicable legislation on the Bar and practice of law as well as by the decisions of the Congress of Advocates, regulations of the Bar Council of Ukraine and the Ukrainian National Bar Association.

Where a complaint concerning a disciplinary action against advocates, who were elected to the bar self-government bodies and who breached the Rules of Professional Conduct, was lodged, or where the complainants in respect of the breaches of these Rules are the advocates who were elected to the bar self-government bodies, in order to ensure the impartiality and objectivity in the consideration of the said complaints the Chairman of the Higher Qualification and Disciplinary Commission of the Bar shall ensure the redistribution and transfer of such applications (complaints) for the consideration to the QDCB of a region other than the region in which the said advocate is a member of the bar self-government bodies.

### **Article 67. Advocate’s liability for the breach of the Rules of Professional Conduct by the assistant, advocate’s trainee or employed personnel**

The advocate may be brought to disciplinary liability for the breach of the Rules of Professional Conduct by his or her assistant, trainee or employed personnel, if the advocate:

- failed to ensure the familiarization with these Rules by his or her assistant, trainee or employed personnel;
- failed to properly control the acts of the assistant, trainee or employed personnel involved by him or her in the fulfillment of certain tasks under the assignment stipulated in the agreement for provision of legal aid, entered into between the advocate and the client;
- by his or her orders, advice or personal example contributed to the breach by the assistant, trainee or employed personnel of the Rules of Professional Conduct.

### **Article 68. Liability of heads of law firms and associations of advocates for failure to ensure the compliance with the Rules of Professional Conduct**

The advocate who is the head of the law firm or law office (or advocates who are members of the collegiate bar self-government body) may be brought to disciplinary liability for failure to comply with the provisions of these Rules and for his or her decisions entailing the breach of the Rules of Professional Conduct.



## **Article 69. Clarification of the Rules of Professional Conduct**

Where in a particular situation the advocate has a difficulty in deciding how to act in order to comply, in the specific circumstances, with the provisions of these Rules, he or she can apply for clarification to the Bar Council of Ukraine or the Congress of Advocates of Ukraine.

The advocate's acts which conform to the clarification of the Bar Council of Ukraine or the Congress of Advocates of Ukraine shall not be impugned to him or her or entail the imposition of disciplinary measures.

## **Article 70. General principles of application of disciplinary measures for the breach of the Rules of Professional Conduct**

In the application of disciplinary sanctions for the breach of the Rules of Professional Conduct and/or Professional ethical (deontological) rules of conduct of foreign advocates (in the cases provided for by these Rules), which operate in the countries in which such advocates are entitled to practice law, the disciplinary bodies of the Bar of Ukraine shall base themselves on the general principles of legal liability, in particular, they shall apply disciplinary sanctions only for the culpable breaches.

The advocate shall be considered to be innocent of committing a disciplinary offense and cannot be subjected to disciplinary sanctions until his or her guilt is lawfully proved and established by a decision of the qualification and disciplinary commission of the Bar or the Higher Qualification and Disciplinary Commission of the Bar on bringing the advocate to disciplinary responsibility.

The advocate is not required to prove his or her innocence in committing a disciplinary offense. The duty to prove the guilt of the advocate in committing a disciplinary offense is entrusted to the person who initiates a disciplinary proceeding against the advocate.

The accusation of the advocate cannot be based on assumptions. All doubts as to the proof of the advocate's guilt shall be interpreted in his or her favor.

The disciplinary proceedings against the advocate cannot be initiated by a statement (complaint) that does not contain information about the presence of evidence of a disciplinary offense committed by the advocate, as well as by the anonymous statement (complaint).

The abuse of the right to apply to the qualification and disciplinary commission of the bar, including the initiation of the disciplinary proceedings against the advocate without sufficient grounds, and the use of the said right as a means of pressure on the advocate in connection with the exercise of his or her professional activities, shall be prohibited.

The relations concerning disciplinary liability of the advocates shall be governed by the presumption of innocence.