

# **MODEL CODE OF ETHICS OF THE LEGAL CLINIC<sup>1</sup>**

We, the students and teachers of the legal clinic, guided by generally accepted moral standards, recognizing our duty to protect the rights and freedoms of human and a citizen and the need to improve our professional level, adopt the Code of Ethics of the legal clinic.

## **Section 1. General Provisions**

**Article 1.** This Code is intended to regulate the ethical principles of organizational activities of students, teachers, practitioners (hereinafter referred to as the participants of the legal clinic) while performing the tasks of the legal clinic.

**Article 2.** The activities of the legal clinic shall be based on the following principles:

- 1) legality - in their activities the participants of the legal clinic shall act in full compliance with the current legislation;
- 2) humanism - the activities of the participants of legal clinics should be based on the principles of respect, kindness, understanding of the client's problems and mutual understanding;
- 3) independence - when fulfilling the client's instructions, consultants and other employees of legal clinics should be guided only by the law, instructions of the LC director and supervisors of the legal clinic, as well as their own idea of the best way to resolve the case;
- 4) confidentiality - information received by the consultant from the client, as well as about the client (including his/her identity) or other persons in the process of providing legal aid may be used only for educational purposes;
- 5) priority of the client's interests - in their activities, the participants of the legal clinic shall be guided by the priority of the client's interests over their own interests, interests of other persons;
- 6) full informing of the client about the rules of the legal clinic - the members of the legal clinic, when receiving an assignment from the client (client's order), shall fully and in a form accessible to the client inform him or her about the rules of the legal clinic, the client shall have the opportunity to familiarize himself or herself with such rules;
- 7) competence and professionalism - a consultant and other employees of the legal clinic shall provide legal aid competently and in good faith, with knowledge of the relevant rules of law, considering all circumstances relating to the fulfillment of the client's order and the possible consequences of such client's assignment fulfillment;
- 8) inadmissibility of representation of clients with conflicting interests - the clinic is not allowed to handle cases of clients whose interests are mutually contradictory or are

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<sup>1</sup> Unofficial translation conducted by Board Member of the Association of Legal Clinics of Ukraine Mariia Tsypiashchuk on November 11, 2023.

likely to become so, as well as cases in which the client's opponent is a higher education institution or faculty at which the clinic operates, or a non-governmental organization - the founder of the legal clinic;

9) free of charge - the participants of the legal clinic may not receive any material benefit for providing legal aid;

10) honesty and integrity - the consultant and other employees of the legal clinic must be honest and decent in their work and private life. It is not allowed to use the circumstances of the case and (or) information received from the client in connection with the execution of the client's order in their own interests or in the interests of other persons other than the client.

## **Section 2. Relationship between the participants of the legal clinic and clients**

**Article 3.** The participants of the legal clinic shall have the right to:

1) request payment of funds necessary to cover the actual expenses related to the performance of the client's order (transportation to the place of case hearing, sending correspondence, etc.)

2) contrary to the client's order, refuse to refer to the actual circumstances of the case and submit evidence in respect of which they have reasonable doubts as to its veracity;

3) to refuse to receive (perform) the client's order if the result desired by the client or the means of achieving it, on which the client insists, are against law.

4) refuse to provide legal aid if:

- the client is able to apply for the provision of paid legal aid;

- the client already has a representative;

- the participants of the legal clinic are not able to develop a reasonable legal position to solve the client's problem;

- the client fails to fulfill his or her obligations under the legal aid agreement, or is rude or behaves rudely or tactlessly with the participants of the legal clinic;

- the client is in a state of alcohol or drug intoxication, or has a disease that endangers the health of the legal clinic participants.

**Article 4.** The participants of the legal clinic shall be obliged to:

1) both in their activities and in their personal lives, to ensure a high level of behavioral culture, to behave with dignity, restraint, tact, maintain self-control and patience, and to have a decent appearance while carrying out their activities;

2) to be honest and decent, not to resort to deception, threats, blackmail, bribery, use of difficult material or personal circumstances of other persons to achieve their own goals;

3) respect the rights, legitimate interests, honor, dignity, reputation and feelings of persons with whom they communicate;

4) protect the interests of the client with courage and honesty;

5) explain to the client that legal aid is provided by students under the supervision of law faculty members and/or practitioners.

- 5) provide legal aid competently and in good faith. Constantly work on improving their knowledge and professional skills, have sufficient information about changes in the current legislation;
- 6) not to compromise in their activities so that it diminishes their independence in order to please the client, court, other state authorities, third parties, if such compromises are at variance with the legitimate interests of the client, impede the proper provision of legal aid and contradict the requirements of this Code;
- 7) not to disclose the essence of client's case, as well as the decision made upon consideration of the client's order, except in cases of voluntary consent of the client to use the case file without specifying his/her identity for educational purposes;
- 8) not to leave unresponded (ignore) violations of the law, tactless and disrespectful attitude of the court and other participants of the proceedings to his/her client, himself/herself or the clinic as a whole, and shall respond to the relevant actions in the forms provided for by the current legislation;
- 9) to inform the client about the progress of the case with reasonable regularity and timely respond to the client's requests about the status of his/her case;
- 10) in case of misunderstandings or conflicts with the client, return to the supervisor with a justified refusal to conduct the case.
- 11) to refuse to provide legal aid if there are grounds for doing so.

**Article 5.** The participants of the legal clinic shall not:

- 1) give advice to the client that facilitates the commission of offenses by him or other persons;
- 2) in any way mislead the client: regarding the real state of affairs, complexity of the case, time required for the resolution of the case, all possible results of the case and potential costs for the client, as well as other circumstances, ignorance of which may have negative consequences for the client;
- 3) to represent two or more clients whose interests are mutually contradictory or are likely to become contradictory;
- 4) accept client's order if, due to the volume of workload, they cannot ensure reasonably necessary diligence, perfection, thoroughness of preparation and efficiency;
- 5) provide the client with assurances and guarantees regarding the actual result of the assignment, directly or indirectly contribute to the formation of unreasonable expectations unreasonable expectations, as well as the idea that the consultant can influence the result by means other than performance of their duties in good faith.

**Section 3. Relations between the participants of the legal clinic**

**Article 6.** Relations between the participants of the legal clinic shall be based on respect, trust, cooperation and mutual assistance.

**Article 7.** The participant of the legal clinic (student) shall not be entitled to provide the client with advice, draft a legal document, or represent him/her without prior approval of the supervisor.

**Article 8.** A participant of the legal clinic shall not discuss with other participants the circumstances relating to the personal life of clients, their financial status, origin, nationality and other circumstances that are not to the essence of the case (client's order).

**Article 9.** A participant of the legal clinic (student) may not criticize the level of knowledge and qualifications of another participant of the legal clinic.

Compliance by the participants of the legal clinic with the requirements of this Code shall contribute to the dignified, competent, and effective performance of their duties, enhance the prestige of the legal clinic and their professionalism.