

# **CODE OF ETHICS**

## **OF THE LATVIAN SWORN ADVOCATES**

The Code of Ethics of the Latvian sworn advocates is based on the Code of Ethics of International Lawyers approved in 1958 and later amended by the International Bar Association (IBA) and the Code of Behaviour of European lawyers approved in 1998, which rules are applicable to all lawyers, attorneys, barristers and solicitors practising in the same judicial system, as well as co-operation with the legal practitioners in other judicial systems or their practice in other judicial systems.

This Code provides the basic principles of ethics which must be observed by all advocates practising within the Latvian and international legal system.

The advocates shall observe norms of professional ethics, the laws of the Republic of Latvia and requirements of the judicial system, as well as the laws of other countries where they are practising their profession and the requirements of those judicial systems.

The basic aim of the Code of Ethics is to promote the importance of the legal profession in ensuring law and order, and the support and promotion of ideals and institutions of democracy, as well as the fair and qualified performance of the rights and obligations of advocates.

### **1. Basic principles of Ethics of Sworn Advocates**

#### **1.1 Independence**

An advocate shall be independent and free of any influence, especially influence caused by personal interests or undue pressure.

An advocate may not participate in other work or field of work, which could influence his/ her independence.

#### **1.2 Trust and Personal Integrity**

Personal reputation, integrity and fairness are traditional of the legal profession, and are the prerequisites of all relations based on trust.

An advocate shall avoid at all times, in his/her professional as well as private life, behaviour which could shame his/ her profession, or cast doubt on his/ her reputation, integrity and fairness.

#### **1.3 Confidentiality**

An advocate may not disclose information given to him/ her during the course of legal consultation even after ceasing to represent and act for a client. This obligation also applies to the advocate's assistants and support staff.

Any exchange of verbal or written information between advocates as well as between an advocate and client, if it refers to matters of legal consultation, shall be deemed to be confidential.

## **2. Client Relations**

2.1 When defending or representing in a case, an advocate shall not, through his/ her actions or lack thereof, harm the interests of the client he/ she is defending or representing.

2.2 An advocate shall offer his/ her opinion on a client's case professionally and openly and provide the relevant legal advice. The foregoing applies also to cases where the advocate has been assigned to the case.

2.3 An advocate may at any time refuse to act in a case in which he/ she has not agreed to act.

2.4 An advocate may not refuse to act in a case after he/ she has agreed to act and may not discontinue to act at a moment when the client is unable to find another advocate or there exists other conditions, which would result in the client being without legal representation.

2.5 An advocate may retire from the case only if the client so wishes and has agreed to it, but under special circumstances, with the approval of the Council of Sworn Advocates.

2.6 An advocate shall endeavour to reach settlement of a case outside the Court before the start of Court proceedings if it is in the best interests of the client. An advocate may not initiate Court proceedings to serve his/ her own material interests.

2.7 An advocate may not take advantage of a client's case for his/her own financial gain or directly or indirectly obtain property which is the subject of a Court case in which he/she is acting.

## **3. Taking Instructions and Acting in a Case**

3.1 An advocate may not agree to act in a case if he/she is not competent or may not correctly perform his/her professional duties.

3.2 An advocate may not undertake to act in a case without the agreement of the client unless the advocate has been assigned to a case by a competent institution or official or the case has been transferred by another advocate or in the other circumstances when the law permits to act differently.

3.3 An advocate may not permit the use of his/her professional practice or his/her name by persons who are not officially permitted to act in the legal profession.

An advocate may not entrust any work which by law may be performed only by an advocate, to an unqualified person who is not under his/her direct control.

#### **4. Conflict of Interest**

An advocate may not represent or defend clients who have conflicting interests. It is permissible outside the Court only after obtaining all relevant information concerning the conflict or potential conflict between all interested parties and with the prior agreement of the client. This condition also applies to advocates employed by companies and offices.

#### **5. Personal Advertising**

An advocate may not advertise or offer legal services in a legal area for which he/she is not fully qualified.

The content of an advocate's advertising may not be overbearing and may not indicate superiority over his/her colleagues.

An advocate may not advertise in countries where such actions are not permitted.

#### **6. Payment for legal services**

6.1 An advocate shall bear in mind that it is the interests of his/her client and the necessity for fair dispensation of justice that are of paramount importance, and not payment for his/her services.

An advocate may not refuse to act in a case of discontinue to act in a case because a client is unable to increase a retainer which in fact has been used up. In the absence of an official valuation of an advocate's services, a reasonable payment shall be set taking into account the value of the subject of the dispute, the interests of the client, the time spent and all other personal and actual circumstances as well as professional risk.

6.2 An advocate who obtains the services of co – operates with lawyers in other countries, is responsible for payment to such other lawyers. He/she is not entitled to receive payment for obtaining such services.

6.3 An advocate shall be especially careful and correct in all financial matters. He/she may not commingle a client's money with his/her own and he/she shall be able to return funds entrusted to him/her at any time.

An advocate may not keep funds received on behalf of a client longer than is necessary.

6.4 An advocate may request a retainer to cover his/her expenses but such retainer shall be proportionate to the estimated payment, potential expenses and the amount of work involved.

## **7. Relations with the Courts, Pre-trial Investigation Agencies and Other Institutions**

7.1 An advocate shall treat the Courts, pre-trial investigation agencies and other institutions as well as the parties in a case in accordance with the law and with due respect.

7.2 An advocate shall defend his/her client bravely, fairly and persistently without harming the guaranteed rights of the state and other persons.

7.3 An advocate may not knowingly provide false information or advice, which is contrary to law.

7.4 The norms, which regulate an advocate's relationship with the Courts, also apply to his/her relationship with arbiters and other persons performing legal functions even if such functions are of a casual nature.

## **8. Relations Between Advocates**

8.1 Relations between advocates are based on trust and co-operation in the interests of clients. Professional interests may not prevail over fairness.

8.2 An advocate may not be identified with his/her client (i.e. assume that they have similar interests), or equate a client's case with the performing of professional duties.

8.3 An advocate shall behave towards his/her colleagues with the utmost respect, courtesy and fairness.

8.4 An advocate co-operating with a foreign colleague has a particular responsibility in performing his/her professional duties because a foreign colleague is more dependent on him/her than a local colleague. A foreign colleague must be advised of relevant laws or specifics of the judicial system and must be given other assistance in the performance of his/her work.

8.5 It is improper to discuss a specific case with a person who is represented in the case by another advocate, except with the latter's express agreement.

8.6 An advocate shall not express negative or disparaging opinions of his/her colleagues in conversation with the clients of other colleagues or other persons. In case the representing advocate, who has taken over another advocate's case, has a different opinion regarding the defence of the client than that of the previous advocate, the client must be advised of it in proper form taking care to safeguard the reputation and prestige of the colleague as much as possible.

Adopted in the General Assembly of the Latvian Sworn Advocates on 21.st of May, 1993