



Approved
by the decision of the General Meeting
of the Chamber of Legal Consultants
"Kazakhstan Bar Association"
Of February 29, 2024

CODE OF PROFESSIONAL ETHICS

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This Code of Professional Ethics of legal consultants (hereinafter **the Code**), regulates duly and ethical performance by the members of the Chamber of (as defined below) of their mission, specifically provision of Legal Assistance (as defined below) in the exercise by the Clients (as defined below) of their rights and protection of their rights and legal interests. In case of non-compliance by a member of the Chamber with the Rules of Professional Conduct and performance of professional activity in violation of rules obligatory for observance as stipulated in this Code, he/she may be subject to disciplinary liability in the procedure stipulated by the RoK Law dated July 5, 2018 No. 176-VI "On Advocacy and Legal Assistance", the Charter, standards and rules of the Chamber.

The Code determines the fundamental principles subject to compliance by Legal Consultants in the provision by them of Legal Assistance. No provision of the Code exempts the member of the Chamber in the provision by him/her of Legal Assistance from compliance with the requirements of the applicable legislation.

The Chamber obliges all of its members to provide Legal Assistance under the legislation of the Republic of Kazakhstan, the Charter of the Chamber, the Code of Professional Ethics, standards and rules for provision of Legal Assistance in strict compliance with the criteria of quality of Legal Assistance.

TERMS AND DEFINITIONS

KazBar and/or **Chamber** – the Chamber of Legal Consultants Kazakhstan Bar Association

Client – an individual or a legal entity with whom a legal assistance agreement was executed

Legal Consultant – an individual having higher education, work experience in legal specialty at least two years, who past qualification and is a member of the Chamber, and provides Legal Assistance.

Legal Firm – a legal entity established and registered for organization and provision of Legal Assistance, uniting Legal Consultants as employees on the basis of employment agreement with such legal entity.

Legal Assistance – activity directed at the exercise by each citizen of the right to receive qualified legal assistance stipulated by the Constitution of the Republic of Kazakhstan including the use of legal knowledge and skills.

1. PRINCIPLES OF PROFESSIONAL ETHICS OF A LEGAL CONSULTANT

[1] A Legal Consultant in the provision of Legal Assistance acts in the interests of his/her clients and provides to them different types of Legal Assistance, including as an adviser, a court representative, a negotiator, an expert, an independent mediator etc. Apart from Legal Assistance, the Legal Consultant may participate in social life using his/her professional knowledge, reputation and experience to improve the legislation, to cultivate legal education, to ensure access to legal protection, to explain legal issues, to optimize law enforcement process, to develop legal profession and science and to enhance its reputation etc.

[2] A Legal Consultant in the provision of Legal Assistance or participation in social life represents KazBar, and in this connection shall act with prudence, competence and due diligence, comply with professional and ethical rules as a member of KazBar as well as basic principles of provision Legal Assistance described below and, in the Charter, the rules and standards of the Chamber.

[3] Principle of the Rule of Law

In his/her professional activity a Legal Consultant, acting in the interests of his/her Clients, shall be guided by the principle of the rule of law according to which can be above the law; all individuals are equal before the law, and nobody can be punished otherwise than in the procedure established by the law.

A Legal Consultant shall understand his/her mission of serving the right and law, facilitate the assertion and practical implementation of the principles of the rule of law and strict observance of lawfulness.

Ensuring protection of the interests of a Client, a Legal Consultant shall not and may not willfully assist in illegal actions committed by a Client and encourage or cover up such illegal actions of a Client.

[4] Principle of Independence of a Legal Consultant

In his/her professional activity a Legal Consultant is independent and shall abide by the law, this Code and the rules and standards of the Chamber.

A Legal Consultant may not allow the existence of undisclosed and non-consensual conflict of interest and shall restrain from willful, material and other impact on the part of governmental authorities, court and other persons. A Legal Consultant shall be guided by the principle of subjective independence in making his/her decisions on the basis of moral certainty implemented through the rules of ethical conduct.

Each Legal Consultant is personally liable for the quality of Legal Assistance.

A Legal Consultant is independent in the choice of methods of assessment of a legal situation, means and strategy of provision of Legal Assistance necessary, in his/her professional view, and offered by him/her to the Client.

A Legal Consultant shall promptly inform the Client of all and any circumstances in which he/she will not be able to act (continue to act) in the best interests of the Client and makes all efforts to protect the rights of the Client and his/her rights in the best interests of the Client and, if such opportunity is available, to remove such circumstances.

A Legal Consultant shall undertake all necessary measures to prevent illegal interference of third parties in the provision of Legal Assistance to the Client.

[5] Principles of respect and protection of the rights and freedoms of a Client and provision of Legal Assistance in the interests of the Client. Principle of freedom of definition of limits and measures of provision of Legal Assistance

Prior to the provision of Legal Assistance to the Client, a Legal Consultant shall make sure of the absence of the conflict of interest and availability of an opportunity to comply with the principle of independence with respect to the Client and shall be guided in the provision of Legal Assistance by the interests of the Client. A Legal Consultant shall prioritize the interest of the Client to the interests of the Legal Consultant, governmental authorities and other individuals.

A Legal Consultant shall provide to a potential Client who applied to him/her for Legal Assistance, by his/her request, all necessary information to choose a Legal Consultant, and may at his/her discretion accept instructions by the Client.

A Legal Consultant shall propose to the Client such legal position and/or strategy, which in his opinion, to the most extent meet the interests of the latter, provided the principle of the rule of law and other principles of provision of legal assistance stipulated by the legislation of the Republic of Kazakhstan and the Charter, this Code, the rules and standards of the Chamber are complied with. The right of final choice of legal position and legal strategy, methods and means of achieving the purpose of an instruction remains with the Client.

A Legal Consultant shall be based on the best interests of the Client and shall not disclose confidential information to third parties, if not otherwise stipulated by the legislation of the Republic of Kazakhstan or legal assistance agreements with the Client.

Existence in the Client's actions of the elements of violation incompatible with the moral principles of a Legal Consultant is the basis to refuse the provision of Legal Assistance in the procedure stipulated by the legislation of Kazakhstan or a legal assistance agreement with the Client.

[6] Principle of keeping professional secret confidential – Principle of confidentiality

Professional secret means information obtained in a confidential manner, including Client's information and the information obtained in the performance of the Client's instruction, information on technologies, innovations, specifics of the activity, principles and methods of work with Clients and/or of the Client, commercial secret, information and data able to affect the interests of national security and individuals, commercial interests of the Law Firm, involved individuals, protected or not, and having value by virtue of non-public nature.

Professional secret may have the status of state, military, commercial, official, confidential information etc., subject to different degrees of liability. The rules of ethical conduct in managing professional secret, the violation of which may cause liability of a Legal Consultant shall be established by the Rules of Professional Conduct of the Chamber.

A Legal Consultant shall maintain confidentiality even after the expiration of the term of the agreement with the Client and shall not disclose confidential information, except for the cases expressly provided for by the legislation of Kazakhstan and a Legal Service Agreement with the Client.

[7] Principle of compliance with the rules of professional and ethical conduct. Principle of compliance with the standards of provision of Legal Assistance

A Legal Consultant is strictly prohibited to use in the performance of instruction any legal or immoral means, such as submission to the court of knowingly inadequate information, inducement of the Client or other participants of the process to provide to the court knowingly false information, to put unduly pressure on the counterpart, third parties, consultants and experts, and the judge.

A Legal Consultant in his/her activity complies with the standards and principles of provision of Legal Assistance specified in the Rules of professional conduct of legal consultants and other internal documents of the Chamber.

[8] Principle of respect for court, litigation rules and colleagues in the profession

A Legal Consultant pays respect for court both at and out of the court hearings; both with regard to a specific judge and the entire judicial institute.

A Legal Consultant shall have respect for court and persons participating in the case, monitor the observance of law with respect to the Client and undertake all required actions and measures which facilitate the best protection of the Client's interests.

A Legal Consultant shall have respect for his/her opponents in the course of judicial pleadings. The arguments of the Legal Consultant shall be based on the analysis of case materials and shall not be focused on the diminution of honor and dignity of any participant of the legal process or a third party.

A Legal Consultant shall object to actions (omission) of judges and persons participating in the process which restrict the right to protection and prejudice the rights of the party to the process in a polite manner in accordance with the requirements of the applicable legislation.

A Legal Consultant is not recommended to give public assessment in mass media of the activity of the court and/or participants of the process, as well as assessment of the court verdict passed but not made effective, because there is no possibility to verify the conclusions of the Legal Consultant based on the unpublished verdicts. A Legal Consultant may comment the effective court verdicts, however in such a manner that such comments would not prejudice anybody's rights or legal interests.

A Legal Consultant shall have respect for other members of the Chamber, to maintain moral and psychological climate in any events arranged by the Chamber, provide as required consulting assistance to the Chamber's body. Legal Consultants are recommended to be attentive to the work of beginning Legal Consultants, helping them with their knowledge and experience.

A Legal Consultant shall not allow and shall refrain from using words and expressions prejudicing honor and business reputation of another Legal Consultant, assessment and criticism of actions and consultations of another Legal Consultant, discussion of justification of the amount of salary charged by other Legal Consultants and/or their employers when drafting documents, in the talks with individuals applying for Legal Assistance, in posts and comments in social networks.

A Legal Consultant shall not spread deliberate misrepresentations of another Legal Consultant or the Chamber.

[9] Principle of availability of Legal Assistance

A Legal Consultant insofar as possible and subject to appropriate qualification, resources and experience is striving to provide Legal Assistance to all Clients who apply to his/her, if it is not prevented by the conflict of interest, self-interest and other similar circumstances. Insolvent and vulnerable social classes may be provided Legal Assistance in the procedure of complex social legal assistance (CSLA) and pro bono.

[10] The appearance and behavior of a Legal Consultant to the extent of conditions and format of an event shall facilitate respectful attitude of any individuals to the Chamber and correspond to generally accepted business style.

2. ANTI-CORRUPTION RULES

[1] A Legal Consultant is prohibited to carry out, facilitate or recommend actions at any time and in any form with respect to government officials at the international, national and local levels, political parties, party leaders and candidates to the governmental positions, as well as

directors, officers and employees of other entities regardless of whether these actions are carried out directly or indirectly, including third parties in his/her own interests and in the interests of third parties, including clients and close relatives of such interested parties.

- **Bribery** - proposal, promise, transfer, authorization or receipt of any improper gain of financial or other nature for the benefit of or form of the above individuals or other individuals for the purpose of retaining unfair preference of commercial or any other nature, e.g. in connection with the execution of agreements of supply for state and private needs, obtaining permissions from regulatory authorities, taxation, customs clearance, litigation or legal process.

Bribery often includes:

- transfer a part of payments under the agreement to governmental officials, party leaders or employees of the third party, their close relatives, friends or business partners, or
 - use of mediators such as agents, subcontractors, consultants and other third parties to transfer payments to governmental officials, party leaders or employees of the third party, their close relatives, friends or business partners.
- **Bribe solicitation or inducement** – bribe request both related and unrelated to the threats in case of refusal. A Legal Consultant shall resist any attempts of bribe solicitation and inducement. A Legal Consultant is strongly recommended to inform of such attempts by the existing official and unofficial channels.
 - **Trading in influence** – proposal or corrupt inducement to real or presumable influence upon a governmental official in order to obtain unfair preference for the benefit of a primary initiator of these actions or any other third person.
 - **Laundering of income from corrupt practices**, specified above – withholding or concealment of a criminal source, location, method of disposal, transfer or ownership of property, if it is known that such property is corrupt income.

3. CONFIRMATION OF GOOD FAITH

[1] All members of the Chamber shall be deemed to be bona fide Legal Consultants and in the absence of reproofs or representations, the Executive Body of the Chamber may issue a respective document “Good Standing Ethics Certificate”.