

Approved by the decision of the First General Meeting
of the Chamber of Legal Consultants
“Kazakhstan Bar Association”
Of August 2, 2019



CODE OF PROFESSIONAL ETHICS

Part 1. Preamble

The activity of legal consultants in the Republic of Kazakhstan plays an important role in the protection of human fundamental rights and freedoms of people, citizens, individual and legal entities guaranteed by the Constitution of the Republic of Kazakhstan and other laws of the Republic of Kazakhstan.

The purpose of the Chamber of Legal Consultants "Kazakhstan Bar Association" (hereinafter the Chamber) shall be the provision of professional legal advice to individuals and legal entities to protect the rights and legal interests as well as assistance in the exercise of rights, freedoms and legal interests of citizens and entities.

This Code of Professional Ethics of legal consultants (hereinafter the Code), who are the members of the Chamber (hereinafter Legal Consultants), is designed to guarantee duly performance by a Legal Consultant of his/her mission to execute justice and observe the rights of citizens and organizations, and in case of non-observance incurrance of disciplinary liability of the Legal Consultant in the procedure stipulated by the law of the Republic of Kazakhstan "On Advocacy and Legal Assistance", the standards and provisions of the Chamber.

The Code is not intended to exhaustively determine moral and ethical considerations as guidelines for the Legal Consultant as it is impossible. It only identifies the scope of legal assistance without violation of ethical rules.

The Code determines the fundamental principles subject to compliance by Legal Consultants in the provision by them of legal services.

No provision of the Code exempts the Legal Consultant in the provision by him/her of legal services from compliance with requirements of the applicable legislation.

The Chamber obliges Legal Consultants to provide legal assistance under the legislation of the Republic of Kazakhstan, the Charter of the Chamber, the Code of Professional Ethics, and the standards for provision of legal assistance strict compliance with the criteria of quality of legal services.

In the performance of his/her professional obligations the Legal Consultant ensures protection and restoration of infringed or disputed rights, freedoms and legal interests of individuals, legal entities, compliance with the law in the civil circulation and public relations, amicable settlement of a dispute, prevention of offences of law and formation in the society of respect for law and court, and protection of the profession, dignity and honor of the legal consultant.

In the provision of professional legal advice to individuals and entities, representation of them in all judicial instances, governmental authorities and organizations the Legal Consultant may use any means to exercise protective rights allowed by the legislation of the Republic of Kazakhstan.

Part 2. Principles of Professional Activity of Legal Consultants

In the performance or professional activity, the Legal Consultant shall comply with the following basic principles of conduct, such as independence, reliability (trust), confidentiality, priority of the client's interests, inadmissibility of the conflict of interests, loyalty, legality, integrity and impartiality.

2.1. Principle of Independence

In the performance of his/her obligations and exercise of the powers the Legal Consultant must be independent from any external or internal (corporate) influence and act only within the framework of the provisions of the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan and other regulatory legal acts regulating the activity of the legal consultant, the Charter of the Chamber and this Code.

2.2. Principle of Reliability (Trust)

The client's trust to the Legal Consultant, his/her reliability is based on his/her personal competence, objectivity and integrity, honesty, impartiality and obligingness,

2.3. Principle of confidentiality

2.3.1. Any information that becomes known to the Legal Consultant and relates to his/her activity in the provision of legal; assistance shall be confidential for the Legal Consultant;

2.3.2. Maintenance of confidentiality is not limited to timeframe. The Legal Consultant may disclose confidential information about the client only upon the client's written consent;

2.3.3. The Legal Consultant may require confidentiality from other legal consultants, any other persons participating together with him/her in the process of provision of legal assistance.

2.4. Principle of priority of the client's interests

2.4.1. The Legal Consultant shall show respect to the client.

2.4.2. The Legal Consultant in the provision of legal assistance shall be governed by the client's interests and put the client's interests higher than own interests, however not endangering his/her other professional obligations with respect to the applicable legislation, justice or duly provision of services.

2.4.3. If the client insists that in the provision of services the Legal Consultant use approaches and methods which endanger professional obligations of the Legal Consultant or the organization represented by him/her with respect to the applicable legislation, justice or duly provision of services, the Legal Consultant shall inform the client of the principles of provision of legal services he/she is governed by and that approaches and methods the client insists on contradict such principles. Should the Legal Consultant and the client fail to find a compromise regarding approaches and methods of the provision of services, the Legal Consultant is recommended to refuse providing services.

2.4.4. The Legal Consultant shall have resources, skills and expertise for competent and professional provision of services consistent with the client's request.

2.4.5. The Legal Consultant shall not provide services to the client if he/she does not have relevant resources, skills and expertise for competent and professional provision of services. In such case he/she may recommend the client to apply to another specialist possessing relevant resources, skills and expertise. If after the respective explanation of the Legal Consultant the client continues to insist on the provision of services, the client shall submit a written application of the client's consent to the provision of services by the given Legal Consultant.

2.4.6. The Legal Consultant shall verify that the person representing the client has respective powers and shall not provide services prior to the verification of the powers of such person.



2.4.7. In the provision of services to the client the Legal Consultant shall be based on the presumption of reliability of information and documents presented by the client and shall not be obliged to carry out their additional verification unless the documents contain obvious mistakes or the Legal Consultant believes that an accidental error is possible and the verification of the documents is required. If in the provision of services, it becomes known that the client did not submit all information and documents required for qualitative provision of services, the Legal Consultant may find out the cause and if the Client demonstrates mistrust refuse to provide services.

2.4.8. The Legal Consultant shall inform the client regarding all conditions of the provision and scope of services necessary for the client to make the most optimal decision. Also, the Legal Consultant shall provide only those services which he/she believes to be necessary for the client prioritizing the client's interests.

2.4.9. The Legal Consultant shall make all reasonable efforts that the dispute of the client be resolved by amicable settlement, avoiding expiration of the limitation period and giving the client and opportunity to refer to the court. The Legal Consultant shall not initiate legal proceedings, if there is an opportunity to resolve the dispute by other methods and if it meets the client's interests.

2.4.10. The Legal Consultant shall notify the client of risks which the client may have and of additional payments required for the provision of services (state duty, fines etc.).

2.4.11. If the client cancels his instruction, the Legal Consultant by the client's request shall immediately transfer to him/her or another legal consultant all received documents, excluding documents (copies of the documents) which the Legal Consultant should keep in accordance with the applicable legislation.

2.4.12. The Legal Consultant shall be fully liable for the property entrusted to him and the documents of the client and other persons. The Legal Consultant shall not confuse the client's monetary funds with his/her own funds, and keep the financial funds of the clients longer than it is stipulated by the applicable legislation. The Legal Consultant shall at any time be ready to return funds due to the client.

2.4.13. The Legal Consultant shall not have any financial interest in the subject of the dispute except consideration approved by the client for services provided. The Legal Consultant shall not directly or indirectly acquire the property subject to the client dispute or case.

2.4.14. The Legal Consultant shall not make on behalf of the client payments to third persons who can be considered as violation of the applicable legislation on anti-corruption, legalization and laundering of money.

2.4.15. In the provision of services by prior agreement with the client the Legal Consultant may entrust performing separate tasks to third persons with respective professional expertise and good reputation.

2.5. Principle of inadmissibility of the conflict of interests

2.5.1. The Legal Consultant shall not have the right to provide legal advice or represent two or more clients in one and the same case, if their interests diverge or a reasonable risk of the conflict of interests may arise. The same requirement also applies to all cases where the conflict of interests or the risk of such conflict arises in the course of provision of legal assistance;

2.5.2. The Legal Consultant shall stop representing the interests of all clients (in the case where there are two or more clients), if the conflict of interests in the case arises between these clients, and if there is a risk of violation of confidentiality and/or the independence of the legal consultant can be restricted;

2.5.3. If a personal conflict or conflict of professional nature arises between the Legal Consultants who are the members of the Chamber, first of all they should make all efforts to resolve it amicably. Prior to the initiation of proceedings against a colleague – the Legal Consultant in connection with the conflict of interests, the Legal Consultant shall notify the Chamber to provide it with an opportunity to assist in the amicable solution of the conflict.

2.5.4. If the members of the Chamber have personal conflicts or conflicts of professional nature with other parties to legal assistance (attorneys at law, legal consultants – the members of other legal consultants), the Legal Consultants shall take measures for amicable settlement of a conflict situation, and shall inform the Chamber giving it an opportunity to assist in resolving the conflict.

2.5.5. The Legal Consultant shall avoid conflict situations capable of causing damage to the reputation or image of the Chamber, and abstain from public statements, assumptions, and assessments with respect to the Chamber, both within the term of membership in the Chamber and within 3 years after its termination;

2.6. Principle of loyalty

2.6.1. The Legal Consultant shall provide services with due attention, competence, bona fide and diligence.

2.6.2. The Legal Consultant may terminate the provision of services only based on the solid grounds and, if possible, so that it does not adversely affect the client's interests. The solid grounds for termination of services can be:

- a) occurrence of the situation of the conflict of interests;
- b) the client's failure to pay within the established term for services provided by the Legal Consultant;
- b) fraudulent and unethical conduct of the client with respect to the Legal Client;
- r) other cases stipulated by the applicable legislation, the agreement or the Code.

2.6.3. Personal relationships between legal consultants shall not affect the client's interests.

2.6.4. The Legal Consultant may not compromise the client's interests neither for the sake of his/her personal interests or for the sake of third persons, except for cases stipulated by the applicable law.

2.7. Principle of integrity and Impartiality

2.7.1. The Legal Consultant shall provide services with due attention, competence, bona fide and diligence be organized, exclude haste and superficial review of the client's issue and information and documents provided by the client.

2.7.2. The Legal Consultant shall consider all substantiated complaints and comments of the client regarding the provided services and ensure all necessary improvement.

2.7.3. The Legal Consultant shall never deliberately run on time in the provision of services, recommend the client to perform actions which are not necessary in this situation and other actions or allow omission to get increased consideration for services provided.

2.7.4. In legal proceedings the Legal Consultant shall be impartial and persevering in the position selected by him/her, use all procedural opportunities permitted by the legislation for maximally efficient protection of the client's interests.

2.7.5. The Legal Consultant or the legal organization represented by him/her shall ensure the existence of a safe system of keeping and processing of the client's



documents, maintaining fast channels of communication with the client and the existence of the system of accounting and control of services provided to the client.

2.8. Principle of legality

2.8.1. Services provided by the Legal Consultant including legal conclusions, opinions, oral advice and other oral and written consultations shall comply with the applicable legislation.

2.8.2. No wishes, requests and instructions of the client inconsistent with the legislation as well as the violation of the provisions of the Code shall be performed by the Legal Consultant.

Part 3. Obligations of the Legal Consultant

3.1. The Legal Consultant as the client's representative, and an official of the legal system shall be exclusively liable for the quality of legal assistance.

3.2. The Legal Consultant shall inform the client of the legal rights and obligations of the client and of the practical implementation.

3.3. The Legal Consultant shall actively maintain the position of the client in accordance with the rules of adversarial process.

3.4. The Legal Consultant shall not do anything which can cause a risk of the loss of the client's trust.

3.5. The Legal Consultant shall seek to achieve a result favorable for the client and accommodation of conflicting interests of the clients complying with the rules of straight dealing, give an overall assessment of the client's legal case informing the client thereof.

3.6. The Legal Consultant, performing his/her functions shall act competently and promptly, maintain regular communication with the client and discuss with him/her all issues relating to the interests in the case, comply with the requirements of the law, comply with requirements of confidentiality.

3.7. The behavior of the Legal Consultant both in provision of legal assistance and in private life shall be consistent with the requirements of the law, morals and ethics.

3.8. The Legal Consultant shall use the procedures established by the law only for legal purposes, but not with the purpose of causing concern to other persons or for their intimidation.

3.9. The Legal Consultant shall show respect to the legal system and to the officials of this system, including judges, other parties of legal assistance and governmental officials. Despite that the Legal Consultant's obligations include appealing validity of the decisions of the authorities, actions of their officials he/she shall stand on the positions of the law.

3.10. The Legal Consultant shall seek improvement of the course of justice and the quality of legal assistance. He/she as a representative of the profession of legal consultant shall broaden his/her knowledge in the sphere of law without confining to knowledge required for the provision of legal assistance to the client, and shall apply it for improvement of the laws and seek the improvement of legal education.

3.11. The Legal Consultant shall mind that the clients without income or low income cannot pay for his/her services; and therefore shall share a part of his/her work time for free protection of their interests.

3.12. The Legal Consultant shall mind that until his/her actions comply with the professional requirements; there are no grounds for control over his activity on the part of the state, and he/she is independent.

3.13. Each Legal Consultant shall comply with the Code of Professional Ethics and ensure that other legal consultants comply with professional ethics; and shall mind that failure to perform the above obligations subjects the independence of the profession of legal consultant and the interests of the society it serves to threat.

3.14. The Legal Consultant cannot be a civil servant.

3.15. The Legal Consultant shall combat *противодействовать* проявлениям коррупции

3.16. In the provision of legal assistance and participation in social events, in communication with mass media and social networks the legal consultant shall abstain from:

a) any statement and action discriminating on grounds of sex, age, race, ethnic origin, language, nationality, social, property and marital status, political or religious preferences;

б) rudeness, manifestations of disregard, arrogance, prejudged comments, charging with illegal, undeserved accusations;

в) threats, offending expressions or remarks, actions preventing normal communication or provoking illegal behavior;

г) smoking at the meetings, talks, discussions, other official communication with the clients.

Part 4. Relationships of the Legal Consultant with the clients

4.1. The Legal Consultant shall represent his/her client on the basis of a services contract (agreement) executed therewith.

4.2. The interrelations of the Legal Consultant with the client to whom he/she provides legal assistance shall be established on the basis of reliability (trust). Trust in the legal consultant shall be achieved by his/her professionalism, honesty, sincerity and openness of the client. The Legal Consultant may not give any guarantees or assurances in the successful result and give hopes to the client referring to his/her experience or good relations with the officials of a judicial body, a governmental authority and an organization. The Legal Consultant may execute a contract (agreement) with the client's proxy or his/her legal representative.

4.3. The Legal Consultant shall establish a reasonable fee by agreement with the client; its amount shall be substantiated and fair.

4.4. The Legal Consultant shall not misuse the contract (agreement) based on the hourly rates, using time-consuming procedures if there exists a less time-consuming alternative.

Part 5. Relationships of the Legal Consultants with court and other participants of the civil process

5.1. Participating in the civil legal proceedings and objecting to the actions of the prosecutor presiding over legal proceedings in the procedure established by the law, and the participants of the proceedings from the other side, the Legal Consultant shall display moderation and delicacy.

5.2. Participating in the legal proceedings, conciliation procedures the Legal Consultant shall not ask questions insulting dignity and honor of other persons – participants of the proceedings and shall treat them with respect.

5.3. The Legal Consultant shall not allow adjourning the proceedings, failure to appear in court, systematic late arrival without reason, with prior notice to the court thereof.

5.4. The Legal Consultant shall respectfully treat fellow-professional, support healthy moral and psychological climate in the Chamber.

5.5. The Legal Consultant when executing a contract (agreement) with the client whose interests are represented by another consultant shall inform him/her of his/her joining the process.

5.6. The Legal Consultant in the civil case may not communicate with the other side without involvement of a legal consultant representing the interests of the other side if the other side has a legal consultant (attorney at law).

5.7. The appearance of the Legal Consultant in the performance of his activity depending upon the conditions and format of the official event shall ensure respectful attitude of the citizens to the Chamber, conform to the generally accepted business style characterized by formality, self-restraint, conservatism, accuracy. Female Legal Consultants are recommended to be modest and be reasonable in using cosmetics and wearing jewelry. Each Legal Consultant when visiting governmental authorities, courts etc., shall wear attributes approved by the Management Board of the Chamber.

5.8. In legal proceedings the Legal Consultant shall act in good faith using his/her procedural rights and obligations for all-round and full clarification of all facts in the case by the court and issuance a legal judgment. The Legal Consultant shall not give public assessment in mass media of the circumstances judgment and assessment of the court judgment which did not come into effect. The effective court judgment can be commented by the Legal Consultant but only in the way that they are not considered by the community as discrediting the judicial power.

5.9. If subject to the existing judicial rules the Legal Consultant is allowed to enter the court building without personal search and use smartphones, pads and computers for retrieving regulatory acts and materials of the case, taking photos of legal documents in the case, the Legal Documents shall not take photos and videos in the courtroom using such devices without the court's permission.

Part 6. Professional cooperation

6.1. Legal Consultants maintain bona fide competition in the sphere of the provision of services seeking gradual improvement of the quality of services provided.

6.2. The corporate spirit of legal profession requires establishing trust-based relations and cooperation between Legal Consultants in the interests of the clients and for the purposes of avoiding judicial disputes and other proceedings which may damage the image of legal profession.

6.3. The Legal Consultant in case of the client's proposal to provide legal assistance thereto together with other legal consultants shall verify the consent of the latter. In case of objection of the latter to a joint activity, the Legal Consultant shall explain to the client his right to select a legal consultant of these legal consultants and other legal consultants.

6.4. The Legal Consultant shall have the right to apply to the Chamber for explanations regarding his/her actions in a complicated ethic situation.

Part 7. Final Provisions

7.1. This Code shall be binding on the Legal Consultants.

7.2. Individuals joining the Chamber should be familiarized with this Code and shall strictly abide by it in practice.

7.3. Compliance with this Code by the Legal Consultants is guaranteed by a combination of organizational and corporate measures consistent with the law of the Republic of Kazakhstan "On Advocacy and Legal Assistance" and this Code.

7.4. The Code of Professional Ethics is designed to help the Legal Consultant perform his/her professional obligations with dignity, honestly, competently, efficiently and independently from any influence.

7.5. Relations unregulated by this Code shall be based on honesty, decency, other moral and ethical aspects and the existing practice of regulating similar relations.

7.6. Failure of the Legal Consultant to comply with the provisions of this Code of Professional Ethics of Legal Consultants shall invoke disciplinary liability including exclusion from the Chamber.

7.7. The Code of Professional Ethics of Legal Consultants shall become effective on the day of its approval by the General Meeting of the members of the Chamber "Kazakhstan Bar Association".

7.8. Compliance with the Code shall facilitate professional, competent and honest provision of legal services by the Legal Consultants and improve the status of the legal professions in general. In the cases where the issues of professional ethics are not regulated by the Code and the Charter of the Chamber, Legal Consultants shall comply with practices and traditions existing in the legal profession which are consistent with the applicable legislation, general principles of ethics and morals.



