

ADOPTED

on 21 May 1999

at the Conference of the Bar Association
of the Republic of Lithuania

**CODE
OF PROFESSIONAL ETHICS FOR LAWYERS**

I. GENERAL PROVISIONS

1. The lawyer must honestly and properly perform his professional duties, follow the requirements of the Code of Professional Ethics for Lawyers. In his activities a lawyer must follow the made oath, the Constitution of the Republic of Lithuania, the Law on Advocacy, other laws and the Statute of the Lithuanian Bar.
2. While performing his professional duties a lawyer shall be independent from state authorities and governing institutions and officials.
3. The duty of each lawyer is to take an active part in the activities of the Bar of the Republic of Lithuania, represent clients in lawful ways, defend them in court institutions, perform other assignments, not to diminish his profession and the name of the lawyer by personal conduct.
4. For actions diminishing public confidence and the name of the lawyer, which do not incur criminal liability, lawyers shall be liable in disciplinary procedure. Inter alia, such actions shall include the following:
 - 1) diminishing of honour and dignity of an individual, the Constitution of the Republic of Lithuania, the Bar of the Republic of Lithuania, state institutions and officials thereof;
 - 2) breaking of the lawyer's oath;
 - 3) violation of the requirements of the Law on Advocacy;

- 4) failure to fulfil the directions of the Bar self-governing institutions, failure to attend without valid excuse sittings and other events arranged by the Bar self-governing institutions to which he was invited and in which his participation is obligatory, as well as failure to notify in time of being unable to participate in them;
- 5) indecent, dishonest fulfilment of a professional duty, as well as failure to observe the generally accepted moral norms and respect such customs;
- 6) disrespectful conduct in public places or with the surrounding persons;
- 7) unfair competition with other lawyers (personal publicity of lawyers, search of clients through intermediaries, diminishing of other lawyers' activities or special and exceptional self praising and so on. Criteria according to which personal publicity of lawyers is defined are established by the Council of the Lithuanian Bar Association);
- 8) making public of information provided to the lawyer for performing of the assignment without consent of the person who has provided it;
- 9) performance of the duties under the influence of alcohol;
- 10) use of drugs;
- 11) refusal to pay or systematic, for more than three consecutive months, failure to make obligatory payments for supporting activities of the Council of the Lithuanian Bar Association;
- 12) untidy appearance of the lawyer during office hours and failure to wear the gown at the court sittings;
- 13) failure to notify the institutions in which he performs the accepted assignment of the client of his inability to arrive at the determined time, performance of actions thereby intending to deliberately delay the court proceedings;
- 14) failure to notify in time the institutions in which the lawyer performed the assignment of the fact that the performance of the assignment has been lawfully terminated;
- 15) violation of the prohibition to engage in other activities in contradiction to the lawyer's profession.

II. MUTUAL RELATIONS OF LAWYERS

5. Mutual relations of lawyers are based on confidence, honesty, friendliness, tactfulness and politeness. Lawyers shall help each other in their professional activities, unless it contradicts the client's interests.

6. If a lawyer is going to accept the assignment to represent the client, defend him in case it is related to court proceedings, when the same assignment is undertaken and performed by other lawyer, he must notify the other lawyer thereof.
7. If a client asks for his representation jointly, defend him together with the other lawyer, then it shall be agreed with that lawyer. In case the latter disagrees to represent, defend jointly, or the positions of defence, representation differ, both lawyers must notify thereof and explain to the client who shall have the right to chose the position and the lawyer and terminate the agreement with the other lawyer.
8. When the lawyer accepts the assignment to represent the client's interests in the case against the other lawyer, then upon the acceptance of the assignment the lawyer must notify the Council of the Lithuanian Bar Association, his colleague thereof and propose to him, provided it does not have a negative impact on the client's interests, to finalise the dispute by a settlement agreement. Should the dispute be not completed by the settlement agreement, the lawyers shall not spoil their mutual relations.
9. While representing, defending or fulfilling the other assignment when it is related to court proceedings, the lawyer may talk to the opposite party on issues related to the fulfilment of the assignment, only about that, after notification, if possible, to the lawyer of the other party, if any.
10. Lawyers representing the parties shall present to the court all written evidence they have prepared in such manner to assure a possibility for the lawyer representing the other party to express his opinion regarding such evidence while providing explanations to the court.
11. When the lawyer is unable to arrive at the court sitting or intends to ask the court to change or establish the time for the court sitting, he must immediately notify his colleague thereof and agree with him on the time for examination of the case acceptable to both.
12. The lawyers may not pay fee, commission or any other remuneration to anybody for the recommendation, assignment of the client to him.

13. If the lawyer thinks that his colleague violated the Code of Professional Ethics for Lawyers, he shall draw the colleague's attention thereto.

14. Any dispute between themselves first of all shall be settled by the lawyers by mutual agreement.

15. A lawyer shall have no right to start any procedural actions against his colleagues prior to notification to the Council of the Lithuanian Bar Association thereof, and prior to trial by the Bar self-governing institutions by mediation to settle their dispute.

III. RELATIONS OF THE LAWYER WITH CLIENTS

16. A lawyer may accept the assignment to defend or represent the client's interests only upon the request of the client himself or his statutory representative. The assignment from other persons to defend or represent the client may be accepted only when they apply upon the assignment or consent of the latter.

17. A lawyer may not accept assignment for proceedings in the following cases:

- 1) when the lawyer and official who performed preliminary investigation or examined the case are in kinship or relationship by marriage;
- 2) when the lawyer has participated in this case as a interrogator, investigator, procurator, public prosecutor, judge, secretary of the court sitting, victim, witness, expert, civil plaintiff or defendant;
- 3) to defend two accused (defendants) if there are contradictions among their defence interests, or when the lawyer in the same proceedings has defendant the person whose interests are in contradiction to the interests of the applicant;
- 4) when the lawyer is in close kinship or relationship by marriage with the lawyer providing in the same case legal assistance to the person whose interests contradict the interests of the applicant;
- 5) when the lawyer has participated in the case as a public counsel for defence, and in the same case the interests of the person applying to him contradict the interests of the person already defendant;

- 6) when the lawyer is aware of such circumstances of the case entrusted by the other accused (defendant) or the opposing party;
 - 7) when the accused (defendant) requires to follow such defence position which obviously contradicts the circumstances of the case;
 - 8) when the client requires to use the knowingly false, illegal evidence (forged documents providing false evidence) and other dishonest ways for defending his interests;
 - 9) when the lawyer is aware that the interrogator, investigator or court may call him to witness in that case;
 - 10) when the lawyer's relations with the person, against who he has to plead the case, are of conflict nature;
 - 11) when the case is against the relatives of direct, higher, lower and side lineage or very close friends;
 - 12) when the case is complex and the lawyer realises that he will not be able to properly perform the assignment;
 - 13) when the lawyer knows in advance that on the same day he will be busy due to the performance of the assignment that has already been accepted.
18. A lawyer must use all means and ways of defence indicated by the laws in order to clarify the circumstances justifying the suspect, the accused or the defendant or reducing his liability, and provide legal assistance necessary to him. When representing he shall seek for a result favourable to the client in legal ways and by legal measures.
19. A lawyer may not defend such interests of the client which make undertake illegal measures and ways and must refuse to satisfy the client's requirements when they contradict the Law on Advocacy and other laws of the Republic of Lithuania, regulatory enactments and rules of institutions legally adopted and effective.
20. Upon consent to defend the suspect, the accused or the defendant, a lawyer shall have no right to refuse.
21. In case of illegal claims, the lawyer must explain to the client that he may chose of the following: to refuse illegal claims or terminate the agreement on defence or representation.

22. A lawyer must explain to the client that he will seek by legal means and in legal ways for adoption of the judgement or decision by the court as favourable as possible, however he cannot guarantee the outcome of the case.
23. Although a counsel for defence in the criminal case is an independent participant of the process, he may not without knowledge of the defendant maintain any position of defence. He shall confer with the defendant and take into account his considerations and arguments.
24. If the defendant admits his guilt, and the lawyer having evaluated all the evidence available in the case draws the same conclusion regarding the guilt of the defendant, then the counsel for defence in his pleading shall analyse all the circumstances which may reduce the liability of the defendant.
25. In cases when the defendant admits his guilt, and the lawyer having studied all the evidence available in the case draws the conclusion that the guilt of the defendant has not been proved or causes doubts, then the counsel for defence must maintain the independent position, not dependent from the defendant.
26. In cases when the defendant denies his fault, and the lawyer having familiarised himself with the case draws the conclusion that there is enough evidence to substantiate the guilt of the defendant, the lawyer does not have to persuade the defendant to admit his guilt. It is court that determines the guilt or innocence, not the counsel for defence. The lawyer may chose another position of defence, but must consider it with the defendant. If the defendant does not agree with the position of defence chosen by the lawyer, he may refuse that counsel for defence.
27. In group cases with contradicting interests of defence, a lawyer has to chose and analyse in his pleading only the evidence denying the guilt of his defendant and causing doubts regarding his guilt or circumstances which reduce the liability of the defendant.

IV. RELATIONS OF THE LAWYER WITH THE BAR SELF-GOVERNING INSTITUTIONS

28. The Bar self – governing institutions of the Republic of Lithuania shall be deemed to be: general lawyers’ meeting (conference) of the Republic of Lithuania, the Council of the Lithuanian Bar Association, the Disciplinary Court of Lawyers and other self – governing institutions established by the resolution of the general lawyers’ meeting (conference) of the Republic of Lithuania or the Council of the Lithuanian Bar Association.
29. Relations of a lawyer and Bar self – governing institutions shall be based on mutual respect, benevolent and active assistance.
30. Elected to the Bar self – governing institution the member must take an active part in its work, as well as in all sittings and meetings, and being unable to take part in them due to any important reasons, he must notify thereof in time; having ceased to perform the professional duties due to one or another reason, he must suspend its authorisations in this institution.
31. A lawyer must carefully and responsibly perform the resolutions (decisions) adopted by the Bar self – governing institutions, upon being called to arrive in time to these institutions and cooperate with them. Being unable to do that the lawyer must immediately notify thereof and appropriately confirm it.
32. If the Bar self – governing institutions applied to the lawyer with inquiries, he must answer them on the determined term and in the determined form.
33. Failure to pay the membership fee established by the Bar shall be deemed to be a serious violation of the professional ethics.

V. FINAL PROVISIONS

34. The provisions of the Code of Professional Ethics for Lawyers shall be also applied to assistant lawyers.

35. In cases when the lawyer's conduct in the professional activities is not regulated by laws, the Statute of the Lithuanian Bar or this Code, he must observe the traditions existing in the lawyers' practice the content whereof conforms to the general principles of ethics and morals.