

**L.E.P.L. `Georgian Bar Association`**  
**Code of Professional Ethics for Lawyers**

*Preamble*

The Code of Professional Ethics for lawyers shall set the rules of professional ethics and conduct for lawyers.

The Code of Professional Ethics shall aim at setting the rules of conduct, compatible line with the standards of professional ethics, based on professional and moral responsibility to society and also at establishing the obligation of a lawyer to maintain professional dignity, respect the profession of a lawyer and make every effort to attain the high level of public confidence in the profession of lawyer.

Chapter I. Principles of lawyers' professional activities

Article 1. Basic principles of professional activities

When discharging his/her professional activities a lawyer shall be required to observe the following basic principles of professional ethics: independence, trust, confidentiality, priority of clients' interests, inadmissibility of conflicts of interest and collegiality.

Article 2. The principle of independence

1. In performing his professional activities, a lawyer shall be free from any influence or pressure including his personal interest and shall be directed only by the Georgian legislation, international law and standards of professional ethics.
2. A lawyer shall not consent to compromise in performing his/her professional duties in favor of a client's, court's or third party's interests.

Article 3. The principle of confidence

A client-lawyer relationship shall be based on trust. Client's confidence in a lawyer shall be based on lawyer's personal dignity, honesty, integrity, competence and independence. A lawyer shall not act in such a manner as to question a client's confidence in him/her. These qualities shall be a lawyer's professional duty.

Article 4. The Principle of Confidentiality

1. Information that becomes known to a lawyer in the course of performing his/her professional activity shall be confidential. A lawyer shall keep the information confidential in a manner to prevent third parties' access to it. The principal of confidentiality shall apply to any information that has become known to a lawyer from a client or other person willing to receive legal counseling that had been provided by the lawyer to the client or the lawyer had learned from other source in relation to the client or his/her case.
2. The confidentiality duty shall not be limited in time.

3. A lawyer shall not intentionally use the confidential information:
  - a) Against the client;
  - b) For his/her own or third party's purposes, unless the client gives respective consent.
4. Lawyer may disclose the confidential information:
  - a) Upon client's consent;
  - b) If such use of information is justified during representation or defense based on the client's interests, provided the disclosure of such information had not been prohibited to the lawyer by the client in advance;
  - c) If it is necessary for defending himself/herself against accusation or requirement brought by the lawyer to him/her or for earning his/her own fee;
5. A lawyer shall require from his/her partners, employees and other persons invited by him/her during performing his/her professional activities, to maintain confidentiality.

#### Article 5. The principle of primacy of client's interest

A lawyer shall always act in the best interests of his/her client and shall put client's interests before his/her own or other persons' interests. However, lawyer's actions in protecting his/her client's interests shall be commensurate with the legislation and the Code of Professional Ethics for lawyers.

#### Article 6. The Principle of Inadmissibility of Conflict of Interests

1. A lawyer shall not advise or represent two or more clients in the same or related matter if there is a conflict of interests between the interests of those clients in relation to this case (cases).
2. Conflict of interests occurs, *inter alia* when:
  - a) Lawyer's duties in representing two or more clients in the same or related case are conflicting or there is a significant risk of occurrence of such conflict.
  - b) The duty to act in compliance with the client's interest, conflicts with the lawyer's or his/her related person's interests or there is a significant risk of occurrence of such conflict.
3. Lawyers working for one and the same legal bureau (office, agency, law firm etc.) shall not be authorized to give legal advice or represent several persons (clients) in the same or related case when there is a conflict of interests between those clients or a substantial risk that such conflict may arise.
4. Inadmissibility of conflict of interests shall apply to the cases where the conflict of interests or risk of its occurrence arises in the course of case proceedings.

5. A lawyer shall cease litigations with all clients whose interests she/he is representing, when a conflict of interests arises between the clients in relation with this or related case and whenever there is a risk of breaching the trust in a lawyer or violating the confidentiality.

#### Article 7. Principle of Collegiality

A lawyer shall treat his/her colleagues respectfully, not abuse their dignity and shall protect professional values

#### Chapter II. Relationship of a lawyer with the other persons and institutions

#### Article 8. Relations between lawyer and Client

1. A lawyer shall begin the relations with his/her client on the basis of mutual agreement with the client. Where a lawyer could have deemed that agreement had been made by an authorized person being in relations with the client, shall be equally deemed as a mutual agreement, except for the case of compulsory (forced) defense.
2. A lawyer shall handle a case only under the instructions of the client, an authorized representative thereof or a competent person appointed by the relevant authority in the case of compulsory defense.
3. A lawyer shall not give guarantees to the client concerning the outcomes of the case entrusted by him/her.
4. Lawyer may restrict his/her own civil responsibility before the client for recklessness. Such restriction of liability shall apply only when client gives written consent on such restriction
5. A lawyer shall advise and represent his/her client competently and, conscientiously.
6. He shall keep his/her client informed as to the progress of the matter entrusted to him/her and estimated costs of litigation.
7. A lawyer shall not enjoy the right to withdraw from the case if the client would be unable to timely seek for other lawyer's legal assistance, in order to avoid causing any damage to the client.
8. The procedure of calculation and the rate of lawyer's fees shall be known to and acceptable by client in advance
9. In the case of failure of the payment of the fee, a lawyer may withdraw from a case or refuse to handle it but subject to paragraph 7 of this Chapter

10. A lawyer shall not pay fee, commission or any other compensation to a person for recommending him/her to a client. This prohibition shall not preclude the lawyer to share his/her own fee with other lawyer working in the same bureau
11. A lawyer shall seek to solve the case at minimal cost for a client taking into account the circumstances of the case and he/she should advise the client amicable or alternative dispute resolution
12. A lawyer shall maintain detailed and accurate records of the costs of case proceeding paid by the client
13. Any funds or property entrusted by a client to a lawyer shall be held separate from lawyer's personal funds or property and be managed in good faith. The lawyer shall provide the client with the accounting upon his/her request.
14. A lawyer shall defend client's interests in an honorable and confident manner regardless of his/her own interests or any possible consequences for himself/herself or any other person.
15. Upon termination of defending the client's interests, a lawyer shall unconditionally return all documents, funds or other property transferred or entrusted by the client, during representation or received by the lawyer from the court, other authority or person during proceedings. Out of the funds to be returned to the client, lawyer shall deduct the fee for services rendered and expenses incurred before terminating the protection as acknowledged by the client

#### Article 8<sup>1</sup> advertising the lawyer's Activity

A lawyer may advertise his/her practice ensuring that the information advertised is accurate and not misleading, observing the key professional values and not directly or indirectly referring to a competitor or her/his service.

#### Article 9. Lawyer's relations with the Court

1. A lawyer appearing before a Georgian or foreign court or tribunal shall comply with and respect the rules of conduct applied in that court/tribunal.
2. A lawyer shall not contact or meet a judge connected to the specific case without prior agreement with the lawyer of the opposing party, unless permitted under the procedure law.
3. A lawyer shall not knowingly give false evidence to the court.
4. The rules governing lawyers relations with the courts apply similarly to his/her relations with the parties to the trial, as well as arbitration and any other persons administering the justice or other similar function.

#### Article 10. Relations between lawyers

1. A lawyer shall maintain due respect to his/her colleagues.
2. The corporate spirit of the profession requires a relationship of trust and co-operation between lawyers for the benefit of their clients and avoidance of unnecessary litigation and any behavior harmful for client. It can, however, never justify setting the interests of the profession prior to those of the client.
3. A lawyer shall not demand or accept from another lawyer or any other person a fee, commission or any other benefit for referring or recommending the lawyer to a client.
4. A lawyer shall not contact the opposing party regarding the case without this party's lawyer if s/he has learned that this party is represented by a lawyer unless the party's lawyer gives consent on such communication or contacting the lawyer is impossible.

### Chapter III

#### Final Provisions

##### Article 11. Scope of Application of the Code

1. The Code of Professional Ethics shall apply to lawyers. A lawyer shall be responsible for ethical behavior of persons acting under his/her instructions or on his/her behalf. Unless the lawyer has taken all reasonable measures to ensure compliance of these persons' behavior with the requirements of this Code of Ethics.
2. The Code of Ethics and amendments thereto shall become effective upon its approval by the General Assembly and shall not have a retroactive effect.