Legal Ethics Handbook

Legal Clinics, Courses and Seminars

Law Faculty, University of Prishtina
Re: Legal Ethics & Professional Responsibility Handbook

Dear Rector, Dean and Professors,

On behalf of the American Bar Association Rule of Law Initiative (ABA) in Kosovo, I am pleased to present to you the enclosed Legal Ethics & Professional Responsibility Handbook developed by a working group of legal experts in Kosovo.

The enclosed Handbook, and our continued work with the law faculty to develop an up-to-date and competitive curriculum, is part of our ongoing efforts to improve legal education in Kosovo, including introducing the Criminal and Civil Clinics, courses in Legal Methodology and Trial Advocacy, and a live-client legal clinic.

We believe that the inclusion of a legal ethics and professional responsibility course will complement the Law Faculty’s comprehensive offerings in legal theory, substantive courses, and the legal clinical courses. By equipping faculty with a high level of ethics and awareness and compliance with ethics and honor codes, you will be better prepared for helping the university make the transition to comply with the Bologna Process of the European Higher Education Area. Law students will be better prepared to bring into Kosovo’s legal professions a high degree of ethical integrity, and will be better prepared to comply with and promote relevant professional codes of conduct and ethics.

The Handbook is intended to be used initially by law faculty professors, students, and experts engaged in the Legal Clinics. Over time, we hope to use these materials to develop a fully credited, mandatory course in Legal Ethics and Professional Responsibility. Our hope is that the draft Code of Conduct contained is expanded to include all law faculty students and professors.

The Handbook includes: A Survey of Ethics in the Legal Professions; Hypothetical Legal Ethical Dilemmas; and a Mock Trial Case Involving Legal Ethics and Ethical Dilemmas. The Handbook also includes the most current codes of conduct in effect from the Kosovo Chamber of Advocates; the Kosovo Judicial Council’s Codes for Judges and Prosecutors; and the Kosovo Legal Aid Commission draft Code of Conduct and Ethics. Finally, the Handbook includes a working Code of Conduct draft for the University of Pristina Legal Clinics to use for students, professors, and experts engaged in the Clinical courses.

We are pleased to cooperate with you, and look forward to our future work together. If we can answer any questions or respond to any comments, please do not hesitate to contact us.

Sincerely,
David Sip, Director,

ABA Rule of Law Initiative – Kosovo
ACKNOWLEDGMENTS

The working group of representatives of the University of Pristina and the American Bar Association Rule of Law Initiative (ABA/ROLI) developed this handbook to create the training and reading base for the law faculty at the University of Pristina. The handbook is targeted to students participating in Legal Clinics, Clinic staff and supervisors, and Clinic experts.

Special thanks to Eric Sutton, University of Pittsburgh School of Law, for researching and assembling the materials.

American Bar Association/Rule Of Law Initiative (ABA/ROLI)
Kosovo 2007

Legal Ethics & Professional Responsibility Handbook for Legal Clinics, Courses and Seminars (English version)
10 Digit ISBN Number: 1-60442-080-4
13 Digit ISBN Number: 978-1-60442-080-7
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Pashko Vasa 7, Prishtina 10000, Kosova
Table of Contents

Introduction & Purpose of Legal Ethics Handbook

Acknowledgments

Legal Ethics & Professional Responsibility ....................................................... 5

Survey of Ethics in the Legal Professions .......................................................... 5
Hypothetical Legal Ethical Dilemmas ................................................................. 11
Mock Trial Case Involving Legal Ethics & Ethical Dilemmas .............................. 15

Legal Professional Codes of Conduct in Kosovo .............................................. 17

Kosovo Chamber of Advocates Code of Lawyer’s Professional Ethics ............... 21
Statute of the Kosovo Bar Association (excerpted) ........................................... 39
Kosovo Judicial Council Code of Ethics and Professional Conduct for Judges ................................................................................................................. 73
Kosovo Judicial Council Code of Ethics and Professional Conduct for Prosecutors .................................................................................................................. 79
Kosovo Legal Aid Commission Draft Code of Conduct and Ethics ................... 87

University of Pristina Law Faculty Legal Clinic Draft Code of Conduct .......... 95
SURVEY OF ETHICS IN THE LEGAL PROFESSIONS

General Principles

In the legal community, ethics concerns the moral characteristics of professional lawyers, judges and prosecutors. Ethics is the study of the moral essence of relations between parties. Moral relations always have bilateral nature. People enter into moral relations with others because through their activity they eventually touch upon interests of the people around them who reply either with estimations, actions, or acts, together known as behavior. A society’s conception of ethics is mutable; it changes with the society’s altered perceptions of what right, wrong, conscience and duty are. Through the study of ethics, each individual gains an understanding of how others expect him or her to behave, and in turn, the individual approaches their interactions with others with certain expectations of how they will comport themselves.

The function of morality is closely related to the function of law. Both are normative, meaning they regulate to a certain extent the behavior of people in a society. This regulatory aspect directs and guides the activities of the individual in a manner consistent with the expectations of their colleagues and society as a whole. Because both derive their power from the interest of the people to establish a coordinated framework of social rules, they are necessarily intertwined. These limits upon the right to act have a fundamental impact on the relations between people in the law. However, the two systems differ in the focus of regulation, the system of implementation, and the types of sanctions.

Legal regulation creates imperative norms that demand certain behavior in public situations. Moral regulation relies mostly upon voluntary and customary standards that guide the individual’s interpersonal relations. The state applies sanctions in the event of violations of legal relations, whereas society or organizations apply sanctions against the individual in the event of behavior that runs counter to societal custom and conscience.
The code of ethics that each legal profession has compiled represents the regulatory aspect of those moral characteristics. While those codes of ethics do provide a framework for the legal professional, they cannot explicitly address every eventuality. In ethically questionable circumstances, the legal professional must refer to his or her moral consciousness. This moral consciousness is the individual’s understanding of what behavior society would require in particular social situations. This may be equated, roughly, to a sense of duty. It differs from morality as a general concept because it is a subjective ideology and attitude, while morality is composed of the objective social norms that regulate interpersonal activities of people. Thus, legal ethics is the attitude of a legal professional on the values of law and legislative norms, and his or her realization of that attitude in his or her professional work.

Such an attitude cannot be legislated, as morality cannot be enforced under a formalized rule of law. However, that does not mean that there are no formalized enforcement mechanisms that allow the legal professions to regulate the behavior of their members through their codes of ethics. It merely means that the subjective sense of duty cannot be formally codified. The focus of legal ethics, therefore, is upon the individual legal professional and how they interpret and apply his or her understanding of morality and the law, and upon the interrelation legal and moral principles and norms.

**Lawyers**

Lawyers provide the service of legal advice and assistance to the public. The most distinctive aspect of the lawyer’s profession is the relationship that they form with their clients. Unlike the professions of the judge or the prosecutor, the conduct of the lawyer is not that of a state official. Their approach to the legal process is that of a citizen with additional expertise and study in the law. The morality of their behavior is largely based upon the interpersonal relationship with their clients and the duties of zealous representation of their clients’ instructions.
Paradoxically, the public nature of the legal system means that confidentiality is accorded especially high regard in the activities of a lawyer. As representatives of the client, the relationship between the lawyer and the client is necessarily close, and the client is forced to rely upon the lawyer to maintain the same level of confidentiality about the client’s private life as the client would himself or herself. The lawyer must also respond to the relationship with the adverse party, and behave according to the ideals of fairness and respect by respecting the confidentiality of the other party.

Lawyers are not representatives of the state, and their relationship with the public is in many ways a business relationship. Clients hire lawyers because of their relatively increased awareness of legal matters and issues. Because of this, their behavior is limited by the expectations of society to avoid using their knowledge in a manner that may take advantage of their clients’ lack of expertise, such as through false or blatant advertising.

The lawyer has the duty to maintain their level of expertise. The public expects the lawyers with whom they form relationships to conduct themselves in a competent manner. Thus, the lawyer is bound to continue their education beyond their university training in order to satisfy this expectation. This expectation of competence is crucial to the concept of fairness in the legal system; a party that does not have appropriate knowledge of procedure and the law is very unlikely to receive a fair and complete hearing of their complaint or defense.

Lawyers must also ensure that their relationship with one particular client does not create a professional conflict with a prior or existing relationship with another client. For example, the lawyer should not agree to represent or give legal advice to a client when the lawyer has previously represented the adverse party. The public expects the lawyer to be a true representative of the client and to give the appearance that they have the same interests as the client. A conflict of interest leads to the perception that the lawyer is acting according to his or her best interest, not the client’s best interest.
Judges

Moral requirements for the activity of judges acquired special meaning with effectuation of the Code of Professional Conduct. In both criminal and civil cases, this normative document enhances introduction of moral norms and legal status during the implementation of the law. The Code of Professional Ethics provides moral guidance on judicial activity related to making fair decisions; equality of parties, objectivity and comprehensive consideration of the merits of a case, accountability to the state, the nation and his/her consciousness, and subordination exclusively to the law. Therefore, professional ethics of a judge is professional activity of a judge in legal proceeding based on fairness, equality, objectivity, responsibility and impartiality.

The actions of a judge inherently affect the rights and interests of the citizens. In their official roles, they interact with the public in a citizen-government relationship. Their actions are indicators of the nature of the government and how it interacts with the public. Performance of those state duties requires the raised feeling of duty from representatives of power, because the public expects a higher standard of conduct from those in position of authority. Therefore their behavior should closely correspond to the principles and norms of morality that preserve the positive perception of authority of the government and its representatives.

The important requirements of moral character for judges follow from the principle of independence and subordination to the law only. A judge has no right to concede to local influences, or to be guided by instructions and requests from external parties, regardless of their position. They must instead carry out the functions of their offices in the interests of all people and in the name of execution of its will expressed in the law. In doing so, they are guided by their moral consciousness.

Finally, as a representative of the state, the judge must limit his conduct outside of the courtroom as well. The citizenry expects government officials to avoid conflicts of interest and to refuse to utilize their position of power for personal gain. When a judge behaves in such a manner in a non-judicial capacity, the public still loses faith and trust in the judicial system as an impartial body. To uphold the dignity
of their office, judges must conduct themselves in a manner that befits their status, and must take reasonable steps to ensure that their family and close colleagues do so as well.

Prosecutors

Like a judge, prosecutors are guided by strict observance of the law, and it is through the public application of the law that they gain their moral authority. Prosecutors carry out the supervision of the execution of laws and support the process of state prosecution of criminal acts before the court. They present their cases in public court proceedings, thus providing the public a moral estimation to his position and behavior. As a representative of the state, the prosecutor has the moral obligation to resist external influences. They are morally responsible for three roles: investigator, state official, and legal counsel.

In their role as an investigator and in their role as investigatory supervisor, prosecutors are in procedural relations with the accused. But at the same time the prosecutor as investigator also bears moral responsibilities to which the moral rights of the accused correspond. Perhaps most important of these responsibilities is the presumption of innocence.

The moral aspect of presumption of innocence consists of the fact that even in preliminary investigations the prosecutor as investigator commits to completely exclude accusatory bias and take into consideration all relevant facts that may mitigate the liability of the accused or suspect. He cannot seek and use only the evidence and information that benefits his case; fairness to the defendant dictates that all available evidence be considered. It is the legal and moral duty of the prosecutor as investigator to ensure that all evidence relevant to an investigation is considered to avoid the possibility of prejudice.

The prosecutor in the role of the representative of the state in judicial proceedings is obligated to direct accusatory statements at the defendant. However, the prosecutor is then legally and morally obliged to prove those statements. In defending the interests of the society the prosecutor at the same time
is called to protect legal interests of the accused. In characterizing the accused the prosecutor has to take into account that the presumption of innocence is applied to the accused. If the accuser has no sufficient proofs of criminal fault of the accused, that is immoral prosecution.

The prosecutor is obliged to follow the norms of morality mentioned above and to remain objective. The prosecutor’s speech should not be politicized. The accusatory speech of the prosecutor must not contain mockery at the accused, rudeness, insulting characteristics or statements regarding the appearance of the accused, nor regarding his nationality, religion, or physical disabilities. The prosecutor has no moral right to wrongly humiliate and impugn the dignity of the defendant.

As representatives of the state, prosecutors (and prosecutors’ family and close colleagues) may not use their office for personal benefit. Behavior that creates the public perception that investigations are not being conducted in a diligent fashion must be avoided, as well.

Prosecutors as investigators are also responsible for supervising the investigatory process. The essence of that supervision is to ensure that investigatory bodies perform their tasks and observe the procedure established by the law. Prosecutors acting as investigatory supervisors should always remember that even a minor violation or deviation from the law may lead to significant limitations of rights and freedom of the accused. In the event the procedures are violated, measures are undertaken as to restoration of the legality and holding the guilty person liable. Therefore, the prosecutor must ensure that the investigators act from the position of humanism and fairness as they perform their professional duties. The law grants the prosecutor the discretion to choose which procedural measure to implement in an investigation, but when making that choice the prosecutor should proceed not only from legal, but also moral grounds. Therefore, law protection activity of the prosecution office is implementation of the state function whose major and direct carrier is the prosecution office.

Finally, prosecutors also take on the role of legal counsel. Like lawyers, the counsel is bound by the ethical consideration of confidentiality, particularly in their relationships with witnesses. In addition, the same considerations of respect
consideration for the opposing party applies to the relationship between the prosecutor and the defendant. Finally, the prosecutor should respect the opposing counsel as a colleague, and avoid exploiting their mistakes and degrading their position.

Adapted from "Professional Ethics of a Lawyer," ABA/CEELI Kyrgyzstan, 2005
HYPOTHETICAL LEGAL ETHICAL DILEMMAS
HYPOTHETICAL LEGAL ETHICAL DILEMMAS

ADVOCATES

1) Advocates A and B represent opposing parties in pending litigation. A’s partner (Advocate C) in a two-member firm trained praktikant X during the beginning phase of the present litigation. X completed the praktikant program before the litigation concluded. B later forms a two-advocate office with X toward the end of the litigation.

a) Is there a conflict of interest requiring B’s withdrawal from the litigation?

b) Should attorney B withdraw considering how near the case is to the end of litigation?

2) You have been presented with a hypothetical situation in which Advocate A represents B in a suit against Y, represented by Advocate X. Advocate X sends Y confidential information that makes reference to confidences Y has revealed to Advocate X and also outlines trial strategy and evaluation constituting work product of Advocate X. This information was sent via facsimile transmission to Y. Through an error by Advocate X’s office secretary, the information was also sent via facsimile transmission to Advocate A. Advocate A’s office is able to recognize from the first paragraph of the transmission that the information has been sent in error and that it contains confidential information and work product of Advocate X.

a) Is Advocate X liable for the mistake made by his office secretary?

b) Does Advocate A’s duty of diligent representation of his client requires that he read and use the information sent to him in error by opposing counsel’s office?

3) A five-advocate legal firm places a sign in front of its office that lists the names of the advocates. The sign is small, the print is standard, and none of names type is larger than the rest. Under two of the names, the sign states that each
advocate specializes in corporate law. One of those advocates has not registered his specialization with the Kosovo Chamber of Advocates, but she is qualified to perform the listed specialization.

a) Is it ethical for a law firm to list advocates as eligible for performing specialized legal services when they have not registered their specialization with the Chamber?

b) What if the sign stated that the firm specialized in corporate law instead of listing the specialization of individual lawyers?

**JUDGES**

4) A judge realizes that he is an acquaintance of a party or a witness involved in a case before him or her. The judge has no business relationship with the party or witness, nor is there a close social or personal relationship between the two. Must a judge recuse himself or herself merely because a party, advocate, or witness is an acquaintance of the judge?

5) In one situation, a judge has been asked to lecture at a police training academy to explain what is expected from officers in the courtroom. It is designed to inform police officers on the kinds of topics judges might provide to advocates or lay people in a different educational setting, namely, the effect of particular demeanor, the need for candor, the value of listening to the question, the importance of providing succinct answers, etc. In another case, a judge has inquired as to whether it is proper for a judge to teach police officers in an educational forum about recent developments in the law.

a) May a judge lecture at a police training academy regarding what is expected from officers in the courtroom?

b) May a judge teach about recent legal developments in a program for police officers?
6) A national television network has approached a judge about participating in a weekly talk show to answer questions about legal issues. The judge would not conduct interviews nor would he be compensated for his services. There would be no comments on the merits of pending cases, pending investigations or political issues. The judge's comments would focus on issues dealing with practice and procedure. May a judge appear on a regular basis on a radio or television interview program or talk show concerning legal issues unrelated to the merits of a pending case or investigation and be identified as a judge?

PROSECUTORS

7) Prosecutor X had lunch one workday afternoon with a childhood friend that has recently been elected to the Assembly. During that time the Assembly asked the prosecutor for his opinion on the effect that proposed legislation to restructure certain departments of the Ministry would have upon the prosecutors office. The Assembly member paid for the dinner. Soon after, an investigation began to determine whether the Assembly member had used the influence of his office inappropriately. Prosecutor X is assigned to the case by her superior.

a) Is Prosecutor X required to refuse to investigate the matter?
b) Did the prosecutor breach the Code by discussing legislation with a political figure?

8) Two women rob a household. After completing the burglary, Burglar A stabs Burglar B and runs off with the stolen property. Both are arrested and charge with burglary, and Burglar A is charged with assault. Burglar B is now a defendant and a witness for the assault charge. May the prosecutor prosecute a cross-warrant situation where the victim/witness is also a defendant to be prosecuted?

9) Prosecutor X is assigned to prosecute a defendant for rape. As a direct result of his high caseload, Smith does not have time to review all the evidence before the start of the case. A key piece of evidence, the gun used by the alleged rapist, is
quickly determined to be owned by another person, despite the prosecutor’s claim that the defendant owns it. The trial judge reports the prosecutor for inadequate preparation of the evidence. Has the prosecutor committed an ethical violation by accepting the additional case from her superior despite an already overwhelming caseload?
**Mock Trial Case Involving Legal Ethics & Ethical Dilemmas**

**The Naum Sam Case**

Naum Sam, a citizen of Mokova, was caught by KMOR military patrol in the border between Mokova and Kamedonia with a bag filled with rifles and explosives, strapped on a donkey. Naum Sam was then brought to a prosecutor, where he was charged for arm smuggling. The charge emphasized that Naum Sam engaged in this illegal activity for business purposes.

Naum Sam’s family noticed a large advertisement in Mokova’s main daily newspaper of a lawyer dealing with criminal cases. The advertisement stated the name of the lawyer, his address and phone number. It also stated that the lawyer had more experience in criminal law cases than any other lawyer in the country. Intrigued by the advertisement, Naum Sam’s father approached that lawyer to defend Naum Sam. The lawyer told Naum Sam’s father not to worry because he is a renowned lawyer, and that cases like this are a piece of cake for him and he always wins them.

Naum Sam’s father hired the lawyer. The lawyer presented the father with a prepared written agreement that included anticipated expenses for the case. The total expenses were greater than the tariff maximum. The lawyer explained that because he was a great lawyer, his services were more expensive than what the tariff allowed for the same services. The father and the lawyer both signed the agreement.

The lawyer informed his client that the judge assigned to try this case was the client’s former schoolmate. In addition, the lawyer contacted the judge and thoroughly discussed the case with him. Following the conversation with the judge, the lawyer told Naum Sam that the judge promised he will do anything in his power to bring a just decision on this case. However, according to the lawyer, the only remaining obstacle to bringing such a just decision was the prosecutor, whom both the lawyer and judge consider an idiot and corrupted.
Naum Sam lied to the lawyer and told him that he did not smuggle the rifles and explosives on his own initiative, but he was compelled by a group of political militants to do that under threat and by being paid a certain amount of money. The contact person of this group warned Naum Sam that the rifles and explosives will be used for blowing up the police HQ in Tripsina, Mokova’s capital city, so he better be careful. The lawyer allowed his client to present this testimony during the trial.
LEGAL PROFESSIONAL
CODES OF CONDUCT IN KOSOVO
LEGAL PROFESSIONAL CODES OF CONDUCT IN KOSOVO

A. The Kosovo Chamber of Advocates Code of Lawyer's Professional Ethics

Extensive revisions to the Code of Lawyer’s Professional Ethics were adopted at representative assembly of the Kosovo Chamber of Advocates on July 7, 2007.

The purpose of the Code is stated as “protecting the integrity, dignity and reputation of advocacy” by providing rules of conduct. The basic principles require that lawyers swear to, in all aspects of life, act in ways consistent with protecting the integrity of the profession and that they are fully independent from conflicting personal interests or external pressures. For example, a lawyer may not work simultaneously in another legal or business profession, or other activities that would interfere with the “independence and dignity” of the lawyer or the “prestige of the Bar Association.”

The lawyer must strive to avoid conflicts of interest that would affect his ability to comprehensively execute a client’s instructions. In working with clients, lawyers must work to protect the confidentiality of the client’s documents and personal information. They must also strive to create an environment of mutual trust with the client by keeping the client informed about projected and ongoing activities, and by diligently fulfilling the instructions of the client. Lawyers are expected to continue their legal education and to participate in the Bar Association. Lawyers must accord respect to other members of the Bar Association, the judiciary and adverse parties. Lawyers cannot reject cases assigned to them by the Bar Association without justification, and they are not able to accept contingency fees as compensation except where specifically allowed. Other activities that are against the code are “displays of disloyalty” such as advertising services, offending other lawyers, “prevailing upon close friendships and relations,” using bribes to others to attract clients, and offering cheaper services than fellow lawyers.
B. The Statute of the Kosovo Bar Association: Disciplinary Provisions

Pursuant to its responsibility for self-regulation, extensive revisions to the disciplinary provisions of the Statue of the Kosovo Bar Association were adopted at representative assembly of the Kosovo Chamber of Advocates on July 7, 2007. The revisions established the Disciplinary Office of the Chamber, composed of the Committee for Client Relations, the Disciplinary Committee, and the Disciplinary Appeal Committee.

Any individual may submit a claim of misconduct by a member of the KCA to the Committee for Client Relations. This committee is responsible for initial review of the complaint. If the Committee finds enough credible evidence, it passes on the complaint to the Disciplinary Committee.

The Disciplinary Committee is the first-instance disciplinary body for the KCA. The Committee membership is composed of lawyers and citizens, appointed by the Assembly. The Committee has the discretionary power to apply sanctions to lawyers that it finds to have violated the Code of Professional Ethics, including warnings, fines and suspensions. Every lawyer has the privilege to appeal a decision against him or her by the Disciplinary Committee to a second-instance body: the Disciplinary Appeal Committee.

C. The Kosovo Judicial Council Code of Ethics and Professional Conduct for Judges & the Kosovo Judicial Council Code of Ethics and Professional Conduct for Prosecutors

The Codes of Ethics require judges and prosecutors to act at all times in a manner that promotes public confidence in the dignity, integrity and independence of the judiciary. They must observe high standards of professional and personal conduct, respect and comply with the law, perform the duties of office impartially and diligently, avoid any conduct or situation that could lead to their integrity, impartiality or independence being questioned, and perform their duties in conformity with internationally recognized human rights standards. This applies not only to the judge or prosecutor’s professional life but also to his/her private life, when actions may
impair the judge or prosecutor’s image in the public eye, thus affecting the judiciary as a whole.

The Judicial Inspection Unit of the Department of Justice is responsible for the investigation of claims of improper judicial and prosecutorial conduct. The JIU functions as an intake and screening organ for complaints regarding the ethical and moral behavior of judges and prosecutors.

Any individual may file a complaint with the Judicial Inspection Unit. The JIU then investigates the complaint for evidence of behavior in violation of the norms of the Codes of Ethics and Professional Conduct. If the JIU gathers enough evidence to support the claim of misconduct, it then passes the claim on to the Kosovo Judicial Council for determination of disciplinary sanctions.
KOSOVA CHAMBER OF LAWYERS

THE CODE OF PROFESSIONAL ETHICS OF LAWYERS

Prishtina, Kosova
07.07.2007
I. BASIC PRINCIPLES

Article 1

The Code of Professional Ethics of Lawyers (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**

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 10**

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 11**

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 12**

A lawyer should continuously widen his/her knowledge, should follow from close any actual event, scientific and cultural achievement. In his/her capabilities should participate and offer cooperation to his/her and other associations.
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

The code consists of such professional rules, and failure to respect them will be considered as violation of duties and prestige of a lawyer.

Article 15

Lawyer can not 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 16

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 17

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 18

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 19

(a) A lawyer should not reveal a 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 a 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 Kosova;
   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 advise, which 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 20

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

III. RELATIONS WITH THE CLIENT

Article 21

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;
• If the lawyer considers that the result of client’s request for legal assistance would be unsuccessful.

Article 22

It is recommended that the written contract be made upon agreement with the client, compulsory when the client requests so.
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 advise 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 a 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 authorization, 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 should not offer false hope to the party he/she defends and represents, even if he/she was successful in the past.

Article 29

A lawyer-client relation that surpasses official relation is forbidden, if that relation threatens professional independence of a lawyer.
Article 30

A lawyer should not cause unnecessary expenses to the party. He/she advises and defends the client with honesty and dedication and informs the client on regular basis concerning case development.

Article 31

A lawyer should, before starting the procedure or during procedure, insist that the dispute between parties be settled with an agreement, by informing the party previously with advantages of a dispute settlement by agreement, because of the interest of the representing party.

Article 32

If a lawyer is a member or works in a joint lawyer office he/she can not 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.

IV. DEFENSE AND REPRESENTATION IN CRIMINAL CASES

Article 33

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 34

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 35

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. RELATIONS WITH THE CHAMBER

Article 36

It is lawyer’s duty to fulfill obligations toward the Chamber. To respect the Chamber and to maintain its prestige and authority.
Article 37

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

Article 38

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

Article 39

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

Article 40

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 41

Lawyers have these obligations even toward Regional Meetings.

VI. RELATIONS WITH COURTS, ADMINISTRATIVE ENTITIES AND OTHER STATE AUTHORITIES

Article 42

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 43

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 44
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 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
During defense or representation of a party, friendly lawyer-judge relationship can not be used in favor of the client

Article 47
A lawyer should not make insulting declarations before the court or any underestimating opinions about court decisions or without reason, ask for exclusion of judges, accuse them etc.

Article 48
A lawyer should advise his/her client for showing the proper respect to the judges.

Article 49
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 50
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 51
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 52

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

Article 53

If an interested client objects to pay the lawyer without any reason, a lawyer can suspend working on the case, by previously informing the client. It is lawyer’s 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 54

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 55

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 56

A lawyer can not contact the opposing party, without informing its representatives and his/her party.

Article 57

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 58

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 59

In every circumstance, a lawyer should have in mind the contradictory character of debates. For instance, a lawyer can not contact a judge concerning a case, without previously notifying the opposing party or the client. A lawyer can not 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 RELATIONS BETWEEN LAWYERS

Article 60

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 61

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

Article 62

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 63

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 64

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

Article 65

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 66

When expenses and rewards of the previous lawyer are not disputable or subject to dispute, the substituting lawyer can take over the case or take the provision without the college’s consent.

Article 67

In the case of dispute over expenses and working hours, between the lawyer and the client, the substituting lawyer, can not take over the case or take provision, before the issue is addressed to the competent authority, concerning expenses of the previous lawyer. This halting is valid until dispute resolution, until the payment is made or the required fee is handed over.

Article 68

The next lawyer on the case can perform all urgent duties, which are required in order to defend client interests, on condition that the previous lawyer is informed immediately about the work. A lawyer can not take reward for this intrusion.

Article 69

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 70

For reasons of collegial cooperation, a lawyer should inform and advise another lawyer, when he/she requests such a thing, except in cases when the lawyer is from the opposing party.

Article 71

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

Article 72

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 73

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

X. RELATIONS WITH LEGAL PRACTITIONERS

Article 74

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 75

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 76

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 77

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 78

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 79

A lawyer should carefully follow practitioner’s work, whom is not allowed to work independently on legal matters.
Article 80

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 81

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 82

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 83

If the lawyer succeeds in his/her free representation, he/she may ask for a reward from the client, for services rendered, up to that measure of not loosing the social and human character. The lawyer can ask for the reward that was realized based on his/her representation, which is compensated by the other party.

Article 84

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 85

It is not a lawyer’s right to ask from his/her client unnecessary expenses. If the client asks for free legal assistance, the lawyer should inform him about that possibility. If legal assistance is not foreseen as free of charge and the client can not 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 LAWYER’S OFFICE

Article 86.

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

Article 87

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 88

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 89

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 90

It is forbidden:

- To withhold or use the money that was given to the lawyer for a certain destination.
- To extend the right of retention because of repeated requirements of services that the lawyer has to pay later on.

Article 91

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

Article 92

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 93

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 94

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 95

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 96

(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:
1. to place a bigger shape or context banner or place such a banner on other buildings outside his/her office building,
2. to place a bigger sign of specialization and of the square and circle stamp,
3. 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,
4. 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 97

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 98

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

B. Client search

Article 99

Client search is prohibited.

XIV. EXPENSES OF REPRESENTATION

Article 100

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

Article 101

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 102

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 103

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 104

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.

Article 105

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 106

The Code enters into force on its approval day, by the Assembly of Kosova Chamber of Lawyers, on 7th July 2007.

Chamber President
Rame Gashi
KOSOVA CHAMBER OF LAWYERS

THE STATUTE OF THE KOSOVA CHAMBER OF LAWYERS

Prishtine, Kosove
2007
I. GENERAL PROVISIONS

Article 1

By this Statute are regulated:

1. Organization of Kosova Chamber of Lawyers (hereinafter: The Chamber),
2. Authorizations, working methods and establishment of Chamber bodies,
3. Methods of unification and cooperation of lawyers,
4. Working conditions of lawyer offices, of joint lawyer offices and liaison of advocacy offices,
5. Rights and obligations of lawyers and practitioner lawyers,
6. Disciplinary procedures for determining responsibility concerning violation of obligations and damage of legal authority,
7. Bodies for initiating and developing disciplinary procedures, and
8. Other issues important to the advocacy.

Article 2

The Chamber is an independent organization of lawyers established by law. The Chamber represents Kosova’s advocacy. The office location of the Chamber is in Prishtina. The Chamber has the square and circle stamp and its sign.

Article 3

The Chamber, in compliance with Law on Advocacy and legal assistance, by this Statute, the Code of Professional Ethics of Lawyers and other general acts, improves advocacy as an independent service, by offering legal aid to citizens and to legal and physical persons in order to realize their rights and interests.

Article 4

Duties of special importance to the Chamber are:

1. To maintain dignity and advocacy autonomy and to provide conditions for proper practice of lawyer activities,
2. To supervise lawyers, joint lawyer offices and other forms of lawyer unions for defending rights and interests of parties,
3. To enhance ongoing professional development of lawyers and practitioner lawyers and due to this to organize different ways of cooperation with courts, administrative entities, scientific institutions, legal faculties and similar organizations throughout the world and other relevant institutions which are important for realizing this duty,
4. To develop and enhance advocacy ethics,
5. To analyze and study important phenomena for enhancement and defense of citizen rights and legal persons,
6. To inform competent local entities of various instances, about conditions and measures to be taken for enhancement of advocacy and rights of citizens and legal persons,
7. To care of material conditions and other advocacy interests,
8. To care of the Statute and the rights of retired lawyers and employees in lawyer offices, and
9. To build contact for cooperation and development with other lawyer chambers, institutions and different scientific associations both local and international.

Article 5

When registering in the register of lawyers and practitioner lawyers, provisions of the Law on Administrative Procedure are applied, in cases of replication of the registration procedure and in other cases when is decided about rights and obligations of lawyers, practitioner lawyers and lawyer associations, if not determined otherwise by the Statute, by Law or any other Chamber regulation.

II. GETTING THE LICENSE FOR PRACTISING ADVOCACY

Article 6

To become a lawyer, one must register in the lawyers register and make an oath. A lawyer is called a person who has registered in the lawyer register and who has made an oath.

After registration, a lawyer receives the decision and the lawyer membership card.

Article 7

Lawyer membership card, in Albanian, English and Serbian language contains:

1. The heading “Kosova Chamber of Lawyers”,
2. Identification “Lawyer Card”,
3. The card number, which is compatible with the number on the registry book,
4. Identification “Lawyer”,
5. Name, surname, date of birth, place of birth, office location,
6. Lawyer’s photo and the date of card issuance,
7. The stamp of the Chamber, which should necessarily be on the bottom right side of the photo, and
8. The signature of the Chamber President.

Article 8

The decision about shape and size of the lawyer card is taken by the Executive Council of the Chamber.
Article 9

If for any reason comes to a damage or change of card information, a lawyer is obliged to immediately ask for a new one.

Article 10

If a lawyer ends the practice, he/she is obliged to inform the Chamber within 30 (thirty) days and handover the card.

Article 11

The request for registering in the lawyer register is addressed to the Chamber.

Article 12

Evidence of completing requirements foreseen by law should be attached to the request for registration in the lawyer register.

Article 13

The Executive Council of the Chamber decides about the request for registration.

Article 14

Against the decision of the Executive Council, by which the request for registration has been refused, can be filed a complaint within 15 (fifteen) days from the day of receiving the decision. The complaint is sent to the Commission for Complaint Review, elected by Chamber Assembly, which decides about the complaint within 60 (sixty) days from the day of its receipt.

Article 15

Members of the Executive Council do not take part in the Commission from the previous article. The procedure regarding the complaint is administered by the oldest member of the Chamber who also signs the taken decision, in front of the Commission for Complaint Review.

Article 16

The registration procedure in the lawyer register, which has began upon request, shall cease, if confirmed that an investigative procedure has began against the applicant for a criminal action which makes him/her unworthy for practicing law or a disciplinary procedure in the organization he/she works.
Article 17

If, after registration of the lawyer in the lawyer register, it is confirmed that he/she didn’t complete requirements for practicing law at the moment of registration, the registration procedure will be repeated with the initiative of the; President of the Chamber, Executive Council or the Chamber Assembly. The decision for deleting his/her name from the register will be taken during the repeated procedure of registration.

Article 18

The applicant of the request, to which the request for registration has been approved, makes a solemn oath before the President of the Chamber or another lawyer authorized by the President. If the registered lawyer does not make an oath in a deadline of 30 (thirty) days, the Executive Council takes the decision for signing him/her out from the register.

III. THE PRACTITIONER LAWYER

Article 19

The right for practicing activity of a practitioner lawyer is gained by the act of registration in the register of practitioner lawyers.

Article 20

The request for registration should be sent to the Executive Council of the Chamber which decides about the request.

Article 21

Evidences for fulfilling requirements predicted for registration, are attached to the request, as well as the contract made between the practitioner lawyer and the lawyer or association of lawyers about his/her employment as a practitioner.

Article 22

Provisions regarding registration, the right of appeal and decision about the appeal, are accordingly applied, even in cases of a practitioner lawyer.

IV. THE CHAMBER REGISTRY

Article 23

The Chamber keeps these registers:
1. Lawyers register,
2. Practitioner lawyers register,
3. Joint legal offices register,
4. Lawyer associations register, and
5. Register of contracts of liaison lawyer offices.

Article 24

Registers from the previous article are cord tied books.

Pages of these books are marked with ordinal numbers, while the paper is tied with ribbon printed on wax.

Article 25

Each register is confirmed by the Chamber President, by marking at the top of the first page the total number of pages and the date of confirmation, his signature and Chamber’s stamp.

Article 26

The Executive Council determines by a special decision the method of keeping the registers and its proper functioning.

Registers can be kept also electronically.

Article 27

In the lawyers register is written:

1. Name and surname of the lawyer,
2. His/Her personal number,
3. Date and place of birth,
4. Date of registration,
5. Number and date of decision for registration in the Chamber,
6. Date of making the solemn oath,
7. Office location,
8. Lawyers status in lawyers association,
9. Membership in the joint office,
10. Numbers and dates of decisions by which are constituted changes in lawyers duties,
11. Date and reason of deleting lawyers name from the register together with the number and date of decision,
12. Name, surname of lawyer and number and date of decision,
13. Remarks about initiating the disciplinary procedure together with other elements of that procedure, and
14. Remarks about membership in the Chamber bodies and its time term.
Article 28

In the practitioner lawyer’s register is written:

1. Name and surname of the practitioner lawyer,
2. His/Her personal number,
3. Date and place of birth,
4. Date of registration, number and date of decision,
5. Remarks about lawyer’s office in which the practitioner lawyer works,
6. The period of time of practitioner’s work,
7. Remarks about decisions of any changes of practitioner lawyer’s work,
8. Date and reason of deleting practitioner’s name from the register together with the date and number of the decision,
9. Remarks about initiating a repeated registration procedure, or a disciplinary procedure together with numbers and dates of decisions.

Article 29

In the register of two or more lawyers who work in a joint office is written:

1. Name and surname of each lawyer,
2. The number by which each lawyer is marked in the lawyer register,
3. The number by which the joint office is marked in the register of joint lawyer offices, and
4. Date of registration and number and date of registration decision.

Article 30

The Executive Council of the Chamber determines, by a special decision, the method of managing and filling of the register of lawyer association and register of joint lawyer offices.

Article 31

The Register of cooperation between lawyer offices includes:

1. Notes about lawyer offices which have made a contract,
2. Place and date of making the contract together with notes of filling and further changes,
3. A brief note of context and form of cooperation, and
4. Date of registration and date and number of decision.

V. RIGHTS AND OBLIGATIONS OF LAWYERS AND PRACTITIONER LAWYERS

Article 32

A lawyer has the right to elect and be elected by Chamber bodies.
Lawyers who are elected in the Chamber bodies are obliged to participate in the meetings of these bodies.

Article 33

By the request of Chamber bodies, the lawyer is obliged to present all notes concerning his/her work and attitude toward practicing the profession.

Article 34

If, because of absence or disease, the lawyer can not practice the lawyer profession for a long period of time, he/she is obliged to appoint a replacement among lawyer community.

Mutual relations are regulated by a special contract.

Article 35

For appointing the replacement from the previous article, the lawyer will inform the Chamber.
If the lawyer does not appoint one, the Chamber will appoint a temporary replacement in his/her office.

Article 36

In the lawyer associations and in joint lawyer offices, a lawyer who is absent, will be replaced by other lawyers from the office or the association, as determined on the contract of establishment of association or of the joint office.

Article 37

During practice of profession, a lawyer can make an agreement with a party for offering legal aid for a longer period of time for a certain periodic compensation. This agreement will be made in writing.

Article 38

The lawyer is obliged to pay membership and other obligations to the Chamber as determined by Chamber bodies.

Article 39

Each lawyer should have the stamp of the office in which he/she works. In the stamp should be written:

1. Sign "Lawyer",
2. Name and surname of the lawyer,
3. Eventual academic title, and
4. Office address.
If the lawyer works in association or a joint office, the stamp should include the official abbreviation of association in question or the sign of the joint office.

The stamp can contain phone, fax and postal number as well as internet address.

**Article 40**

The text on the stamp of lawyer office can be written in all official languages which are being used in Kosova.

**Article 41**

The banner with a title of the lawyer office should be placed at the office entrance. On the banner should be written "Lawyer", name and surname of the lawyer as well as the abbreviation of the association or of the joint office.

**Article 42**

The banner from article 41 of this Statute, by its appearance, size and shape should not contain advertising characteristics.

**Article 43**

For changing office or opening a new one, the lawyer is obliged to inform the Chamber in written, 15 (fifteen) days prior, by writing the new address.

Within the same deadline, the lawyer is obliged, to inform the Chamber in written of any eventual change of office name.

**Article 44**

The lawyer is obliged to guide the practitioner lawyer to a professional capability in all legal fields.

**Article 45**

The provisions of this Statute and of the Code of Professional Ethics of Lawyers which refer to rights and obligations of lawyers are also applied for practitioner lawyers.

**Article 46**

The practitioner lawyer can change the lawyer office in which he/she works.

About this change, the practitioner lawyer is obliged to inform the Chamber in a deadline of 8 (eight) days.
A lawyer confirmation should be attached to this notification, as well as a confirmation from the lawyer at whom the practitioner lawyer will continue his/her work.

**Article 47**

The practitioner lawyer, who ceased working because of various legal issues, can begin a new procedure of registration, if the reasons above do not exist further.

**Article 48**

The decision for ceasing the work of a practitioner lawyer at the lawyer office is taken by the President of the Chamber. The appeal against this decision can be filed to the Executive Council of the Chamber, within 8 (eight) days from the day of receiving the decision.

**Article 49**

The President of the Chamber suspends the activity of the practitioner lawyer by a special decision, while the same one is in detention.

The President of the Chamber can cease the practitioner lawyer work, by a special decision, if a disciplinary procedure has been initiated against him/her, for actions which make him/her undignified for practicing activities of a practitioner lawyer.

VI. TEMPORARY DEPUTY OF THE LAWYER AND THE AUTHORIZED REPRESENTATIVE OF THE ADVOCACY OFFICE

**Article 50**

In cases when practicing law is forbidden to a lawyer according to Law on Advocacy and Legal Assistance and according to this Statute, the Chamber which brought the decision for discontinuing the law practice will appoint a temporary deputy from one of the lawyers, possibly one of the office lawyers.

The appointment of a temporary deputy is made by the same decision by which the law practice of a lawyer has been ceased.

The temporary deputy will have all rights and obligations of the replacing lawyer without a special authorization from the parties.

**Article 51**

The deputy lawyer works at the account of the lawyer he/she is replacing and has the right to be rewarded for his/her work according to the lawyer tariffs.
By the decision which the lawyer earns the right to work, the mandate of the deputy is also revoked

Article 52

If the right for practicing law is ceased to a lawyer, the Executive Council appoints the authorized representative of his/her office by the same decision which confirms that the right for practicing law has been ceased.

Article 53

The authorized representative should immediately, or within 30 (thirty) days the latest, to inform the party that the right to practice law has been ceased to the previous lawyer and return the case file.

Article 54

The authorized lawyer is obliged, without a special authorization, to represent urgent interests of parties, correctly, until the party does not withdraw the case or the authorization.

Article 55

If because of death, the practice of a lawyer is ceased, members of his/her close family, have the right to propose an authorized representative of the office.

The Executive Council is obliged to review such a proposal.

Article 56

Lawyers are obliged to accept appointment to become authorized representatives.

The authorized representative works on his/her behalf and account.

Article 57

After ending duties from the office of the ex-lawyer, the authorized representative hands over to his descendant the earnings along with various case documents of the ex-lawyer.

Article 58

The authorized representative contracts with the ex-lawyer or his/her descendant conditions of office closure.

If the contract is not signed on a reasonable deadline, those conditions will be determined by the President of the Chamber by a special decision.
An appeal will not stop execution of the decision.

**Article 59**

The authorized representative is obliged, to submit, after office closure, the work report and office closure report to the Chamber.

**VII. INTERNAL ORGANIZATION OF THE CHAMBER**

**Article 60**

Bodies of the Chamber are:

1. The Assembly of the Chamber,
2. The Executive Council of the Chamber,
3. The President of the Chamber,
4. The Supervising Council of the Chamber,
5. The Assembly Commission for Complaint Review,
6. The Committee for Client Relation,
7. The Disciplinary Committee, and
8. The Disciplinary Committee for Complaints.

Regional lawyer meetings.

**Article 61**

The term of office for members of Chamber bodies is 3 (three) years, except for the term of office of the Chamber President which lasts 1 (one) year.

1) **THE ASSEMBLY OF THE CHAMBER**

**Article 62**

The regular meeting of the Chamber Assembly (hereinafter: Assembly) is held once a year and is called by the Executive Council of the Chamber.

**Article 63**

The extraordinary meeting of the Assembly is called by the Executive Council with its initiative, based upon a request of 1/3 of members or a request of at least three regional meetings of lawyers.

**Article 64**

Members of the Executive Council or members of the Regional Lawyer Meetings, who require for an extraordinary meeting of the Assembly, should send their written request to the Executive Council with the agenda proposal.
The Executive Council should call for an Extraordinary meeting of the Assembly, within a deadline of 2 (two) months the latest, from the day of receiving the request.

**Article 65**

The invitation for an ordinary or an extraordinary meeting of the Assembly should be sent to each member, 15 (fifteen) days the latest, prior to the meeting day.

The call for meeting is published in the daily media. The invitation should contain the date and place of the Assembly meeting.

**Article 66**

The Assembly is consisted of all registered lawyers in the lawyer register of the Kosova Chamber of Lawyers.

**Article 67**

The Assembly will hold its meeting and take decisions, if a majority of members are participating.

The Assembly reaches decisions by the majority of votes of members present.

**Article 68**

The Assembly will decide for creation, separation or ceasing of the regional meetings, if the ¾ of total number of members are present.

**Article 69**

A lawyer who is forbidden to practice law for a limited period of time or to whom the right of practicing law has been denied can not participate in the Assembly work.

**Article 70**

Assembly of the Chamber:

1. Approves the Statute of the Chamber and the Code of Professional Ethics of Lawyers,
2. Approves the Regulation of Chamber work,
3. Creates the Regulation for practitioner lawyers,
4. Creates the Regulation for approval of specialization,
5. Nominates and discharges the President of the Chamber and vice-presidents,
6. Nominates and discharges the President and members of the Disciplinary Committee, of the Disciplinary Committee for Complaints and of the Committee for Client Relation,
7. The Client Relation Committee
8. Allows income and outcome of the Chamber,
9. Reviews all issues concerning performance of lawyer activities,
10. Reviews the work report of the Executive Council,
11. Reviews the report of the Supervising Council,
12. Approves the tariffs for rewards and compensation of rewards for lawyers work,
13. Debates, takes decisions concerning development of Chamber work, cooperation and membership with other local and international institutions and associations,
14. Reviews and takes decisions about all issues of other Chamber bodies, and
15. Reviews and decides about other issues.

Article 71

The Assembly meeting is lead by the work leadership. The President of the Chamber signs decisions and other acts approved by the Assembly.

In extraordinary cases, the President of the Chamber can authorize the vice-president, who is elected from members of Assembly, to chair the meeting, sign decisions, as well as take various actions in the framework of Assembly activities.

Article 72

The Chamber has two vice-presidents whose mandate lasts 3 (three) years.

Article 73

The minutes of the meeting are held in every meeting of the Assembly by the secretary of the Chamber in a special book of minutes writing. The Assembly work is developed according to Regulation of the Assembly Work.

2) THE EXECUTIVE COUNCIL OF THE CHAMBER

Article 74

Executive Council of the Chamber (hereinafter: Executive Council) is consisted of the President of the Chamber, the previous President of the Chamber and 7 (seven) members – representatives of regional meetings.
Not more than 3 (three) persons can be elected as members of the Executive Council, who are professionals and well-known scientists of law, not as members of the Chamber but as members of honor.

**Article 75**

Executive Council:

1. Applies decisions of the Assembly,
2. Determines the proposal of the Statute, the Code of Professional Ethics of Lawyers and other general acts of the Chamber which are proposed to the Assembly for approval,
3. Decides about registration in the lawyer register of the Chamber,
4. Decides about registration of practitioner lawyers and their removal from the register,
5. Decides about the lawyer office transfer,
6. Decides on the amount for registration, the membership and the fee for other obligations of lawyers,
7. Decides on the amount of money which the Executive Council and the President of the Chamber may have in disposition,
8. Decides and gives recommendations and proposals of general interest for practicing advocacy,
9. Determines the pre-amount proposal, amount and balance of the Chamber and submits it to the Assembly for approval,
10. Manages the financial bookkeeping of the Chamber,
11. Determines the report proposal about the Council’s work and the President of the Chamber,
12. Approves Regulations of the Regional meetings,
13. Prepares reports for Chamber membership in international lawyer associations and other organizations and appoints representatives of the Chamber in these associations,
14. Takes care of the Chamber development with other places and other professional associations,
15. Follows practitioner lawyers work, associations of lawyers and other lawyer unions and undertakes actions for their development,
16. Performs duties of general importance for the Chamber,
17. Performs all duties determined by law, by this Statute and other general acts,
18. Prepares public letters of appreciation and makes proposals for its distribution,
19. Organizes seminars, counseling and round tables, and
20. Publishes the Chamber Bulletin.

**Article 76**

The Executive Council is lead by the President who calls for the Assembly meetings.

The Executive Council decides with majority votes of its members.
In the absence of the President, meetings are chaired by one of the vice-presidents, appointed by the President.

Article 77

The President of the Chamber calls for extraordinary meetings of the Executive Council, if it is requested by at least 1/3 of its members.

Article 78

Invitations for the meetings of the Executive Council are send to members, 8 (eight) days prior to the meeting.

The place and date of the meeting should be indicated in the invitation as well as the agenda.

The invitation is published in the daily media.

Article 79

The minutes for each meeting are held in the special book for minutes. Minutes are kept by the secretary of the Chamber.

3) REGIONAL LAWYER MEETINGS

Article 80

Locations of the regional lawyer meetings are in:

1. Prishtina,
2. Mitrovica,
3. Gjilan,
4. Peja,
5. Prizren,
6. Gjakova, and
7. Ferizaj.

Members of the regional meetings are all lawyers whose offices are located at the above mentioned locations.

Article 81

The Regional Lawyer Meetings have a chairman, a deputy-chairman and a secretary with a 3 (three) year mandate.
Article 82

Regional Lawyer Meetings:

1. Maintains the authority of the lawyer and advantages advocacy as an independent service,
2. Defends rights and interests of lawyers and practitioner lawyers,
3. Supervises lawyers and practitioner lawyers in practicing law,
4. Develops lawyer ethics,
5. Evaluates the complexity of practicing lawyer profession in the region,
6. In cooperation with courts and other state entities organizes and applies various forms of professional skills of lawyers and practitioner lawyers,
7. Prepares proposals for the meetings of the Executive Council,
8. Submits periodic work reports to the Executive Council,
9. Prepares and realizes plans of cooperation with judiciary entities and other organizations in the region, and
10. Evaluates other matters important to the lawyer work in the region.

Article 83

The territory, which is enrolled by the regional meeting, is identical with the geographic position of political-administrative units, to which can be joined territories of municipalities, which fulfill conditions for establishing its own regional meeting. The regional meetings in these municipalities are independent and not enrolled in the district/regional meetings, in which are located territories of their municipalities.

4) PRESIDENT OF THE CHAMBER

Article 84

President of the Chamber:

1. Represents and presents the Chamber,
2. Calls and chairs meetings of the Assembly and the Executive Council of the Chamber,
3. Decides upon registration of practitioner lawyers,
4. Leads the procedure of the solemn oath,
5. Allows payments from the Chamber budget up to the determined limit as foreseen by the Executive Council and decides about its spending,
6. Performs other duties determined by this Statute and applies decisions of the Chamber bodies,
7. Observes eligibility of work of Chamber bodies, and
8. Reports to the Assembly for its work.
Article 85

The term of office of the Chamber President is 1 (one) year with a right of re-election for one more mandate.

Article 86

A President, who for objective reasons can not perform his duty for a determined period of time, is replaced by one of the vice-presidents appointed by the President.

Article 87

The term of office of the vice-president is 3 (three) years without the right of re-election.

5) THE SUPERVISORY COUNCIL OF THE CHAMBER

Article 88

The Supervisory Council of the Chamber is comprised of 3 (three) members appointed by the Assembly. The chairman is elected by the members. Members of the Council have their deputies.

Article 89

The mandate of members of Supervisory Council of the Chamber lasts 3 (three) years. The same person can be elected only once in the position of a member of the Supervisory Council of the Chamber.

Article 90

The Assembly holds the right to discharge any member of the Supervisory Council, before the end of mandate, if it is confirmed that he/she didn’t perform duties correctly and professionally.

The Assembly’s decision is definitive.

Article 91

The Supervisory Council is obliged to check, at least twice a year, the financial bookkeeping of the Chamber.

The Supervisory Council makes a report about its findings and sends it to the Assembly for approval.
Article 92

Bodies of the Chamber, which manage the financial bookkeeping of the Chamber (the Executive Council and the President of the Chamber), are obliged to present all notes to the Supervisory Council, by its request.

6) THE COMPLAINTS COMMISSION OF THE ASSEMBLY

Article 93

Members of the Complaints Commission (hereinafter: the Commission) are elected by the Assembly. The Commission is comprised of 7 (seven) members. The Commission work is lead by the oldest member of the Commission, who also signs decisions of the Commission.

Article 94

The Commission, acting as a second instance body, decides upon complaints submitted against decisions of the Executive Council.

Article 95

The Commission is obliged to decide within 60 (sixty) days concerning complaints, from the day of submitting the complaint. Administrative disputes can be initiated against decisions of the Commission.

Article 96

The Commission works and takes decisions, if majority of members are present in the meeting.

7) THE COMMITTEE FOR CLIENT RELATION

Article 97

The Disciplinary Office of the Chamber is comprised of the Committee for Client Relation, Disciplinary Committee and Committee for Complaints, members of which are elected by the assembly of KCL, with a proposal from the Executive Council of KCL.

The term of office of disciplinary office members is 3(three) years with a right to re-election. Citizen members, who are elected in the committees of the Disciplinary Office, should fulfill same criteria as predicted for the lay judges in the courts of Kosova.
Members of the disciplinary office have the right of reward for their work from the KCL budget, by the decision of the Executive Council of KCL.

**Article 98**

The Committee for Client Relation has 5 (five) members.

**Article 99**

The Committee for Client Relation takes its decisions in the Council sessions, consisted of 3 (three) members, who are appointed by the Committee Chairman from members of the committee and decides:
- about cases that should be passed to the competence and decision of the Disciplinary Committee.

The disciplinary matter, in the Disciplinary Committee session is represented by the member of the Committee for Client Relation, appointed by the Chairman.

**8) THE DISCIPLINARY COMMITTEE**

**Article 100**

The Disciplinary Committee is a first instance disciplinary body and decides about responsibility concerning violation of duty and authority by lawyers and practitioner lawyers foreseen by Law on Advocacy of Kosova, the Statute of Kosova Chamber of Lawyers and the Code of Professional Ethics of Lawyers.

**Article 101**

The Disciplinary Committee is comprised of 9 (nine) members. A chairman, one vice-chairman and three members should be lawyers, while three other members should be ordinary citizens.

The Disciplinary Committee decides in its panel made from the chairman and two other members, one of which should be an ordinary citizen. The chairman and members of the panel are appointed by the Chairman of the Disciplinary Committee.

**Article 102**

During their work, members of the Disciplinary Committee are independent and decide according to law, Statute of the Chamber and the Code of Professional Ethics of Lawyers.

**Article 103**

Each member of the Disciplinary Committee can be discharged from the position before the mandate.
Provisions of Article 90 of the Statute of KCL, which refer to reasons and procedure of earlier discharge of a Supervisory Council member, will be applied accordingly in the case of an earlier discharge of a member.

**Article 104**

The member of the Disciplinary Committee, about whose discharge was decided in the Assembly meeting, should, at least 8 (eight) days prior to the meeting, be informed with the context of the request for his/her discharge and with the gathered proofs.

He/she should be given an explanation at the Assembly meeting, regarding all elements for the discharge request.

**Article 105**

Sessions of the Disciplinary Committee are not public.

**Article 106**

The Disciplinary Committee will:

1. Judge about minor and serious violations of lawyer duties,
2. Decide about the proposal of the Committee for Client Relations for suspension of a disciplinary procedure after accepting the request for initiating the disciplinary procedure.

**Article 107**

(1) In the procedure before the Disciplinary Committee, the lawyer has the right to engage another lawyer who is a member of KCL. The hired lawyer can not be member of a disciplinary office and of the Executive Council of KCL.

(2) The Disciplinary Committee appoints a lawyer to represent the lawyer who is a subject of a disciplinary procedure when:
   a) The lawyer does not have necessary financial means;
   b) The interest of justice requires so, as in cases of serious violations.

(3) The lawyer appointed, is paid by the Chamber for services rendered, by the decision of the Executive Council of KCL.

**9) THE DISCIPLINARY COMMITTEE FOR COMPLAINTS**

**Article 108**

The Disciplinary Committee for Complaints is a second instance body which decides about complaints filed against decisions of the Disciplinary Committee.
Article 109

The Disciplinary Committee for Complaints is comprised of 9 (nine) members. Chairman, one vice-chairman and 4 (four) members who are lawyers, while 3 other (three) members are ordinary citizens.

The Disciplinary Committee for Complaints decides in the Panel made by the Chairman, which should always be consisted of lawyers and 4 (four) members, from which 2 (two) are ordinary citizens. The chairman of the panel and its members are appointed by the Chairman of the Disciplinary Committee for Complaints.

Article 110

Panels of the Disciplinary Committee for Complaints work in closed sessions except in cases when, members of the panel consider that the presence of parties is necessary due to a better explanation of the case, or parties in the procedure request so.

VIII. DISCIPLINARY RESPONSIBILITY OF LAWYERS AND PRACTITIONER LAWYERS

1) Types of encroachment and disciplinary measures

Article 111

For violation of duties and lawyers authority, lawyers and practitioner lawyers are responsible according to legal provisions, provisions of this Statute and of the Code of Professional Ethics of Lawyers.

Article 112

A serious violation of duty and authority of advocacy exists:

1. If, after registration, it is concluded that the lawyer, at the moment of registration, didn’t fulfill legal requirements predicted for registration,
2. If a grounded suspicion exists that he/she has committed the criminal act, which puts in doubt his/her dignity to continue practicing lawyer profession,
3. If, in objection with law and authorizations in disposition for representing the party, mediates through different legal and physical persons, who perform public works,
4. If dishonesty, performs duties of a lawyer and represents parties,
5. If dishonesty, performs duties in cases of an authorized representation of another lawyer’s office,
6. If he/she violates the confidentiality obligation, except for cases predicted by Chapter II of the Code of Professional Ethics of Lawyers,
7. If he/she asks for a bigger reward beside the one predicted by tariffs, except when a free agreements exists.
8. If dishonestly manages party's business and attempts not to pay or does not pay the money received at his/her account,
9. If, in public auctions, in objection with party's interest that he/she represents, makes it possible for himself/herself, relatives or third persons, to buy auction articles,
10. If he/she seriously violates obligations toward the practitioner lawyer that works with him/her,
11. If he/she searches for clients in an undignified manner, through a third person and in other manners,
12. If he/she asks for a reward from the party in judge's account or the personnel in state administration,
13. If in objection with legal provisions of this Statute, maintains another office outside the office where he/she is located,
14. If, in any manner, misuses the trust and authorization of the party he/she represents,
15. If he/she does not fulfill material obligations which arise from the membership in the Lawyers Chamber,
16. If dishonestly, performs and violates duties in the Chamber bodies,
17. If, without reason, does not return the case documents to the party,
18. If, he/she changes the office location in objection with the legal provisions and of this Statute or does not inform the Chamber about the change.

Article 113

As a serious violation of duty and authority of a lawyer is considered the conduct of a lawyer in his/her private life, if by that conduct the lawyer authority is encroached.

Article 114

Beside violations from article 118, a serious violation of duty and authority of a practitioner lawyer is considered:

1. If he/she does not perform the practice in the lawyer office,
2. If he/she seriously violates legal obligations toward the lawyer where he/she is performing the practice as a practitioner,
3. If he/she independently performs lawyer duties and at his/her account.

Article 115

Minor violations of duty and authority of a lawyer are also violations from article 113 of this Statute, in cases when serious consequence is missing and other cases of not respecting provisions of the Code of Professional Ethics of Lawyers.

Article 116

These disciplinary measures can be taken for violations committed:
1. Remark,
2. Reprimand,
3. Fee, and
4. Temporary ceasing of the right of practicing law, with a time period of 6 (six) months up to 5 (five) years.

Article 117

A remark is applied for minor violations of duty and authority of lawyers.

Article 118

A fee is applied for serious violations or in cases of repetition of minor violations.
The amount of fee can be 250 € up to 2500 €.
The fee goes to the Chamber benefit.

Article 119

Temporary ceasing of the right to practice law in a time period of 6 (six) months up to 5 (five) years is given only for cases of serious violations of duties and lawyers authority.

Article 120

All disciplinary penalties are announced internally within the Chamber when decided about a final punishment.

When a lawyer, by a final decision, receives a penalty of temporary suspension from practicing law, all courts will be informed concerning such a decision.

2) Initiation of a disciplinary procedure

Article 121

The disciplinary procedure is initiated by a Member/Adviser of the Committee for Client Relation based upon a request for its initiation, lodged by citizens, lawyers, Executive Council of the Chamber, President of the Chamber, Chairman of any of the Regional Lawyer Meetings, judges, prosecutors, and representatives of the Ministry of Justice.

Article 122

The disciplinary procedure is initiated by sending the request to the lawyer or practitioner lawyer from whom is required to determine the disciplinary responsibility, requesting to declare in written concerning the request within 15 (fifteen) days from the day of its receipt.
Article 123

The Committee for Client Relation, during the preliminary procedure can personally hear the respondent.

The Committee for Client Relation will decide about hearing the respondent, if concluded that, according to submitted request, the direct hearing of the respondent is necessary.

Article 124

The Committee for Client Relation can ask from the petitioner who initiated the disciplinary procedure to supplement the request or to declare in written other relevant issues within 15 (fifteen) days.

Based on the previous paragraph, the petitioner will be warned that, if he/she does not comply with the request of the Committee for Client Relation in a determined deadline, the request will be dismissed.

Article 125

If, after finalizing preliminary actions, the Committee for Client Relation within the set deadline, concludes suspicion about the supposed violation, shall submit a request for initiating the preliminary procedure at the Disciplinary Committee.

Article 126

If the Committee for Client Relation concludes that there are no grounds for filing a request, the same one will be dismissed. About the decision, the Committee for Client Relation will inform the petitioner and the Disciplinary Committee.

The petitioner has the right, in a deadline of 15(fifteen) days from the day of receiving the notification, to make a request at the Disciplinary Committee.

The Disciplinary Committee can file a request if concluded that there are grounds for request, within 30 (thirty) days from the day of receiving it.

The decision of the Disciplinary Committee, which is taken in a deadline not longer than 60 (sixty) days, is definitive.

3) The Procedure Before the Disciplinary Committee

Article 127

The chairman of the Disciplinary Committee, after receiving the request appoints the Disciplinary Panel to act.
Article 128

The Disciplinary Panel:

1. Suspends the procedure, if concludes that the action, which is subject of the request, does not present a violation, or such circumstances exist which exclude disciplinary responsibility or there are not sufficient proofs that the respondent committed the violation in question,
2. Returns the request-indictment to the Committee for Client Relation, for supplementation if concluded that the request should be supplemented, and
3. Can decide, to temporary cease the procedure, until the criminal responsibility is concluded before a regular court, if that responsibility was initiated for the same action.

Article 129

The disciplinary panel will hand over the decisions from the previous article to the respondent, his/her lawyer and to the Committee for Client Relation, who have the right to appeal in the Disciplinary Committee for Complaints within 8 (eight) days from the day of receiving it.

Article 130

If the panel does not decide based upon one of the points from article 128 of this Statute, the main session will be scheduled.

Summons for review and request for initiation of a disciplinary procedure will be delivered to the respondent and his/her lawyer.

Article 131

The session can be held without respondent’s presence, if he/she was duly summoned and did not justify his/her absence.

Article 132

The main sessions are regularly held in Chamber premises.

Article 133

During the main session, the Panel can take one of the decisions from article 128 of this Statute, if concluded that requirements for that are met.

Article 134

Subsequent to end of the main session, the Disciplinary Committee reaches a decision, by which the respondent:

1. Is released from the disciplinary responsibility, or
2. Announced responsible.

The disciplinary panel should refuse the request against the respondent, if the disciplinary adviser during the main hearing dismisses the request, if he/she concludes that the deadline for initiation of the disciplinary procedure is proscribed, and if the petitioner who reported the lawyer redraws the request for initiating the disciplinary procedure.

Article 135

The verdict, by which the lawyer is found responsible, should contain:

1. The introduction (preamble)
2. The provision which describes confirmed violation of the respondent, classification of violation and penalty of the disciplinary measure,
3. The reasoning,
4. Legal advise,
5. Signature of the Panel president and Chamber stamp,
6. Decision about procedural expenses.

Article 136

The decision about the request for compensation of damage caused by the violation can not be taken during the disciplinary procedure.

Article 137

A copy of the verdict is send to the respondent, his/her defense counsel, Committee for Client Relation and the damaged party.

Article 138

Against the decision of the disciplinary panel, the unsatisfied party has the right of appeal in the Disciplinary Committee for Complaints within 8 (eight) days from the day of its receipt. The appeal is send to the disciplinary panel aiming Disciplinary Committee for Complaints. A copy of the appeal is send to the opposing party, which can reply within 8 (eight) days from the receiving date.

Article 139

The Disciplinary Panel for Complaints can validate, amend or annul the verdict of the Disciplinary Panel.

The decision of the Disciplinary Panel for Complaints shall be delivered to the respondent; his/her defense counsel, the Committee for Client Relation and the petitioner. The decision is definitive, except in cases predicted by article 68 of the Law on Advocacy.
4) Statute of Limitations (Proscription)

Article 140

The statute of limitations for initiation of a disciplinary procedure for minor violations is 6 (six) months after information about the violation and the executor, while in all cases it is proscribed after passing the time period of 1 (one) year since the day the violation was committed.

Article 141

The statute of limitations for initiation of a disciplinary procedure for serious violations is 1 (one) year after information about the violation and the executor, while it is definitely proscribed after passing the time period of 2 (two) years from the day the violation was committed.

Article 142

The statute of limitations for the execution of the disciplinary measures for minor violations is 3 (three) months from the day the decision entered into force.

Article 143

The statute of limitations for the execution of the disciplinary measures for serious violations is 6 (six) months from the day the decision entered into force.

Article 144

The statute of limitations shall freeze until the case against the accused in front of regular court in the procedure for determining his/her criminal liability for the same violation as in the disciplinary procedure, becomes final.

Following the end of the criminal procedure, time of the statute of limitation starts to run.

IX. CHAMBER LIBRARY

Article 145

The Chamber has its library.
All lawyers and practitioner lawyers who are registered in the Chamber register have the right to use the library.

Article 146

The Executive Council sets the payment on behalf of membership for those lawyers and practitioner lawyers who wish to use the library.
The payment is periodic, while the amount is determined by a special decision. The collected amount of money is used only for enriching the library fund and its maintenance.

**Article 147**

Library users do not have the right to carry and use book exemplars outside library spaces.

**Article 148**

The librarian manages the library, and if absent, the secretary of the Chamber will keep the evidence of books, users and collects membership payments from article 150 of the Statute.

**Article 149**

Except for the membership, financing and enrichment of the library fund is made in other ways.

The decision is taken by the President of the Chamber.

**X. LAWYER SPECIALIZATION**

**Article 150**

The lawyer, who completes legal requirements, requirements from this Statute and from general acts of the Chamber, has the right to submit a request for accepting his/her title of a specialist in a certain legal field (article 44 of The Law on Advocacy).

**Article 151**

The specialist title is accepted from these fields:

1. The Constitutional Right
2. The Criminal Right
3. The Civil Right
4. The Administrative Right
5. The Right to Work
6. The Economical Right
7. The Banking Right
8. The Author’s Right
9. The International Public Right, and
10. The International Private Right.
Article 152

The request for accepting the specialist title is sent to the Executive Council of the Chamber.

Article 153

Requirements for specialization are determined by the Chamber in cooperation with the Justice Department.

The decision for accepting the specialist title is taken by the Executive Council of the Chamber after taking the opinion and report of the Special Commission appointed by the Council.

Article 154

The Commission is comprised of 9 (nine) members.

Members of the Commission can be appointed from other scientific, public, and administrative institutions and from the lawyer community.

Head of the Commission is the President of the Chamber, who leads the Commission work.

Article 155

Against the decision for not accepting the specialist title, the lawyer – petitioner, has the right of appeal in the Assembly Commission for Complaints Review, which should decide within 60 (sixty) days from the day of appeal.

The decision of the Assembly Commission is definitive.

Article 156

Administering of the Commission, requirements foreseen for taking the specialist title, etc, are regulated by the Regulation of procedure for accepting the specialist title.

XI. PUBLICATION OF THE BULLETIN

Article 157

The Chamber of Lawyers issues a bulletin.

It is published every 6 (six) months and received by each lawyer and practitioner lawyer of the Chamber.
Article 158

Members of the editorship, the editor and the chief editor of the Bulletin are elected by the Executive Council of the Chamber.

The office term of editorship members is 3 (three) years.

Same person can be elected twice in a row in the editorship team.

Article 159

Members of the editorship report to the Executive Council, which has the right to discharge any member before their term has ended.

XII. FINANCIAL BOOKKEEPING

Article 160

The financial bookkeeping of the Chamber is developed according to the Annual Pre-account of incomes and outgoings, approved by the Assembly.

Article 161

Regular annual incomes of the Chamber are:

- income from lawyer registration,
- income from lawyer membership,
- other income.

Article 162

Except for regular income, the Chamber also has extraordinary income:

- payment of fines as disciplinary measures, and
- other extraordinary income.

Article 163

The Chamber uses financial means for realizing its duties and objectives determined by Law and this Statute.

Article 164

The President of the Chamber allows outgoings from the financial means of the Chamber up to the determined limit set by the Executive Council.
About the limits from the previous align, outgoings of financial means of the Chamber are allowed by Chamber President after the pre-consent of the Executive Council.

In special cases, the Chamber President after receiving the consent can authorize the Chamber deputy to allow outgoings from the previous align.

Article 165

The balance of financial bookkeeping is approved by the Chamber Assembly. The balance is signed by the Chamber President.

XIII. THE SIGN AND STAMP OF THE KOSOVA CHAMBER OF LAWYERS

Article 166

The Chamber has its sign chosen by the Assembly.

Article 167

Stamps of the chamber are of a circle and square shape with writings:

ODA E AVOKATEVE TE KOSOVES – PRISHTINE
CHAMBER OF LAWYERS OF KOSOVA – PRISHTINA
ADVOKATSKA KOMORA KOSOVA – PRISHTINA

The square stamp has also the sign No. _____________ Date____________

Article 168

The official colors by which the stamps can be printed are:

1. Black, and
2. Dark blue

Article 169

The Chamber also possesses the water stamp and the sign.

Article 170

Regional Lawyer Meetings have in disposition the stamp in accordance with the general act, which is approved by the Executive Council of the Chamber.
XIV. THE ADMINISTRATION OF THE CHAMBER OF LAWYERS

Article 171

The Chamber administration is comprised of:

1. A secretary,
2. Administrator, librarian
3. A driver, and
4. A cleaner

Article 172

Requirements that need to be fulfilled to be hired in one of the positions from the previous article are set by the Executive Council.

Article 173

The work contracts with employees in working positions from article 178 of this Statute are signed by the Chamber President, on behalf of the Chamber.

Article 174

Duties of other members of Chamber bodies are voluntary.

XV. TRANSITORY AND FINAL PROVISIONS

Article 175

Procedures that began in Chamber bodies, before entry into force of this Statute, will continue and will end based on provisions that were into force at that time.

Article 176

Chamber bodies elected according to statutory provisions that were into force before this Statute had entered into force will continue working until their term is over.
Article 177

This Statute will entry into force 8 (eight) days after its approval.

Prishtina
07.07.2007

President of KCA
Rame Gashi
CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR JUDGES
Code of Ethics and Professional Conduct for Judges

Referring to UNMIK Administrative Direction No. 2006/8;

Recalling internationally recognized human rights standards and fundamental freedoms which in particular guarantee to everyone the principle of equality before the law, the presumption of innocence and the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;


Referring to Recommendation No R (94) 12 of the Committee of Ministers of the Council of Europe to member states on the independence, efficiency and role of judges, and having made their own, the objective, which it expresses;

Considering the European charter on the Statute for Judges and its Explanatory Memorandum prepared by the Council of Europe and adopted in Strasbourg in July 1998;

Recognizing that an independent and honorable judiciary is essential to grant justice in a democratic society, for strengthening the preeminence of the rule of law and for the protection of individual liberties; and

Conscious of the necessity, that provisions calculated to ensure the best guarantees of the competence, independence an impartiality of judges be supplemented by a code of ethics and professional conduct for judges;

The present code defines the following standards of ethics and professional conduct that should be observed by judges, and whose breach constitutes grounds for sanction as provided for and in accordance with the provision of section 7.5 of Regulation No. 2005/52 on the Establishment of the Kosovo Judicial Council and Administrative Direction No. 2006/8 as a necessary corollary, provisions have been adopted to protect judges in the exercise of their judicial independence;

The specific forms of misconduct described in this code are not exhaustive. Any action undertaken by a judge, even though not expressly contemplated by the provisions herein contained but having a similar effect, may be considered a breach of this code and consequently sanctioned;

This code is to be construed in such a way as to be consistent with the laws and regulations of Kosovo and international legal bodies and so as to not infringe on the essential independence of judicial decisions;

This code applies to all professional judges in Kosovo, at all levels of proceedings including Minor Offences Courts.
I. GENERAL PRINCIPLES

1. A judge shall act at all times in a manner that promotes public confidence in the dignity, integrity and independence of the judiciary.
2. A judge shall:
   a) Observe high standards of professional and personal conduct,
   b) Respect and comply with the law,
   c) Perform the duties of office impartially and diligently,
   d) Avoid any conduct and situation that could lead to a judge’s integrity, impartiality, independence, being questioned,
   e) Perform his/her duties in conformity with internationally recognized human rights standards.
3. This applies not only to the judge’s professional life but also to a judge’s private life, when a judge’s actions may impair the judge’s image in the public’s eye, thus affecting the judiciary as a whole.

II. SPECIFIC RULES OF ETHICS

A. Judicial Activities

1. In proceedings, a judge has a duty to protect the rights and freedoms of all persons.
2. In exercising judicial responsibilities, a judge has the duty to ensure that the law, including the internationally recognized standards, is properly applied and that cases are dealt with fairly by avoiding any discriminatory attitude against any person or persons based on any ground, including sex, gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status. A judge should be acquainted with varied cultural values to better understand the social and personal problems of the people with whom he/she interacts when performing the judicial office.
3. A judge has in particular the following responsibilities:
   a) to act impartially and independently in all cases and free from any outside influence, and perform judicial duties based on the facts and the law applicable in each case, without any restriction, improper influence, inducements, pressures, threats of interferences, direct or indirect, from any quarter;
   b) to avoid any potential conflict of interest based on family or social relationship as well as financial or professional relationships;
   c) if, for any reason, a judge feels unable to comply with the provisions of the previous paragraphs of this section, he/she must take immediate action, including recuse from a case and invoking the President of the Court where he/she serves to exempt him/her from the case. If a judge is in a situation which could cause his/her independence to be called into question, he/she is under the obligation to disclose
the facts of the situation to the parties involved and inform them as to his/her possible disqualification;

d) in any event, if a judge becomes aware of any other conflict of interest or there are any other circumstances that might raise doubts as to his/her impartiality, he/she must discontinue all activity on the case and report such circumstance to the President of the Court, unless otherwise provided by law.

B. Non-judicial activities

1. Generally a judge may freely carry out activities outside the scope of the judicial mandate including those activities which are the embodiments of his/her rights as a citizen or which represent his/her professional interest and independence. This freedom is only limited in so far as such outside activities are incompatible with confidence in a judge, or the impartiality or independence of a judge, or his/her required availability to deal attentively and within a reasonable period with the matters put before him/her. Subject to this section, a judge may engage in the following activities:
   a) speak, write, lecture, teach and participate in other activities concerning the law, the legal system, the administration of justice, including engagement in these activities though organizations or governmental agencies devoted to it; and
   b) engage in the arts, sports and other social and recreational activities as well as participate in civic and charitable activities.

2. In particular, a judge shall not:
   a) be engaged in any activity, including political activity, which is incompatible with a judge’s functions;
   b) hold an office in or be a member of any political party; or
   c) engage in an non-judicial activity during working hours without prior approval of the Kosovo Judicial Council and shall not accept any compensation for any outside activity engaged during business hours, without the Kosovo Judicial Council approval.

3. In determining whether a judge is permitted to accept compensation for engaging in non-judicial activity during working hours, the Kosovo Judicial Council will apply the following conditions equally for all judges:
   a) The amount of compensation shall not exceed a reasonable amount, or shall not exceed what a person who is not a judge would receive for the same activity;
   b) The amount of compensation shall not exceed 25 percent of a judge’s usual salary; and
   c) The source of the compensation payment shall not lead to the appearance of impropriety.

4. A judge shall not promote or participate in any organization supporting any kind of discrimination.

5. Judges are forbidden from using their position or information they obtain through their position for either their own personal gain or for the personal gain of anyone else.
6. A judge shall not personally solicit funds for an organization or agency, allow his/her name to be used in solicitation of funds or allow the use of the prestige of judicial office for that purpose.

7. A judge shall refrain from financial and business dealing that tend to reflect adversely on his/her impartiality, interfere with the proper performance of judicial duties, exploit his/her judicial position, or involve him/her in transactions with lawyers or persons likely to come before the court on which he/she serves.

8. For the entire term of their appointment, judges are forbidden to conduct other legal practice or privately carry out any judicial functions (such as to act as defenders, arbiters, or mediators). They may be appointed as a guardians or personal representatives only in cases provided by law.

9. A judge and his/her family shall not, under any circumstances, accept gifts, favours, privileges, or promises for material help from any person having a direct or indirect interest in a case being tried by the judge.

10. Every year a judge must provide disclosure to the Kosovo Judicial Council of his/her financial interests, and those of their immediate family members, in accordance with the law. For the purposes of this provision, a financial interest include personal property such as bank accounts, stocks, bonds, houses and motor vehicles. A judge shall provide bank statement upon the request of the Kosovo Judicial Council. Disclosure of bank account statement shall be made within fourteen (14) days of such request.

III. SPECIFIC RULES OF PROFESSIONAL CONDUCT

A. Adjudicative Responsibilities

1. A judge has the duty, in exercising his/her judicial responsibilities, to ensure that cases are dealt with fairly and efficiently. This implies, in particular, a duty to ensure that a fair hearing is given to all parties and that the procedural rights of the parties are respected throughout the proceeding, and to avoid any undue delays as well as any forms of absenteeism and negligence at work.

2. When hearing a case, a judge ha a particular obligation to seek the truth. This implies calling for additional witnesses and ordering further forensic tests whenever he/she considers it necessary for the sake of determining the truth.

3. A judge shall maintain and improve the highest standards of professionalism and legal expertise and for that purpose shall engage in continuing legal education and training as determined by the Kosovo Judicial Council, and when not incompatible with other judicial duties.

4. As a precondition to being involved in adjudicating actions involving juveniles a judge shall have the relevant professional qualifications an/or experience, as required by the Juvenile Justice Code of Kosovo.
5. When permitted by law and if appropriate, a judge shall encourage the parties to reach a friendly settlement. In any event and except where the law or establish practice otherwise provide, a judge shall give clear and complete reasons for his/her judgments and, where necessary, explain procedural matters to parties in an impartial manner using language which is readily understandable.

6. When applicable, a judge shall respect the secrecy of information entrusted to him/her and/or confidentiality of the proceedings. This implies that while a proceeding is pending in any court, the judge shall not make any public comment that might reasonably be expected to affect its outcome, impair its fairness, or undermine the judiciary’s credibility, and shall require similar abstention on the part off court personnel subject to the judge’s direction and control.

7. Except in cases provided by law, a judge shall not engage in and discourage ex-parte communication. Upon occurrence of such communication the judge must disclose promptly the relevant information to he other parties involved and, when possible, procure their attendance.

8. In the performance of judicial duties a judge shall not use words or conduct manifesting bias or prejudice and shall not allow staff, court officials and others subject to the judge’s direction and control to do so.

9. A judge shall show availability and respect for individuals, be patient, dignified and courteous to litigants, defendants, witnesses, lawyers, prosecutor, other judges and lay-judges and any third party with whom he/she deals in his/her official capacity, and should require reciprocity from lawyers, staff and court officials, and other with whom he/she may come in contact during court proceedings or who are subject to his/her direction and control.

10. When dealing with the media and the public:
   a) Judges may not express preliminary legal opinions on pending cases.
   b) Judges may inform the media about the case management in court.
   c) In any public statements judges shall be professional and strive to maintain the appearance off independence and impartiality.

B. Administrative Responsibilities

1. A judge shall discharge his/her administrative responsibility with professionalism and diligence and shall cooperate with other judges and court official in the administration of the Court’s activities.

2. In particular, a judge shall:
   a) respect the necessary obligations pertaining to his/her function in terms of supervision of the other court staff under his/her control.
   b) organize his/her activities and respect the obligations of time and duty necessary to perform such activities.
   c) comply with administrative instructions from the Department of Justice to the extent such instructions are aimed at ensuring compliance with the applicable law
governing the courts’ administrative operations, and provide that there is no resulting interference with their free judgment in their adjudicating function.

3. The function of Court President requires a particularly high degree of responsibility. A Court President must display a particular commitment to his/her responsibilities as Court President, in terms of court administration and court management, in addition to adjudicative activities. This includes appropriate practice of organizational, managerial and human resources skills in judicial context.

A Court President shall ensure that his/her court is freely accessible to all members of the public, including by ensuring that notices are posted in the official languages of the particular region and the court is free from the display of nationalistic symbols, and by ensuring access to the disable.

4. Because the Court President is representing the Court, he/she is under a particular obligation to preserve the image of the judiciary, and demonstrate the seriousness and dignity that citizens are entitled to expect form the justice system.

5. A Court President and any judge in charge of case allocation should not be influenced by the wishes of any party to the case or any person concerned with the results of the case. Therefore, allocation based on drawing of lots, automatic distribution according to alphabetic order, or some similar system, should be used to assign cases.

Adopted by 25 April 2006
Amendment adopted by 5 September 2006

Rexhep Haxhimusa

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President
Kosovo Judicial Council
CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR PROSECUTORS
Code of Ethics and Professional Conduct for Prosecutors

Referring to UNMIK Administrative Direction No. 2006/8;

Recalling internationally recognized human rights standards and fundamental freedoms which in particular guarantee to everyone the principle of equality before the law, the presumption of innocence and the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;


Referring to Recommendation No R (19) 00 of the Committee of Ministers of the Council of Europe to member states on the role of public prosecution in the criminal justice system;

Considering the European charter on the Statute for Prosecutors and its Explanatory Memorandum prepared by the Council of Europe and adopted in Strasbourg in July 1998;

Recognizing that public prosecutors play a crucial role and carry out important responsibilities in the administration of justice and are, in particular, on behalf of society and in the public interest, in charge of ensuring the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system;

Conscious of the necessity, in particular due to the state of transition of Kosovo, that legislative provisions calculated to promote the effectiveness, impartiality and fairness of public prosecutors be adopted;

This Code defines the standard of ethics and professional conduct that should be observed by prosecutors. A breach of this Code constitutes grounds for sanction as provided for and in accordance with the provision of section 7.5 of Regulation No. 2005/52 On the Establishment of the Kosovo Judicial Council and Administrative Direction No. XX. As a necessary corollary, effective measures are taken in order to guarantee that public prosecutors are able to fulfill their professional duties and responsibilities under adequate legal and organizational conditions and, in particular, to ensure that the recruitment, the promotion and the transfer of public prosecutors are carried out according to fair and impartial procedures, embodying safeguards against any approach which favours the interest of specific groups, and excluding discrimination on any ground;

The specific forms of misconduct described in this code are not exhaustive. Any action undertaken by a prosecutor, even though not expressly contemplated by the provisions herein contained but having a similar effect, may be considered a breach of this code and consequently sanctioned;
This code applies to all persons exercising prosecutorial functions in Kosovo, at all levels of proceedings.

I. GENERAL PRINCIPLES

1. A prosecutor shall act at all times in a manner that promotes public confidence in the dignity, integrity, effectiveness, and impartiality of prosecutors. A prosecutor shall:
   a) Observe high standards of professional and personal conduct,
   b) Respect and comply with the law,
   c) Perform the duties of office impartially and diligently, and
   d) Avoid any conduct and situation that could lead to a prosecutor’s integrity or impartiality being questioned,
   e) Perform his/her duties in conformity with internationally recognized human rights standards.
   This applies not only to the prosecutor’s professional life but also to his/her private life, when a prosecutor’s actions may impair the prosecutor’s image in the public’s eye, thus affecting the prosecutors’ service as a whole.

2. A prosecutor shall not engage in any activity, including political activity, which is incompatible with his/her functions.

3. A prosecutor shall not hold an office in, or be a member of, any political party.

4. The prosecutor’s job is the search for the truth which entails taking into account all of the evidence, whether it favours the defendant or not. All prosecutors must perform their duties and responsibilities in good faith and must honour the presumption of innocence at all times.

II. SPECIFIC RULES OF ETHICS

A. Prosecutorial Activities

1. A prosecutor shall maintain and improve the highest standards of professionalism and legal expertise, and for that purpose, engage in continuing legal education and training when available.

2. Particularly, a prosecutor shall respect and apply:
   a) the principles and ethical duties of their office as set forth in this Code of conduct;
   b) the legal protection of suspects, victims and witnesses;
   c) human rights and freedoms as laid down by international instruments;
d) principles and practices of organization of work, management and human resources in a judicial context.

3. This, inter alia, means that a prosecutor must be aware of:
   a) the mechanisms and materials which contribute to consistency in their activities;
   b) the types and development of criminality, as well as requirements and modalities of international co-operation on criminal matters;

4. A prosecutor has in particular the responsibility to avoid any potential conflict of interest based on family or social relationships as well as financial or professional relationships.

5. In any event, if a prosecutor becomes aware of any other conflict of interest or there are any other circumstances that might raise doubts as to his or her impartiality, he/she must discontinue all activity on the case and report such circumstances to the Chief Public prosecutor of the prosecutor’s office, unless otherwise provided for by law.

6. In the relationship with authorities entitled to supervise their work, prosecutors shall:
   a) in cases where the applicable law requires prosecutors to guide preliminary criminal procedure or laws them to demand judicial policed to undertake specific actions, give clear instructions as to the manner of implementation of specific investigative actions, particularly in regard to procedural requirements to be observed. As a minimum, prosecutors shall determine the direction and scope of investigative actions. In significant and/or factually complicated cases, prosecutors shall undertake investigative actions, such as inspecting the crime scene and interviewing the suspect and significant witnesses from the very beginning by themselves. They always shall refrain from applying force and transfer to the judicial police the implementation of investigative actions that may require the use of force. The aim of the prosecutors’ interaction with the judicial police is to ensure that there is an exchange of skills and experience in a relationship based on trust and openness. Prosecutors should accept and use the practical criminal experience of the police. They should contribute by providing their legal knowledge and procedural experience to develop relevant and admissible evidence and, at the very start of the investigations, avoid unnecessary investigation of irrelevant issue. Prosecutors shall endeavour to make their decisions transparent to the police and be prepared to explain to them if necessary. In particular, in high-profile cases prosecutors shall closely cooperate with the judicial police. However, prosecutors should not allow their personal relationship with individual police officers to influence their decisions and should be in a position to exercise their supervisory functions without favour.
   b) perform their duties and responsibility without unjustified interference or unjustified exposure to civil, penal or other liability;
   c) respect legal instructions given by hierarchical authorities to which they are subordinate;
   d) enjoy the right to request that instruction addressed to them be put in writing;
e) account periodically and publicly for their activities as a whole and, in particular, the way in which their priorities were carried out.

7. In their relationship with judges, public prosecutors shall:
   a) strictly respect the independence and the impartiality of judges; in particular they shall neither cast doubt on judicial decisions nor hinder their execution, except where they are exercising their rights of appeal or invoking some other procedure in accordance with the law;
   b) be objective and fair during court proceedings;
   c) refrain from publicly criticizing judges in an inappropriate manner.

8. In their relationship with the police, prosecutors shall:
   a) in cases where the applicable law requires prosecutors to guide preliminary criminal procedure or allows them to demand law enforcement agencies to undertake specific actions, give clear instructions as appropriate to the police with a view to an effective criminal prosecution;
   b) sanction or promote sanctioning, if appropriate, of criminal activity; and
   c) in any case promote appropriate and functional co-operation with the police and the different law enforcement agencies.

9. In the performance of their duties towards individuals, prosecutors shall:
   a) carry out their functions fairly, impartially and objectively;
   b) respect and seek to protect human rights;
   c) seek to ensure that the criminal justice system operates as efficiently and expeditiously as possible. This implies that prosecutors will not engage in any form of absenteeism, inefficiency and negligence at work and make sure that proper co-ordination is achieved with law enforcement agencies (as well as guidance of their work) when prescribed by the applicable law;
   d) abstain from discrimination on any ground by avoiding any discriminatory attitude against any person or persons based on any ground, including sex, gender, age, martial status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, property, birth or any other status.
   e) ensure equality before the law, taking into account all relevant circumstances including those affecting the suspect, irrespective of whether they are to the suspect’s advantage or disadvantage.

10. A prosecutor shall:
    a) not initiate or continue prosecution when they are obliged not to do so under the law or when the law provides no basis for doing so.
    b) not present invalid evidence the could affect the validity of the proceeding itself.
    c) seek to safeguard the principle of equality of arms, in particular by disclosing to the other parties, except when otherwise provided in the law, any information which they possess which may affect the justice of the proceedings.
    d) keep confidential information obtained from third parties, in particular where the presumption on innocence is at stake, unless disclosure is required in the interest of justice or by law.
e) take proper account of the interests of the witnesses, especially take or promote measures to protect their life, safety and privacy, or see to it that such measures have been taken.

f) take proper account of the views and concerns of victims when their personal interests are affected;

g) not allow improper influences to obstruct the prosecution of public officials for offences committed by them, particularly corruption, unlawful use of power, grave violations of human rights and other crimes recognized by international law.

h) not, and their families shall not, under any circumstance, accept gifts, favours, privileges or promises for material help from any person having a direct or indirect interest in a case they are in charge of.

i) subject to the provision of article c) above, remain free to submit to the court any legal arguments of their choice, even where they are under a duty to reflect in writing the instructions received.

B. Non-prosecutorial activities

1. Generally a prosecutor may freely carry out activities outside the scope of the prosecutorial mandate including those activities which are the embodiments of his/her rights as a citizen or which represent his/her professional interest and independence. This freedom is only limited in so far as such outside activities are incompatible with professional and public confidence in a prosecutor, or his/her required availability to deal attentively and within a reasonable period with the matters put before him/her. Subject to this section, a prosecutor may engage in the following activities:

   a) speak, write, lecture, teach and participate in other activities concerning the law, the legal system, and the administration of justice, including engagement in these activities though organizations or governmental agencies devoted to it; and

   b) engage in the arts, sports and other social and recreational activities as well as participate in civic and charitable activities.

2. In particular, a prosecutor shall not:

   a) be engaged in any activity, including political activity, which is incompatible with a prosecutor’s functions;

   b) hold an office in or be a member of any political party; or

   c) engage in a non-judicial activity during working hours without prior approval of the Kosovo Judicial Council and shall not accept any compensation for any outside activity engaged during business hours, without the Kosovo Judicial Council approval.

3. In determining whether a prosecutor is permitted to accept compensation for engaging in non-prosecutorial activity during working hours, the Kosovo Judicial Council will apply the following conditions equally for all prosecutors:

   a) The amount of compensation shall not exceed a reasonable amount, or shall not exceed what a person who is not a prosecutor would receive for the same activity;
b) The amount of compensation shall not exceed 25 percent of a prosecutor's usual salary; and
c) The source of the compensation payment shall not lead to the appearance of impropriety.

4. Prosecutors are forbidden from using their position or information they obtain through their position for either their own personal gain or for the personal gain of anyone else.

5. A prosecutor shall not personally solicit funds for an organization or agency, allow his/her name to be used in solicitation of funds or allow the use of the prestige of prosecutorial office for that purpose.

6. Prosecutors may not belong to organizations that support or promote discrimination or any type of activity that is incompatible with a prosecutor's functions.

7. A prosecutor shall refrain from financial and business dealing that tend to reflect adversely on his/her impartiality, interfere with the proper performance of judicial duties, exploit his/her position, or involve him/her in transactions with lawyers or persons whom he/she is likely to come in contact with during the course of his/her professional duties.

8. Every year a prosecutor must provide disclosure to the Kosovo Judicial Council of his/her financial interests, and those of their immediate family members, in accordance with the law. For the purposes of this provision, a financial interest includes personal property such as bank accounts, stocks, bonds, houses and motor vehicles. A prosecutor shall provide bank statement upon the request of the Kosovo Judicial Council. Disclosure of bank account statement shall be made within fourteen (14) days of such request.

C. Administrative Responsibilities

1. A prosecutor shall discharge his/her administrative responsibility with professionalism and diligence and shall cooperate with law enforcement agencies, judges and other Court officials in the administration of a prosecutor’s office’s activities.

2. In particular, a prosecutor shall:
   a) respect the necessary obligations pertaining to his/her function in terms of supervision of the other court staff under his/her control or supervision.
   b) organize his/her activities and respect the obligations of time and duty necessary to perform such activities.
   c) comply with administrative instructions from the Department of Justice to the extent such instructions are aimed to rationalize and improve a consistent managing of the prosecutor’s office’s operations and provided that this does not interfere with the free determination of the prosecutor in a particular case.

3. With respect to the organization and the internal operation of the prosecutor’s office, in particular in the assigning and re-assigning of cases, the Public Prosecutor shall avoid any undue influences and maximize the proper operation of the criminal
justice system, in particular considering the level of legal qualification and specialization which are to be devoted to each matter.

Adopted by 25 April 2006

Rexhep Haxhimusa

President

Kosovo Judicial Council
KOSOVO LEGAL AID COMMISSION DRAFT CODE OF CONDUCT AND ETHICS
The Legal Aid Commission,

Pursuant to the authority given to it under section YY of the Legal Aid Regulation and its implementing Administrative Instruction on Legal Aid

Hereby issues the following Legal Aid Code of Conduct and Ethics

Section 1
General Principles

1.1 The Code of Conduct and Ethics (“the Code”) of the Legal Aid Commission sets forth the guiding ethical principles and rules of conduct that govern the officers of the Legal Aid Commission and the staff members of the Legal Aid Coordination Office and the District Legal Aid Bureaus (“Legal Aid Personnel”).

1.2 The Code supplements the general responsibilities and obligations of civil servants as set forth in the Civil Service Code of Conduct, attached as Annex to UNMIK Regulation No. 2001/36 on the Kosovo Civil Service.

1.3 The Code shall apply to all members or employees of partnership NGOs, student programmes or legal aid clinics. To achieve this objective, this Code shall be an essential component of any contractual relationship with external legal aid providers.

1.4 The integrity of the Legal Aid Personnel is indispensable to justice in discharging the responsibilities of the Legal Aid Commission. The Legal Aid Personnel should participate in establishing, maintaining and enforcing high standards of conduct so that the honor, honesty, fairness and impartiality of the legal aid system are preserved and the public trust in it strengthened. The Code provides guidance in upholding the ethical and legal responsibilities of the Legal Aid Personnel and avoids actual or apparent conflicts of interests. The provisions of the Code should be construed and applied to support the objectives set forth herein.

1.5 All staff members owe a duty to the Legal Aid Commission to advance its legitimate interests when the opportunity to do so arises.
Section 2
Relationship with Laws, Regulations and Standards

2.1 All Legal Aid Personnel is expected to perform his or her activities in accordance with all applicable laws and regulations in Kosovo, generally accepted business practices and the highest ethical standards.

2.2 In cases where additional guidance is required to clarify ethical duties and appropriate ethical conduct, a staff member shall consult his or her supervisor. If such guidance is required by an officer of the Legal Aid Commission, he or she will consult the other officers of the Commission.

2.3 Violations of ethical principles and rules of conduct set forth herein are prohibited.

Section 3
Conflict of Interests

3.1 No Legal Aid Personnel should act in any way that could reasonably create an impression among the public that he or she may be engaged in conduct that violates the trust placed in him or her as Legal Aid Personnel.

3.2 No Legal Aid Personnel should allow family, social or other relationships to influence his or her professional judgment. A Legal Aid Personnel should not use or take any action that gives the impression of using the authority and opportunities afforded by his or her position, to advance the private interest of others, nor should the Legal Aid Personnel convey or permit others to convey the impression that he or she may be influenced.

3.3 To avoid a conflict of interests, this Code sets forth the following prohibitions on Legal Aid Personnel:

   a) No Legal Aid Personnel shall accept any financial gain or benefit, directly or indirectly, from any applicant of legal aid. Financial gain or benefit includes, but is not limited to cash, loans, credit or guarantees, gifts, travel, lodging or personal services;

   b) No Legal Aid Personnel deciding about a legal aid case shall have a family relationship closer than to the second degree [to be discussed with the Legal Aid Commission] with any applicant of legal aid.

   c) No Legal Aid Personnel deciding on a legal aid case shall have any financial or commercial interest or relationship, direct or indirect, with any applicant of legal aid.

   c) No staff member of the Legal Aid Coordination Office or the District Legal Aid Bureaus shall be employed by any other institution or company.
e) Other actual or potential situations that could lead to the conflict of interests.

3.4 Conflicts of interests may not always be clear and evident. Where a staff member has doubt as to whether a certain activity constitutes a conflict of interests for himself, herself or others, he or she should consult with his or her supervisor. A staff member who becomes aware of a potential conflict or a conflict of interests should bring it to the attention of a supervisor. An officer of the Legal Aid Commission who seeks clarification regarding or becomes aware of a potential conflict or a conflict of interests should consult with the other officers of the Commission.

Section 4
Confidential Information

4.1 The Legal Aid Personnel may not share any personal information collected from applicants with any other organization or authority, except for the purposes of verifying the application for legal aid, determining eligibility or detecting fraud as set forth in the Regulation on Legal Aid.

4.2 All legal aid providers have the duty to hold in strict confidence all information concerning an applicant assisted or represented by them acquired as a result of their professional relationship except where disclosure is made with the consent of the recipient or where it is required by law.

4.3 Use of personal information for personal benefit or to bring benefit to others is not only to be deemed a serious breach of the contractual obligations but may result in the initiation of civil or criminal proceedings.

Section 5
Relations with Legal Aid Applicants

5.1 The Legal Aid Personnel shall respect the rights of and deal in an unbiased, professional and fair manner with the legal aid applicants during the performance of his or her activities.

5.2 The Legal Aid Personnel shall perform his or her activity in order to promote, establish and protect the principles of objectivity, fairness, impartiality, transparency, and nondiscrimination.

5.3 No Legal Aid Personnel, regardless of his or her position, should take unfair advantage of anyone through manipulation, concealment, abuse of privileged or confidential information, misrepresentation of material facts, or any other unfair dealing practice.
Section 6
Environmental, Health and Safety

6.1 The Legal Aid Commission will conduct its businesses with respect to the environment, health and safety in general.

6.2 The Legal Aid Commission will take into consideration all applicable legislation related to environmental protection.

6.3 The Legal Aid Commission will ensure that the Legal Aid Personnel has a safe and healthy working environment and that all applicable legislation related to health and safety protection is enforced.

6.4 The Legal Aid Personnel has responsibility for maintaining a safe and healthy workplace for all employees by following safety and health rules and practices, reporting accidents, injuries and unsafe equipment, practices or conditions.

Section 7
Software Compliance

7.1 Computer software, manuals and other copyrighted and trademarked materials are protected materials and may not be reproduced for personal use.

7.2 Software, whether purchased from a vendor or developed by the Legal Aid Commission, is protected by copyright and also may be protected by patent or trade secret or may be deemed confidential information. Such software includes computer programs, databases and related documentation. The terms and conditions of license agreements, such as provisions not to copy or distribute programs, must be followed.

Section 8
Protection and Use of Resources

8.1 All facilities, equipment, systems, information and supplies are resources that belong to the Legal Aid Commission. The Legal Aid Personnel is required to protect and efficiently use the resources. This includes the use of Internet, electronic mail or other information system resources. Theft, carelessness and waste have a direct impact on the budget of the Legal Aid Commission.

8.2 Any suspected fraud or theft should be immediately reported for investigation.

8.3 The Legal Aid Personnel may not use the equipment for private business.

8.4 The obligation to protect the Legal Aid Commission’s resources includes the obligation to protect its proprietary information. Proprietary information includes intellectual property such as data or information, trade secrets, patents, trademarks and copyrights, as well as business, marketing and service plans, interpretations,
designs, databases, records, salary information and any unpublished financial data and reports.

8.5 Unauthorized use or distribution of this information is not only a violation of this Code but may result in the initiation or civil or criminal proceedings.

8.6 The Legal Aid Personnel shall not buy or sell any asset or property of the Legal Aid Commission without its prior approval. In the event that the Commission approves such buying or selling, the rules on public procurement in Kosovo shall apply.

Section 9
Gifts and Entertainment

The Legal Aid Personnel or his or her family member may not request or accept favors or gifts that could be perceived as an attempt to influence the performance of duties or as favoring existing or potential applicants for legal aid.

Section 10
Accounting Practices

10.1 It is the policy of the Legal Aid Commission to fully and fairly disclose its financial condition in compliance with international applicable accounting standards and practices and applicable laws, rules and regulations in Kosovo.

10.2 The Legal Aid Commission financial books, records, accounts and financial statements must be maintained in reasonable detail, must appropriately reflect the Legal Aid Commission’s transactions and must conform both to applicable legal requirements and to the Legal Aid Commission’s system of internal controls as set forth in the MEQAS Guidelines.

10.3 The Legal Aid Coordinator and the financial assistant or staff performing similar functions shall prepare full, fair, accurate, timely and understandable disclosures in internal and external reports and financial statements based on applicable regulations, standards and sound business practices.

Section 11
Records Retention

11.1 The Legal Aid Personnel while performing its activities shall ensure all entries and transactions related to records and systems of the Legal Aid Commission, including manual and electronic, financial and non-financial, and any supporting information, is recorded and reported fully, fairly, accurately, timely and in an understandable manner in compliance with applicable standards, laws and regulations.
11.2 All records shall be filed and kept in conformity with the MEQAS Guidelines.

Section 12
Violations

12.1 Violations of the standards in this Code may result in disciplinary action, including but not limited to termination of the contract, suspension, written warning or oral warning, in accordance with procedures set forth in the applicable legislation in Kosovo.

12.2 In arriving at a decision for proper action, the following will be considered: the seriousness of the violation, the past record of the individual and the circumstances of the matter.

12.3 The Legal Aid Personnel who becomes aware of conduct in violation of, or leading to a violation of, this Code, should immediately inform his or her supervisor. An officer of the Legal Aid Commission in such a situation should immediately inform other officers of the Commission.

Section 13
Legal Aid Personnel

13.1 The primary responsibility for maintaining an environment of ethical and legal behavior rests with the individual Legal Aid Personnel through a demonstrated commitment to compliance with the Code and all legal and regulatory requirements relevant to the activities of the Legal Aid Commission. To carry out this responsibility, the Legal Aid Personnel will:

   a) Read, understand, and abide by this Code and all laws and regulations applicable to their work responsibilities,

   b) Contribute to a workplace environment that is conducive to and encourages compliance with the Code and with laws and regulations,

13.2 The Legal Aid Commission is firmly committed to providing equal opportunity in all aspects of employment and will not tolerate any discrimination of any kind. All harassment, whether it is sexual, racial, ethnic or other, is prohibited.

13.3 If any Legal Aid Personnel believes that he or she has been the victim of discrimination or harassment, or knows of someone who has, he or she should report it immediately to his supervisor. An officer of the Legal Aid Commission should bring any such harassment to the attention of other officers of the Commission.

13.4 The Legal Aid Personnel shall perform its duties free from the influence of any kind of drugs or alcohol. Use, distribution, possession and sale of drugs or use of alcohol by the Legal Aid Personnel in the premises of the Legal Aid Commission are prohibited.
13.5 The sale, transportation, possession and use of firearms or weapons in the premises of the Legal Aid Commission are prohibited.

13.6 The Legal Aid Personnel is encouraged to talk to the supervisors, the Legal Aid Coordinator or an officer of the Legal Aid Commission about observed illegal or unethical behavior, or when in doubt as to the best course of action in a particular situation.

13.7 The Legal Aid Commission prohibits retaliation against employees who, in good faith, report the misconduct of others.

**Section 14**

**Management**

14.1 In addition to their responsibilities as employees, the Legal Aid Coordinator and the Legal Aid Officers must maintain a workplace environment that stresses commitment to compliance with the Code and with laws and regulations. Accordingly, they will:

a) Ensure that staff members under their supervision receive a copy of the Code and read and understand its requirements;

b) Ensure that staff members understand their affirmative duty to report actual or suspected Code violations and the procedures and mechanisms available to them for reporting;

c) Maintain a workplace environment that prevents retaliation or reprisals against a staff member who in good faith reports actual or suspected Code violations;

d) Report all actual and potential violations of the Code.

**Section 15**

**Communication**

This Code shall be communicated to all Legal Aid Personnel and be published on the Legal Aid Commission’s official website.

**Section 16**

**Obligations of Former Legal Aid Personnel**

16.1 Former Legal Aid Personnel shall not disclose any information deemed confidential by this Code.
16.2 Former Legal Aid Personnel shall not abuse or take advantage of information acquired while performing their official duties.

Section 17
Entry into Force

This Code comes into effect on the date of adoption by the Legal Aid Commission and its publication on the official website of the Legal Aid Commission.
UNIVERSITY OF PRISHTINA LAW FACULTY
LEGAL CLINIC DRAFT CODE OF CONDUCT
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LEGAL CLINIC DRAFT CODE OF CONDUCT

In keeping with the mission of the Clinics, including simulation/externships as well as live-client situations, student participants and clinic supervisors are required to comply with the following provision in the course of their work in the Clinic. The Code is administered by the Clinic Supervisor and applies to all students, professors, and external experts retained by the Clinic. The Code assures that the rights of all students are respected and that the highest standards of integrity are promoted.

General Principles

Art. 1. Students and clinic supervisors are obliged to protect the client’s interest in a courageous and honorary manner, and always in a manner consistent with the dignity and reputation of the legal profession.

Art. 2. The conduct of the Clinic’s students and supervisors shall be manifested in their intentions to provide assistance to the client.

Art. 3. When providing legal assistance, the Clinic’s students and supervisors are obliged to follow the principles of reliability, due diligence, and timely performance of all activities.

Art. 4. A student may not, without justification, reject a legal case or matter assigned to him by the clinic supervisors.

Art. 5. When providing legal advice the Clinic’s students and supervisors shall follow the principle of strict adherence to the facts.
Art 6. Lack of knowledge concerning the content of the Code of Conduct does not release students, participant attorneys or clinic supervisors from respecting its provisions.

Confidentiality

Art. 7. The Clinic's students and supervisors are obliged to maintain in confidentiality and take all reasonable measures to protect against disclosure and unauthorised usage of all information they acquire in connection with their participation in the Clinic's operations.

Art. 8. Students must preserve confidentiality when working and communicating with visiting legal professionals.

Art. 9. Upon termination of legal assistance, the Clinic shall return to the client upon his written request any letters and copies of documents which he has submitted.

Art. 10. The obligation of confidentiality shall not cease upon the termination of legal assistance to the client.

Relations with the Client

Art. 11. The Clinic may not engage in cases where there is a conflict of interest between the client and:
  a) a person who was or is a client of the Clinic;
  b) a person who was or is a client of a person who is active in the Clinic as a student, supervisor or clinic staff,
  c) or a person who is or was a client of a business or law firm within which a student, supervisor or clinic staff member provided or participated in the provision of legal assistance.

Art. 12. The Clinic’s students and supervisor may not undertake to provide legal assistance:
a) the result of which may pertain to himself or his property;
b) where he provided legal assistance to the opposing party in the same case, in a related case, or appeared as a witness therein;
c) against a person close to him or a person with whom he is in a serious personal dispute,
d) to clients whose interests are in conflict even though the clients may agree to simultaneous Clinical representation. In the event that the conflict is revealed in the course of providing legal assistance, the student is obliged to inform the clients about the impossibility to continue.
e) to clients that are already represented by another advocate.

Art. 13. If in the course of their clinical work a student discovers information that may present a conflict of interest for himself or herself, or the Clinic, he or she must present that information immediately to a Clinic supervisor.

Art. 14. A student active within another organisation providing legal assistance against payment or participating in the praktikant program may not be a participant of the Clinic.

Art. 15. Students shall inform clients that they are not advocates.

Art. 16. When providing legal advice, the Clinic’s students and supervisors should consider legal and non-legal aspects of the problem identified from the client’s perspective, taking into account his system of values. When speaking with the client, the student should be aware of the need to provide moral support.

Art. 17. The student should actively involve the client in the process of considering potential solutions to the problem, thereby giving a reliable outline of legal options of protecting his interests.

Art. 18. The student is obliged to inform the client of any activity undertaken in the course of legal assistance and its results, and give, on a consistent basis, replies to all questions.
Art. 19. Students shall strive through their conduct to strengthen the trust of the client with whom they work. The student should refuse to provide legal assistance to a client who no longer trusts him and notify the clinic supervisor in that event.

**Appropriate Representation**

Art. 20. The Clinic student and supervisor may not provide legal assistance which would help commit a crime or suggest the possibility of avoiding criminal liability for an act to be committed in future. The student must immediately inform a Clinic supervisor if the client requests assistance for illegal activities.

Art. 21. The student may not give legal advice at the request of an unauthorised person.

Art. 22. Students and Clinic supervisors shall not consciously give false information in the prepared opinions or draft pleadings, nor shall they consciously allow clients to present false testimony.

Art. 23. The students and supervisors of the Legal Clinic shall not accept any financial or personal gains in connection with their provision of legal assistance.

Art. 24. Students shall not refer clients to other legal services. Clinic supervisors may refer clients to other non-profit legal services or private attorneys when appropriate.

Art. 25. The Clinic students and supervisors may not justify any infringement of the rules of ethics by invoking suggestions made by the client.
Relations between Students and External experts

Art. 26. The mutual relations between the students and external experts should be characterised by respect and willingness to assist.
Art. 27. External experts have the responsibility to educate, guide and advise the student. The external experts should attempt to be available for the students to consult with during the hours they have agreed to participate in the Clinic’s work.

Art. 28. External experts are only present in an advisory capacity. They are not active participants in the legal assistance that the Clinic provides. As such, students should maintain the confidentiality of the Clinic’s clients and avoid any conflict of interest in their relationship with the external expert.

Relations between Students and Clinic Supervisors

Art. 29. The mutual relations between the students and Clinic supervisors should be characterised by respect and willingness to assist.

Art. 30. Clinic supervisors have the duty to educate, guide and advise the student. The supervisors should attempt to be available for the students to consult with during the hours set aside for clinical work.

Art. 31. Any written material sent out by the students under the aegis of the Clinic must be reviewed and approved by a clinic supervisor.

Art. 32. A clinical supervisor must accompany a student to any administrative hearing or court proceeding.

Art. 33. The Code of Conduct is to be administered by the Clinic supervisors. Any alleged violation of the code by a student will be reviewed by the Clinic supervisors. The Clinic supervisors shall have discretion on appropriate disciplinary actions, including but not limited to:
a) written warning to the student  
b) removing the student from his or her assignment  
c) expelling the student from the Clinic  
d) referring the actions of the student to the University.  
