

RULES OF ADVOCATES’ ETHICS

PREAMBLE

The Constitution of Ukraine declared in Article 59 the most important function of the bar – ensuring of the right to defense from prosecution and rendering of legal assistance in the matters before courts and other public authorities.

In the complex system of legal relations the bar performs the role of the sole independent non-state self-governing institution, which ensures the realization of defense, representation and other forms of legal assistance in a professional manner and on principles of the rule of law, legality, independence, confidentiality and avoidance of conflict of interest, as set forth in the Law of Ukraine “On the Bar and Advocate’s Activity”.

In the course of his or her professional activity an advocate acts as a carrier of duties, which are sometimes conflicting, with respect to:

- clients;
- courts and other public authorities;
- legal profession in general and each advocate in particular;
- society as a whole.

The extreme importance of a functional load of the bar requires advocates to observe high ethical standards of conduct. In addition, the specifics and complex nature of responsibilities conferred on the bar necessitate striking of the balance between the principles of serving the interests of the advocate’s individual client and the interests of the society as a whole, and compliance with the principles of legality and the rule of law.

Compliance by an advocate with the particular deontological requirements and rules is regarded by the world bar community as a prerequisite for the meaningful functioning of the bar and the fulfillment of its important social role in a democratic society.

The Law of Ukraine “On the Bar and Advocate’s Activity” provides that compliance with the Rules of Advocates’ Ethics (hereinafter – “the Rules”) is one of the main professional duties of an advocate.

In view of the above considerations, the purpose of these Rules is the unified consolidation of traditions and experience of the Ukrainian bar in the field of interpretation of the rules of advocates’ ethics, and of the generally recognized deontological rules and regulations accepted by the international bar community.

These Rules serve for the advocates as a compulsory system of guidelines in the process of balancing and practical coordination of their manifold, and sometimes conflicting, professional rights and responsibilities according to the status, main objectives of the bar and principles of its activities as defined by the Constitution of Ukraine, the Law of Ukraine “On the Bar and Advocate’s Activity” and other legislative acts of Ukraine. They also set a single system of criteria for the evaluation of ethical aspects of the advocate’s conduct in the disciplinary proceedings before the qualification and disciplinary commissions of the bar.

CHAPTER I. GENERAL PROVISIONS

Article 1. Correlation between the Rules of Advocates' Ethics and the applicable legislation on the bar and advocate's activity

The provisions of these Rules complement and specify the applicable legislation on the bar and advocate's activity rather than abrogate or replace it.

Article 2. Application of the Rules *ratione materiae, ratione personae and ratione temporis*

1. These Rules shall apply to all types of advocate's activity and, to the extent determined by the Rules, to other activity (acts) of an advocate, which can come into conflict with his or her professional duties or undermine the prestige of the bar;

2. These Rules shall apply to all advocates of Ukraine and foreign advocates who practice law in Ukraine, regardless of the chosen form of advocate's activity (individual practice of law, or practice of law in the form of advocates' bureau or advocates' association);

3. These Rules shall also apply to members of the bar self-government bodies, assistants and advocate's trainees, and personnel of the advocates' bureaus and associations in the part applicable to their activities;

4. These Rules shall apply to the relations which have arisen or exist after their approval.

Article 3. Specifics of the application of requirements of the Rules of Advocates' Ethics to foreign advocates who practice law in Ukraine

1. Foreign advocates who practice law in Ukraine pursuant to the Law of Ukraine "On the Bar and Advocate's Activity" shall comply with the requirements of these Rules and with the requirements of ethical and deontological rules governing advocates in the country of their origin;

2. Advocates of foreign States which are part of the European Union and/or the European Community, who practice law or make any professional contacts in Ukraine (regardless of their physical presence in Ukraine during that), shall also comply with the Code of Conduct for European Lawyers. The balance between, and correlation of the different sources of deontological standards shall be made in accordance with the principles embodied in these Rules;

3. In the event of a breach of the requirements of these Rules or the Code of Conduct for European Lawyers, a foreign advocate who practices law in Ukraine may be disciplined in accordance with the Law of Ukraine "On the Bar and Advocate's Activity".

Article 4. Application of the Code of Conduct for European Lawyers to the Ukrainian advocates who practice law in other countries

1. The Ukrainian advocates who practice law in other countries, which are members of the European Union and/or the European Community, on condition of the membership of the Ukrainian National Bar Association in the Council of Bars and Law Societies of Europe, shall also comply with the requirements of the Code of Conduct for European Lawyers. The breach of the Code of Conduct for European Lawyers in such a case shall be a disciplinary offense;

2. At the same time, a Ukrainian advocate shall also comply with these Rules. In such a case the balance between, and correlation of these different sources of deontological standards shall be made in accordance with the principles laid down in the Code of Conduct for European Lawyers.

Article 5. Interpretation of the Rules of Advocates' Ethics

The right of official interpretation of these Rules shall exclusively belong to the Congress of Advocates of Ukraine and the Bar Council of Ukraine.

CHAPTER II. CORE PRINCIPLES OF ADVOCATES' ETHICS

Article 6. Advocate's independence and freedom in his or her professional activity

1. The specifics of the goals and objectives of the bar require, as a prerequisite for the proper fulfillment of the bar activity, the maximum independence of an advocate in the performance of his or her professional rights and duties, which envisages his or her freedom from any external influence, pressure or interference in his or her activity related to legal assistance, defense or representation of the client, in particular, on the part of public authorities, political parties, other advocates, etc., as well as from the influence of his or her own interests;

2. In order to comply with this principle in his or her professional life, an advocate must resist any attempt of encroaching on his or her independence, be courageous and principled in the performance of his or her professional duties, while asserting professional rights and guarantees of the advocate's activity and their effective use in the clients' interests;

3. In his or her professional activity an advocate must not tolerate any compromises which could affect his or her independence in order to please the court, other public authorities, third parties or the client, if such compromises are at odds with the client's legitimate interests and impede on the proper practice of law;

4. An advocate shall not engage in any other activity that would put him or her in any dependence on other persons or subordinate him or her to the instructions or rules which may come into conflict with the applicable legislation on the bar and advocate's activity and these Rules, or may otherwise interfere with his free and independent practice of law;

5. An advocate shall not share the fee received from a client with other persons, other than the advocate, who previously performed the instruction, and the heirs of the deceased advocate from whom he or she took over the partially performed instruction. The advocate may share his or her fee with other persons if this is permitted by the legislative acts, statutory documents or other professional rules governing advocate's activity;

6. In the performance of the client's instruction an advocate shall not be guided by the instructions from other persons, in particular from those who have concluded a legal assistance agreement with another person - client, in respect of the contents, forms, methods, sequence and timeframe for carrying out of his or her professional rights and duties, if they conflict with his or her own ideas about the first-choice performance of the client's instruction;

7. The Ukrainian National Bar Association and the bar self-government bodies shall within their competence comprehensively promote the guarantees of the advocate's independence.

Article 7. Respect for legality

1. In his or her professional activity an advocate (advocates' bureau or advocates' association) must use all knowledge and professional skills for the proper defense and representation of the rights and lawful interests of individuals and legal entities, comply with the applicable legislation of Ukraine and promote the strengthening and practical implementation of the principles of the rule of law and legality;

2. An advocate shall not give advice to a client, which is knowingly aimed at facilitating the commission of offenses, or otherwise intentionally facilitate their commission by his or her client or other persons;

3. In his or her professional activity an advocate shall not resort to the means and methods that contradict the applicable legislation or these Rules;

4. In his or her private life an advocate shall also obey the law, shall not commit offences and shall not deliberately aid other persons in committing them.

Article 8. Dominance of client's interests

1. Subject to observance of the principle of legality, an advocate must in his or her professional activity act on the basis of the dominance of clients' interests over his or her own interests, interests of colleagues, partners, employees, legal representatives of clients or their guardians, trustees and other persons, and over any other considerations;

2. If possible, an advocate should facilitate out-of-court settlement of disputes between a client and other persons and, if this does not prove possible, use all legitimate means for the effective resolution of the dispute in the client's favor;

3. An advocate must respect the client's freedom of choice of the defender, representative or person who provides him or her with legal assistance and must not make any obstacles in realization of this freedom either before the acceptance of the instruction or in the process of its performance.

Article 9. Impermissibility of conflict of interest

1. A conflict of interest should be construed as a conflict between the advocate's personal interests and his or her professional rights and duties towards the client, the presence of which could affect the objectivity or impartiality in the performance by the advocate of his or her professional duties and commissioning or non-commissioning by him or her of acts in the course of carrying out the advocate's activity;

2. Without a written consent of clients, in respect of whom a conflict of interest has emerged, an advocate cannot represent or defend simultaneously two or more clients whose interests are mutually contradictory or may probably become controversial, or provide them with legal assistance in such circumstances;

3. Without a written consent of clients, in respect of whom a conflict of interest has emerged, an advocate cannot represent, defend the client or provide him or her with legal assistance if, prior to that, he or she had provided legal assistance, defended or represented another client, from whom he or she had received confidential information relating to the new client's interests;

4. An advocate cannot represent, defend a client or provide him or her with legal assistance, if the client's interests are in conflict with the advocate's own interests;

5. Where a conflict of interest emerges in the course of the performance by an advocate of the agreement, such agreement must be terminated subject to compliance with the conditions specified in these Rules.

Article 10. Confidentiality

1. Observance of the principle of confidentiality is a necessary and the most important precondition for the trust relationship between the advocate and the client, without which a proper legal assistance, defense and representation are not possible. Preservation of confidentiality of any information which is defined by the Law of Ukraine “On the Bar and Advocate’s Activity” as a subject of the advocate’s secrecy or which contains personal data about an individual, which are protected by the legislation on protection of personal data, is therefore the advocate’s right in the relations with all subjects of law that may require the disclosure of such information, as well as the duty towards the client and those persons who are concerned with this information;

2. The principle of confidentiality is not limited in time;

3. Disclosure of information containing the advocate’s secrecy is prohibited in all circumstances, including the unlawful attempts by the inquiry and investigation authorities, and the court to question the advocate about the circumstances containing the advocate’s secrecy;

4. Information and documents may lose the status of advocate’s secrecy upon the written request of the client (or the person who was refused to conclude a legal assistance agreement) in the circumstances provided by the Law of Ukraine “On the Bar and Advocate’s Activity”. The information and documents which were received from third parties and which contain information about them, may be disseminated in accordance with the requirements of legislation on protection of personal data;

5. An advocate shall ensure the understanding and observance of the principle of confidentiality by his or her assistants, trainees and technical personnel;

6. An advocate shall ensure such conditions for the storage of documents handed over to him or her by a client, advocate’s files and other materials which remain at his or her disposal and contain confidential information, that reasonably preclude access to them by unauthorized persons.

Article 11. Competency and good faith

1. In view of the social importance and complexity of his or her professional duties, an advocate is required to have a high level of training, a thorough knowledge of current legislation and its application, and to master tactics, methods and techniques of advocate’s activity and elocution;

2. An advocate shall provide legal assistance to clients, defend and represent them competently and in good faith. This requires the knowledge of the relevant rules of law, necessary experience in their application, thoroughness in taking into account of all circumstances relating to a client’s instruction and possible legal consequences of its performance, and thorough preparation for the performance of the instruction;

3. An advocate shall not give legal assistance, defend or represent a client in the matters which are not covered by the field of his or her specialization, if any, and which clearly do not correspond with the level of his or her competency;

4. An advocate must continuously improve his or her professional level and qualifications, and must possess sufficient information about the changes in the applicable legislation;

5. An advocate shall ensure a reasonably necessary level of competency of his or her assistants, trainees, technical personnel and other persons engaged by him or her in the fulfillment of certain tasks related to the performance of the instruction.

Article 12. Respect for advocate's profession

1. An advocate must assert, by all his or her activity, the respect for the advocate's profession, which he or she embodies, for its nature and social purpose, and promote the preservation and strengthening of the respect for it in the society;

2. This principle must be observed in all areas of the advocate's activity, that is, in the professional, social, publicistic areas, and so on;

3. An advocate shall comply with the legitimate decisions of the bar self-government bodies which were adopted within the scope of their competence; this does not however exclude a possibility of criticism of the latter and challenging of them in the order prescribed by the law. The criticism of the activity, decisions and procedures for the formation of the bar self-government bodies and their members, etc. cannot be directed to the undermining of the authority of the bar, the advocate's profession and the advocate's status, be expressed in a humiliating way or in a way that discredits the honor, dignity and good repute of an individual, or contain knowingly false information or calls to non-compliance with the decisions of the bar self-government bodies;

4. An advocate must not perform any act aimed at limitation of the individual's right to defense, advocates' professional rights, independence of the bar, honor, dignity and good repute of his or her colleagues, and undermining of the prestige of the bar and advocate's activity;

5. In the performance of his or her professional duties an advocate shall comply with the generally accepted rules of business etiquette, including those concerning personal appearance.

Article 13. Requirements for advertising of the advocate's activity

1. An advocate has the right to advertise his or her professional activity subject to the compliance with the applicable legislation and these Rules;

2. Promotional materials about the advocate's activity may not include:

- judgment-based characteristics concerning the advocate;

- criticism by advocates of other advocates;

- statements about the probability of successful performance of instructions and other statements, which may form unjustified expectations on the clients' part;

- statements which may form the view that the activity of exactly this advocate is characterized by the features and parameters which in fact are inherent to the bar as such.

3. Promotional materials about the advocate's activity must be objective, accurate, clear and understandable; they must not contain allusions, ambiguities or otherwise form a basis for misleading the potential clients; they must also comply with the reasonable aesthetic requirements. The promotional materials about the advocate's activity cannot be demonstrated (displayed) with the use of methods (by methods) which discredit the institution of the bar and create the conditions for its disrespect, debase the profession and the status of the advocate of Ukraine;

4. Advocates engaged in the advocate's activity individually or through the advocates' bureau or association (heads of the advocates' association) shall be personally liable for the accuracy of promotional materials about them (or about the advocates' bureau or association), as well as for their compliance with the applicable legislation and these Rules;

5. If an advocate became aware of the advertisement of his or her activity which was spread without his or her knowledge and which does not comply with the specified requirements, such advocate, or head of the bureau or association, shall take all reasonably available measures in

order to retract and rectify such promotional information and shall inform about this the regional qualification and disciplinary commission.

CHAPTER III. RELATIONS BETWEEN ADVOCATE AND CLIENTS

Article 14. Grounds for provision of legal assistance by an advocate

An advocate provides legal assistance in accordance with the legislation of Ukraine on the bar and advocate's activity and on the basis of the legal assistance agreement.

Article 15. Persons from whom an advocate may accept instructions for provision of legal assistance. Ensuring of the client's real consent to be assisted by a certain advocate

1. A legal assistance agreement may be concluded by a client or in favor of the client by another person acting on his or her behalf. The specifics of conclusion and contents of contracts (agreements) with the advocates who provide free legal aid, is established by the law governing the procedure for the provision of free legal aid;

2. If a legal assistance agreement was concluded in favor of a client by another person acting on his or her behalf, an advocate must obtain the client's confirmation of his or her consent to receive legal aid by this advocate only if this is required by law.

Article 16. Information which ensures the client's free choice of the advocate

Prior to the conclusion of the legal assistance agreement, an advocate (advocates' bureau or advocates' association) must inform a client about the areas of his or her legal expertise, if any, and, at the client's request, inform about his or her professional experience (professional experience of the advocates' bureau or association), professional experience in handling certain category of cases and the circumstances, which may cause a possible conflict of interest.

Article 17. Observance of the principles of competency and good faith at the stage of acceptance by the advocate of the client's instruction

1. An advocate who accepts the instruction for legal assistance must weigh up his or her ability to perform it and must decline the instruction if there are reasonable grounds to believe that, in respect of the instruction, he or she cannot comply with the provisions of these Rules embodying the principle of competency;

2. Where, in order to achieve the level of competency required for the proper performance of the instruction, an advocate needs special preparation going beyond the limits of a usual preparation for the case and requiring considerable time because he or she does not have a specialized knowledge of legislation to be applied in this case or experience in handling a particular category of cases, the advocate is obliged, prior to the conclusion of the agreement with the client, to warn him or her about the need for such preparation;

3. Where, due to the lack of expertise required for the performance of the instruction, the advocate invites, for its joint performance, another advocate, who has the requisite expertise, the client must be informed about this prior to the conclusion of the agreement;

4. An advocate shall not accept the instruction to provide legal assistance if, due to the volume of work, he or she will not be able to ensure the reasonably necessary good faith in the performance of the instruction, excellence, thoroughness of preparation and speediness in the performance of the instruction, unless the refusal to accept the instruction in the particular circumstances may result in a substantial breach of the client's rights and lawful interests or the

client agrees with the proposed time-limits for the performance of the instruction, if, from the objective point of view, the delay should not significantly affect the possibility of the proper performance of the instruction. In any event, prior to the conclusion of the agreement with the client, the advocate is obliged to warn him or her about the difficulties and possible negative consequences for the outcome of the performance of the instruction, which are related to this advocate's volume of work;

5. Prior to signing of the legal assistance agreement in a case, which is subject to court examination, an advocate must establish all circumstances which are known to the client and which may affect the determination of the presence of legal position on the case and its contents, and to request and examine all documents which the client has at his or her disposal.

Article 18. Informing of the client about the legal position in the case

1. If, after complying with the requirements set forth in paragraph five of Article 17 of these Rules, an advocate is satisfied with the presence of factual and legal grounds for the performance of a certain instruction, he or she must impartially and objectively present them to a client and inform in general terms, how much time and work is required for the performance of the instruction and what legal consequences of achieving the result desired by the client will be;

2. If, in the presence of factual and legal grounds for the performance of the instruction, an advocate becomes aware of a common adverse (from the perspective of a hypothetical outcome desired for a client) practice of the application of the relevant rules of law, the advocate must inform the client accordingly;

3. Where an advocate comes to the conclusion about the absence of factual and legal grounds for the performance of the instruction, he or she must inform thereof a client and agree with him or her the modifications in the contents of the instruction, which would be consistent with the hypothetical result that can be achieved in accordance with the applicable legislation, or decline the instruction;

4. An advocate shall inform a client about the possible outcome of performance of the instruction on the basis of law and practice of its application. In doing so, the advocate shall not give the client assurances and guarantees regarding the real results of performance of the instruction, directly or indirectly contribute to forming, on the client's part, of unreasonable expectations and the view that the advocate may influence the outcome by means other than the diligent performance of his or her professional duties.

Article 19. Observance of the principle of legality at the stage of acceptance of the client's instruction

1. An advocate shall not accept the instructions, if the result desired by a client, or the methods for achieving it, on which the client insists, are unlawful, or if the client's instruction goes beyond the scope of the advocate's professional rights and duties;

2. In these cases, if the said circumstances are not obvious, the advocate shall give appropriate clarifications to the client. If the client insists on using the methods of performance of the instruction, which are unlawful or which go beyond the scope of the advocate's rights, the latter shall inform the client about impermissibility of their use and shall suggest possible lawful methods of achieving the same or similar result, if any. If under such circumstances it is still impossible to agree with the client the modifications in the contents of the instruction, the advocate shall decline the conclusion of the agreement with the client.

Article 20. Observance of the principle of impermissibility of conflict of interest at the stage of acceptance of the client's instruction

1. An advocate shall not be entitled to accept the instruction, if the client's interests objectively conflict with those of another client, with whom the advocate is bound by a legal assistance agreement, or if there are reasonable grounds to believe that the presumed development of interests of the new and former clients will result in a conflict of interest;

2. Equally, an advocate shall not be entitled to accept the instruction, if a conflict of interest is related to the fact that the advocate has received from another client a confidential information which is covered by the subject of advocate's secrecy or otherwise protected by law and which has the prospects to be used when legal assistance is provided to a new client;

3. The restrictions envisaged in paragraph two of this Article may be lifted and shall not be applied in a particular case on the written consent of both (all those) clients, whose interests are represented by an advocate and which are (or may become) conflicting, provided that the advocate envisages the ways for ensuring the absence of any risk of prejudice to either client's interests;

4. An advocate shall not accept the client's instruction in the case of the existence of the advocate's own conflict of interest, or conflict of interest of persons related to him or her, with the client's interests in the cases provided for by the Law of Ukraine "On the Bar and Advocate's Activity", or in the cases similar with them to such an extent that this can affect the advocate's objectivity and independence in the performance of the instruction, in particular when such performance would conflict with the advocate's religious, political and other firm convictions.

Article 21. Ethical principles of acceptance of the assignment for mediation between clients

1. An advocate may act as an intermediary between clients, provided that:

1.1. there is no conflict between the interests of clients and a possibility of its emergence is insignificant;

1.2. an advocate explains each client possible consequences of his acts as an intermediary, which are associated with the simultaneous representation of their interests, including the advantages and risks that may be related to this, the essence of the legal and ethical rules governing the advocate-client relation, and obtains each client's consent to their simultaneous representation;

1.3. an advocate has sufficient grounds to believe that the result of the simultaneous representation of the clients will properly serve the interests of either of them and that even if the results of the mediation are not achieved, the interests and chances of each client as regards the continued defense of his or her interests will not be affected as the result of their former representation by a single advocate;

1.4. an advocate has sufficient grounds to believe that he or she will be able to preserve objectivity in the simultaneous representation of the clients' interests and, in relation to either of them, to perform his or her professional duties in accordance with law and the requirements of these Rules.

2. The provisions of this Article shall not be applied to the performance of functions of intermediary by an advocate. In this case, the advocate's acts must conform with the internationally recognized ethical principles of mediation and the basic principles of advocate's ethics set forth in Chapter II of these Rules, to the extent that may be applicable to his or her performance of the said function.

**Article 22. Observance of the principle of confidentiality
at the stage of acceptance of the client's instruction**

1. An advocate shall not accept the instruction, the performance of which may entail the disclosure of information which represents the advocate's secrecy under the Law of Ukraine "On the Bar and Advocate's Activity", unless a person interested in the preservation of confidentiality of such information has given a written consent thereto and on condition that there is no objective threat of prejudice to his or her interests;

2. In case of the refusal to accept the instruction, the advocate shall preserve the confidentiality of information which became known to him or her from the client or any other person, who sought the conclusion of agreement in the client's interests.

**Article 23. Respect for other advocates' rights
at the stage of acceptance of the client's instruction**

1. Prior to signing of an agreement with a client, an advocate (a person authorized to sign the legal assistance agreement on behalf of the advocates' bureau or the advocates' association) shall check with him or her whether he or she is bound by a valid agreement with another advocate (advocates' bureau or advocates' association) for the performance of identical instruction or instruction which partially overlaps with it in the scope;

2. If a client is bound by the valid agreement with another advocate (advocates' bureau or advocates' association) for the performance of identical instruction or instruction which partially overlaps with it in the scope, and wishes to involve yet another advocate (advocates' bureau or advocates' association), the advocate (a person authorized to sign the legal assistance agreement on behalf of the advocates' bureau or the advocates' association), provided that the client consents thereto, shall immediately, following the conclusion of the legal assistance agreement, inform thereof the advocate (advocates' bureau or advocates' association) who had previously accepted the instruction from the client;

3. It is unacceptable to directly or indirectly encourage the client to change the advocate (advocates' bureau or advocates' association), if there are no objective reasons to believe that the continued provision of legal assistance to the client by another advocate (advocates' bureau or advocates' association) may prejudice his or her interests.

**Article 24. Principles of acceptance of the client's instruction
by several advocates, advocates' bureau or advocates' association**

1. Several advocates may accept one instruction, if the client wishes so or if his or her consent thereto was received. In this case, the principles of division of duties and competence of advocates, who will jointly perform the instruction, as well as their responsibility towards the client, must be defined;

2. It is forbidden to encourage the client to conclude the agreement with several advocates (which entails the increase in the amount of fee), if the reason for inability of performing the instruction by one of them alone lies in his or her incompetency;

3. Where a legal assistance agreement is concluded with the advocates' bureau or advocates' association, the decision on appointment of a particular advocate or several advocates for the performance of the instruction or on replacement of an advocate or advocates (where it is not contrary to the law) is adopted by the advocates' bureau or advocates' association at its discretion, unless another procedure for the replacement of an advocate is specified in the agreement;

4. Where a client, following the conclusion of the legal assistance agreement with a certain advocate, concludes, without the latter's consent, an agreement with another advocate, the former advocate, as well as the latter, if the client does not inform him or her about the existence of the former agreement, shall be entitled to unilaterally terminate the signed legal assistance agreement, except for the cases provided by the legislation of Ukraine, when the refusal by the advocate to continue to perform his or her professional duties towards the client is not permitted.

**Article 25. Observance of the principle of legality
at the stage of performance by the advocate of the client's instruction**

In the performance of a client's instruction an advocate is categorically prohibited to use unlawful and unethical means, in particular, to encourage witnesses to give false testimony, to resort to unlawful methods of pressure on the opposing party or witnesses (threats, blackmailing, etc.), to use his or her personal connections (or, in some cases, special status) in order to influence directly or indirectly the court or another body before which he or she represents or defends the clients' interests, to use information which was obtained from a former client and the confidentiality of which is protected by law, and to use other means contrary to the applicable laws or these Rules.

**Article 26. Informing of the client about
the progress in the performance of the instruction**

An advocate shall with reasonable regularity inform a client about the progress in the performance of the instruction and timely respond to the client's inquiries about the status of his or her case. The information must be given to the client in the volume sufficient for him or her to be able to make informed decisions as to the essence of his or her instruction and its performance.

**Article 27. Observance of the principle of good faith
at the stage of performance by the advocate of the client's instruction**

1. In respect of each instruction, an advocate shall pay attention which is reasonably necessary for its successful performance, regardless of the amount of the specified fee;

2. In the performance of the instruction an advocate shall use all legal means which are reasonably necessary and available to him or her, in order to provide the effective legal assistance to a client, or defend or represent him or her;

3. An advocate must endeavor to promptly perform client's instructions. In doing so, he or she must comply with all other requirements imposed by law and these Rules and related to the proper performance by the advocate of his or her professional duties.

Article 28. Fee

1. The fee is a form of advocate's remuneration for the defense, representation and provision to a client of other forms of legal assistance;

2. The procedure for calculation of the fee (lump sum, hourly rate, etc.), reasons for changing the amount of the fee, payment procedure, repayment conditions, etc. shall be defined in the legal assistance agreement;

3. In setting of the amount of the fee, the complexity of the case, the advocate's qualifications and experience, the client's financial position and other significant circumstances shall be taken

into account. The fee must be reasonable and take into account the time spent by the advocate on the performance of the instruction.

**Article 29. Payment of actual expenses
associated with the performance of the instruction**

1. Apart from the fee, an advocate is entitled to charge a client with the costs necessary to cover actual expenses associated with the performance of the instruction, if the client's obligation to cover such costs is envisaged in the agreement or established by law;

2. A legal assistance agreement must specify the types of envisaged actual expenses related to the performance of the instruction (payment for the work of experts, whose opinions are requested by the advocate, shipping costs, payment for printing, photocopying and other technical work, translation and notarization of documents, telephone conversations, etc.), their payment procedure (advance payment, payment after delivery of services within a certain period of time, etc.), and may determine their volume;

3. If the necessity for incurring the actual costs of certain additional types or for the increase in their approximate volume, which was determined before, became apparent after the conclusion of the agreement, the advocate shall promptly inform thereof the client and obtain his or her consent to cover the costs which were not stipulated before.

Article 30. Receipt of unpaid fee (or fee not paid in full)

The right of an advocate, advocates' bureau or advocates' association to receive the unpaid fee (or the fee which was not paid in full) does not depend on the outcome of performance of the instruction, unless otherwise provided by the legal assistance agreement.

**Article 31. Ethical restrictions on property transactions
between the advocate and the client**

An advocate may not conclude contracts of pecuniary nature with a client, whose instruction he or she performs, except for contracts concerning the performance by the client of his or her obligations to pay the fee or to cover the actual expenses related to the performance of the instruction.

Article 32. Unilateral termination of the legal assistance agreement by the client

1. A legal assistance agreement must envisage the client's right to unilaterally terminate the agreement with the advocate at any time and for any reason (or without any explanation);

2. The agreement may specify the conditions for payment of the fee in such circumstances;

3. The advocate shall not take the pressure on the client in order to prevent him or her from the exercise of this right;

4. At the same time, the advocate who became aware of the client's intention to terminate the agreement with him or her, must explain the client possible consequences thereof for the prospects of the continued performance of his or her instruction, identify the reasons which caused the client to initiate the termination of the agreement and, if they are associated with the client's wrong understanding of the course of the defense (representation) of his or her interests or with the deficiencies in the defense (representation) of the client by the advocate which can be eliminated, must explain this to the client and discuss with him or her the possibility of retaining the agreement, if this objectively accords with the client's interests.

Article 33. Unilateral termination of the legal assistance agreement by the advocate

1. An advocate may early terminate the agreement with a client (i.e. prior to the completion of performance of the instruction) for the following reasons:

1.1. the client commits acts, relating to the nature of the instruction, in breach of applicable laws and refuses to stop committing them despite the advocate's explanation;

1.2. the client uses legal assistance provided to him or her by the advocate in order to facilitate the commission of a crime;

1.3. the client, despite the advocate's explanation, insists on obtaining the result which, due to the new or newly discovered facts, is objectively unobtainable;

1.4. the client grossly violates the obligations which he or she undertook to fulfill under the legal assistance agreement;

1.5. the proper performance of the instruction becomes impossible due to the client's actions, which he or she commits contrary to the advocate's advice;

1.6. the client commits acts discrediting the advocate's honour, dignity and good repute;

1.7. the client does not agree to cover actual expenses, if they are necessary for the continued performance of the instruction;

1.8. the advocate's physical or psychological condition makes it impossible for him or her to properly continue the performance of the instruction; in such a case the advocate shall take all measures available to him or her in order to avoid the breach of the client's legitimate interests and to ensure the continued representation of the client by another advocate;

1.9. in other cases envisaged by these Rules, legislation of Ukraine or legal assistance agreement.

2. In all cases of termination of the agreement at the initiative of the advocate he or she must warn thereof the client within a reasonable time, explain him or her the reasons for termination of the agreement, ascertain that they, objectively or subjectively, in view of the position taken by the client, cannot be eliminated, and take reasonably necessary measures for the protection of the client's legitimate interests.

Article 34. Termination of the legal assistance agreement by the advocate's and client's mutual consent

A legal assistance agreement may at any time be terminated by the advocate's and client's mutual consent. In doing so, the advocate should inform the client about possible consequences of termination of the agreement for the prospects of achievement of the goal of his or her instruction.

Article 35. Termination of the legal assistance agreement due to the conflict of interest of clients or impossibility to observe the principle of confidentiality

1. Where in the course of the performance of a client's instruction an advocate became aware of the existence of a conflict of interest between the interests of this and other clients, as well as of other persons in the circumstances specified in Articles 20 and 22 of these Rules, he or she shall terminate the agreement with the client (or several clients), unless the relevant written consent was received from the client (clients), or persons interested in the preservation of confidential information, for his or her (their) continued representation by this advocate or for the disclosure of confidential information;

2. In determining with which client he or she should terminate the agreement in the circumstances specified in paragraph one of Article 20 of these Rules, the advocate must proceed from the comparison of possibilities of equal-value representation of the interests of each of them by another advocate, the importance of the rights and interests related to the subject of the instructions, the time-limits required for pursuing the actions under each instruction, and the amount of envisaged damage that may be caused to each client as the result of termination by him or her of the legal assistance agreement.

Article 36. Advocate's duties in case of termination of the agreement

1. In case of termination of the agreement (for whatever reason) an advocate shall:

1.1. return a client the documents received from him or her as well as the documents given to the advocate for the client by other persons in the course of the performance of the instruction, the property transferred by the client to the advocate for storage and the unspent funds which were intended for covering the costs associated with the performance of the instruction;

1.2. inform the client about the work performed by the advocate and give the client copies of procedural documents prepared by the advocate in the course of the performance of the instruction.

2. The advocate's duties arising from the principles of confidentiality and avoidance of a conflict of interest also remain in force after the completion of performance of the agreement by the advocate;

3. The requirements specified in this article of the Rules do not apply to cases of termination of the agreement on the grounds of a gross violation by a client of obligations he or she assumed under the agreement, which resulted in the refusal to pay the fee in full or in the actual non-payment thereof.

Article 37. Termination of the legal assistance agreement with the advocates' bureau or advocates' association

Where the advocates' bureau or advocates' association acts as a party to the legal assistance agreement with a client, in the event of emergence of circumstances which are the grounds for termination of the agreement relating to a particular advocate, who was engaged by the bureau or appointed by the association for rendering legal assistance to a client, the advocates' bureau or advocates' association must take measures in order to replace the advocate upon the client's consent, provided that the requirements of these Rules can be complied with.

Article 38. Ethical aspects of relations between the advocate and legally incapable client (or client with limited or partial legal capacity)

1. Legal incapacity (limited or partial legal capacity) of a client, or his or her actually decreased ability to adequately assess the reality cannot as such be the reason for justifying the advocate's failure to perform (improperly perform) his or her professional duties in respect of such a client;

2. If due to the age, mental illness and other objective reasons the client has a reduced ability to make reasoned decisions as to the contents of the instruction, the advocate must endeavor to maintain normal relations with him or her, which meet the requirements of these Rules;

3. If the client was declared legally incapable (or with limited legal capacity) in accordance with law and placed under the guardianship (custody) or if the client is a minor, and the client's interests are represented, accordingly, by a legal representative (or guardian, custodian), who, as

the advocate is aware of, acts to the detriment of the legitimate interests of the minor (ward), the advocate shall:

1.1. refuse to accept (or, respectively, to continue performing) the instruction, which may prejudice the interests of the minor (ward);

1.2. take all measures available to him or her for the protection of the client's legitimate interests;

1.3. inform the guardianship authorities about the said actions taken by the guardian (custodian) of the legally incapable client (or client with limited legal capacity) or the legal representatives (guardian) of a minor.

Article 39. Ethical aspects of relations between the advocate and the client - legal person

1. In the relations concerning the provision of legal assistance to a client - legal person, an advocate in the determination of the subject of the rights and obligations of the client and in the relevant establishment of the order for the fulfillment of his or her duties must proceed from the following:

1.1. for the purposes of interaction with the client provided for by law and these Rules (approval of the contents of the instruction, obtaining of consent to disclose confidential information, making of clarifications in respect of the legal position in the case, informing on the performance of the instruction, etc.), the client is represented by a person who, on behalf of the legal person, concluded a legal assistance agreement in respect of the latter and had the appropriate powers thereto, or another person (persons) specified in the agreement;

1.2. the bearer of the rights and duties, which the advocate defends or represents in rendering legal assistance, is the legal person as such.

2. If the acts, related to the subject of the instruction, of the person (persons) specified in paragraph one of this Article, or other persons who remain in the employment (membership or similar) relations with the client - legal person, are unlawful or such that objectively cause prejudice to the client's interests and make impossible the effective performance of the instruction, the advocate (advocates' bureau or advocates' association) must take reasonably necessary measures available to him or her in order to reduce the negative consequences of such acts; in particular, he or she can complain about them before the manager of the legal person (or authority superior to him or her);

3. If, despite the measures taken by the advocate, the manager of the legal person (or the authority superior to him or her) supports the said acts (or omissions) which are prejudicial to the legal person's interests, the advocate may unilaterally terminate the legal assistance agreement with the client - legal person.

Article 40. Specifics of application of the rules concerning the conflict of interest in relations with the client - legal person

1. Relations concerning the provision of legal assistance to clients - legal persons are fully covered by the provisions of these Rules governing the advocate's conduct in situations in which the conflict of interest exists or may emerge;

2. If in the communication with the officials, officers and other employees of the client - legal person, which is associated with the provision of legal assistance to the client, it becomes apparent that a situation of conflict of interest emerges, the advocate must unambiguously inform

that he or she represents the client - legal person and explain his or her duties associated with the conflict of interest;

3. During the period of validity of the legal assistance agreement concluded with the client - legal person the advocate shall not conclude legal assistance agreements with persons who are in labor, civil and other legal relations with the client, if this is contrary to the interests of the client - legal person; nor shall the advocate conclude legal assistance agreements with the said persons, if he or she is a bearer of contradictory evidentiary information obtained in the course of provision of legal assistance to the legal person;

4. An advocate may not accept the instruction from a client, if the essence of the instruction boils down to the necessity for the commission of actions in such client's interests aimed at protection of his or her rights, which are in conflict of interest with the legal person, in which the advocate was previously employed or to which he or she provided legal assistance, as a result of which he or she possesses information which can be used against such legal person.

Article 41. Specifics of performance of instruction related to mediation between clients

1. If an advocate acts as an intermediary between clients, he or she must coordinate with each of them the decisions taken and ensure proper awareness by each of them of all circumstances and considerations necessary for making the reasoned decisions on the merits of the instruction;

2. An advocate must stop his or her acts as an intermediary and terminate the respective agreements with each client, if at least one of clients represented by him or her requires so, or if there are circumstances in which compliance with the conditions stipulated in part one of Article 21 of these Rules becomes impossible;

3. If the acts of the advocate as an intermediary between clients did not achieve the result desired by the clients, he or she can no longer represent the interests of either of the clients on issues related to the subject of mediation.

Article 42. Ethical aspects of provision of defense upon the assignment of the authority (agency) authorized by law to provide free legal aid, or in the course of defender's involvement in carrying out of certain procedural act

1. Provision of defense upon the assignment of the authority (agency) authorized by law to provide free legal aid, or in the course of the involvement of the defender in carrying out of a certain procedural act in the order provided for by the applicable criminal procedural law and by the legislation on provision of free legal aid, is the important professional obligation of the advocate. The unreasonable refusal to take on the defense or to participate in a certain procedural act under these conditions is unacceptable;

2. The refusal should be regarded reasonable only in the cases:

1.1. when an advocate cannot fully perform his or her professional duties due to a temporary disability;

1.2. when, for the objective reasons, an advocate has no proper qualifications for the provision of legal assistance in certain proceedings, which are particularly complex;

1.3. when, on taking on defense of a certain person by an advocate, it is impossible, due to certain reasons, to ensure compliance with the requirements of these Rules governing impermissibility of conflict of interest or the rules ensuring the preservation of confidential information;

1.4. when acceptance of the assignment or involvement in carrying out of certain procedural act may, due to specific objective reasons, entail a significant breach of the rights and legitimate interests of the advocate's other clients.

3. An advocate who defended a client during the pre-trial investigation on the basis of the agreement or upon the assignment of the authority (agency) which is authorized by law to provide free legal aid, can decline the assignment to defend this client in the first-instance court only on the grounds specified by law.

CHAPTER IV. ADVOCATE'S RELATIONS WITH THE COURT AND OTHER PARTICIPANTS OF THE COURT PROCEEDINGS

Article 43. Observance by the advocate of the principle of legality in relations with the court and other participants of the court proceedings

1. In representing the client's interests or acting as a defender in the court, an advocate must comply with the requirements of applicable procedural legislation, legislation on the bar and advocate's activity, judicial system and status of judges, other legislation governing the conduct of the parties to the court proceedings, and with the requirements of these Rules. The advocate must not demonstrate disrespect to the court (judges) and must behave decently and correctly;

2. In the course of the court proceedings an advocate shall not:

2.1. attempt to influence the court's judgment (verdict) other than by using procedural means;

2.2. knowingly make false statements concerning the circumstances of the case;

2.3. submit to the court knowingly false evidence or deliberately participate in collecting them;

2.4. rely in the court on knowingly false or knowingly distorted factual circumstances or circumstances which are clearly unrelated to the subject of the dispute, or on the evidence which were provided by the client and in respect of which he or she knows that they are false, or on evidence obtained in violation of the provisions of these Rules, or on the personal knowledge of the circumstances of the case and, in a speech in the legal debate, also on the circumstances which were not examined during the court proceedings (in respect of which the advocate made no motions related to the establishment of such circumstances), except for the well-known facts;

2.5. violate the court order, wrangle with the court and use statements which degrade the honor and dignity of the court or other parties to the proceedings.

3. An advocate is strictly prohibited to induce a client, parties to the proceedings and witnesses to give knowingly false explanations and evidence, or to induce experts to provide knowingly false expert opinions.

Article 44. Observance of the principle of advocate's independence and dominance of client's interests in relations of the advocate with the court

1. While observing the principle of legality, an advocate must at the same time be persistent and principled in asserting the client's interests in the court; the advocate must not compromise his or her independence in the defense and representation of the client's rights and interests in order not to worsen the relations with judges; in the case of court pressure on the advocate the latter must not allow compromises which are contrary to the client's legally protected interests. The advocate must consistently adhere to the principle of dominance of the client's interests over all other interests and considerations related to the relations of the advocate with the court;

2. An advocate must not ignore the breaches of the law, tactless and disrespectful attitude of the court and other parties to the proceedings towards his or her client, to himself or herself or to the bar as a whole and must respond to such acts in the manner provided by the applicable legislation and/or the UNBA regulations.

Article 45. Observance by the advocate of the principles of honesty and decency during his or her professional activity in the court. Promotion of the proper administration of justice

1. An advocate shall not provide the parties to, and other participants of, the court proceedings with a knowingly false information about the factual circumstances of the case, the essence of the law, the scope of the parties' rights and obligations, or otherwise attempt to persuade them to change their position and testimonies or take other actions his or her client is interested in;

2. An advocate shall avoid out-of-court communication as regards the merits of the case being examined by the court with the parties to the proceedings who are not his or her clients, and effect such communication only in the manner and with the purpose, which is not contrary to the applicable legislation and these Rules, and only when it is necessary for the proper performance of the instruction;

3. An advocate must respect the procedural rights of an advocate who represents the other party, and must not take actions which grossly breach such rights;

4. An advocate shall not take any actions aimed at unjustified protraction of the court proceedings.

Article 46. Advocate's cultural behavior in relations with other participants of the court proceedings

In his or her relations with other participants of the court proceedings an advocate shall:

1. be distant and correct;

2. respond to such persons' incorrect actions or statements in the manner prescribed by law, in particular in the form of motions, petitions, complaints etc.; and

3. be tactful during the questioning of defendants, injured parties, parties to civil proceedings, witnesses and other persons.

CHAPTER V. ADVOCATE'S RELATIONS WITH OTHER AUTHORITIES AND PERSONS IN THE COURSE OF HIS OR HER PROFESSIONAL ACTIVITY

Article 47. Ethical aspects of advocate's relations with the preliminary investigation and administrative jurisdiction authorities

1. In his or her relations with the preliminary investigation and administrative jurisdiction authorities an advocate shall comply with the principles and approaches set forth in Chapter IV of these Rules, giving due account to these authorities' specific status and procedural forms of the advocate's interaction with them as provided by the applicable legislation;

2. An advocate shall keep the secrecy of the preliminary investigation within the limits set by the applicable criminal procedural legislation;

3. An advocate shall not intentionally interfere with the lawful conduct of the preliminary investigation and administrative proceedings or give advice to the client which is intentionally directed to making such interference;

4. An advocate shall not accept the instruction for handling the client's case which was referred to him or her by persons who conduct preliminary investigation in this case.

Article 48. Ethical aspects of advocate's relations with other public authorities

In his or her relations with other public authorities concerning the performance of the client's instruction an advocate shall comply with the requirements of these Rules to the extent applicable to these relations, and shall not:

1. disclose the information related to their activity, which became known to him or her in connection with the performance of the instruction and the secrecy of which is protected by law;
2. make knowingly false statements as to the merits of the instruction, factual circumstances relevant to it, the advocate's rights and obligations and the scope of his or her powers for the representation of the client before this authority;
3. take unlawful pressure on those authorities' officials and employees, use personal connections, threats, promises, and so on.

Article 49. Observance of the principle of independence and dominance of client's interests in advocate's relations with the preliminary investigation and administrative jurisdiction authorities and other state and municipal authorities

In his or her relations with the preliminary investigation and administrative jurisdiction authorities, and with other state and municipal authorities an advocate shall demonstrate principled stand in the assertion of the client's interests, while avoiding servility, and, upon the client's consent, challenge unlawful actions of officials or authorities, which interfere with the performance of the instruction, in the manner provided by the applicable legislation.

Article 50. Ethical aspects of advocate's relations with other persons

In the relations with any other persons with whom an advocate interacts in the course of performance of the client's instruction, the advocate shall comply with the requirements of these Rules to the extent applicable to these relations.

CHAPTER VI. RELATIONS BETWEEN ADVOCATES

Article 51. General ethical principles of relations between advocates

1. Relations between advocates must be based on the principles of collegiality, mutual respect of representatives of the advocate's profession, respect for the advocates' professional rights, and adherence to the principles of advocate's activity provided by the Law of Ukraine "On the Bar and Advocate's Activity" and these Rules;
2. Corporate unity of advocates requires them to display mutual trust and cooperation for their clients' benefit, in particular, the avoidance of artificial emergence or aggravation of conflicts between clients. At the same time, however, the principle of dominance of client's interests takes precedence over considerations of corporate unity;
3. The advocate of Ukraine shall also recognize the professional status of foreign advocates who practice law in Ukraine pursuant to the Law of Ukraine "On the Bar and Advocate's Activity", and treat them with respect and like their colleagues;
4. If the communication between advocates is made with the use of information-carrying media, an advocate who transmits the data the confidentiality of which he or she wishes to

preserve, must clearly inform thereof the advocate, who receives the information, and the latter must preserve the confidentiality of such information or immediately inform about the impossibility of guaranteeing such confidentiality.

Article 52. Particular ethical aspects of relations between advocates

An advocate shall not allow, in respect of another advocate:

1. statements which degrade his or her honor and dignity and damage his or her good repute, or indelicate and derogatory statements;
2. dissemination of knowingly false information about him or her;
3. attempts to persuade another advocate's client to terminate with him or her a legal assistance agreement;
4. communication with the client of another advocate without the latter's consent on issues relating to the instruction he or she performs;
5. attempts to persuade a person who came to another advocate (advocates' bureau or advocates' association) to conclude a legal assistance agreement;
6. intentional misleading of another advocate as regards the case, in the court examination of which they both participate, in respect of the venue and time of the court hearings, the outcome of examination of the case by courts of different instances, presence of evidence (and the intention to submit it), which in fact do not exist, intentions of his or her client which concern the subject-matter of the dispute and the conduct of the case, and the terms of a friendly settlement being offered.

Article 53. Acceptable forms of advocate's response to another advocate's illegal or unethical acts

1. The acceptable forms of advocate's response to another advocate's unlawful or unethical conduct which caused or may cause damage to the interests of the advocate, his or her clients, advocates' association, bureau, bar self-government bodies or the bar as such, shall be the application (statement, complaint) to the bar self-government bodies empowered to discipline advocates, and the use of other forms of defense of the rights and legitimate interests of a person provided by the legislation of Ukraine;
2. Where a conflict between advocates emerges, each of them should, to the extent possible, take measures for the amicable resolution of the conflict. If the advocate initiates disciplinary proceedings in respect of another advocate, he or she must first inform thereof the bar council of the region and, in respect of a foreign advocate, the bar association or law society of the State concerned, in order to seek the ways of peaceful resolution of the conflict, provided that it is possible subject to the compliance with other provisions of these Rules.

Article 54. Particular aspects of observance of the principle of mutual respect between advocates

1. An advocate must avoid disclosure in the media (or any other form of disclosure) of information which defames another advocate, advocates' bureau or advocates' association, unless this is required by his or her own legitimate interests, interests of his or her client or interests of the bar of Ukraine;

2. An advocate shall not discuss with clients the circumstances relating to another advocate's private life, his or her financial status, origin, ethnicity and other circumstances which concern the advocate and which are not related to the essence of the instruction;

3. An advocate shall not resort to anti-advertising in respect of another advocate (advocates' bureau or advocates' association) or use this method in advertising his or her activity;

4. An advocate shall not demand remuneration from another advocate for referring the latter to a client.

CHAPTER VII. COMPLIANCE WITH THE RULES OF ADVOCATES' ETHICS IN ADVOCATE'S PUBLIC, ACADEMIC AND PUBLICISTIC ACTIVITY

Article 55. Correlation between advocate's professional duties and his or her public, academic and other interests

1. In his or her social, academic and publicistic activity an advocate must take into account the need to comply with his or her professional duties, in particular with those arising from the Rules of Advocates' Ethics;

2. In the event of emergence of a conflict between the advocate's professional duties provided for by the applicable legislation, these Rules and the duties towards certain clients arising from legal assistance agreements on the one hand, and the advocate's interests related to his or her membership in a particular non-governmental organization, party, academic society, etc. on the other, the advocate shall neither neglect nor compromise his or her professional duties.

Article 56. Observance of the principle of confidentiality in advocate's social, academic or publicistic activity

In his or her social, academic or publicistic activity an advocate may not use information, the confidentiality of which is protected by these Rules, without the relevant consent of persons interested in non-disclosure of such information.

Article 57. Observance of the principle of respect for advocate's profession in advocate's publicistic activity

In his or her publicistic materials an advocate shall not disseminate information which is untrue or which was exposed in a false way and which discredits other advocates' honor, dignity or good repute, or the prestige of the bar as such, and shall expose the justified criticism of the said persons or the bar as a whole in the correct form.

CHAPTER VIII. ADVOCATES' BUREAU AND ADVOCATES' ASSOCIATION AS SUBJECTS OF RELATIONS AIMED AT ENSURING THE COMPLIANCE WITH THE RULES OF ADVOCATES' ETHICS

Article 58. Application of the Rules of Advocates' Ethics to activities of advocates' bureaus and advocates' associations

1. These Rules of Advocates' Ethics shall be binding upon advocates' bureaus and advocates' associations in the same way as on individual advocates;

2. Where a party to a legal assistance agreement is an advocates' bureau or advocates' association, in which the agreement is concluded with a client on behalf of the bureau or

association, it shall ensure the conformance by the candidate advocate who is assigned to perform the agreement (or certain duties under the agreement) with the requirements for competency, which are objectively based on the nature of the assignment, and shall ensure the compliance with other requirements of these Rules concerning the conclusion of the legal assistance agreement, its performance and termination.

Article 59. Advocates' role in ensuring the compliance by advocates' bureau or advocates' association of the Rules of Advocates' Ethics

Each advocate, who is a member of an advocates' association or who founded an advocates' bureau, shall make reasonable efforts in order to ensure that the association takes measures contributing to the compliance with these Rules by all advocates and employees of this association or bureau.

Article 60. Correlation between the professional duties of advocates, who are members of advocates' association, with the duties related to a membership in such association

For an advocate, who is a member of an advocates' association, the professional duties towards clients arising from the applicable legislation, Rules of Advocates' Ethics, legal assistance agreements, shall take precedence over the advocate's duties related to the fulfillment of instructions from the higher self-government bodies of the bar.

A head of the advocates' association shall ensure the compliance by an advocate, who is a member of the advocates' association, with these Rules and shall not take any act related to inclination of the advocate to evade from complying with the professional ethical standards or facilitate such evasion.

CHAPTER IX. BAR SELF-GOVERNMENT BODIES AS SUBJECTS OF RELATIONS AIMED AT ENSURING THE COMPLIANCE WITH THE RULES OF ADVOCATES' ETHICS

Article 61. Role of the bar self-government bodies in ensuring the compliance with the rules of advocates' ethics

1. The bar self-government bodies shall act with the purpose of ensuring the advocates' genuine independence in the course of their professional activities;

2. The bar self-government bodies shall promote and monitor the compliance with the Rules of Advocates' Ethics by all advocates of Ukraine and foreign advocates who practice law in Ukraine in accordance with the legislation of Ukraine;

3. The bar self-government bodies and their members shall themselves in their activities be strictly guided by the general principles of advocates' ethics, avoid acts or omissions which breach them, show respect both to the advocates' professional rights and to each advocate's right to participate in the bar self-government.

Article 62. Ethical aspects of relations between advocates and bar self-government bodies

An advocate shall comply with the decisions of the bar self-government bodies, which are compulsory for all and which are adopted within their competence in the manner provided by the Law of Ukraine "On the Bar and Advocate's Activity".

Decisions of the bar self-government bodies adopted within the scope of their competence shall be binding on the advocates' bureaus and advocates' associations.

Advocates elected to the bar self-government bodies are obliged to steadily discharge their functions in accordance with the law, to participate in the work of the bar self-government bodies to which they were elected, to comply with the legal requirements and the UNBA regulations, to avoid acts or omissions that cause damage to the bar in a whole or block the work of certain self-government bodies of the bar.

CHAPTER X. LIABILITY FOR THE BREACH OF THE RULES OF ADVOCATES' ETHICS

Article 63. Legal consequences of the breach of the Rules of Advocates' Ethics

Disciplinary measures may be applied to an advocate for the breach of the Rules of Advocates' Ethics in the order provided by the applicable legislation on the bar and advocate's activity as well as by the regulations of the Ukrainian National Bar Association.

Where a complaint concerning a disciplinary action against advocates, who were elected to the bar self-government bodies and who breached the Rules of Advocates' Ethics, was lodged, or where the complainants in respect of the breaches of these Rules are the advocates who were elected to the bar self-government bodies, in order to ensure the impartiality and objectivity in the examination of the said complaints the Higher Qualification and Disciplinary Commission of the Bar shall ensure the redistribution and transfer of such applications (complaints) for the examination to the QDCB of a region other than the region in which the said advocate is a member of the bar self-government bodies.

Article 64. Advocate's liability for the breach of the Rules of Advocates' Ethics by an assistant, advocate's trainee or technical personnel

An advocate may be disciplined for the breach of the Rules of Advocates' Ethics by his or her assistant, trainee or technical personnel, if the advocate:

1. failed to ensure the familiarization with these Rules by his or her assistant, trainee or technical personnel;
2. failed to properly control the acts of the assistant, trainee or technical personnel involved by him or her in the fulfillment of certain tasks under the instruction stipulated in the legal assistance agreement between the advocate and the client;
3. by his or her orders, advice or personal example contributed to the breach by the assistant, trainee or technical personnel of the Rules of Advocates' Ethics.

Article 65. Liability of heads of advocates' bureaus and advocates' associations for failure to ensure the compliance with the Rules of Advocates' Ethics

An advocate who is the head of the advocates' bureau or advocates' association (or advocates who are members of the collegiate self-government body of the bar) may be disciplined for failure to comply with the provisions of these Rules and for his/her (their) decisions entailing the breach of the Rules of Advocates' Ethics.

Article 66. Clarification of the Rules of Advocates' Ethics

1. Where in a particular situation an advocate has a difficulty in deciding how to act in order to comply, in the specific circumstances, with the provisions of these Rules, he or she can apply for clarification to the Bar Council of Ukraine or the Congress of Advocates of Ukraine;

2. Advocate's acts which conform to the clarification of the Bar Council of Ukraine or the Congress of Advocates of Ukraine shall not be impugned to him or her or entail the imposition of disciplinary measures.

Article 67. General principles of application of disciplinary measures for the breach of the Rules of Advocates' Ethics

1. In the application of disciplinary sanctions for the breach of the Rules of Advocates' Ethics and/or Professional ethical (deontological) rules of conduct of foreign advocates (in the cases provided for by these Rules), which operate in the countries in which such advocates are entitled to practice law, the disciplinary bodies of the bar of Ukraine must base themselves on the general principles of legal liability; in particular, they must apply disciplinary sanctions only for the culpable breaches;

2. Relations concerning disciplinary liability are governed by the presumption of innocence;

3. For the breach of the Rules of Advocates' Ethics an advocate shall bear personal liability towards a client.