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**KOSOVO BAR ASSOCIATION**

**LAWYERS CODE OF PROFESSIONAL ETHICS**

*Prishtinë, Kosovë*  
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## I.

### **Basic Principle**

#### **Article 1**

Professional Advocate Code of Ethics (hereinafter: the Code), determines rules and principles of conduct, that lawyers are obliged to pursue during their law practice, due to retaining honesty, dignity and reputation as lawyers acting in Kosovo.

#### **Article 2**

The solemn oath declaration contains the basic principles, which every lawyer makes before starting to practice advocacy. Each lawyer should be informed with the context of the Code of Ethics and the Statute of KCA. These principles should be a constituting part of consciousness and believe of every lawyer. Not recognizing the Statute and the Code of Ethics of KCA does not justify lawyers of any violation of its provisions.

#### **Article 3**

A lawyer should continuously widen his/her knowledge; follow literature and any actual event that has to do with lawyer profession, including scientific and cultural achievement, political events etc. According to capability and professional competencies, a lawyer should participate and offer cooperation to the Chamber of Lawyers and other associations.

#### **Article 4**

A lawyer, acting as an expert, can be engaged, as advisor, collaborator, as a member of any lawmaking entity, professional entity, working group with governmental and non-governmental character, humanitarian organization, human rights and freedoms organization, publishing council, as a member or adviser in organization for offering professional knowledge, on condition that these would not be working engagements that are not in accordance with lawyer profession.

#### **Article 5**

Lawyer's attitude toward his/her party, the opposing party and its representative, toward other lawyers, judges, public lawyers, state institutions and other authorities, in which a lawyer assists his/her clients or represents them, should be determined, in the way of making him/her act and request respect of rights and freedoms of clients.

#### **Article 6**

During lawyer representation, in preparing appeals, declarations, other official actions, and generally in public and private appearance, a lawyer should be vigilant about professional requirements and demonstrate legal culture in general.

#### **Article 7**

Throughout law practice, a lawyer with his/her performance should gain client's trust, the trust of legal entities and other entities in front of which he/she represents himself. It's in the nature of lawyer's mission not to have relations of belief, in cases when it is doubted in honesty, justice and sincerity of a lawyer. A lawyer should not favor political views or political party membership during his/her practice.

#### **Article 8**

A lawyer is obliged to carry out duties that arise from his/her profession with responsibility, and maintain honesty, respect and dignity of advocacy, throughout legal practice and in private life. A lawyer should defend client's interests only with means which are in compliance with law and dignity of the lawyer profession.

#### **Article 9**

A Lawyer should continuously widen his/her knowledge. He or She should follow any actual event, including scientific and cultural achievement. According to capability, a lawyer should participate and offer cooperation to the Chamber of Lawyers and other associations.

#### **Article 10**

During representation, a lawyer is obliged to maintain his/her full independence, released from any pressure; especially those that emerge from his/her own interests or outside influences. A lawyer should avoid any obstruction of independence and respect professional ethics.

#### **Article 11**

A lawyer should not accept duties that are not in compliance with legal practice and that would damage his/her independence, reputation and prestige. Client's request and interest are not excuses for violating the Code, the Statute and the Law. A lawyer can be served only with allowed and honest means.

#### **Article 12**

A lawyer should not, without any reason, refuse a legal case to which is assigned, as an ex-officio by the court or the Chamber.

### **Article 13**

It is in objection with honor and prestige of a lawyer any un-loyalty in business and especially:

- taking clients through offers, mediators and advertisement,
- giving of blank authorizations and advertisement materials,
- cooperation with suspicious persons who practice law,
- promising provisions and rewards to other persons in order to take clients,
- not respecting and insulting other lawyers,
- Calling upon friendly relationships etc.
- offering cheaper services of representation

### **Article 14**

Lawyer cannot practice his profession if he/she held position in:

- profession of an effective judge, professional collaborator and an officer in state entities,
- jobs in industry and trade,
- Jobs and public or private activities which are paid, unless they don't jeopardize independence and dignity of a lawyer or the prestige of the Chamber.

## **II. Professional Confidentiality**

### **Article 15**

A lawyer is obliged to withhold client confidentiality, who gives information on belief. A lawyer should judge himself/herself what the client wants to remain confidential.

A lawyer should also care that the staff working with him keeps these information confidential.

### **Article 16**

Lawyer confidentiality is considered any trusting information, with which he/she becomes familiar in the framework of his/her activities, all documents, voice notes, photos, and similar notes that are in his/her office.

### **Article 17**

In order to keep professional confidentiality, a lawyer should not disclose any notes or documents of cases he/she was assigned, even after the case dismissal.

### **Article 18**

(a) A lawyer should not reveal concealed information according to professional confidentiality, even after he/she has finished representing the party, unless:

- i. The client agrees on disclosing the information;
- ii. Disclosing of information is allowed by paragraph (b).

(b) A lawyer can reveal concealed information according to professional confidentiality when:

- i. Disclosure of information represents state interest or is necessary because of the danger of territorial integrity of Kosovo;
- ii. Disclosure is a necessary reason, to prevent death or substantial bodily harm;
- iii. To defend against charges filed by the client against the lawyer;
- iv. To provide legal advice, this proves that the lawyer did not violate the Code of Ethics;
- v. To defend from possibility of its use, as a tool for committing crime or fraud;
- vi. To not violate court rules or other legal rules.

### **Article 19**

A lawyer should respect same rules, even when concerning confidentiality of a legal person or some other entity.

## **III. Relations with Client**

### **Article 20**

A lawyer can refuse to give legal assistance in these cases if the client is not ready to fulfill obligations toward the lawyer, concerning legal assistance which he/she requires.

### **Article 21**

It is recommended that the written contract be made upon agreement with the client, compulsory when the client requests so.

### **Article 22**

A lawyer should not cause his client unnecessary expenses. A lawyer gives advices and defends his/her client with dignity and honesty. He regularly informs the client with the subject of his case.

### **Article 23**

A lawyer, who personally recognizes the opposing party, can refuse representation of the other party. If he/she decides to take over representation, the party should be previously informed.

#### **Article 24**

A lawyer, to whom the Chamber has allowed offering of specialized legal assistance, can refuse giving such assistance, if it does not belong in his/her specialty.

#### **Article 25**

A lawyer should refuse offering legal assistance:

- If he/she or the other lawyer who has worked or works in the same office, have represented in the past, the same case or the case that is legally related to it, or have offered legal advice and guidelines for it,
- If on the same case, or a case to which is legally related, has worked as a practitioner lawyer at the lawyer who represented the opposing party,
- If on the same case or the case that is legally related to it, has worked as a judge, prosecutor, public lawyer or official in an administrative procedure or other procedure,
- In other cases predicted by law, Statute or Code

#### **Article 26**

A lawyer should not withdraw authorization of representation, apart from reasons foreseen by this Code, by which he/she is obliged or authorized to refuse legal assistance.

#### **Article 27**

A lawyer who withdraws the authorization with a written request to court, is obliged to continue representing the party, until the party finds another lawyer, for at least 30 days from the day of its withdrawal

#### **Article 28**

A lawyer-client relation that surpasses official relation is forbidden, if that relation threatens professional independence of a lawyer.

#### **Article 29**

If a lawyer is a member or works in a joint lawyer office he/she cannot offer legal assistance to the opposing party. The opposing party is any party which is in dispute with the party of any lawyer in the joint lawyer office.

#### **Article 30**

If it is for the interest of the defendant, the lawyer before starting the procedure or during the procedure he should insist to resolve the dispute with agreement between them by making known to the party the advances of solving a dispute with agreement.

#### **IV. Defense and representation in criminal cases**

##### **Article 31**

A lawyer is obliged to agree to the offered defense of the defendant, regardless of defendant's personality and type of action, and represents the damaged party in criminal cases.

##### **Article 32**

A lawyer should not refuse defense in criminal cases if the defense is difficult, due to existence of undeniable proofs about the action committed, because the party has accepted committing the action, or because of the length of action and reactions of public opinion.

##### **Article 33**

It is lawyer's duty, after ending the case, by party's request, to return all original documents given to him/her by the client.

#### **V. Relation with chamber**

##### **Article 34**

It is lawyer's duty to fulfill obligations toward the Chamber, to respect the Chamber and to maintain its prestige and authority.

##### **Article 35**

It is lawyer's duty to participate in activities of Chamber bodies, and contribute for its successful work.

##### **Article 36**

Election in any body of the Chamber is an honor for any lawyer and can be refused only in reasonable cases.

##### **Article 37**

A lawyer should be vigilant in developing collegial relations successfully. Eventual disagreements should be solved through conversation or arbitrary elected by the Chamber.

### **Article 38**

A serious violation of the lawyer's duty is specially considered:

- Incompliance with decisions of the Chamber and its Executive Council
- offering of false information to these bodies,
- Any insulting conduct during written or verbal correspondence with these bodies,
- Not carrying out material obligations toward the Chamber.

### **Article 39**

Lawyers have these obligations even toward Regional Meetings.

## **VI. Relation with courts, administrative entities and other states authorities**

### **Article 40**

A lawyer, during law practice, is obliged to always maintain court authority, of administrative bodies and other authorities to which he/she offers legal assistance and to express the proper respect.

### **Article 41**

A lawyer, in front of the court, can not give offensive declarations or opinions of their decisions.

### **Article 42**

In appearances before courts, a lawyer should justify and ascertain the belief, that he/she is a cooperator in applying law and in defending basic rights and interests of citizens.

### **Article 43**

Appearance of a lawyer in front of courts, administrative bodies and other authorities, in written or verbally, should be realistic, encompassed and on that measure that doesn't damage the defense of client's interest.

#### **Article 44**

During defense or representing the party, friendly relations of the judge with the lawyer cannot be used in favor of the client.

#### **Article 45**

A lawyer is obliged to object, if the judge undervalues the lawyer, the practitioner or his/her client. The lawyer with his/her actions and attitude should convince the judge that in essence he/she is a collaborator in reaching the right decisions.

#### **Article 46**

A lawyer should advise his/her client for showing the proper respect to the judges.

#### **Article 47**

It is lawyer's duty to take care, in offering necessary legal assistance to the party as soon as possible and disable any dragging and misuse of rights before judges and other bodies.

#### **Article 48**

A lawyer should defend his/her client in compliance with legal rules. He/she should not give any false information to the judge or of such nature that would lead the judge in making a mistake.

### **VII. Obligation of informing about rewards**

#### **Article 49**

A lawyer should inform the party about his/her request for entire reward for duties rendered and all expenses that have to do with the case. He/she should also inform the client, about expenses, for which the judge has decided to fall on the other party.

#### **Article 50**

It is lawyer's right to ask for reward from his/her client at the beginning.

#### **Article 51**

If an interested client objects to pay the lawyer, a lawyer can suspend working on the case, by previously informing the client. Lawyer has a right to be paid for the work that he did according to the attorney fee or agreement. It is lawyers right to be paid for the work done so far. Before the start of procedure, a lawyer should make remarks to the opposing party by giving an acceptable deadline for fulfilling the disputable requirement.

## **VIII. Lawyer relations with the opposing party**

### **Article 52**

A lawyer should act with respect and dignity toward the opposing party, trying to make conditions for solving the dispute promptly and in the interest of both parties.

### **Article 53**

A lawyer should not use inexperience, doubt or fear of the opposing party, in order to achieve unjustifiable success for his/her own party, especially when the opposing party doesn't have a legal representative.

### **Article 54**

A lawyer cannot collaborate the opposing party, without informing its representatives and his/her party.

### **Article 55**

A lawyer who receives an offer for representation in a civil case, against the party with which the lawyer has close personal relationship, is obliged to inform the party that is seeking assistance about this circumstance.

### **Article 56**

A lawyer should try to convince his/her client, to not initiate a criminal prosecution against the opposing party, because of the immature statements which caused tension in the procedure, if such a prosecution is not necessary for securing party's interest. A lawyer should avoid prosecution of the opposing party, if that party gave an unsuitable and unkind statement in a disturbed condition.

### **Article 57**

In every circumstance, a lawyer should have in mind the contradictory character of debates. For instance, a lawyer cannot contact a judge concerning a case, without previously notifying the opposing party or the client. A lawyer cannot hand over documents, notes or other proofs to a judge before they are communicated at the right time to the opposing party or its lawyer, except in cases when such actions are allowed based on rules of procedure applied

## **IX. Reciprocal relation between lawyers**

### **Article 58**

The respect which refers to the lawyer profession obliges a lawyer to have collegial and loyal relationship toward other lawyers, and to have professional solidarity. These relations should not have a negative influence in lawyer's honesty and representation of the party.

### **Article 59**

A lawyer should confine from any direct or indirect attempt, when having the purpose of taking other lawyer's client.

### **Article 60**

If a lawyer has been asked for legal assistance by a lawyer from abroad, he/she should be aware, that the lawyer in question, is mainly depending on his/her assistance, and the responsibility is big. These cases should be taken only when they can be carried out professionally and without delay.

### **Article 61**

If a lawyer is addressed by a party which is being represented by another lawyer, he/she is obliged to inform his/her colleague.

### **Article 62**

A lawyer is obliged to act with special respect toward the opposing party lawyer, and to avoid in any possible way underestimation, attack, or leadeness to unnecessary disputes.

### **Article 63**

If a lawyer has asked to be substituted in a case by any of his/her colleges, he/she should immediately hand over the case file, with all necessary elements to continue the work.

### **Article 64**

When the expenses and rewards of previous lawyer, are not contested or are not object of contest, a substituted lawyer, can take the case or can take provision without the consent of previous colleague

#### **Article 65**

A lawyer, who is assigned to take over a case of a person in need, can and should perform all duties, including those that are not urgent.

#### **Article 66**

A lawyer should substitute another lawyer when asked so, unless he/she is not busy with other cases. If the lawyer cannot substitute, he/she should inform the lawyer who asked for substitution.

#### **Article 67**

If two lawyers from two different countries work together, it's their obligation to have in mind possible changes among their legal systems, among their chamber of lawyers, their competencies and their professional duties.

#### **Article 68**

The lawyer who comes after, however, can perform urgent duties, which are needed to defend the interests of the client, on condition to inform immediately the previous lawyer for that duty. He cannot take reward for this intervention.

#### **Article 69**

Because of colleague corporation, a lawyer should inform and give advice another lawyer, when a lawyer asks for, except in cases when he is a lawyer of opposing party.

#### **Article 70**

A lawyer should substitute another lawyer when asked so, unless he/she is busy with other cases. If the lawyer cannot substitute, he/she should inform the lawyer who asked for substitution.

#### **Article 71**

Correspondence between lawyers lies on the trust. To be treated as such, the willpower should be clearly expressed by the sender of the letter. It loses the power of trustworthiness and can be given:

- when it is about a procedural action,
- when he/she is regarded not trusting and when dishonesty is accepted by the other
- When it consists of a letter of precise facts or an answer to that letter.

**X. Relations with legal practitioners**

**Article 72**

Lawyers, in order to create capable personnel in the lawyer profession, should accept to train in their offices young, capable and devoted graduated jurists. A lawyer should prepare the practitioner in his/her office, to practice law profession independently, to forward professional knowledge and offer the possibility of embracing the practice and advocacy knowledge

**Article 73**

A lawyer should teach the practitioner in his/her office, rules and principles of conduct, so that he/she can respect human dignity, honesty and fair conduct proper to the profession of a lawyer.

**Article 74**

A lawyer should be an example to the practitioner lawyer and should consider him/her as a real collaborator, in order to develop trust and mutual respect between them.

**Article 75**

A lawyer should make his/her own report about conduct and work of a practitioner lawyer who works in his/her office. The practice should be made with full schedule and not part-time. A lawyer should not make a report about a fictional practice of a practitioner, who has never worked in his/her office

**Article 76**

A lawyer should create necessary conditions for effective work of the practitioner lawyer. He/she should reward him/her as they agreed and should act in the manner of offering the practitioner possibility and time for preparing the bar exam.

**Article 77**

A lawyer should carefully follow practitioner's work, whom is not allowed to work independently on legal matters.

### **Article 78**

If there is a dispute between the lawyer and the practitioner, they should try to solve it by agreement or by Chamber mediation.

## **XI. Legal assistance to persons in need**

### **Article 79**

It is lawyer's duty of honor, to offer free legal assistance to beneficiaries of the legal system, who fulfill the determined criteria by the applicable legislation and he/she should perform it with honesty as when working with other parties

### **Article 80**

It is every lawyer's duty to be vigilant and secure proper function of the line of work of lawyers in the legal aid system.

### **Article 81**

A lawyer, who as a representative asks for reward from beneficiaries of the legal assistance, or the third person, regarding representation before ending it, makes a serious violation of the duty and lawyer's prestige

### **Article 82**

If the clients request a pro bono service, the lawyer must inform the client for this possibility. If legal assistance is not foreseen as free of charge and the client cannot pay the lawyer, the assistance can be offered for free, because for those who are in a social assistance program, offering of free legal assistance is part of a traditional obligation and lawyer's honor. A lawyer should offer legal assistance for free (pro bono) if he/she is obliged by KCL.

## **XII. Organization of the lawyers office**

### **Article 83**

It is lawyer's obligation that the office and the manner of work be appropriate to the dignity of the profession.

### **Article 84**

It is lawyer's duty to handle cases on time and properly, to archive notes, to keep regular evidence of the trial schedule, in order to confirm information about the case, and to offer information about his/her work to the entities of the Chamber, according to Statute.

#### **Article 85**

A lawyer is responsible for the work in his/her office. In joint offices, all lawyers should hold responsibility about the work in their office.

#### **Article 86**

A lawyer should especially be precise and honest when working with money. Client's money should not be mistaken for his/her money and should be always ready to pay it. The money that was taken on behalf of the client should be handed over to the client without delay.

#### **Article 87**

It is forbidden:

- To withhold or use the money that was given to the lawyer for a certain destination.

#### **Article 88**

A lawyer should execute all obligations toward employees in compliance with law and working contracts.

#### **Article 89**

A lawyer should place the banner of his/her firm, on the building where his/her office is located. The banner should not serve for commercial purposes or advertisement either by its shape or context.

#### **Article 90**

A lawyer should keep consultations and contacts with his/her party in his/her office. A lawyer can consult and contact the party in other appropriate places but without damaging the prestige and authority of the lawyer.

#### **Article 91**

A lawyer can appear publicly, on TV, radio or press, regarding issues of scientific or general interest, or about designated issues. During these appearances, a lawyer, according to the rule, can use his/her title of a lawyer.

## **Article 92**

A lawyer should avoid informing the public opinion about any kind of action that has to do with his/her work or privacy, or which can damage the reputation as a lawyer or legal reputation in general.

### **XIII. Advertisement and client search**

#### **A. Firm and Advertisement**

## **Article 93**

(a) A lawyer is allowed to inform on the media when opening or changing office space, by avoiding any impression of advertisement and can announce opening or changing of office space in written, which can be sent only to lawyers, legal entities and clients.

(b) The firm and advertisement can contain:

1. Lawyer's name;
2. Contact information;
3. Educational background;
4. Membership in any professional organization;
5. Any other information allowed by the Chamber.

(c) A lawyer is allowed to present information from (b) on the internet.

(d) A lawyer is prohibited: to place a bigger shape or context banner or place such a banner on other buildings outside his/her office building,

1. to place a bigger sign of specialization and of the square and circle stamp,
2. to make public appearances, announcements in press, internet and similar by overstressing lawyer's values, which can be understood as an impose to the opinion,
3. to place at his/her office entrance information for publicity purpose, or to write down previous professions, with the purpose of taking clients or advertise the office and services that don't belong in lawyer's profession (Photocopying, translation, mediation, etc.).

## **Article 94**

A lawyer appearance in opinion should be considerable. A lawyer should carefully hold professional confidentiality and obligation to be discreet and should avoid interference, by asking for professional publicity.

#### **Article 95**

A lawyer should speak only on his/her behalf and own responsibility. Chamber of Lawyers does not hold any responsibility for his/her appearances.

#### **Article 96**

Client search is prohibited.

### **XIV. Expenses of representation**

#### **Article 97**

A lawyer has the right of reward according to the tariffs on rewards and compensation of expenses for lawyer's work.

#### **Article 98**

It is lawyer's right before the start of representation to ask from his/her client to pay necessary expenses. If the party doesn't give an advance payment for covering costs, the lawyer can refuse representation.

#### **Article 99**

A lawyer can contract the reward with the client, before the case is finally over by which the client takes responsibility of paying to the lawyer a part of the case success, in compliance with the Chamber's tariff and with this Code.

#### **Article 100**

A lawyer, to whom the reward has not been paid, doesn't hold the right to not return original case files, after representation is over. The lawyer is obliged, by party's request to photocopy all case documents he/she has made, at his/her expense.

#### **Article 101**

A lawyer is obliged, to show the tariffs to the party by party's request, to give specified account of the costs apart from the reward for his/her work that was determined in the contract.

In case of a written agreement the lawyer should contain to the written contract, but is not obliged to keep and make calculation and specification for its work.

### **Article 102**

A lawyer should not contract, as a reward, the object or a part of it, from the dispute trusted to him/her for representation, except when it is allowed by the tariffs or other provisions.

## **XV. Entry into force**

### **Article 103**

The Code enters into force on its approval day, by the Assembly of Kosova Chamber of Lawyers, on 29<sup>th</sup> October 2011.

Chamber President  
Ibrahim Dobruna