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**CODE OF PROFESSIONAL CONDUCT FOR WESTERN BALKAN
LAWYERS - MEMBERS OF EUROPEAN LEGAL**

**This COMPLIANCE MANUAL has been prepared by EUROPEAN
LEGAL RESEARCH & TRAINING NETWORK**

For all its members, organs and lawyers involved in our mission



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“In a society founded on respect for the rule of law the lawyer fulfils a special role. The lawyer’s duties do not begin and end with the faithful performance of what he or she is instructed to do as far as the law permits. A lawyer must serve the interests of justice as well as those whose rights and liberties he or she is trusted to assert and defend and it is the lawyer’s duty not only to plead the client’s cause but to be the client’s adviser. respect for the lawyer’s professional function is an essential condition for the rule of law and democracy in society.”

- the CCBE’s Code of Conduct for European Lawyers



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There are core principles which are common to the whole European legal profession, even though these principles are expressed in slightly different ways in different jurisdictions. The core principles underlie the various national and international codes which govern the conduct of lawyers.

European lawyers are committed to these principles, which are essential for the proper administration of justice, access to justice and the right to a fair trial, as required under the European Convention of human rights. Bars and Law Societies, courts, legislators, governments, and international organisations should seek to uphold and protect the core principles in the public interest.

Through this document **EUROPEAN LEGAL** aims not only to introduce these principles among lawyers in the Western Balkan region, but also assist and support them to gradually start to implement such rules and regulations in their daily practices. In doing so, we support these professionals come one step closer to the European standards and main values, principles, and norms of their functioning.



CONTENT

Code of conduct for Western Balkan Lawyers

1. GENERAL PRINCIPLES

- 1.1. Independence
- 1.2. Trust and personal integrity
- 1.3. Confidentiality
- 1.4. Respect for the profession

2. RELATION WITH EUROPEAN LEGAL

- 2.1. Acceptance and termination
- 2.2. Conflict of interest
- 2.3. Regulation of fees
- 2.4. Fee sharing with others
- 2.5. Professional Indemnity

3. RELATION WITH LAWYERS

- 3.1. Responsibility and information
- 3.2. Corporate spirit of Profession
- 3.3. Correspondence between lawyers
- 3.4. Communication with opposing parties
- 3.5. Disputes among lawyers in different states

1. GENERAL PRINCIPLES

The continued integration of the European Union and the increasing frequency of the integration and harmonization requirements for the Western Balkans and the legal professionals have made necessary in the public interest the statement of common rules which apply to all lawyers from the region that will become or will be involved within our organization to have a certain referring system regarding their behaviour within the organization, towards each other and in relation to other parties.

1.1. Independence

The many duties to which a lawyer is subject require the lawyer's absolute independence, free from all other influence, especially such as may arise from his or her personal interests or external pressure. Such independence is as necessary to trust in the process of justice as the impartiality of the judge. A lawyer who undertakes professional work in an authority where European Legal has established its presence and authority (Western Balkans and The Netherlands) shall adhere to the standards of professional ethics in the authority in which he has been admitted. He shall also observe all ethical standards which apply to lawyers of the country where he is working.

1.2. Trust and personal integrity

Lawyers involved in our mission or/ and members of the organization shall always maintain the honour and dignity of their profession. They shall, in practice as well as in private life, abstain from any behaviour which may tend to discredit the profession of which they are members.

1.3. Confidentiality

Lawyers shall preserve independence in the discharge of their professional duty and shall not engage in any other business or occupation if by doing so they may cease to be independent, except in the cases when the statute of the organization or the decisions of the Executive Board through the General Meetings decide otherwise. The lawyer's obligation of confidentiality serves the interest of the administration of justice as well as the interest of the client. It is therefore entitled to special protection by the State. The obligation of confidentiality is not limited in time. A lawyer shall require his or her associates and staff and anyone engaged by him or her during providing professional services to observe the same obligation of confidentiality.

1.4. Respect for the rules of the organization

When practising cross-border, a lawyer from another Member State may be bound to comply with the professional rules of the host Member State. Lawyers have a duty to inform themselves as to the rules which will affect them in the performance of any activity. Lawyers shall treat their professional colleagues with the utmost courtesy and fairness. Lawyers who undertake to render assistance to a foreign colleague shall always keep in mind that the foreign colleague must depend on them to a much larger extent than in the case of another lawyer of the same country. Therefore, their responsibility is much greater, both when giving advice and when handling a case. For this reason, it is improper for lawyers to accept a case unless they can handle it promptly and with due competence, without undue interference by the pressure of other work.

2. RELATION WITH EUROPEAN LEGAL

2.1 Conflict of Interest

If a conflict of interest exists or is likely to occur, then lawyers are expected to take the appropriate steps either to avoid it or to alert the relevant persons in the organization, consulting their national association if they consider it appropriate.

2.2 Participation

It is important for company lawyers to maintain and develop their professional knowledge and skills through continuous education. Lawyers are expected to behave as role model to younger company lawyers, helping them in their professional training and education. Activities such as teaching, writing doctrines and professional articles, and participating as speaker in European Legal events and activities are encouraged.

Lawyers can seek an opinion or an interpretation by European Legal (via its Executive Board) concerning questions or matters relating to the content of this document. They are entitled to promote and refer, whenever possible and useful, to this document to contribute and promote the Rule of Law and the professional and ethical principles for the organization.

2.3. Respect for the rules

Respect for the rules of the organization and others involved in a cross-border activity, a lawyer from another country may be bound to comply with the professional rules of the host country. Lawyers have a duty to inform

themselves as to the rules which will affect them in the performance of any activity.

2.4. Incompatible Occupations

To perform his or her functions with due independence and in a manner which is consistent with his or her duty a lawyer may be prohibited from undertaking certain occupations. A lawyer established in a host State in which he or she wishes to participate directly in commercial or other activities not connected with the practice of the law shall respect the rules regarding forbidden or incompatible occupations as they are applied to lawyers of that State.

3. RELATIONS BETWEEN LAWYERS

3.1. Corporate Spirit of the Profession

The corporate spirit of the profession requires a relationship of trust and cooperation between lawyers for the benefit of their clients and to avoid unnecessary litigation and other behaviour harmful to the reputation of the profession. It can, however, never justify setting the interests of the profession against those of the client. A lawyer should recognise all other lawyers within the WB region as professional colleagues and act fairly and courteously towards them.

3.2. Co-operation among regional lawyers

It is the duty of a lawyer who is approached by a colleague from another State or organization not to accept instructions in a matter which the lawyer is

not competent to undertake. The lawyer should in such case be prepared to help that colleague to obtain the information necessary to enable him or her to instruct a lawyer who can provide the service asked for.

Where a lawyer of a Member State co-operates with a lawyer from another Member State, both have a general duty to consider the differences which may exist between their respective legal systems and the professional organisations, competences, and obligations of lawyers in the Member States concerned.

3.3. Correspondence between Lawyers

If a lawyer intends to send communications to a lawyer in another Member State, which the sender wishes to remain confidential or without prejudice he or she should clearly express this intention prior to communicating the first of the documents. If the prospective recipient of the communications is unable to ensure their status as confidential or without prejudice he or she should inform the sender accordingly without delay.

3.4. Referral fees

A lawyer may not demand or accept from another lawyer or any other person a fee, commission, or any other compensation for referring or recommending the lawyer to a client. A lawyer may not pay anyone a fee, commission, or any other compensation as a consideration for referring a client to him- or herself.

A lawyer shall not communicate about a case or matter directly with any person whom he or she knows to be represented or advised in the case or matter by another lawyer, without the consent of that other lawyer (and shall keep the other lawyer informed of any such communications).



European Legal confirms, respects and underlines the following rules and principles as the main one upon which lawyers in the Balkans should act and function in their daily practices and acknowledges the as core values of the legal profession: (a) the independence of the lawyer, and the freedom of the lawyer to pursue the client's case; (b) the right and duty of the lawyer to keep clients' matters confidential and to respect professional secrecy; (c) avoidance of conflicts of interest, whether between different clients or between the client and the lawyer; (d) the dignity and honour of the legal profession, and the integrity and good repute of the individual lawyer; (e) loyalty to the client; (f) fair treatment of clients in relation to fees; (g) the lawyer's professional competence; (h) respect towards professional colleagues; (i) respect for the rule of law and the fair administration of justice; and (j) the self-regulation of the legal profession.