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Council of Bars and Law Societies of Europe
The voice of European Lawyers

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Model Code of Conduct for European Lawyers
Preamble

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Lawyers have a central position in the administration of justice. They defend citizens' rights by assisting and representing them, and liaise between citizens and the courts. In this capacity, they hold a key position in ensuring the trust of the public in actions of the courts – the mission of which is fundamental in a democratic system governed by the rule of law.

Essential principles guide lawyers' behaviour in all circumstances, including independence, observance of legal professional secrecy and confidentiality, refusal to counsel, assist or defend a client if the lawyer is having a conflict of interest.

The lawyer shall be competent, devoted, diligent and cautious with their clients.

When carrying out their duties, lawyers shall respect principles of dignity, conscience, integrity and loyalty.

One of the main objects of the Council of Bars and Law Societies of Europe (CCBE) is to represent its member bars on all matters of mutual interest relating to the exercise of the profession of the lawyer, the development of the law and practice pertaining to the rule of law and the administration of justice.

The Model Code of Deontology is the third part of a set of documents which the CCBE has adopted to achieve these objectives as concerns deontology:

The ***Charter of the Core Principles of the European Legal Profession*** contains a list of ten core principles that express the common ground which underlies all the national and international rules which govern the conduct of European lawyers.

The ***Code of Conduct for European Lawyers*** states common rules which apply to all lawyers from the European Union, the European Economic Area, the Swiss Confederation and the United Kingdom, as well as associated and observer countries, whatever Bar or Law Society they belong to in relation to their cross- border practice. In particular, it aims at defining the applicable rules when the deontological rules of more than one member country are applicable in accordance with their terms.

With the ***Model Code of Conduct for European Lawyers***, the CCBE presents to its members a coherent set of deontological rules.

The Articles of the Model Code of Conduct are inspired by the Charter of Core Principles. They do not aim at providing a comprehensive set of regulations of the legal profession though. For example, the Model Code of Conduct does not deal with lawyers' relationship with disciplinary organs.

The Articles of the Model Code are accompanied by comments, aimed at clarifying their meaning in order to facilitate their application in concrete cases.

The CCBE does not propose that the Model Code of Conduct, unlike the Code of Conduct of European lawyers, should constitute a uniform code to be adopted as enforceable rules in all the Bars it represents.

The drafting of rules which would have this aim would indeed lead to a code reflecting, as it were, the lowest common denominator of the deontological rules in force in all the Bars, resulting in the formulation of sometimes the most restrictive standard, sometimes the least restrictive, which would be of little use.

The CCBE has therefore chosen to propose rules which are best suited to current conceptions of the purpose of lawyers' deontological rules, dictated by the interests of the client, and which comply with European law.

The CCBE therefore believes that, recognising the merit of these rules, its member Bars will voluntarily adopt the provisions of the Model Code of Conduct or, where this is not possible, will be largely inspired by them.