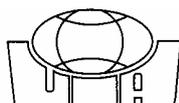


# UNION INTERNATIONALE DES AVOCATS

INTERNATIONAL ASSOCIATION OF LAWYERS  
INTERNATIONALE ANWALTS-UNION



UNION INTERNACIONAL DE ABOGADOS  
UNIONE INTERNAZIONALE DEGLI AVVOCATI

الاتحاد الدولي للمحامين

## TURIN PRINCIPLES OF PROFESSIONAL CONDUCT FOR THE LEGAL PROFESSION IN THE 21ST CENTURY

- **Whereas** there is a diversity of views of the Lawyer's role in a wide range of political, social and cultural contexts.
- **Whereas**, although economic development and advances in communication and information technology have required those who render services in related areas to work together and cooperate in new ways, they must still follow the basic principles which govern them in advising and defending their clients, both in their own countries and on an international level.
- **Whereas**, regardless of differing geographic and economic contexts, the Lawyer continues to play a fundamental role in the defence of human rights, be they civil, political, economic, social or cultural in nature.
- **Whereas**, that role is played not only in the courts, but also privately, as an advisor, in order to:
  - ensure that, despite the complexity of modern legal systems, the rules of law are more widely known, thereby ensuring that they will be respected and observed.
  - limit recourse to the courts by discouraging frivolous suits and helping settle disputes by first referring the parties to mediation or conciliation.
  - maintain stability in legal relationships despite an increasing trend toward self-regulation, deregulation and globalisation.
- **Whereas**, it is necessary to ensure the recognition and continued significance of the Lawyer's role, even in the face of pressure from authorities, be they executive, legislative or judicial.
- **Whereas**, in order to attain this goal, it is essential that all States recognise the basic principles underlying the legal profession through which, despite differences in culture and development, its fundamental characteristics can be distilled and rules can be developed to protect and preserve them.
- **Whereas** the fundamental principles of the legal profession are set forth in the Bylaws and

Codes of the UIA and in the Basic Principles on the Role of Lawyers endorsed by the UN General Assembly in 1990, according to which:

- the Lawyer plays an essential role in defending individuals in the courts, by guaranteeing them an absolute right to the effective assistance of counsel and a defence without prejudice or discrimination, in complete independence and freedom, including but not limited to freedom of association, religion, speech and opinion.
  - the Lawyer has both the right and the duty to ensure the spread of the rule of law and to participate in its development.
  - the Lawyer must practice the profession in a spirit of service and humanism, in accordance with the code of legal ethics and professional responsibility, especially the attorney-client privilege.
  - the fundamental task of professional associations of lawyers is to ensure compliance with the standards and norms governing the practice of law, to defend their members against any unwarranted interference or restraint, to ensure free access by all to legal services and to cooperate with all other institutions which serve the cause of justice.
- **Whereas**, the corollary to the Lawyer's role and rights is the obligation to perform the corresponding duties, as the said rights and duties are an essential condition of the protection of both the public interest and the interests of individuals.
- **Whereas**, these principles of professional conduct are subject to the laws and rules of ethics governing the legal profession.

**THE UNION INTERNATIONALE DES AVOCATS  
(INTERNATIONAL ASSOCIATION OF LAWYERS)**

**HAS RESOLVED TO ADOPT THESE**

**PRINCIPLES OF CONDUCT FOR THE LEGAL PROFESSION**

The Lawyer's Role

It is the Lawyer's role to ensure the protection of all persons before the law.

Lawyers have the right and the duty to practice their profession in a manner that furthers knowledge, understanding and application of the law, whilst protecting the interests entrusted to their care.

Recognition of the Lawyer's Role

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Lawyers are entitled to recognition and protection of their role by society and any authority, be it legislative, executive or judicial, as their role must be considered an essential instrument in the administration of justice and the organisation of Society.

Lawyers have the duty to do everything in their power to ensure that such recognition is preserved by maintaining quality and fairness in rendering their services, whilst acting in accordance with the highest ethical standards and cultural norms.

Lawyers must therefore be allowed access by all authorities and governmental agencies, in each and every case, to the clients and documents they need to defend the interests entrusted to their care.

### Independence

Lawyers have the right to practise their profession freely and independently, without being subjected to pressure or discrimination of any kind whatsoever.

Lawyers have the duty to preserve their independence by avoiding any situation in which their actions could be compromised by interests inconsistent with those of their client.

### Immunity and right to a fair trial

Lawyers have the right to practice their profession without prejudice or restraint, shielded by total professional immunity, which precludes any unlawful search of the Lawyer's office.

Lawyers have the duty to do everything in their power to ensure that their clients' rights are protected and that their clients receive a fair trial in any court or before any other authority.

### Relations with Judges

Lawyers are entitled to recognition by Judges of the importance of their role in judicial proceedings, for they are actors in those proceedings whose presence ensures a fair trial.

Lawyers have the duty to act in an honourable and dignified manner towards Judges and to fight to ensure the independence of the judiciary.

### Freedom to choose clients

Lawyers have the right freely to agree or refuse to represent any client according to the Lawyer's own conscience, and if the Lawyer agrees, the decision shall not be interpreted to mean that the Lawyer identifies with the client's cause.

Lawyers have the duty to refuse to represent any client whom they believe they cannot represent in a competent, independent and diligent manner.

### Attorney-client privilege

A Lawyer has the right, in the context of the above recitals, to recognition and respect of the attorney-client privilege by any person before the law and any authority. This privilege is an intangible principle designed, under a government of laws, to provide the foundation for the relationship between the Lawyer and the client, and to ensure that the legal rights of citizens are protected.

A Lawyer has the duty to keep confidential any fact or information the Lawyer learns in representing a client.

### No duty to report

Lawyers should not be compelled to report facts which they discover in practising their profession.

Where a Lawyer learns of an activity that could endanger human life, he or she must take all precautions to protect that life, as permitted by the attorney-client privilege.

Whenever a Lawyer discovers a criminal or unlawful activity, he or she must of course refuse to take part in it. Even then, the Lawyer should be under no obligation to report it to the authorities, but rather has the duty to withdraw from the matter as soon as the Lawyer has grave suspicions that the activity described may conceal unlawful acts, and that the client does not intend to refrain from that activity.

### Role of and representation by the Bar

Depending on the country, a Lawyer has the duty or the right to be a member of a Bar or Law Society and to ensure that the profession is governed by rules laid down by the representative bodies of which he or she is a member, and that they are observed.

Provided that the Bar observes the principles set out in the Basic Principles on the Role of<sup>4</sup> Lawyers endorsed by the UN, Lawyers have the duty to recognise the Bar's right to establish

such rules and to ensure compliance by conforming their conduct to the rules laid down by their own Bar and those of the other jurisdictions in which they practise.

The representatives of the legal profession must be able to contribute to the development of legislation, case law and jurisprudence.

### Regulation of the Practice of Law

Lawyers have the right to practise their profession in the form they deem most appropriate, either individually or in partnership, in accordance with the laws of their own country and those of the country in which they provide their services.

Lawyers have the duty to preserve the personal and exclusive nature of their representation of their client, even when they practice in a larger entity.

### Internet and Other Communication Technologies

A Lawyer's Web site forms part of the Lawyer's office.

The content of the firm's Web site may be freely developed subject to observance of the fundamental principles which govern the legal profession.

Lawyers should avail themselves of communication technologies which are available at reasonable cost in order to improve service to their clients. In doing so, Lawyers should take care to maintain the confidentiality of Lawyer-client communications.

### Fees

A Lawyer has the right to a fair fee for services rendered.

The Lawyer's fee may either be fixed or based on the services provided. The fee may take into account the result obtained, provided that the client consents.

The Lawyer has the duty to practice in a spirit of service, in accordance with the rules of the profession, without allowing economic or financial considerations to take precedence.

### Pro bono representation

A Lawyer has the duty to work to provide the indigent with the best possible defence.

The Lawyer has the duty to request that the authorities make available the necessary physical and financial resources, it being understood that any failure to provide a quality defence is a violation of the individual's fundamental rights.

### Cooperation

A Lawyer has the right to work with and the duty to maintain solidarity with his or her Colleagues, regardless of national boundaries, in obtaining recognition of the Lawyer's role and in affirming the principles of the profession and observance of its ethical rules.

Lawyers may defend clients outside of their own country in accordance with the principles of the International Convention on Safeguarding the Right of Defence and the Code of Defence adopted by the UIA.

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The principles laid down in these Principles of Professional Conduct may be supplemented by rules governing the legal profession in force in any State when those rules provide better conditions for the practise of law and greater respect for the legal profession.

Resolution adopted by the General Assembly of the Union Internationale des Avocats held in Sydney, on October 27<sup>th</sup>, 2002.