



Code of Conduct of the Spanish Bar
Approved by the Real Decreto 658/2001, the 22nd of June 2001
Approved in the Plenary Session the 27th of September 2002
Modified in the Plenary Session the 10th of September 2002

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Preliminary:

The social role of the lawyer's profession requires the establishment of a code of conduct for the practising. For many centuries, many interests have been entrusted to lawyers, all of them significant, basically related to the rule of Law and human Justice. And in that task which has gone beyond the proper and specific precise act of defence, the Lawyers have little by little purified the values safeguarded by ethics rules. Ethics rules are necessary not only for the right to defence but also for the guardianship of the higher interests of the State, as of today proclaimed as welfare and democratic.

Like every rule, the deontology is inserted within the universe of Law, governed by the principle of normative hierarchy and requires, moreover, clarity, adaptation and precision for any type whatsoever of factual and legal modification in the regulated situation, it obliges adaptation of the rule to the new legal or social reality.

For many centuries, the little changes operated in the Lawyers functions and in the society itself have caused reduced modifications in ethics rules that were considered effective for the high function reserved for Lawyers, almost always caused by drastic social upheavals, but which ended up giving back the Lawyer his function and the ethic rule with which he / she carries out the profession.

From the second half of the XX century, the moment the States resolutely established that human dignity is a supreme value that informs the whole legal system, when the lawyers function reaches its significance, making available to the people and society in which it is integrated, the necessary technique and acknowledgment for the legal advice and defence of rights. They would not be needed if the ideal means are not provided in order to defend those, who correspond to each one.

In a society organized and activated under the Law, that proclaims the Equality and Justice as fundamental values, the Lawyer, expert on laws and connoisseur of the legal practice and the procedural strategies, appears as a necessary element for the execution of Justice, by guaranteeing the information, advice, contradiction and equality of the parties both in the proceedings and outside of them, executing the right of defence which is a necessary requirement for the effective legal guardianship. Therefore, what the actual the lawyer needs, more than ever, are rules of conduct that allow him/her to satisfy the inalienable rights of the client but also respecting the defence and consolidation of higher values in which the society and the human condition are set up.

Recently, many legal amendments and many political and social changes have affected the professional practice of lawyers in Spain.

The General Council of Lawyers, which is paying attention to these changes, has been incorporating the deontology rules, those that answered to each legal amendment or social change. The significance of these changes justified the drafting of the autonomous regulations and provisions which are not incorporated into our Code of



Conduct, even when its nature and function were strictly ethical, like the Reglamento de Publicidad (advertising regulation) approved by the Deans Assembly the 19th of December 1997.

The decided vocation of providing the Advocacy with more effective instruments to approach the XXI century requires nowadays the compilation and updating of the deontology rules that must govern our professional activity in a sole updated text. All this without abdicating the principles that have been the characteristic feature of the ancient practice of law, by which its own survival has proved faithful in its main function but also incorporates the most recent experiences arising from new situations which were totally outside the advocacy a few years ago.

The Council of Bar and Law societies of Europe (CCBE), the supreme representing body of the lawyers before the European Union institutions, in its plenary session held in Lyon the 28th of November 1998, approved the European Code of Conduct, whose aim was to establish the rules of conduct for the lawyer in the professional cross-border exercise and other minimum required guarantees in order to permit the right of defence in an effective manner. Now, the General Council of the Spanish Bar by assuming completely the European Code of Conduct establishes the minimum acting rules for any lawyer in the scope of Spanish territory to guarantee the proper execution of their essential function of the Spanish society. Since there is no double or triple or multiple deontology within the European Union, In Spain the different performance of the lawyers in each Autonomous region would not be logical.

The General Council of the Spanish Bar drafts this rule being aware that the general interest requires the definition of the homogeneous rules applicable to all the lawyers in the Spanish territory, but with absolute respect to the competences of the Autonomous Councils and to the Law societies that are in charge of the regulation of the professional practice in the territorial scope inherent to them. Therefore these rules will be the basic rules, corresponding, as the case may be, if the development and adaptation, and all in all determine the right balance of the interests at stake, in their respective territorial scope, in the Autonomous regions councils and in the Illustrious law societies.

The traditional practices and institutions such as contingent fee agreement and the consent together with new ones (fund of clients); even some traditionally outside of law (e.g. advertising) are regulated in the actual rules. The first ones are renovated and the rest adopted in the light of compared law and recent but enriching experiences.

The independency, dignity, service, professional secrecy and freedom of defence remain as fundamental principles in the lawyer's profession.

The independence of the lawyer is as necessary as the impartiality of the judge, in a rule of law. The lawyer informs the client about his legal situation, about the different values that may be at stake in any of the actions or omissions, providing the technical defence of their rights and duties against other social agents, whose rights and personal dignity have to be taken into account and it is so complex and univocal that



performance of a lawyer is only useful for the citizen and the system of the Rule of Law if it is free from pressure and if the lawyer has complete freedom and independence to know, have criteria, inform and defence without any other obligation than Justice. In no case he shall act under duress or indulgence.

The honesty, probity, rectitude, loyalty, diligence and veracity are features that must decorate the Lawyer's performance. These are the reasons for the necessary relationship of confidentiality Lawyer and the Client and the base of honour and dignity of the profession. The lawyer shall always act with honesty and diligence, competence and loyalty to the client, respect to the other party, maintaining the secrecy of the information he has due to his profession. And if any lawyer shall not act as mentioned, his individual performance affects the honour and dignity of the profession.

The Constitution recognizes the right of an individual not to testify against himself and also the right to privacy. Both have the aim to preserve the freedom, the personal and family private life of each citizen, always more vulnerable to state power and other powers that are at times not well defined. The citizen needs the Lawyer in order to acknowledge the importance of his actions and therefore the client must confess his most personal circumstances. The Lawyer becomes the guardian of the privacy of the client and his right not to testify against himself. The professional secrecy and confidentiality are duties and rights of the lawyer that are nothing but a specification of the fundamental rights the legal system recognizes for his clients a defence as an essential mechanism of the rule of law. All that the client discloses to the lawyer together with all the circumstances, and everything disclosed in a confidential way by the other lawyer shall remain confidential.

The bases of the incompatibilities and advertising are regulated in accordance with the fundamental principles of the advocacy. The lawyer would not risk the freedom and independency, the loyalty to the client nor the professional secrecy and therefore the Code set forth the banning to perform professions or carry out functions in a direct or indirect manner that may cause any kind of physic or mood pressure which may risk his independency or disclosure of any secret information that could not only damage the personal interests but it also will seriously affect the confidence of the citizens on the right to defence, and therefore guarantee the entire system.

Personal advertising must have ethical rules. The articles of association have limited the activity up to now and this caused a great progressive activity of regulation in Councils and Law Societies for the past years. This Code of Conduct establishes the basis for the lawyer to advertise, only as professional deontology. The advertising must respect the principles of dignity, loyalty, veracity, and discretion, safeguarding at all times the professional secrecy and the independence of the lawyer. The function of concord obliges the lawyer to provide an agreement between the parties and it requires the information not to be tendentious so it does not invite conflict or lawsuit.

The independency of the Lawyer is deeply associated with the right of free election. The lawyer is free to undertake the direction of a case and the citizen is also free to entrust his interests to lawyer of his choice and also to terminate the relation at any time when appropriate. This absolute freedom, may risk the right to defence if in the



professional performance of a Lawyer and that of the substitute a lack of effective legal defence takes place. Therefore, it is convenient to keep the ancient institution of "consent" that is the necessary communication between the substitute and the substituted lawyer who shall be in charge of a responsible informative action. This guarantees the citizen would not be undefended between the moment of the substituted lawyer's performance and the substitute's performance since it establishes a sole moment in which the responsibilities of a lawyer cease and the other lawyer's responsibilities begin. Furthermore the lawyer shall provide the other lawyer with important information in order to benefit the interests of the defence.

The lawyer shall always bear in mind the high function the society entrusted in him. It means, the effective defence of the individual and collective rights whose recognition and respect is the dorsal spine of the Rule of law. Therefore the lawyer only could be in charge of a case when he/she is capable to advise and defend the client in a real and effective manner; this obligates him to increase and adapt constantly his legal knowledge and to look for help from his most experienced colleagues when necessary.

For the first time, the regulation of the clients fund is undertaken. The collective and multidisciplinary performance of the profession of Lawyers together with the techniques that financial entities offer, recommend the regulation of the custody of clients funds, maintaining them identified and separated from those of the Firm and always available for the client. This will contribute to the transparency in the performance of the Lawyer, reinforcing the confidence of the client.

There are few modifications on the ethic rules on the duties and relations of the Lawyer and the Law Society, the Courts, the colleagues or clients. There is only any more depth in the safeguarding the fundamental values that inform the professional performance with respect to Lawyer-client. So that, the obligations of information are specified, and the precautions increase in order to avoid the conflict of interests by protecting the responsibility and independence of the lawyer, establishing the mechanisms that allow to clearly identify the beginning and end of his performance and therefore his responsibility and overall insisting in the recognition of his freedom to terminate the defence when does not want to continue on that, free decision that guarantee on permanent bases the independence and which corresponds to that of the citizen in order to designate a lawyer of his choice at any time.

The system of free choice of lawyer and acceptance of the defence, will suffer dysfunctions in the defence by Free Justice, that would be avoided if the citizens who have that right could select a lawyer registered in the lists of the legal aid scheme, what would be possible, since as it is desirable, the defence is guaranteed, and in every case, by means of a legal aid system appropriate to the social reality, that grants the citizen beneficiary of Free Justice, the free choice of lawyer and that guarantees the lawyer to worthy remuneration of his/her work. Since the rules that regulate the free justice are not modified, these would determine both the free designation of the lawyer and the free acceptance of the defence.

The concept "contingence fee agreement" that never was considered by the advocacy in the fees is reviewed. The "contingence fee agreement", as of association and



participation with the client in the result of a lawsuit, would put into risk the independence and freedom of the lawyer that stops being the counsel for defence to become an associate of the client after the material result, that besides falsifying the defence function, causes neglect or discrimination of the citizens that have to demand the rights with little state significance or whose guardianship is difficult.

The actual ethic rules do not set forth limits to free and loyal competition but they are the fundamental duties of all the lawyers who perform their social role in the rule of law, that requires performing with competence, good faith, freedom and independence, loyalty to client, respect to the opponent party and keeping any secret that may acknowledged due to the professional performance.

If necessary, the Autonomous Councils and Law societies would be in charge of the adaptation of the actual ethic rules of their respective territorial scopes, disclosing their knowledge, supervising their fulfilment and correcting by disciplinary means the lack of observance in order to guarantee the good performance of the high mission our society has entrusted the lawyer. Task in which we play a real public function and in order to develop it, the State have grant us with regulation and disciplinary faculties, which are also public.

Article 1. - Ethical and deontological duties:

1. The lawyer is obliged to respect the ethical and deontological duties of the profession established in the General Articles of the Spanish Lawyers, approved by virtue of the Real Decreto (Spanish Royal Decree) 658/2001, of 22nd of June, in the Code of Conduct approved by the Council of Bar and Law societies of Europe (CCBE) on the 28th of November 1998, and within the actual Code of Conduct approved by the General Council of Spanish Bar, or those as the case may be approved in the Council of Societies of the Autonomous region and the specific Law Society of which is a member.
2. When the lawyer acts outside of the scope of the Law Society of his/ her residence, within or outside of the territory of Spain, the lawyer shall respect besides of the rules of his/ her Law Society, the ethics and deontology rules in force in the scope of the Host Law Society or in the Law Society in which is carrying out a certain professional performance.
3. The Councils of the Law Societies in the different Autonomous regions and the different Law Societies shall send the Codes of Conduct that may have been established to the General Secretaryship of the General Council of the Spanish Bar and the latter shall obtain for the Secretariat of the CCBE the codes of conduct of the rest of the States within the European Union.

Article 2. - Independence:

1. The independence of a lawyer is a requirement of the rule of law and the effective right of defence of the citizens, therefore for the lawyer is a right and a duty.



2. In order to be able to properly advise and defend the legitimate rights for his/ her clients, the lawyer has the right and duty to preserve his/ her independence against all kind of interferences and against own or others' interests.
3. The lawyer shall preserve his/ her independence against pressure, demands, indulgence limiting it, either respect to the public, economic or factual powers, the courts, his/ her client or even their own colleagues or co-operators.
4. The independence of the lawyer allow him/her to reject instructions, that against his/ hers professional criteria, are trying to be imposed by the clients, colleagues of the same firm, other colleagues with which they collaborate, entity or school of thought, so as the lawyer may cease the advise or defence of the matter when he / she considers that it is not possible to act with total independency.
5. The independency of the lawyer forbids them to perform other professions or activities that might limit or that are not compatible with the exercise of law, such as to go into partnership or professional collaboration with companies or professionals which might carry them out, or make use, related to them, of the possibilities provided in article 29 of the Articles of Association.

Article 3. - Freedom of Defence:

1. The lawyer has the right and the duty to defend and give advice on freedom basis without using illegal or unfair means neither fraud as a way to avoid the laws.
2. The lawyer is obliged to exercise the freedom of defence and expression in accordance with the good faith principle and the rules for the correct professional practice.
3. The lawyer is protected under the right to freedom of opinion under article 437.1 of the Ley Orgánica del Poder Judicial (Spanish Judiciary Act) in force.

Article 4. - Confidence and Integrity:

1. The relationship between the lawyer and the client is based on the confidence and it requires from the lawyer an upright professional conduct, honest, loyal, truthful and diligent.
2. The lawyer is obliged not to defraud the confidence of his/her client and not to defend the interests, which might be in conflict with those of the client.
3. In the cases the collective exercise of the profession of a lawyer or in collaboration with other professionals, the lawyer shall have the right and duty to waive any intervention that could result contrary to the said principles of confidence and integrity or that might involve any conflict of interests with the clients of other members of the group.



Article 5. - Professional Secrecy:

1. The confidence and confidentiality in the relationships between the client and the lawyer, inherent to the right of the said person to privacy and not to declare against himself, as well as fundamental rights of third parties, obliges and grants the lawyer the right of secrecy with respect to all of the facts and news he/she might know by reason of any of the ways of the professional performance, and the lawyer shall not be obliged to declare about them as it is provided in the article 437.2 of Ley Orgánica del Poder Judicial in force.
2. The right and duty of the professional secrecy of the lawyer include the secrets and proposals of the client, those of the opponent, the colleagues and all the facts and documents that they may have known or received by reason of any of the ways of their professional acting.
3. The lawyer shall not provide the courts, or the client with any of the letters, communications or notes he /she receives from the other party's Lawyer, except with the express consent of the said party.
4. The conversations held with the clients, opposing parties or their lawyers, in person or by telephone or telematic means, shall not be recorded without the prior warning, and with the consent of all the parts involved and in any case shall be protected under the professional secrecy.
5. In case of collective practice of law, the secrecy shall extend to every component of the group.
6. The lawyer shall always make his/hers personnel and any other person whatsoever with which they cooperate in his/hers professional practice to respect the professional secrecy.
7. These duties of professional secrecy will remain even after being ceased the provision of services to the client, with no limit of time.
8. The professional secrecy is a main right and duty of lawyers. In the exceptional cases of great seriousness, in which the forced preservation of professional secrecy could cause irreparable damages or flagrant injustices, the Dean of the Society shall advise the lawyer with the only purpose of offering guidance and if it was possible, of determining alternative means or procedures to solve the problem taking into account the legally protected interests in conflict. This does not affect the right to the freedom of the client, which is not subject to the professional secrecy, but whose consent by itself shall not exempt the lawyer to preserve it.

Article 6. - Incompatibilities

1. The lawyer who finds himself/herself in any kind of absolute incompatibility for the practice of law, shall ask for withdrawal or a transfer to the quality of non active member of all the Law Societies. The application shall be made within the term of one month from the moment the cause of incompatibility appears, notwithstanding



the duty to quit any professional practice as a lawyer from the moment the said cause occurs.

2. The lawyer who finds himself/herself in any kind of any cause of incompatibility with respect to an issue or issues shall abstain to intervene on them. In the case that the incompatibility occurs once the professional activity has started, the lawyer shall immediately cease on it, avoiding the non defence risk while the substitution for another lawyer takes place.
3. In the case of the collective practice of law or in cooperation, the incompatibilities of any of the members or parts or the collective or group or of its collaborators shall be extended to all of them.
4. In their professional performance the lawyer shall respect all the rules on incompatibilities from the Host Law Society, in addition to those established by the Law Society of their residence.

Article 7. - Publicity

1. The lawyer is entitled to realize honourable, loyal and truthful publicity of his/her professional services, with complete respect to the people's dignity, legislation in force on those subjects, on defence of competition and unfair competition, always in accordance to the deontological rules provided by this Code and those, as the case may be, announced by the Council of the Autonomous Region and the Law Society of the territory of professional practice.
2. This Code of Conduct shall be deemed to be infringed by every advertising that implies, among others:
 - a) Direct or indirect disclosure of facts, data or situations protected under professional secrecy.
 - b) Acts that may affect the independence of the lawyer.
 - c) Promising results that do not only depend on the lawyer's activity that is being advertised.
 - d) Making direct or indirect reference to clients of the lawyer, who uses the advertising or cases handled by him / her, or to the successes or results already achieved.
 - e) Addressing by himself or by means of third parties to victims of accident or misfortune who do not have the clearness and complete freedom of choosing a lawyer because in that moment they are suffering a personal or collective misfortune, or to their inheritors or successors.
 - f) Establishing comparisons with other lawyers or with certain actions or unfounded statements of self praise.



- g) Using the school emblems or symbols and those that due to their resemblance may cause confusion, since their use is reserved only for institutional advertising that in the interest of the general profession can only be made by the Law Societies, Councils of the Autonomous Regions and General Council of Spanish Bar.
- h) Inciting in general or specifically to lawsuits or conflicts.
- i) Using audiovisuals or written means or expressions that discredits, denigrates and underestimates lawyers and Justice and their symbols.
- j) Not identifying the lawyer or firm offering its services.
- k) Using means or contents against the dignity of the people, lawyers or justice.

Article 8. - Unfair competition

1. The lawyer shall not proceed to unfair gaining of clients.
2. Unfair competition acts are those that infringe both the laws of the Spanish state and laws of the autonomous regions that protect the faithful competition, and in particular the acts hereinafter set out:
 - a) The use of direct or indirect advertising procedures contrary to the provisions of the Ley General de Publicidad (General Advertising Act) and to the specific rules on advertising provided in this Code of Conduct and any other supplementary rule.
 - b) All direct or indirect practice in order to gain clients that puts people's dignity or lawyers' social function at risk.
 - c) The use of third parties like a way to avoid deontological duties. In case of breach of the content of the section 28.3 of the General Rules of Spanish Bar, Lawyer(s) favoured by this kind of advertising shall be deemed responsible, as they do not prove to be completely unaware and their immediate withdrawal of the professional order on the moment of having notice of it..
 - d) The receipt or payment of considerations by infringement of legal rules on competence and the rules in this Code of Conduct.
 - e) Contravening the articles 15 and 16 of this Code and / or rendering free services that causes the loss in the terms set forth in article 17 of the Ley de Competencia Desleal (Unfair Competition Law).



Article 9.- Lawyer substitution

1. In order to assume the direction of a professional matter entrusted to another lawyer, the lawyer shall ask for permission if there was no waive, and in any case, shall notify as soon as possible for the effective substitution.

The substituted lawyer shall provide the lawyer who continues with all the information he/ she may have and collaborate when it is necessary in order to grant the right of defence of the client.

2. The lawyer, who succeeds another lawyer in the right of defence of the interests of the client, shall collaborate conscientiously for the client to provide the accrued fees to the other lawyer, notwithstanding the legitimate disagreements between them.
3. The foregoing provisions shall not be applicable if the professional order is carried out in regime of labour dependency of the client.
4. When urgent measures for the interest of the client are necessary, before the fulfilment of the provisions prior established, the Lawyer shall adopt them, by prior informing his/her predecessor and prior informing the Dean of the Law Society of the scope in which is acting.
5. The consent shall not be denied, and the substituted lawyer shall provide the successor with all the documentation and information in his possession and collaborate when necessary in order to grant the right to defence of the client.
6. Notwithstanding the disciplinary correction of the Lawyer who infringes the aforementioned rules unjustifiably, the substitution of a lawyer for other in a procedural act, with no prior communication to the one relieved from his post, is to be deemed serious high misdemeanour because it affects the efficiency of the defence and the dignity of the profession.

Article 10. - Relation with the Law Society:

The lawyer is obliged to:

1. To fulfill the provisions of the General Articles of the Bar, the Articles of Autonomous Councils and those of the Law Society where he / she practices the profession, as well as the rest of the Advocacy rules, agreements and decisions of the Government bodies in the corresponding scope.
2. To respect the Government bodies and the members who compose them, they must attend with the highest diligence the communications and summons from those bodies or their members in the performance of their functions.
3. To contribute to maintenance of the Law Society fees and further economic payments of the Law Society in time and form as they were set forth.



4. To inform the Law Society of usurpation of office, as well as the cases of illegal practice, both not being a member or being the accused in a suspension of professional license or uninhabited, in the cases the lawyer has notice.
5. To inform the Law Society about the injuries the lawyer as well as the colleagues have suffer due to their professional practice.
6. To inform the Law Society of the personal circumstances that may affect the professional practice, such as the change of address, absence for more than a month or illness or disablement for a similar period of time, without taking care of the professional matters.
7. The lawyers that practice in a different territory of that of their membership are obliged to communicate the Law Society in which they will practice in the manner established by the General Council of Spanish Bar or as the case may be, the Autonomous Regions Councils, so as to consign in all the written documents and actuaciones that sign, the Law Society of which they belong to, the membership number and the first written document or actuation, furthermore the date of the notification shall be recorded.

Article 11. - Relation with Courts-

1. The lawyers who appears before a court or tribunal must comply with the following rules:
 - a) To appear before tribunals in good faith, loyalty and respect.
 - b) To co-operate in the fulfilment of the Justice Administration purposes.
 - c) To be respectful toward all the officers in the Justice system demanding from them the same and mutual treatment related to the lawyers.
 - d) To ask their sponsors or clients to observe a respectful behaviour, to be respectful toward the people acting in the Justice bodies.
 - e) To contribute to the diligent processing of the matters the lawyer is in charge of and those procedures in which he/ she acts.
 - f) To maintain the freedom and independence in professional performance of the right to defence with absolute correctness by informing the corresponding Court or tribunal and the Law Society about any interference on those.

In their acting and drafts, the lawyer shall avoid all personal comment, direct, indirect, oral, in written or by means of gestures, either approval or reproaches to the Court and to any related person to that or appearing before it or as well as the other lawyers.

- g) In order to respect the contradictory feature of the trial, the lawyer shall not be able to give evidences, notes or any other documents to Judge or



Magistrate in a different manner than that established in the applicable procedural rules.

And the lawyer shall not disclose or submit before the tribunal a proposal of mutual agreement made by the other party or its lawyer, without express consent of that.

- h) To meet the schedule in the lawsuits and inform the Law Society of any unjustified delay of the Courts above half an hour.
 - i) To communicate with the due advance to the Court and the colleagues that take part, of any circumstance that do not allow him or the client to attend on time to a diligence.
2. The foregoing rules are also applicable to the relations with arbitrators and mediators.

Article 12. – Mutual relationship of lawyers-

1. The lawyers will have mutual loyalty, respect, and comradeship relationships.
2. The senior lawyer in the legal practice shall provide selflessly direction, advice and guidance and in a broad and efficient manner to those newly incorporated lawyers who seek for that. The latter, reciprocally, have the right to seek for advice and guidance from expertise lawyers, as it is needed to carry out his duties exactly.
3. The lawyer, who tries to bring an action, on his own name or on behalf of the client, against another colleague due to the professional practices of the said, shall communicate the Dean in advance, in case the latter considers mediation is appropriate.
4. In the judicial drafts, and in oral reports, and in any other written or oral notice whatsoever, the lawyer shall always maintain full respect to the lawyer of the other party, avoiding any personal reference.
5. The lawyer shall act to the best of his knowledge in order to avoid any violent action, of any kind, against the lawyers defending opposing party interests, so the lawyer shall warn and prevent those by all legal means, inclusive when they came from their own clients to which he can ask to respect the freedom and independence of the lawyer.
6. The lawyer in his communications and statements with the lawyer of the opposing party, shall not compromise his client, with comments or statements that may cause any loss of reputation or direct or indirect injury.
7. The lawyer shall try to provide a remedy outside of the courts when claiming own or colleague's fees, by means of transaction or mediation or arbitration of the Law Society. It is a reprehensible conduct the contestation of fees done in a malicious manner or by fraudulent means, as well as any other comment in the same sense related to the fees and economic conditions of another colleague.



8. The meeting of Lawyers and clients shall be held in places, which are not a privileged situation for any of the lawyers, and the use of the Law Society facilities when there is no agreement on the place for the meeting is recommended. Nevertheless, if the meeting must be held in the office of the any of the lawyers, the meeting shall be held in the office of the senior lawyer, except when he is a Dean or ExDean, in that case the meeting shall be in their office, except when the offer is declined. The rule shall be fulfilled inclusive when the lawyers render services to companies, banks or saving entities.
9. The lawyer shall always receive and with great urgency the colleague who visits him/her in his office, with preference to any other person, client or not, that may wait in that bureau. In case the immediate attention is not possible, the lawyer shall leave his/ her obligations to greet the colleague and make excuse for the wait.
10. The lawyer shall attend immediately the written or telephone communications of any other lawyer and the latter will be made in person.
11. The lawyer who is negotiating with a colleague the transaction or solution outside of courts of a matter is obliged to give notice of the cease or interruption of negotiations as well as terminate the said steps, before submitting the court claim.
12. The communications with foreign lawyers will also deem to be confidential or reserved, to ask the foreign colleague for the approval of the confidentiality is recommended.
13. The lawyer who undertakes to help a foreign colleague shall always take into account the colleague will depend on him in higher proportion than if they were lawyer of the same country and so he/she shall not accept actions for which the lawyer is not prepared to undertake. The lawyer in such a case shall provide the foreign lawyer with the necessary information about other lawyers with the specific instruction to provide the service asked for.



Article 13. - Relation with clients

1. The relation of the lawyer with client shall be based in mutual confidence. The said relationship could be easier by undertaking a (order form) Hoja de Encargo.
2. The lawyer only could be in charge of a matter, upon the client mandate, order for other lawyer or assignment by Law society. The lawyer shall verify the identities and faculties of the person who places the order. The lawyer is obliged to identify himself before the person to which he/she gives advice and defends, even when a third party shall be borne with the expenses in order to assume the civil and ethic responsibilities that may be necessary as the case may be. In the case of telephone consultation or by computing means with a Firm or Bureau whose lawyers are unknown for the person, this identification, as well as that of the Law Society he belongs to is the first and immediate obligation of the interlocutor lawyer.
3. The lawyer shall have total freedom to accept or waive the case in which he is asked to intervene, with no need of justifying its decision.

Furthermore the Lawyer may abstain or terminate the intervention when differences with the client appear. The lawyer shall always abstain when converge circumstances that may affect his absolute freedom and independence in the defence or the duty of professional secrecy.

The lawyer who renounces to the expertise guidance of the matter shall carry out all the necessary actions to avoid the non-defence of his client. When the defence is due to the Society designation, the acceptance, waive, abstain, or cease will meet the rules on free justice and on this type of designations.

4. The lawyer is not allowed to accept the defence of conflict of interest different than those, which is defending, or those of the lawyer.

In the case of conflict of interests between two clients of the same lawyer, the latter shall renounce the defence of both of them, except when there is express consent of one of them to act defending the other party.

Nevertheless the lawyer may intervene in the interest of all the parties acting as a mediator or preparing and drafting the documents of contractual nature, in such case the lawyer shall be strictly and exquisitely objective.

5. The lawyer shall waive professional orders that involve acting against a prior client, when there is a risk of breaching secrecy on the information obtained about that former client, or that from them a benefit for the new client could be obtained.
6. The lawyer shall also, abstain of taking care of the matter of a group of clients affected by the same situation, when there is a conflict of interests among them, risk of breaching secrecy, or his freedom or independency may be affected.



7. When several lawyers take part or collaborate in the same Firm, whatsoever the nature of the association is, the provided rules are applicable to the whole group and to all and each one of its members.
8. The lawyer shall not accept any case if he is not capable to direct it, unless he collaborates with an expertise lawyer on that.
9. The lawyer has the duty inform the client, including in written, when the client requires it in the said manner, about:
 - a) His opinion about the possibilities of the expectatives and possible results of the matter.
 - b) Approximated estimate, if it is possible, of the fees or the bases for determining the fees.
 - c) If due to personal or economical circumstances has the chance to ask or obtain the benefits of the free legal assistance.
 - d) All those situations that seem to affect the lawyer's independency, such as, family, friendship, economic and financial relationship with the other party or its representatives.
 - e) The evolution of the entrusted matter, essential resolutions, appeals against them, possibilities of transaction, and appropriateness of the outside of courts agreements or lawsuit alternative solutions.
10. The lawyer shall advice and defence his client with diligence and devotion, personally assuming the responsibility of the work entrusted without prejudice of the collaboration he may seek.
11. The lawyer has the obligation, while carrying out the defence, of use it in the total extent, having complete freedom to use the defence means, always if they are legitimate and have been obtained by legal means, and they do not have the sole purpose of prolonging unjustifiably the suits.
12. The document-received from the client shall always be available, and the lawyer is not allow to retain it, even under the pretext of outstanding payment of the fees. Nevertheless the lawyer may keep copies of the documents.

Article 14. - Relations with the other party:

1. The lawyer shall abstain of all relation and communication with the other party when he is aware that the other party is represented or assisted by other lawyer, always maintaining with that lawyer a relation due to the matter, unless the lawyer gives express authorisation to communicate directly with the client.
2. When the opposing party do not have appointed a lawyer, the lawyers will advice to designate. Despite that, the opposing party still persist in the decision of not having a lawyer, the person involve shall avoid whatsoever kind of abuse.



Article 15. - Fees and remuneration:

The lawyer has the right to perceive remuneration or fees for his professional performance, as well as the refund of the costs incurred. The amount and means of payment could be agreed on free basis between the client and the lawyer in connection with the code of conduct and the unfair competence.

The lawyer who carried out the effective guidance of the matter shall perceive the fees. The sharing and distribution of the fees among lawyers are deemed to be against the dignity of the lawyer profession except when:

- a) It is due to a legal collaboration.
- b) Among them there is collective practice of the profession in any of the association forms authorised.
- c) When it is compensation to the colleagues who have separated from the collective bureau.
- d) When they represent paid amounts to the inheritors of a death colleague.

In the same manner it is forbidden for the lawyer to share the fees with a person outside of the profession, except the collaboration agreements with other professional, granted under this Articles.

Article 16. - Quota litis (Contingent fee agreement):

*No longer in force or effect by agreement of the Plenary Session of the General Council of the Spanish Bar the 10th of December 2002

Article 17. - Provision of funds

The lawyers have the right to ask and perceive the payment of the amounts as provision of funds for the expenses covered or as their fees both prior or while the proceedings of the matter.

The amount must be in accordance to the previsions of the matter and the estimate of the final fees.

Failure to pay the provision would allow the lawyer to renounce or determine the beginning of the professional works or cease them.

Article 18. - Contestation of fees:

It is a deontological infringement the action of a lawyer that repeatedly try to perceive the fees that have been object of prior contestations or justified complaints due to excessive amount. It would be also ethical infringement the conduct of a lawyer who



with no reason normally contests the bills of their colleagues or inducts or advice the clients to do so.

Article 19. - Payment for gaining clients:

The lawyer may not pay, demand, or accept commissions or any kind of compensation from another lawyer or any person for assignment a client or recommendation to possible future clients.

Article 20. - Management of client funds

1. When a lawyer come into possession of money or assets on behalf of the of clients or third parties have to put such money into one or different accounts opened for that purpose in a bank or credit entity, with immediate availability. A client account shall be separate from any other account or fund of the lawyer, Firm or client or third parties in order to distinguish them.
2. Except under legal provision, judicial decision or express consent of the client or third person's name any payment realized with those funds it is forbidden. This banning involves the detraction of the lawyer own fees unless there is express consent to do it registered in form of order or subsequent written consent of the client and naturally notwithstanding the preventive measures that may be required or obtained from the courts of justice.
3. The lawyer who comes into possession of funds due to the performance of a professional activity carried out in other Member State of the EU shall observe the rules about the deposit and counting of other's funds in force in the Law Society of the Member State he/ she is from.
4. The lawyers have obligation to verify the identity of the person giving the funds.
5. When the lawyer receives other persons funds with the aim of mandate, management or act whatsoever different from the professional one, the lawyer shall observe general rules about that type of performance.

Article 21. - Civil liability Insurance

1. The lawyer shall be insured against civil legal liability by own means or by recommended assurance, in the relevant amount having regard to the nature and extent of the risks.
2. The lawyer who renders professional services to other Member State of the EU of reception different than that in which where is registered shall meet the provisions related to the professional liability insurance in accordance to the Member State requirements and the Host Law society.



ABROGATIVE PROVISION:

The Code of conduct approved in the plenary session of the General council of Bar the 30th of June 2000 is no longer in force.

FINAL PROVISION:

These ethic rules will be effective from the 1st of January two thousand and three.