# Regulation 6/2018 (26.III.) of the MÜK

# on the ethical rules and expectations of the legal profession[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj0id5ed6)

The Delegates' Meeting of the Hungarian Bar Association pursuant to Section 158 (1) paragraph 1 of Act LXXVIII of 2017 on the Activities of Lawyers (hereinafter: Üttv.),

with regard to points 14.2, 14.3 and 14.4(*d),* points 16 and 28 of Section 158(1) of the Üttv,

with regard to point 14.4. *e)*, in point IV.20. 42. of the Statute of the Hungarian Bar Association and in point 34. of Section158 (1).

acting in accordance with the powers conferred upon it by Article 157 (2) (*e) of the* Act, hereby adopts the following Rules:

**Preambulum**

Respect for the legal profession is an essential condition for the rule of law and democracy in society. The widely recognised and respected principles of the European legal profession are essential for the proper functioning of justice, access to justice and the right to a fair trial. The Hungarian legal profession accepts and respects the Charter of the European Legal Profession adopted by the Council of Bars and Law Societies of Europe, which sets out the principles and core values of the legal profession as follows:

*a)* Independence of the lawyer, free handling of the client's case

*b)* The lawyer's right and duty to keep the client's case confidential and to respect the attorney-client privilege

*c)* Avoiding conflicts of interest between different clients and between the client and the lawyer

*d)* The dignity and honour of the legal profession, the integrity and good reputation of the lawyer

*e)* Client loyalty

*f)* Setting fair fees

*g)* The professional competence of the lawyer

*h)* Respect for colleagues

*i)* Respect for the rule of law and the fair administration of justice

*j)* Self-regulation of the legal profession

## *1. General provisions*

1.1 These Rules, in addition to the rules of conduct laid down in the Law on the Legal Profession, set out:

*(a) the* standards of conduct applicable to the practice of the profession of lawyer; and

*(b)* in point 13, the standards, the serious breach of which constitutes a disciplinary offence if it is liable to undermine public confidence in the legal profession or to offend against the dignity of the legal profession.

1.2 Unless otherwise provided for in these Rules, the Rules of Conduct for Lawyers shall apply to practitioners admitted to the Bar and registered with the Bar.

1.3 These Rules shall apply to the acts and omissions of a practitioner of the profession of lawyer during his membership of the Bar or during his registration as a member of the Bar.

1.4.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj1id5ed6)

1.5 The mandatory ethical standards for cross-border legal services are set out in the Code of Ethics for Lawyers of the European Union of the Council of Bars and Law Societies of the European Union (CCBE) on cross-border legal services, as set out in Annex 1. The provisions of the Code of Ethics for Lawyers of the European Union shall be read in conjunction with the provisions of these Rules.

## *2. The duties of the lawyer*

2.1 The practitioner shall use all legal means to enforce the rights and legitimate interests of his client, including, in the case of legal representation, communicating and exchanging information with the legal representative of the opposing party, with the consent of the opposing party or, in the absence of a legal representative, directly with the opposing party, and without undue influence on the witness, the expert and other participants in the proceedings.

2.2. The lawyer shall handle the case entrusted to him/her with knowledge of the facts, legally prepared, and with the client's factual presentations in mind.

2.3. The defence lawyer is bound by the facts presented by his/her client.

2.4 The practitioner shall not engage in conduct that is contrary to the legitimate interests of the client.

2.5 The practitioner shall respect the rules of procedure and the dignity of public authorities.

2.6.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj2id5ed6) A lawyer practising as a lawyer must perform his duties with the same level of dedication, whether on a mandate, on secondment, in an employment relationship or as a probationary lawyer.

## *3. The obligation of legal professional privilege*

3.1 A person bound by the obligation of professional secrecy is obliged to preserve the professional secrecy of the lawyer vis-à-vis all persons, with the exceptions provided for by law.

3.2 If the practitioner represents or defends several clients in the same case, he is under no obligation of confidentiality towards the persons he represents in the case where the facts of the case are identical. This fact shall be pointed out to the persons represented when the mandate is given, if the mandate is not given jointly.

3.3 Facts, data and information brought to the knowledge of the practitioner by a person who has misled the practitioner as to his identity shall not covered by legal professional privilege.

3.4 The practising lawyer shall be disciplined for duly informing his/her employees and assistants who are not subject to these Rules and who are subject to Article 10 (3) and (4) of the Act on the Activities of Lawyers, of their obligations of legal professional privilege and of the confidential nature of the information disclosed.

3.5 Bar association legal counsel and legal clerks are not responsible for ensuring that their client's employees or assistants maintain the confidentiality of any information that they may have obtained.

3.6 A practitioner shall respect the confidentiality of the other practitioner, shall not obtain or unlawfully acquire any information or fact covered by the confidentiality, or use any unlawfully acquired legal professional privilege.

3.7. The person entitled to have access to legal professional privilege

*a)* the client,

*(b) any* person who, with a view to establishing a relationship with a lawyer or in the context of legal advice, has disclosed a fact or information which covered by legal privilege , irrespective of the establishment of the relationship,

*c)* in the case of a contract of agency for the benefit of a third party, the principal in respect of the fact communicated by him, otherwise the represented party,

*d)* the legal successor of the client; and

*e)* the liquidator appointed by the court for the client.

3.8. The person entitled to dispose of the secret may grant a waiver of confidentiality. If there is more than one person entitled, the release shall be granted to all of them, unless otherwise agreed by them.

3.9 In the case of multiple heirs, any heir has the right to know the attorney-client privilege in relation to the disposition of the intestate succession made by the lawyer.

## *4. Conflict of interest*

4.1.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj3id5ed6) A person entitled to practise as a lawyer must pay particular attention to ensure that in the course of his work there is no appearance of any conflict of interest within the meaning of the Act.

4.2 A lawyer may not engage in any activity which does not violate a conflict of interest rule but which would undermine the dignity or independence of the legal profession.

4.3.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj4id5ed6) Non-attorney activities that do not conflict with the conflict of interest rules must be clearly separated from the practice of law by the practitioner, with the exception of the bar association legal counsel and legal clerks.

4.4 If a lawyer is elected as an officer or member of a public body, NGO or other organisation, he/she may not use this capacity for his/her own benefit or for the benefit of his/her clients, nor may he/she use the designation of this capacity in the course of his/her activities as a lawyer.

4.5 In the exercise of his or her activities, the right to practise as a lawyer may not in any way rely on his or her office as an official or other elected position in a public body, NGO or other organisation, or engage in any conduct which suggests that he or she is in a better position to deal with any matter.

## *5. The mandate of a lawyer*

5.1 The mandate of a lawyer may relate to any activity that may be performed by a lawyer under the Act.

5.2 If the mandate is given to a law firm or a European Community law firm (hereinafter together referred to as "law firm"), the mandate shall be signed by the person authorised to represent the law firm. The law firm may, in its articles of association, by a decision of a general meeting or by ad hoc authorisation, delegate the power to accept the mandate to another member.

5.3 If the practitioner of the profession of a lawyer uses standard terms and conditions for the conclusion of the engagement agreement, the client must receive them in writing and in a verifiable manner at the same time as the mandate.

5.4 Conduct that undermines public confidence in the legal profession, even at the stage of the creation and content of the engagement agreement, is unworthy of a lawyer. The standard terms and conditions cannot be dishonest in accordance with section 6:102 of the Civil Code and the client's attention must be drawn to the specific provisions of the mandate, in particular the clauses concerning liability for results, liability for damages and termination of the mandate.

5.5 If the lawyer acts on the basis of a permanent mandate from an estate agent or a third party, he must also have a written mandate from the person on whose behalf he is acting.

5.6 The principal may mandate several lawyers, law firms, European Community lawyers, European Community law firms or foreign legal advisers with the case who

(a) dealt with together in whole or in part with the case; or

(b)carry out certain specific partial tasks independently.

5.7 If, depending on the nature of the mandate, different lawyers may be appointed for certain tasks, the engagement agreement must specify the division of work between the lawyers and which lawyer will be in contact with the client.

5.8. Practitioner of the profession of lawyer

*a)* may not accept a mandate to perform what would be contrary to public mores beyond what is provided for in the Act on the Activities of Lawyers,

*b)* may conclude a transactions with his/her client during the term of the mandate for his/her own benefit or for the benefit of his/her close relatives within the meaning of the Civil Code, in relation to the subject of the mandate or in connection with the mandate, with the exception of a fee arrangement for a lawyer, save with the consent of the president of the competent regional bar association,

*(c)* may not conclude an agreement to advance bail from his/her own assets in criminal proceedings,

*(d)* if the principal has already another lawyer, the lawyer may accept the mandate only if the termination of the previous mandate has been certified by the principal or the previous lawyer has consented to the joint appointment.

5.9 The lawyer shall provide the principal with the following information:

a) the name of the lawyer, the legal form in which the lawyer is practising (sole practitioner or law firm), the address of his/her office and his/her sub-office if any, telephone and fax numbers and e-mail address;

(b) the name and address of the regional bar association in line with the address of the office of the lawyer;

c) the tax number of the lawyer, including the EU tax number, if any.

5.10. The lawyer must act within the framework of the mandate, and may only deviate from it in exceptional cases and only if he has not had the opportunity to discuss the matter with the client beforehand and the deviation is in the interest of the client. The client must be informed of this in writing without delay.

5.11. The lawyer is entitled to independent data collection for the purposes of the performance of the mandate within the limits of the law.

5.12. Within the framework of the facts presented by the client, the lawyer shall, unless the client expressly provides otherwise:

*a)* before the liability to pay public charges arises, the public charges directly related to the legal transaction, declaration or legal proceedings concerned by the execution of the mandate, as well as of the possibility of claiming exemptions from or reductions in such charges, the conditions thereof, the procedure and time limits for such exemptions and reductions,

*(b)* the likely direct legal consequences of the legal transaction or declaration intended to be made; and

*c)* the public authority procedures required in connection with the a legal transaction or the declaration to be made

provide the client with relevant information. The obligation to provide information does not extend to the elaboration of scenarios other than the facts communicated by the client, nor to a legal assessment.

5.13. In the case of a mandate for an activity that falls specifically within the remit of a tax adviser, the advice must also cover the amount of the public charges.

5.14. A lawyer does not comply with his/her duty to inform if the contract or other legal statement drafted by him/her merely formally indicates that the parties have taken note of the information. Detailed information may be omitted in case:

(a) if, depending on the facts of the particular case, the mandate does not expressly and unambiguously refer to the legal advice covered by the obligation to provide information,

(b) if the client has engaged another expert or has the necessary expertise to assess the matter in respect of which the information is required, in particular if he expressly waives the right to be informed, or

(c) to the extentthat the information relates to simple and widely known information.

5.14/A.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj5id5ed6) If the lawyer fails to comply with the duty to inform pursuant to section 43 (5) of this Act on on the Activities of Lawyers, the lawyer shall act as if the party contracting with his/her client had also instructed him/her to act on the case.

5.15. The practitioner shall, without undue delay after becoming aware of it, notify the client's death or the termination of the mandate to those who, to his knowledge, have rights and obligations in connection with the subject matter of the mandate.

5.16. The law firm shall notify its client of any foreseeable change in the person of the responsible lawyer without delay, but no later than 15 days before the change.

5.17.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj6id5ed6) In the performance of his/her obligation under Section 45 of thi Acton on the Activities of Lawyers, the lawyer shall, immediately prior to the countersignature, request the authentic or non-authentic title deed of the real estate and indicate the order number of the requested title deed in the countersigned deed, failing which the requested title deed shall be kept together with the countersigned deed until the time of its retention.

5.18.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj7id5ed6) A lawyer who has a substitute lawyer shall inform his/her client in the engagement agreement, by reference to the list of lawyers, the identity and contact details of the substitute lawyer and of the substitute lawyer's rights and obligations.

## *6. The lawyer's fee*

6.1 If the lawyer is not acting as a favour (i.e. free of charge, pro bono), the mandate must state the fee or the express agreement of the parties as to when and in what form the fee will be agreed.

6.2. The lawyer may provide legal services without remuneration

*a)* in the framework of a voluntary activity in the public interest,

*b)* to a socially deprived natural person under the Personal Income Tax Act,

*c)* to a relative within the meaning of the Civil Code, and

*(d)* on an ad hoc basis, to a natural person who is acting in the course of his or her non-businesslike economic activity and who has a close personal relationship with the lawyer which can be proved.

6.3 For the purposes of these Rules, the activity of a lawyer without remuneration shall not be considered to be an activity carried out free of charge in the proper exercise of his/her profession, with a view to a future mandate, if this, with the exception of legal advice, is expressly stipulated by the parties in the engagement agreement,.

6.4 The commission fee shall be fixed in HUF or in another currency.

6.5 The method, time and conditions of settlement, the collateral, legal consequences and the possibility of set-off shall be specified in the engagement agreement.

6.6 The fee for legal advice shall be communicated to the client prior to the commencement of giving legal advice.

6.7 The provision of legal services without a fee does not exclude to charge the costs or overhead.

6.8 The fee may be a flat fee, an hourly fee, a fixed or percentage fee based on the value of the subject of the engagement, a success fee under the conditions set by law, or a combination of these.

6.9 It is forbidden to demand any material or other consideration in addition to the agreed fee and the chargeable costs.

6.10. If the assignment is terminated before its completion, the lawyer is obliged to make account in writing the fees already received, but may retain the fee received in proportion to the work performed until the termination of the mandate. The obligation to make account shall not be affected if the principal disputes its content. In the event of a dispute, the lawyer must prove occurrence of the making account.

6.11. If the practitioner undertakes to act as a lawyer for a third party free of chatge on the basis of a legal relationship with a state or municipal body, a non-governmental organisation or a similar public benefit organisation, the lawyer shall not accept remuneration from the third party. The practitioner must still comply with the rules on conflicts of interest and is prohibited from using this activity for the purpose of obtaining clients or for advertising.

6.12. A lawyer may not share his fee with a person who is not a practitioner authorised to accept the mandate of a lawyer, unless the rules of the Member State of the European Economic Area to which the lawyer belongs permit the association of a lawyer and other persons.

## *7. The power of attorney*

7.1 The power of attorney must contain the information on file necessary for the identification of the lawyer.

7.2 The power of attorney authorises the lawyer to perform all acts towards a third party which are related to the proper performance of the case entrusted to him/her.

7.3.The lawyer shall immediately notify the court or authority in charge of the proceedings of the power of attorney received, its amandment or termination, and the opposing party or its legal representative of its termination, and shall submit his/her power of attoney to the proceedings.

## *8. Defence activity*

8.1 The provisions of these Rules shall apply to defence activities with the exceptions set out in this section.

8.2 If the future assignment of the defender is made without prejudice to the previous defender's assignment, the defender shall immediately inform the previous defender about this intention of the assignee, ask for his/her opinion and, in case of refusal, refuse to accept the assignment. Where a joint defence is established, the defenders shall cooperate.

8.3. The defender shall not accept a mandate or assignment for the defence of persons with a conflict of interest even in case of Article 20 (7) of the Act.

8.4.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj8id5ed6)

8.5 In the case of the defence of more than one person in the same case, the defender shall inform the client in writing at the time of the conclusion of the mandate or after the appointment as public defender, in his statement of facts, that if a conflict of interest subsequently arises, the defender shall terminate all mandates or, in the case of an appointment, request his own dismissal.

8.6 If a public defender has already been appointed by the authority, the assigned defender shall notify the appointed public defender about the assignment without delay.

8.6/A.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj9id5ed6) A substitute defender, appointed to replace an appointed public defender shall promptly and in a verifiable manner report to the appointed public defender on the procedural steps taken in the absence of the appointed public defender, and shall communicate to the appointed public defender all available information in the case, and provide all documents which may be used for the effective defence.

8.7. In the performance of his/her duties, the defender shall

*(a) is* present, as far as possible, at the investigative or evidentiary act, and during the act facilitates the defence with his or her conduct,

*b) the* defender is free to decide on the tactics of the defence, taking into account the interests of his or her client, and, on the basis of the same principle, and within the lawful limits, the defender decides on the use of the evidence at his disposal, its order and timeline,

*(c)* in his or her statements, he or she shall avoid making any adverse assessment of the person or activities of the conflicting defendants beyond what is necessary for the defence.

8.8. The defender shall submit his/her authorisation to the competent authority without delay after accepting the mandate, at the same time - within a short time after the public defender becomes aware of the appointment - request information on the status of the case and immediately initiate personal contact with the client in custody. During the period of the restriction of personal liberty, the defender shall adapt the frequency of contact to the case and the professionally justified needs of the client.

8.9. The defender shall act in the best interests of his or her client to the best of his or her knowledge and belief. The assigned public defender shall be entitled to inform the charged person or, subject to the attorney-client privilege, any other person with regard to the possibility of the mandate.

8.10. The defender informs the client of the status of the case, the expected procedural steps, rights and obligations, and the possibility of reaching a settlement according to the current status of the case. The defender may inform the client's relatives or any other person, taking into account the interests of the charged person, in the event of a waiver of the attorney-client privilege in this respect.

8.11. In the case of a lawyer’s prison visit, the defender shall comply with the rules of the detention facility, while at the same time demand the full exercise of the rights of the defender.

8.12. In the performance of his or her duties, the defender shall not contradict the client's factual statements. In the event of his client's denial, he or she shall not engage in any conduct which might give the impression that he or she has doubts as to his client's lack of criminal responsibility or which might lead to the conclusion that the accused is guilty.

8.13. The defender shall exercise the right of appeal in all cases, when

*(a)* there is a legal possibility to do so and the defendant has exercised it, or

*(b)* he or she is certain that his or her own appeal serves the interest of the defendant.

8.14. The defender shall inform the authority and the court of the fact of termination of the mandate without indicating the reason of the termination.

## *9. Requirements concerning advertising in connection with the activities of lawyers and external communications by lawyers*

9.1 A lawyer, law firm, European Community lawyer, European Community law firm and foreign legal adviser (for the purposes of points 9 and 10 together referred to as "lawyer") is entitled to provide information to the public about the provided services, supposing that the information is accurate, not misleading and does not infringe the principles and fundamental values of the lawyer as set out in the Preamble.

9.2 Information on the activities of the lawyer shall not conflict with the provisions of other legislation on the prohibition of unfair market practices, commercial advertising, advertising by electronic means and the provisions of these Rules.

9.3 In the provision of information and advertising concerning the activities of lawyers, increased care and caution shall be taken to ensure that the duty of keeping professional secrecy and the dignity of the legal profession are respected, and that advertising concerning the activities of lawyers is compatible with the lawyer's contribution to the administration of justice and his or her role in the rule of law and democratic society.

9.4. Advertising concerning the activities of lawyers cannot

*(a)* reduce public confidence in the legal profession or the administration of justice,

*b)* be aggressive or harass the client,

*c)* make comparisons with other lawyers concerning quality, efficiency or remuneration that are contrary to the limits of comparative advertising,

*(d)* make reference efficiency of the lawyer's track record or the number or importance of clients,

*(e)* take advantage of the potentially vulnerable or constrained situation of the client, in particular cannot take advantage of a specific misfortune known to him or her or the circumstance seriously limiting the client's judgment, in order to influence the client's decision to choose a lawyer.

9.5 A lawyer must not create a reputation or even the appearance of that, that he or she can obtain a more favourable result in a particular court or before a particular authority generally or in particular matters than other lawyers or that he or she can settle the case more quickly.

9.6. When informing the public about court cases, judgments, the cases he/she represents and other public appearances, the lawyer shall act objectively and in a manner befitting the prestige of the legal profession, while refraining from promoting his/her person.

## *10. The lawyer's website*

10.1 The lawyer's website, the lawyer's profile on a social media platform or other presence of the lawyer on the Internet (hereinafter together referred to as the "lawyer's website") may contain objective content compatible with the dignity of the legal profession.

10.2 The members of an lawyers’ association may maintain a common website.

10.3 The lawyer's website may not maintain a guest book, a counter indicating the number of visits to the website in a publicly accessible manner, nor may it collect visitors' e-mail addresses.

10.4. The lawyer's website may contain links to other websites only in professionally justified cases.

Separate websites of members of an lawyers’ association may refer to the website of the other member of the association. In the case of a reference to another lawyer's website, the lawyer shall, at the request of the Bar Association, provide evidence of the facts justifying the reference.

10.5 The home page of the lawyer's website shall contain the information approved by the regional bar association in a clearly visible and legible manner, as well as a link to the website of the regional bar association.

10.6 The case handled by the lawyer and the client represented cannot be named on the lawyer's website. This does not preclude the lawyer from indicating in general terms the type of case or client he or she represents in the description of his or her activities.

10.6/A.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj10id5ed6) The information concerning the amount of the lawyer's fees (hereinafter referred to as "fee information") shall be on the lawyer's website objective, accurate, not misleading and not comparative.

10.6/B.[**\***](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj11id5ed6) The rules on advertising for lawyers shall apply to the fee information, except that it shall clearly state

*a)* the activity of the lawyer concerned by the fee disclosure,

*b) the* basis and amount of the fee,

*(c)* whether the fee covers the costs of the performance of the contract,

*(d) the* foreseeable costs incurred in connection with the performance of the case which are not included in the fee,

*(e)* where a discount is announced, the amount and the conditions under which the lawyer will grant a discount from the fee published in the fee information, where the discount to be granted, should be compatible with the dignity of the legal profession; and

*f)* the information that the fee in the lawyer engagement contract may not be deviated, to the detriment of the client, from the published fee information prevailing at the time of the conclusion of the contract.

10.7 The lawyer is responsible for the content of the lawyer's website. A lawyer who cooperates in any legal relationship with a foreign lawyer, foreign law firm, European Community lawyer, foreign legal adviser, auditor, other national or foreign firm or other legal person or entity without legal personality is also responsible for that content of the website of the collaborator of the lawyer, which refers to the lawyer.

## *11. Relations of the practitioner with other practitioners, the opposing party, the court and other authorities*

11.1 The practitioner may not initiate a conciliation with the opposing party without the consent of the opposing party's legal representative.

11.2 If the necessity of a hearing with the opposing party arises, the lawyer shall inform his/her client without delay.

11.3 The lawyer may also contact the opposing party directly if the opposing party does not have a legal representative or if the designated legal representative does not respond to the request within a reasonable time.

11.4 The lawyer may only be present at enforcement proceedings ordered by a final decision of a public authority. The legal practitioner may not intervene in an act constituting a trespass.

11.5. The submission of a practitioner shall not contain statements or communications that are discriminatory or offensive to human dignity.

11.6 The person entitled to act as a lawyer shall provide services to the opposing party through its legal representative, unless the legal representative expressly provides otherwise.

11.7 The person entitled to practise as a lawyer shall send a copy of his or her pleading in due time, preferably at the same time as it is lodged, without any special request, to the electronic mail address of the opposing party's legal representative known to him or her, unless the legal representative expressly provides otherwise.

11.8 A practitioner shall avoid making remarks which are offensive to other practitioners and to certain categories of practitioners in general, and shall avoid denigrating or characterising other practitioners in a negative way.

11.9 The practising lawyer may use correspondence and offers relating to the out-of-court settlement in legal proceedings only with the consent of the opposing party's legal representative.

11.10. The practitioner shall inform the opposing party's legal representative without delay if he is unable to respond to his offer or request within a reasonable time.

11.11. If, after the termination of the mandate, the client has entrusted another lawyer with the representation of the client, the former lawyer shall provide the new lawyer with the information necessary to represent the client in the case effectively.

11.12. A practitioner may only communicate to his client a different legal opinion on the work of a former practitioner and may not criticize the work of a former practitioner.

11.13. The practitioner shall refrain from all unfair forms of solicitation. In particular, it is an unfair form of obtaining a client if he asks or accepts remuneration from a third party for having referred the client to him or if he uses an intermediary or a courier for remuneration.

11.14. If the lawyer requests the postponement of the hearing or other action due to a justified impediment to the exercise of the lawyer's profession, the opposing party's legal representative shall consent to the postponement, provided that his client has not objected to it and the postponement does not prejudice his interests.

11.15. If a lawyer becomes aware of an infringement by a court or public authority and is unable to remedy it by the available legal means, he/she shall request the intervention of the Bar Association.

11.16.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj12id5ed6) Unless otherwise provided for by the parties, if the substitute lawyer initiates the termination of the substitution mandate with the substituted lawyer, the substituted lawyer shall within 30 days arrange for the establishment of a new substitution mandate and its registration in the Bar Register.

## *12. Relations between the lawyer and the Bar Association*

12.1 The practitioner shall comply with the rules and decisions of the Bar in the conduct of his/her activities.

12.2. A lawyer shall comply with the following requirements:

*a)* any ad hoc request by the Bar Association, based on law or the Bar Association's internal rules,

*(b) the* lawyer's response and attachment of documents sent by the lawyer's liability insurer in the course of an insurance claim settlement procedure on matters affecting the existence or extent of the lawyer's liability.

12.3 A practitioner, whether or not he/she makes a statement, shall submit to the Bar Association and its bodies, upon request, the documents relating to the case in the event of a complaint or disciplinary proceedings against him or her, and in the case of a barrister or legal adviser, the documents over which he or she has the right to exercise control.

12.4. The practitioner shall notify the regional bar association, indicating the name of the competent authority or court and the case number, if

*(a)* he was heard as a suspect in proceedings for public prosecution,

*b)*[*\**](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj13id5ed6) in a private prosecution or in proceedings for a supplementary private prosecution, the court has finally and conclusively established his or her guilt,

*c)*[*\**](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj14id5ed6) - except at the office, place of business, seat, establishment, branch or other premises of the Barrister and the legal adviser's client, his office is searched.

12.5. Only the President of the Bar Association or, with the prior consent of the President, another officer may make a statement on behalf of the Bar Association.

12.6.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj15id5ed6) Within six months of registration at the Bar, the lawyer, the barrister-at-law, the lawyer-employee, the legal rapporteur and the European Community lawyer who is a permanent member of the Bar shall submit to the committee appointed by the Presidium of the regional Bar Association the following documents, in accordance with the provisions of the Act on the Legal Profession of Lawyers and from the regulations listed in § 158 (1) 1, 8, 16, 17 and 20 of the Act and, with the exception of barristers and legal rapporteurs, in § 158 (1) 3, 12 and 14 of the Act, unless

*a)* he/she has previously reported from the regulations listed in points 1, 8, 16, 17, 20 of paragraph (1) of Article 158 (1) of the Act on the Statute of the General Meeting of Members during the procedure for admission or the change of the form of an association or otherwise,

*b)* the requisite party has complied with the reporting requirements of the MLCA Rules on the training of trainee lawyers.

## *13. Ethical expectations of the legal practitioner*

13.1.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj16id5ed6) A lawyer shall, in the course of his/her proceedings and trials, in accordance with the traditions of his/her profession, deal with members of the courts, public authorities and all others with whom he comes into contact in the course of his/her proceedings, and shall accord them the respect and esteem due to him/her and expect the same from his/her fellow professionals.

13.2 The practitioner shall draw the attention of the client to the rules of judicial and official procedure, to the need to observe them and to respect the dignity of the court and the authority.

13.2/A.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj17id5ed6) A lawyer shall wear a black robe, reaching at least to midcalf and with a green trim at the neck, when representing a client in court and in courtroom proceedings, unless the judge presiding at the hearing grants an exception.

13.2/B.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj18id5ed6) The Presidency of the Hungarian Bar Association may issue a non-binding recommendation concerning the appearance of the robe.

13.3. A practitioner of the profession of lawyer shall:

*a)*[*\**](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj19id5ed6) prepare and present his or her statements and particularly pleadings in a legally sound and demanding manner,

*b)* pay particular attention to the quality of his application for review before the Curia and his application to the Constitutional Court.

13.4 Practitioners of the legal profession shall fulfil their obligations towards each other with increased diligence, maintain good collegial relations and conduct their work in accordance with standards of courtesy based on mutual trust.

13.5 In the exercise of this activity, the practitioner shall refrain from disputes arising from personal animosity between the parties and shall encourage his clients to behave in the same way.

13.6. If, in the exercise of their profession, the persons entitled to practise as lawyers have a disagreement or dispute with each other, they shall endeavour to settle the dispute by amicable means, if necessary by recourse to the conciliation forums of the regional bar association.

13.7 If proceedings against a legal practitioner appear justified in connection with his or her activities and the nature of the dispute so permits, the person concerned shall be notified in advance and invited to comply voluntarily, setting a reasonable time limit.

13.8 In the event of a termination of the mandate by the client, the new mandate holder shall, to the extent possible, assist the former mandate holder in obtaining a fair remuneration commensurate with the work performed.

13.9 The activities and membership of a lawyer in a business company or other organisation shall not be prejudicial to the reputation of the Bar.

13.10.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj20id5ed6) The practitioner shall not, by failing to inform, failing to comply with an instruction, failing to communicate personally or by any other conduct, jeopardise the client’s general confidence in the profession of lawyers and the legal profession.

## *14. Final provisions*

14.1 These Rules shall enter into force on the first day of the second month following their publication on the website of the Hungarian Bar Association.

14.2 The text of these Rules is harmonised with the Code of Conduct for Lawyers of the European Union, as set out in Annex 1, adopted by the Council of Bars and Law Societies of the European Union (CCBE) at its Plenary Session on 28 October 1988.

14.3.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj21id5ed6) The amendment to point 12.6 shall apply to lawyers admitted to the Bar or registered with the Bar after its entry into force.

14.4.[\*](https://net.jogtar.hu/muk?docid=A18S0006.MUK&getdoc=1&dbnum=1&searchUrl=/muk-kereso/gyors#lbj22id5ed6)

14.5.

*a)* the Code of Ethics for the Legal Profession No. 8/1999 (III. 22.) of the MÜK,

*b)* Regulation No. 5/2008 (X. 27.) of the JPC amending and consolidating Regulation No. 8/1999 (III. 22.) of the JPC on the ethical rules and expectations of the legal profession,

*c) the* Rules 1/2011 (VI. 17.) of the JPC supplementing the Rules 8/1999 (III. 22.) of the JPC on the ethical rules of the legal profession, as amended several times, and

*d)* in point 1.3.5 of the MÜK Rules 11/2017 (XI. 20.) on the drafting of documents and electronic administration, the words "the declaration relating to point 1.3.1. and",

*e)* point 2.7.1. of the Rules of the Chamber of Commerce and Industry No. 12/2017 (XI. 20.) on the procedures of the Chamber of Commerce and Industry.

14.5 Subsection 8.4, subsections 14.3, 14.4 and this subsection shall expire on 1 July 2018.

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**Annex No. 1**

(Full text of the CCBE Code of Conduct)

[EN\_DEON\_CoC.pdf (ccbe.eu)](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/DEONTOLOGY/DEON_CoC/EN_DEON_CoC.pdf)