

**CODE OF PROFESSIONAL ETHICS OF Advocates**  
**Adopted by the First National Congress of Russian Advocates**  
**on 31 January 2003**

*(with amendments and additions approved by the Second  
National Congress of Russian Advocates on 8 April 2005, and by  
the Third National Congress of Russian Advocates on 5 April 2007)*

Pursuant to the requirements set forth in the Federal Law "On the Practice of Advocacy and Advocates in the Russian Federation," for the purpose of upholding the professional honor, promoting the traditions of Russian advocacy, and recognizing a moral responsibility to society, Advocates of the Russian Federation have adopted this Code of Professional Ethics of Advocates.

The community of advocates cannot exist or function without adherence to corporate discipline and professional ethics and concern for the honor and dignity of advocates and for the authority of their profession.

**SECTION I**  
***Principles and standards of professional conduct of lawyers***

**Article 1**

The Code of Professional Ethics of Advocates establishes mandatory rules of conduct for every advocate while practicing the profession based on the moral criteria and traditions of the profession and on international standards and professional rules.

In their practice advocates may be guided by the standards and rules set forth in the General Code of Conduct for Lawyers of the European Union insofar as such rules do not contradict the Law on the Practice of Advocacy and Advocates or the provisions of this Code.

**Article 2**

1. This Code supplements the rules established by the Law on the Practice of Advocacy and Advocates.

2. None of the provisions of this Code may be interpreted as prescribing or permitting activities that contradict the requirements of the Law on the Practice of Advocacy and Advocates.

**Article 3**

1. This Code applies to advocates.

2. Advocates managing firms (colleges) of advocates must acquaint advocates' assistants, interns, and other employees with this Code and ensure their compliance with its requirements pertaining to their official duties.

**Article 4**

1. Under all circumstances advocates must maintain the honor and dignity proper to their profession.

2. The necessity of complying with the rules of the advocate's profession arises from the fact of acquiring the status of advocate.

3. In those instances when matters of an advocate's professional ethics are not regulated by the Law on the Practice of Advocacy and Advocates or by this Code, advocates must observe the established customs and traditions of the profession reflecting general principles of social morality.

4. If an advocate is uncertain about how to behave in a complicated ethical situation, he may apply for clarification to the Board of the Chamber of Advocates in the appropriate

constituent territory of the Russian Federation (hereinafter, the Board), which cannot be denied him.

## **Article 5**

1. The professional independence of advocates is a prerequisite of their trustworthiness.
2. An advocate must avoid such actions as may undermine trust.
3. A breach of trust is incompatible with the title of advocate.

## **Article 6**

1. An advocate cannot inspire trust without the certainty that professional confidentiality will be preserved. An advocate's professional confidentiality ensures the client's immunity as provided by the Constitution of the Russian Federation.

2. Maintaining professional confidentiality is an unconditional priority of the advocate's practice. There is no time limit for preserving confidentiality.

3. No one can release an advocate from the duty to preserve a professional confidence except the client.

4. Without the client's consent an advocate may use only such information provided by the client as the advocate considers reasonably necessary to support his position in a civil suit with the client or to defend against disciplinary or criminal proceedings brought against him.

5. The rules on preserving professional confidentiality apply to:

- The fact of consulting the advocate, including clients' names;
- All evidence and documents collected by the advocate while handling the case;
- Information that the advocate receives from clients;
- Information about the client that the advocate learns in the course of providing legal

services;

- The content of legal advice provided directly to or intended for the client;
- The advocate's entire case file;
- The terms of the retainer agreement, including the financial arrangements between the advocate and the client; and
- Any other information related to the legal services provided by the advocate.

6. An advocate may not testify about facts that he learned in connection with performing his professional duties.

7. An advocate may not assign to anyone a right to monetary payment from the client based on their retainer agreement.

8. When providing legal services, advocates that practice law jointly under a partnership agreement must impose the rule on disclosing confidences on all the partners.

9. To preserve professional confidentiality, the advocate must keep the case file separate from the records and documents belonging to the client. Any records that are part of the advocate's case file and also any correspondence between the advocate and the client must be clearly and unequivocally marked as belonging to or originating with the advocate.

10. The rules on preserving professional confidentiality apply to the advocates' assistants, interns, and other employees of advocates' firms.

**Note:** *For purposes of this Code, client means:*

- a person who concludes a retainer agreement for legal services with an advocate;
- a person to whom an advocate provides legal services under a retainer agreement for legal services concluded by a third party; and
- a person to whom an advocate provides legal services for free, or as assigned by an agency of inquiry, by the preliminary investigation, by a prosecutor, or by a court.

## **Article 7**

1. An advocate shall accept the assignment to handle a case even if he has doubts of a legal nature that do not preclude the possibility of reasonably and faithfully supporting and defending the client's interests.

2. Preventing litigation is an integral part of an advocate's legal services; therefore an advocate shall take care to eliminate any obstacles to an amicable settlement.

## **Article 8**

While engaged in professional practice an advocate shall:

1) perform his duties honestly, reasonably, faithfully, competently, and in a principled and timely manner; and actively defend the clients' rights, liberties, and interests by all means not prohibited by law, subject to the Constitution of the Russian Federation, the law, and this Code; and

2) respect the rights, honor, and dignity of persons who consult him for legal services, of clients, of colleagues, and of other persons, behaving and dressing in a manner that befits business relations.

## **Article 9**

1. An advocate may not:

1) act contrary to the client's lawful interests or provide legal services guided by considerations of personal benefit, for wrongful aims, or under the influence of outside pressure;

2) adopt a position in the case opposed to the client's position and act contrary to the client's wishes, except for instances when defense counsel is convinced that the defendant has made a false confession;

3) make public announcements that the client's guilt has been proved if the client denies his guilt;

4) disclose without the client's consent information that the client communicates to the advocate in connection with providing legal services to the client;

5) accept commitments to provide legal services in an amount that plainly exceeds what the advocate is capable of fulfilling;

6) press legal services on individuals and solicit them as clients by exploiting personal ties with those working in the judiciary and law enforcement, by making promises of a favorable outcome in the case, or by other disreputable means;

7) allow remarks during the proceedings in the case denigrating the honor and dignity of other participants in the proceedings, even if they behave tactlessly;

8) acquire for personal gain by any means property or rights to property that is the subject of a dispute that the advocate is involved in as legal counsel.

2. An advocates may combine legal practice with the duties of a chief executive officer of a firm (college) of advocates or with the duties of an elected official in the Chamber of Advocates of a constituent territory of the Russian Federation or in the Federal Chamber of Advocates.

Exercising the authority granted to an advocate in connection with election as an official in the Chamber of Advocates of a constituent territory of the Russian Federation or in the Federal Chamber of Advocates and also exercising the authority of a manager of a firm (college) of advocates is a professional obligation of an advocate.

Remuneration for work performed by an advocate exercising the aforementioned authority in the Chamber of Advocates of a constituent territory of the Russian Federation or in the Federal Chamber of Advocates takes the form of compensation by this chamber for the advocate's compelled inability to engage fully in the practice of law.

3. An advocate also may not:

- engage in other paid employment requiring direct (personal) involvement in the sale of goods, performance of work, or provision of services;

- provide legal services or participate in organizations that provide legal services beyond the limits of an advocate's practice;

- accept an obligation to exercise the functions of managing the property and rights of a client that is a legal entity. Assigning such functions to employees of an advocates' firm (college) is likewise impermissible.

4. Performing the professional duties in a matter that an advocate accepts must take priority over other activities.

Other activities that an advocate engages in cannot disparage the honor and dignity of the advocate or damage the authority of the profession.

### **Article 10**

1. In the advocate's profession, law and morality must prevail over the client's wishes. An advocate cannot comply with any wishes, requests, or instructions of clients directed at a violation of the law or a breach of the rules established by this Code.

2. An advocate may not promise persons seeking legal services or clients a favorable outcome of the matter that may directly or indirectly indicate that the advocate intends to use means other than the faithful performance of his duties to achieve this goal.

3. An advocate must not accept a matter if handling it interferes with handling another prior matter.

4. An advocate must not place himself in the dependent position of being indebted to a client.

5. An advocate must not allow familiar relations with a client.

6. After being discharged, an advocate must promptly return to the client all the original documents from the client related to the case, along with the power of attorney.

7. In handling a matter, an advocate acts on the assumption that the documents and information provided by the client are authentic and does not verify them.

8. The duties of an advocate established by the Law on Advocacy and Advocates when the advocate provides free legal services in cases stipulated or by this law or by assignment of an agency of inquiry investigative agency, prosecutor, or court, do not differ from the duties when providing legal services for a fee.

9. If after accepting a case, except the defense of a criminal case during the pre-trial investigation and in the trial court, circumstances transpire indicating that the advocate had no right to accept the case, the advocate must withdraw. In making the decision that he cannot handle the case and must withdraw, the advocate must, where possible, notify the client enough in advance so that the latter can retain another advocate.

### **Article 11**

1. An advocate may not be an advisor, defense counsel, or representative of several parties with conflicting interests in the same case, but may only facilitate the reconciliation of the parties.

2. If, due to specific circumstances, it becomes necessary to provide legal services to parties with conflicting interests, or in the event of a possible conflict of interests, advocates who jointly provide legal assistance under a partnership agreement must obtain the consent of all the parties to the dispute to continue handling the matter and must ensure equal opportunities for the legal defense of these interests.

### **Article 12**

Participating in or attending judicial and administrative proceedings, an advocate must observe the applicable rules of procedure, show respect for the court and other participants in the proceeding, take care that the law is observed in relation to the client and, in the event the latter's rights are violated, file motions to remove such violations.

When objecting to the actions of judges or other participants in the trial, an advocate must do so with civility and in accordance with the law.

### **Article 13**

1. Except for the instances specified in the Law on Advocacy and Advocates, an advocate may not represent two or more persons as their defense counsel in the same criminal case, if:

- 1) the interests of one of them conflict with the interests of the other;
- 2) the interests of one, though not in conflict with the other, but these individuals assume different positions regarding the same events in the case;
- 3) at least one of the defendants is a minor.

2. Having accepted, by assignment or by agreement, an appointment to serve as defense counsel in a criminal case, an advocate may not withdraw from the defense, except as otherwise provided by the law, and must perform the duties of defense counsel, including where necessary the preparation and filing of a cassation against the judgment of the court in regard to the defendant.

Having accepted, by assignment or by agreement, an appointment to serve as defense counsel at the stage of the preliminary investigation, an advocate may not refuse to serve as defense counsel during the trial without good cause.

3. Defense counsel must not unnecessarily worsen the situation of other defendants. Any actions of defense counsel against other defendants whose interests contradict those of the advocate's client are only justified if otherwise the advocate cannot fully conduct the client's defense.

4. Defense counsel must appeal the judgment

- 1) at the defendant's request;
- 2) if grounds for reversing or changing the judgment in favor of the defendant exist; or
- 3) in general, when the defendant is a minor, if the court disagreed with the position of the defense and imposed a heavier sentence or a sentence for a more serious crime than requested by the advocate.

#### **Article 14**

1. If an advocate cannot, for good cause, appear at the appointed time to participate in court or in investigative activities, or if an advocate intends to file a motion to set a different time to hold them, the advocate must notify the court or the investigator in advance, inform the other advocates participating in the case, and coordinate the time for scheduling proceedings with them.

2. An advocate may only interview the opposing party to his client, whose interests are represented by another advocate, with the consent or in the presence of the latter.

#### **Article 15**

1. An advocate establishes relations with other advocates on the basis of mutual respect and observance of their professional rights.

2. An advocate must refrain from:

- 1) using, while practicing as an advocate, language that may denigrate the honor, dignity, or professional reputation of another advocate;
- 2) making, in conversation with persons seeking legal services or with clients, derogatory remarks about another advocate, or criticizing the actions and legal advice of the advocate who has previously provided legal services to these persons;
- 3) discussing with persons seeking legal services or with clients the propriety of fees charged by other advocates.

3. An advocate may not persuade persons wishing to retain a specific advocate in a firm to conclude a retainer agreement for legal services between himself and that person.

4. An advocate must inform the Board about being retained to handle a case against another advocate in connection with the latter's professional activities.

If the advocate undertakes to represent the client in a dispute with another advocate, he must inform the colleague of this and, observing the client's interests, propose an amicable settlement.

5. Relations among advocates must not affect the defense of the interests of the parties in the case. An advocate may not forgo the interests of the client for the sake of friendly or any other relationships.

6. An advocate must abide by the decisions of the governing bodies of the Chamber of Advocates and of the Federal Chamber of Advocates adopted within their jurisdictions.

7. An advocate must personally or financially participate in providing free legal services in those instances specified by the Law on Advocacy and Advocates or by assignment of an agency of inquiry, an investigative agency, a prosecutor, or a court in accordance with the procedure established by the Chamber of Advocates of a constituent territory of the Russian Federation.

8. An advocate managing a firm (college) of advocates must take measures to ensure that all the advocates duly perform the professional duty of providing free legal services and as assigned counsel, make financial contributions for the common needs of the Chamber of Advocates, and abide by other decisions of the governing body of the Chamber of Advocates and of the Federal Chamber of Advocates adopted within their jurisdictions.

## **Article 16**

1. An advocate is entitled to receive remuneration (fees) due for work performed, and also compensation for costs and expenses incurred.

2. An advocate's fee is determined by agreement between the parties and may reflect the scope and complexity of the work, the time required to perform it, the advocate's expertise and competence, deadlines, the urgency of the work, and other circumstances.

3. An advocate should refrain from including in the retainer agreement terms whereby the payment of the fee depends on the outcome of the case.

This rule does not apply to property disputes wherein the advocate's fee may be determined in proportion to the amount in dispute in the event of a successful outcome in the case.

4. An advocate is forbidden to share fees, in particular under the pretext of a division of responsibilities, with non-advocates.

5. An advocate is forbidden to accept from clients any property to secure the fee agreement, except for monetary amounts deposited with the firm (college) of advocates as a retainer.

6. If, while providing legal services, advocates undertake, at the client's request, to manage the client's monetary funds (hereinafter, client's funds), the advocates must observe the following rules:

- the client's funds must always be deposited on account with a bank or with another organization (including professional brokers in the securities market) that will enable control by government authorities over transactions, unless the client leaves explicit or implicit instructions about otherwise using the funds;

- the documents accompanying every transaction with the client's funds must include an instruction for the advocate's completing the transaction on orders of the client;

- payments to any person from the client's funds on behalf or in the interests of the client may only be made in view of the client's corresponding explicit or implicit instructions executed in writing;

- in maintaining the case file, an advocate must keep track of all financial documents pertaining to performing the client's instructions on transactions with the client's funds, which must be provided to the client on demand.

## **Article 17**

1. Information about an advocate or a firm (college) of advocates is allowed unless it contains:

1) value judgments of an advocate;

2) reviews by others of an advocate's performance;

3) comparisons with other advocates and criticism of other advocates;

4) statements, suggestions, or ambiguities that might mislead potential clients or create unfounded expectations.

2. If an advocate (or a firm or college of advocates) learns about the unauthorized distribution of advertising of their activities that does not comply with these requirements, he must notify the Board.

### **Article 18**

1. Violation of the provisions of the Law on Advocacy and Advocates and of this Code, committed by advocates intentionally or by gross negligence, entails the imposition of disciplinary sanctions as provided by the Law on Advocacy and Advocates and this Code.

2. Disciplinary sanctions cannot be imposed if an advocate's actions (or inaction), although reflecting all the formal elements of a violation of the provisions of the Law on Advocacy and Advocates and of this Code as described in point 1 of this Article, do not, due to their insignificance, damage the advocate's honor and dignity, impair the authority of the advocate's profession, or cause significant harm to the client or the Chamber of Advocates.

3. An advocate acting in accordance with the interpretations of the Board regarding the application of the provisions of this Code cannot be held liable for disciplinary violations.

4. Disciplinary sanctions may only be imposed within disciplinary proceedings in accordance with the procedures provided in Section 2 of this Code.

In determining disciplinary sanctions, the Board must take into account the gravity of the violation, the circumstances under which it was committed, the form of guilt, and other factors that the Board Council may deem material and take into account in making the judgment.

5. Disciplinary sanctions may be imposed on an advocate no later than six months from the date of the discovery of the violation, excluding the time the advocate was sick or on vacation.

Disciplinary sanctions may be imposed on an advocate if no more than one year has passed since the date of the violation.

6. Disciplinary sanctions may include:

- 1) a reprimand;
- 2) a warning;
- 3) disbarment.

## **SECTION II**

### ***Procedural grounds of disciplinary proceedings***

#### **Article 19**

1. The procedure for considering and resolving complaints, presentments, and statements about advocates (including managers of firms (colleges) of advocates or their subdivisions) is established by this Section of the Code.

2. An advocate's action that damages his honor and dignity or impairs the authority of the advocate's profession, the failure to perform or the improper performance of professional duties to the client, and the failure to abide by the decisions of the governing body of a Chamber of Advocates must be considered by the appropriate Qualifications Commission and the Board at meetings conducted in accordance with the procedures for disciplinary proceedings provided by this Code.

If disciplinary proceedings are initiated against an advocate, his notice of withdrawal from the advocate's profession or notice of change of membership in a Chamber of Advocates will be heard at the conclusion of the disciplinary proceedings.

3. Disciplinary proceedings must ensure the timely, objective, and fair consideration of complaints, presentments, and statements regarding advocates their resolution in accordance with the Law on Advocacy and Advocates and this Code, and the enforcement of the decision.

4. During disciplinary proceedings, measures must be taken to protect information comprising confidences about the private lives of complainants, commercial and advocate's confidences, and also measures to achieve a reconciliation between the advocate and the complainant.

5. Disciplinary proceedings may only be conducted by the Qualifications Commission and the Board of the Chamber of Advocates that the advocate is a member of at the time disciplinary proceedings are initiated.

6. After disciplinary proceedings have been initiated, the participants in the disciplinary proceedings are the individuals, agencies, and organizations who filed the complaints, presentments, or statements, the advocate against whom the disciplinary proceedings have been initiated, and representatives of these individuals, agencies, and organizations.

7. Withdrawal of complaints, presentments, and statements or reconciliation of the advocate with the complainant expressed in writing is possible before the Board reaches a decision and entails dismissal of disciplinary proceedings. No repeated disciplinary proceedings on the same subject and grounds are allowed.

## **Article 20**

1. The grounds for initiating disciplinary proceedings are:

1) a complaint submitted to the Chamber of Advocates by another advocate, by the advocate's client, or by the client's legal representative, and, if the advocate refuses to accept a matter without good cause, by the person seeking legal services under Article 26 of the Federal Law on Advocacy and Advocates in the Russian Federation;

2) presentments submitted to the Chamber of Advocates by the Chamber's Vice-President or by a person acting in this capacity;

3) presentments submitted to the Chamber of Advocates by an agency of government with authority relating to the advocate's profession;

4) statements of a court (judges) addressed to the Chamber of Advocates.

2. Complaints, presentments, and statements are deemed admissible grounds for initiating disciplinary proceedings, if submitted in writing and they indicate:

1) the name of the Chamber of Advocates wherein the complaint, presentment, or statement is submitted;

2) the full name of the advocate submitting the complaint against another advocate, membership in a Chamber of Advocates and in a firm (college) of advocates;

3) the full name and place of residence of the advocate's client or the name and location of the agency or organization if the claimant is a legal entity, and the full name and address of the client's representative if the complaint is filed by a representative;

4) the name and location of the agency of government, and the full name of the responsible person submitting the presentment or statement;

5) the full name of the advocate against whom disciplinary proceedings are being considered, the advocate's affiliation with a law firm (college) of advocates, and the terms of the retainer for legal services (if it exists) and (or) the order;

6) the advocate's specific actions (or lack of those) that constituted violation of his/her professional duties;

7) the facts on which the person submitting the complaint, presentment, or statement bases his claims, and the evidence in support of these facts; and

8) a list of the documents attached to the complaint, presentment, or statement.

3. Every participant in the disciplinary proceedings may propose, orally or in writing, a means of resolving the disciplinary case. The party seeking disciplinary sanctions against an advocate must indicate the specific actions (or inaction), giving rise to the advocate's violation of his professional duties.

4. Complaints, presentments, and statements not specified in point 1 of this article, or complaints, presentments, and statements by the persons designated in this article based on the actions (or inaction) of an advocate (including the manager of a firm of advocates or subdivision) that is not related to carrying out his professional duties cannot constitute acceptable grounds for initiating disciplinary proceedings.

5. Complaints or statements by other advocates or firms (colleges) of advocates cannot constitute acceptable grounds for initiating disciplinary proceedings if such complaints or statements arise from relations pertaining to the creation and operation of these firms (colleges).



6. Anonymous complaints and statements about an advocate's actions (or inaction) will not be considered.

### **Article 21**

1. The President of the Chamber of Advocates of a constituent territory of the Russian Federation will initiate disciplinary proceedings no later than ten days after receiving the documents specified in point 1 of Article 20 of this Code. Participants in disciplinary proceedings will be notified in advance of the place and time that the disciplinary case will be heard by the Qualifications Commission, and they will be given the opportunity to become familiar with all the materials in the disciplinary case file.

2. When receiving complaints or statements that cannot constitute acceptable grounds for initiating disciplinary proceedings, or that were submitted by persons not entitled to raise the question of initiating disciplinary proceedings, or if facts are uncovered that exclude the possibility of initiating disciplinary proceedings, the President of the Chamber will decline to initiate proceedings, will return the documents to the petitioner, indicating in a written response the reasons for this decision and, if the petitioner is a natural person, will explain to the latter the procedure for appealing this decision.

3. The following circumstances exclude the possibility of disciplinary proceedings:

- 1) an earlier decision made by the Board in disciplinary proceedings with the same participants on the same subject and grounds;
- 2) an earlier decision made by the Board to dismiss disciplinary proceedings on the grounds specified in point 1 of Article 25 of this Code; or
- 3) the expiration of the statute of limitations for imposing disciplinary measures.

### **Article 22**

Disciplinary proceedings include the following stages:

- 1) consideration of the case by the Qualifications Commission of the Chamber of Advocates of a constituent territory of the Russian Federation; and
- 2) consideration of the case by the Board of the Chamber of Advocates of a constituent territory of the Russian Federation.

### **Article 23**

1. A disciplinary case received by the Qualifications Commission of the Chamber of Advocates of a constituent territory of the Russian Federation must be considered within two months, exclusive of the time when the disciplinary proceedings were adjourned for reasons deemed by the Qualifications Commission to be valid.

The consideration of the case by the Qualifications Commission of the Chamber of Advocates of a constituent territory of the Russian Federation is conducted orally based on adversarial principles and the equality of the participants in the disciplinary case.

Before the start of the hearing, all members of the Qualifications Commission are warned about the prohibition against disclosure and about the protection of information revealed in the course of considering evidence representing confidences about the private life of participants in the disciplinary case, and also commercial, advocate's, and other confidences.

2. The Qualifications Commission must render its judgment regarding the disciplinary case in the same proceeding in which the case was heard on its merits, based on the direct examination of the evidence presented by the participants in the case before the start of the hearing and their testimony [during the hearing].

Copies of written evidence or documents that the participants intend to present to the Commission, must be submitted to the Secretary of the Commission no later than two days before the start of the hearing. The Qualifications Commission may admit additional evidence from the participants in the disciplinary proceedings during the course of the hearing if such evidence could not have been submitted beforehand. In this event, on motion of the participants in the disciplinary proceedings, the Commission may adjourn the hearing to examine the newly submitted materials.

3. The failure to appearance of any participant in the disciplinary proceedings does not constitute grounds for adjourning the hearing. In this event, the Qualifications Commission will hear the case on the merits based on the available materials and will hear the participants who appear at this session of the Commission.

4. The Qualifications Commission will hear the case limited to those claims and on those grounds set out in the complaint, presentment, or statement. Changing the subject and (or) the grounds for the complaint, presentment, or statement is not permitted.

5. Once initiated, the participants in the disciplinary proceedings have the right to:

1) become familiar with all the materials of the disciplinary case, take notes, and make copies of the materials, including with the aid of technical devices;

2) attend the hearing of the Commission personally and (or) through a representative

3) provide oral and written testimony on the merits of the case and submit evidence;

4) become familiar with the record of the hearing and the judgment of the Commission; and

5) present arguments to the Board when disagreeing with the judgment of the Commission.

6. At the request of the participants in disciplinary proceedings, the Commission is entitled to request production of additional information and documents that the participants rely on to confirm their arguments.

7. An advocate against whom disciplinary proceedings have been initiated has the right to take measures to reconcile with the complainant before the Board passes judgment. The advocate and his representative are the last to present arguments to the Commission.

8. The Qualifications Commission must issue a decision on the merits, unless at the time the disciplinary proceedings were initiated the statute of limitations established in Article 18 of this Code had expired.

9. On the basis of its findings, the Qualifications Commission is entitled to conclude that:

1) the advocate's conduct (or inaction) represents a violation of the provisions of the Law on Advocacy and Advocates and (or) this Code, or the advocate failed to perform or improperly performed his professional duties to the client, or the advocate failed to abide by the decisions of the governing bodies of the Chamber of Advocates;

2) the disciplinary proceedings must be dismissed because the advocate's conduct (or inaction) involves no violation of the provisions of the Law on Advocacy and Advocates and (or) this Code, or owing to the advocates' proper performance of his duties to the client or to the Chamber of Advocates;

3) the disciplinary proceedings must be dismissed because of an earlier judgment of the Qualifications Commission and decision of a Board of this or another Chamber of Advocates in proceedings with the same participants on the subject and grounds;

4) the disciplinary proceedings must be dismissed because the complaint, presentment, or statement has been withdrawn, or because the complainant and the advocate have reconciled;

5) the disciplinary proceedings must be dismissed because the statute of limitations for imposing disciplinary measures has expired; or

6) the disciplinary proceedings must be dismissed because the lack of acceptable grounds to initiate disciplinary proceedings was revealed in the course of the hearing.

10. The hearing in all cases takes place in a closed session of the Qualifications Commission. The procedure for the hearing is determined by the Qualifications Commission and will be communicated to the participants in the disciplinary proceedings. The hearings before the Qualifications Commission are conducted by its Chairperson (or by a deputy appointed by him from among the Commission members), who maintains order during the hearing. Those who disrupt order may be barred from the hearing by the decision of the Commission. Participants in the disciplinary proceedings are entitled to attend the announcement of the judgment of the Commission.

11. Hearings before the Qualifications Commission are recorded in the minutes, which reflect all the relevant aspects of the hearing, and also the announcement of the judgment. The minutes are signed by the Chairperson and Secretary of the Commission. In cases that the Commission considers necessary, an audio recording may be made, which will be attached to the minutes.

12. The Commission adopts a judgment on the merits of the case by voting with personal ballots, the form of which is approved by the Board. The wording of questions put to a vote is proposed by the Chairperson of the Commission or by a Deputy appointed by him. The personal voting ballots of the Commission's members are attached to the minutes and constitute an integral part thereof.

13. At their request, certified copies of the judgment of the Commission are handed (sent) to the participants in the disciplinary proceedings.

14. The judgment of the Commission must be reasoned and substantiated, and must contain an introduction, a narrative, a statement of reasons, and a conclusion.

The introduction to the judgment will indicate the time and place of issuing the judgment, the name of the Commission issuing it, the members of the Commission, the participants in the disciplinary proceedings, and the basis for initiating disciplinary proceedings.

The narrative part of the judgment will describe the subject of the complaint or presentment (or statement) and the advocate's arguments.

The statement of reasons must indicate the factual circumstances established by the Commission, the evidence that its conclusions are based on, the arguments used to refute the evidence, and the rules of professional conduct of advocates provided by the Law on Advocacy and Advocates and by this Code that the Commission followed in issuing the judgment.

The conclusion must include one of the provisions set out in point 9 of this article.

## **Article 24**

1. A disciplinary case submitted to the Board of the Chamber with the judgment of the Qualifications Commission must be reviewed no later than two months from the time the Commission's judgment is issued, excluding the time when disciplinary proceedings were adjourned for reasons deemed by the Board to be valid. Participants in disciplinary proceedings will be notified of the place and time of the Board's hearing.

2. The Board will consider complaints, presentments, and statements in accordance with the procedure established by its rules and with due regard for the features established by this Section of the Code.

3. No later than ten days from the time the Qualifications Commission issues a judgment, the participants in the disciplinary proceedings are entitled to present to the Board, through its Secretary, a written statement objecting to or supporting the Commission's judgment.

4. The Board may not review the Commission's conclusions pertaining to the factual circumstances that it found, treat as found factual circumstances that it did not find, or go beyond the limits of the complaint, presentment, and statement and the Commission's judgment. The submission of new evidence is prohibited.

5. The Board reviews disciplinary cases in closed session. The failure of any participant in the disciplinary proceedings to appear will not hinder the proceedings or the issuing of a decision. Participants in disciplinary proceedings are granted equal rights to set out their arguments supporting or opposing the judgment of the Qualifications Commission and to speak on the merits of the proposed disciplinary measures against the advocate.

6. The Board's judgment must be reasoned and contain specific references to the rules of professional conduct of advocates provided by the Law on Advocacy and Advocates and by this Code, according to which the advocate's conduct (or inaction) was classified.

7. The Board, taking into account the specific circumstances of the case, must take measures to reconcile the advocate and the complainants.

8. The decision of the Board on complaints, presentments, or statements is adopted by vote. The concluding part of the decision is communicated to the participants of disciplinary proceedings immediately at the conclusion of the hearing, in the same session. At their request, certified copies of the decision may be delivered (sent) to the participants in the disciplinary proceedings within ten days. Whether requested or not, if the decision involves disbarment, a copy of the decision is handed (sent) to the person concerning whom the decision to disbar has been made or to his representative.

## **Article 25**

1. The Board may make the following decisions in disciplinary proceedings:

1) the advocate's actions (or inaction) represent a violation of the provisions of the Law on Advocacy and Advocates and (or) this Code, or the advocate failed to perform or improperly performed his professional duties to the client or the Chamber of Advocates, , and that disciplinary measures provided in Article 18 of this Code will be imposed on the advocate;

2) the disciplinary proceedings are dismissed because the advocate's actions (or inaction) involve no violation of the provisions of the Law on Advocacy and Advocates and (or) this Code, or because the advocate properly performed his professional duties to the client or to the Chamber of Lawyers, based on or contrary to the decision of the Qualifications Commission, if the Commission correctly established the factual circumstances, but erred in the legal analysis of the advocate's conduct or in interpreting the law and this Code;

3) the disciplinary proceedings are dismissed because of an earlier judgment issued by the Qualifications Commission and a decision by the Board of this or another Chamber of Advocates in a case with the same participants on the same subject and grounds;

4) the disciplinary proceedings are dismissed because the complaint, presentment, or statement has been withdrawn or the complainants and the advocate have reconciled;

5) the disciplinary proceedings are remanded to the Qualifications Commission and heard anew because of material procedural violations at the hearing;

6) the disciplinary proceedings are dismissed because the statute of limitations for imposing disciplinary measures has expired, as discovered during the hearing by the Board or by the Qualifications Commission;

7) the disciplinary proceedings are dismissed because of the insignificance of the advocate's misconduct, advising the advocate of his violation; or

8) the disciplinary proceedings are dismissed because the Board or the Qualifications Commission, in the course of hearing the case, failed to find an acceptable reason for initiating disciplinary proceedings.

2. An advocate held liable for disciplinary sanctions may appeal the decision of the Board of the Chamber of Advocates in the disciplinary proceedings within three months from the day he learned or should have learned about the decision.

## **Article 26**

1. If an advocate is not subject to a new disciplinary sanction within one year of a prior disciplinary sanction, the advocate is considered not subject to a disciplinary sanction. The Board may remove a disciplinary sanction before the expiration of one year on its own initiative, or at the advocate's request, or on motion of the law firm that the advocate is a member of.

2. The materials of a disciplinary case are preserved in the case files of the Board for three years from the time the decision is issued. During this period participants in the disciplinary proceedings may become familiar with and copy extracts from these materials.

3. After the expiration of the specified period, case files may be destroyed by decision of the Board.

4. Disclosure of the materials in a disciplinary case is prohibited.

## **Article 27**

This Code and the amendments and additions thereto are effective from the time of adoption by the National Congress of Russian Advocates.