

**CODE
ON PROFESSIONAL ETHICS OF LAWYERS, ASSOCIATES
AND LAWYER'S APPRENTICES OF THE
MACEDONIAN BAR ASSOCIATION**

The Code of Professional Ethics of the lawyers is a sum of adopted principles, which should serve as directions to the lawyers during their work. These principles are in compliance with the general principles of professional ethics of the Bar adopted and developed before.

Nonobservance of these rules and principles from this Code on professional ethics of lawyers, associates and lawyer's apprentices represents violation of the principles, sanctioned by special Act of the Bar.

All lawyers are obliged to take care for the regular application of this Code.

In case of representing or defending clients in foreign courts, besides observing this Code, they should adhere to the generally adopted principles of professional ethics of domestic country.

GENERAL PROVISIONS

1. Independence

The lawyer is independent in executing his obligations and he should not let any influence from third person or his personal interests or third person's interests to influence him in executing his obligations to the client. The lawyer is obliged to not allow any violation of his independence and not to violate his professional principles in order to please anyone, even his client.

2. Confidence

There must be a relation of confidence between the lawyer and his client, and this could be achieved only if the lawyer has a personal dignity, honor and integrity. These traditional values are also professional obligation for the lawyer.

3. Reliability

The reliability is primarily and fundamental right and obligation of the lawyer because the basic of the lawyer profession enable him to be informed for some information that the client would not reveal to any other person. Without this principle of reliability there would not be any confidence between the lawyer and the client. Lawyer's obligation for respecting the principle of reliability is not time limited and it is applicable for any information that he would be informed from the client in executing his legal profession. This principle provides to the lawyer a special protection from the state.

4. Inappropriate professions

By this principle the lawyer restrain himself from executing other professions or activities, or acquiring a status of subject which are not connectible with the legal profession and are violating his dignity, integrity, independence etc.

Professions, activities, duties or a status of a person that are not connectible with the advocacy, are:

- Bankruptcy manager,
- Legal representative of commercial firm,
- Founder, member or partner, manager or employee in the commercial firm which main activity is legal consulting, real estate agency or other legal subjects who, by his work, are representing non loyal concurrence of the advocacy.

5. Personal advertising

The lawyer can not advertise himself or look for a personal publicity on an inappropriate manner.

Publishing lawyer's basic information on his personal web site on the Internet as: name, surname, address, telephone number, field of activity, without announcing the price of the services and lawyer's personal and professional qualities. It is prohibited announcing on his web site the names of the clients that were represented by the lawyer.

6. Client's interest

The lawyer is required to act in the client's best interest and he should put that interest before any other.

RELATION TO THE CLIENT AND TO THE CASE

1. - The lawyer as a provider of legal services and performer of public authorizations should give legal assistance, represent or defend the client, every time when clients refer to him/her for that purpose.

The lawyer may refuse to give a legal service or perform a public authorization only because of justified reasons, as for example: if the lawyer is overloaded with work; if he/she finds that there are very small chances to win the case; if the client is not capable to pay the costs and the remuneration to the lawyer; if the litigant is irresponsible etc.

Refusing to give legal services in criminal cases (defense) should be considered under rigorous criteria. - This is allowed only in exceptional cases of objective or subjective nature, as for example: lawyer's illness; if the accused didn't pay for the previous defense in the same case etc. However, in all these cases the accused shouldn't be left without defense.

In case when the client is poor, his/her incapability to pay completely the remuneration to the lawyer, should not affect the provision of legal services or providing of public authorizations, because the lawyer's vocation is traditional and honorable.

2. - If the lawyer accepts to perform public authorization or give legal assistance, representation or defense, he/she is obliged to establish a relation of confidence with his/her client and to remain loyal to him. The lawyer may cancel the representation, defense or giving other legal assistance, because of the same reasons aforementioned in item 1, but only if he/she found out about the existence of these reasons after he/she had accepted to pursue the case. - However, in this case the lawyer is obliged to represent his client until he finds another legal representative, but no longer than 30 days.

3. - The lawyer may not perform public authorization or represent clients who are co-litigants or co-accused in the same case, if they have opposite mutual interests. If a case like this arises in the course of the representation, or defense, the lawyer is obliged to cancel the representation, or defense towards one of his/her clients.

4. - When composing bilateral legal deeds (contracts or other), the lawyer is obliged to protect the interests of the two parties conscientiously, regardless of the fact who asked for the legal assistance and who is paying the remuneration. - If a dispute regarding the contract composed by the lawyer arises between the parties, the same lawyer may not represent either of them.

5. - The lawyer is obliged to represent and defend his/her client conscientiously, using all necessary means which are permitted by the Law or by other regulations. - But, the lawyer should avoid submitting unnecessary briefs or proposals. - The lawyer should insist on concentrating all evidence and facts in small number of briefs. - The lawyer may not identify himself with his client; he should act from the height of his function - representative or defender of his client.

6. - Representing his client, the lawyer should accept neither the offer to represent the opposite party in the same case, nor other activities which are opposite to his client's interests, during the litigation.

7. - If the lawyer accepts the offer to represent or defend the client, he should get detailed information with all possible evidence from his client, and to caution the same that in his/her interest is to inform the lawyer about all facts. On the other hand, the lawyer is obliged to research and study conscientiously the case that he accepted to represent and to act upon that case on the same way, as well to inform his client honestly about his personal opinion about the expected outcome of the litigation.

The lawyer is also obliged to familiarize his client with the actual situation of the case - from factual and legal point of view.

8. - When accepting the offer to represent the client, the lawyer is obliged to inform him, if possible, about the amount of expenses and the remuneration for the representation or performing of public authorization. - If the client is in bad financial condition, the lawyer should adjust the remuneration with the financial condition of his

client, that is, to decrease the remuneration even under the minimum which is determined by the tariff. Also, the lawyer should not demand any remuneration from a client who is extremely poor, taking care for the old ethical principle of the lawyers: nobody should be left without an expert lawyer's legal assistance only because of his/her incapability to pay the remuneration.

9. - The lawyer should not accept to perform public authorization, to represent, defend or render other legal assistance in so many cases at the same time, if that would make him overloaded to the extent that he could not handle conscientiously and thoroughly each of the cases. If the lawyer is overloaded, he should refer the client to other colleagues he trusts.

10. - The lawyer should not see the opposite party as an enemy but as an average adversary, who may be as confident in his right as the client he represents. Thus, the lawyer's relation to the opposite party should be concrete. - Nevertheless, this should not affect the representation of his client. The lawyer should act energetically and without fear, but still in the framework of the provisions of the law. - The lawyer should avoid any contact with the opposite party without knowledge of his client and the opposite party's representative.

The lawyer should inform his client about his friendly relation with the opposite party, before he agrees to represent the client. This would eliminate any suspicion regarding the regular/correct performance of the lawyer's duty.

II.

RELATIONS WITH THE COURT AND OTHER BODIES

11. - During the execution of the function, the lawyer is obliged to protect the reputation of the Court, the administrative bodies and other social bodies where he represents his client. - By any appearance of the lawyer, the Court and the other bodies should consider him as a protector of the legality/lawfulness and the client's rights and legal interests.

The lawyer is obliged to respect the court, administrative and other bodies where he represents his client, but he is also obliged, in the interest of the advocacy reputation, to prevent any unfair relation of the representatives of these bodies to him or to his client. He is obliged to prevent such tendencies in a decent manner and by permitted means. He is obliged to give decent resistance against any attempt to violate the principles of democracy and person's dignity.

12. - The friendly relations of the lawyer with the judge or with other representatives of the aforementioned bodies should not be expressed during the execution of the lawyer's function. It is especially indecent if the lawyer tries to misuse his friendship, connections or acquaintance with these persons in the interest of his own or in the interest of his client, and to the detriment of the opposite party, third party or organization.

13. - Before the court and the other bodies, the lawyer should act as his client's proxy for protection of their rights and legal interests. He is also obliged on the basis of conscientiously collected information, to bring up the factual/real state of the affairs to which he refers - clearly and to the point - written or orally. - The lawyer is obliged to avoid demagoguery and misuse of the factual and legal assessments during the presentation of the case. - The lawyer is obliged to act always in the same manner, regardless of whether the parties and the public are present in the courtroom or not.

14. - The length of the written text and the length of the speech depends on the concrete circumstances, complexity of the case, legal regulations etc. - The conciseness of the presentation should not hinder the lawyer to lay out the written text or the speech in an impressive and convincing form, and to present it on such manner that would be more interesting and acceptable. - Cultivation of the nice language is a traditional obligation of the lawyers.

III

RELATION TO OTHER LAWYERS AND TO THE BAR ASSOCIATION

15. - The Bar association is an autonomous and independent public service which performs public authorizations determined by the law. The Bar association is responsible for the fulfillment of the members' duties. Thus, every lawyer from his side is obliged to contribute to the successful operation of the Bar association as well as to cultivate and raise its reputation.

Election to the Bar association's organs should be an honor for every lawyer. He/she may refuse the job, because of health problems or because of other justified reasons.

The lawyers are obliged to perform their members, professional and social duties of moral and financial character, exclusively and consciously towards all social-political or any other organizations which are of special and common interest to them.

16. - The lawyer should strengthen the mutual relations, to cultivate expert and professional solidarity and friendly relations in their work. - The mutual relations among lawyers and their cooperation should be honest and concrete and not to have influence over the conscience and the determination in the representation of their clients.

Taking over clients from other lawyers, through connections, recommendations or any other way is not allowed. It is indecent for the lawyer to offer his services to clients who already have hired their own lawyer, especially if he offers a more favorable representation or defense to the client, financially.

The lawyer may not ignore, belittle or underestimate the work of the opposite party's lawyer, by words or by any other way. In criminal procedure, the lawyer may not

set up and direct the defense in a way that he charges the other co-accused persons, except if the needs of the defense demand that.

17. - The collegiality among lawyers demands each of them not to refuse when he was requested to substitute for another lawyer, without justified reasons. The lawyer, who requests to be substituted, should present the necessary data and directions to his substitute; to reimburse his expenses and to pay off the remuneration. When the requested lawyer is hindered to substitute the other lawyer, he should immediately notify his colleague, or to make efforts to provide another substitute.

IV

ABOUT PROFESSIONAL SECRETS

18. - Any information confided to the lawyer by his client regarding the requested legal advice, representation or defense, as well as any information found out by the lawyer in another way, and which is confidential, shall be considered to be a professional secret.

The obligation for withholding professional secret also refers to the files from the lawyer's archive. The lawyer should keep professional secrets in order to avoid the disciplinary or criminal responsibility. It shall be considered to be a secret during the representation and defense, as well as later, as long as its public disclosure may damage the party.

19. - The lawyer may disclose the information that is a professional secret, and was confided to him by his client, only if the client permits that undoubtedly; if it is in the interest of the defense (necessary for the defense); as well as when he requests that and gets a permission from the Bar Association. - The Bar Association, during the consideration of such lawyer's request should assess all actual circumstances.

20. - If the client demands from the lawyer to represent him opposite to the factual truth, he may refuse to represent him. In such cases, the lawyer should not undertake any activities that may damage the party.

The lawyer may not give proposals aimed to avoid the factual truth.

21. - If the lawyer found out information during the representation of a legal entity, or if he found out the information while he was working in the same, he may not use such information in any procedure to the detriment of the organization.

V

EXPERT EDIFICATION, PROTECTION AND RAISING OF THE PERSONAL AND MORAL REPUTATION

22. - The lawyer is obliged to improve his expert and general knowledge permanently. For that purpose: he should follow and research regulations and expert literature (particularly in the area of his specialty); follow cultural, scientific and political achievements and occurrences, and according to his possibilities should actively participate and collaborate with professional and expert organizations, newsletters and with other social activities.

The lawyer is obliged to convey his knowledge unselfishly to other lawyers, and especially to the associates and lawyer apprentices.

23. - The lawyer should evolve his intellectual abilities, professional and other social activities, always in the framework of the lawyer's vocation. - It is not allowed for the lawyer to use his activities opposite to the principles from this Code in order to distinguish his lawyer profession or to advertise himself in any other way.

24. - The lawyer is obliged to acquire and to maintain certain extent of personal and moral reputation, at any time, during the performance of his vocation, as well as in his personal life. For that purpose, he is obliged to restrain himself from his personal and especially financial interests who could make his moral character suspicious.

Through continuous expert edification and raising the personal and moral reputation, the lawyer fulfils his professional duties and qualifies him for successful performance of the traditional function for defense of the freedom, independence, civil rights, humanity, human dignity and the legal rights.

25. - The lawyer may contact directly with the opposite party or with his representative or defender, only upon request or knowledge of his client, but only for the purpose of the dispute settlement.

VI

LAWYERS' RELATION TO THE LAWYER' S APPRENTICES AND VICE VERSA

26. - The lawyer should pay a special attention to the apprentices' work. He has to take care for their successful expert edification and improvement.

The lawyer's apprentices have to be advised by the lawyers about their correct relation to other lawyers, associates, apprentices, institutions in which they appear in their work, situations out of their work.

The lawyer should provide a thorough and manifold practice to his apprentices. The practice should not be partial and incomplete.

27. - At his first business contact, the lawyer apprentice is obligated to introduce himself to the lawyer with whom he meets for the first time. - He should do the same to the judge before whom he appears for the first time.

28. - The lawyers should pay a special attention to familiarize the lawyer's apprentices with the Code of ethics, without which neither the expert practice nor their knowledge would have any value.

The lawyer should give sufficient time to his apprentice for the purpose of preparing for the Bar exam. The relation between the lawyer and his apprentice should not represent a misuse of the function and the confidence.

29. - The lawyer's apprentice is obliged to keep the secret of the lawyers office in which he works.

VII

THE LAWYER'S OFFICE AND ITS FIRM TITLE

30. - The firm title of the lawyer's office should be placed on the building in which that office is situated, but its form and content should not be used for advertisement purposes.

31. - The lawyer should meet his clients in his office, in order to preserve the office's reputation.

It is indecent if the lawyer performs his activities in the court's passages, restaurants and other indecent places.

VIII

FINAL PROVISIONS

Besides lawyers, this Code shall also apply to the work of the associates and lawyer's apprentices.

32. - This Code shall have a temporary character and should be amended and improved in future, accepting the principles of the Bar's professional ethics adopted in Republic of Macedonia.