

## **Code of ethics of European lawyers co-operation**

### **Preamble**

The founders' meeting of the European lawyers co-operation (afterwards: EAK) adopted the following code of ethics. All members committed themselves voluntarily not only to observe the regulations but also to act in conformity with the spirit of this code of ethics.

The code of ethics regulates the conduct of the EAK members among themselves, the conduct of the EAK members with their clients and the members conduct in relation to other attorneys or associations. The code of ethics is to contribute to a consistent presentation of the the EAK members in public and due to their unified picture are regarded in the public as an organization. To strengthen the good reputation of the EAK, the EAK members are obliged to act in an ethical and moral way and in accordance to professional statutes.

**Article 1:** All EAK members respect the liberal democratic constitutional structure and human rights. No EAK member may deny someone because of his or her gender, descent, colour of skin, language, homeland and origin, faith or due to an illness or a handicap the same professional services.

**Article 2:** All EAK members must be familiar with the relevant laws, guidelines, regulations, with the professional ethics and the customs and ways, which concern the practice of the legal profession in its municipality, city, district or country. They have to keep themselves informed about all important affairs and developments concerning these matters.

**Article 3:** A priority of each EAK member is the protection of the interests of its clients and of the EAK. If both the disputing parties should be represented by an EAK member, the members are obliged to be both loyal towards their own client and also to behave appropriately towards the other EAK member. As soon as an EAK member recognizes this situation, it has to inform both the client and the EAK member accordingly.

**Article 4:** No EAK member should seek to obtain unfair advantage over another within the legal profession. No EAK member is to strive for a case or client with which another lawyer is currently entrusted. This does not prevent a EAK member to secure for themselves future cases or clients. To estrange a client within the EAK however must not be done.

**Article 5:** All EAK members should proceed to court with cases only if they were absolutely necessary. Cases offering no prospects of success should not proceed to court for the protection of the good reputation of the EAK even if the client insists on it.

**Article 6:** All cases and clients are to be handled in a timely manner. With correspondence cases the detailed writs are to be passed on within forty-eight hours in case of urgent decisions immediately by fax. On request the receipt is to be confirmed immediately by fax, in order to confirm receipt. This is also valid for the submission of writs. After a court hearing the local resident EAK member will submit a detailed report within 24 hrs by fax.

**Article 7:** Where cases and clients have been handled association with other EAK members, the fees for the case are to be claimed by the EAK member initially assigned to the case. This member will settle accounts afterwards with the other EAK members. With correspondence-only mandates the local resident EAK member receives 40% of the fees for its activities. With amounts in dispute less than € 5.000,-- the EAK members are free to negotiate the ratio themselves. But the local resident EAK member may never claim a higher ratio than 70% of the fees for his activity. The fee agreement is to be valid concerning all reimbursable fees. That is, the correspondence fee should be included only if it is refunded to the lawyer working on the case. In case of amounts of litigation of

€ 20.000, 00 and more the EAK members are free to determine the ratio. This addition comes into force starting from 01.01.1998.

**Article 8:** All EAK members regard the quality improvement of the offered service as their foremost task and responsibility. Through constant improvement of the infrastructure of the attached offices/firms and the training and further education of all employees of the offices the EAK is to earn itself the reputation of a modern and innovative legal organization. The EAK members are therefore obliged to continuously support each other and co-operate, as well as exchange knowledge and experience.

**Article 9:** All EAK members should always seek to promote the EAK and its reputation. This includes appearance and a unified presentation. It is left to the discretion of the EAK members whether they want to refer to their membership in the EAK on letterheads, leaflets, adverts etc. in general or beyond that state the correspondence addresses of any individual or all EAK members. In order to guarantee a unified picture, an affiliation to the EAK is to be emphasize when stating correspondence addresses.

**Article 10:** The EAK members should transfer all correspondence cases and clients to that EAK member, in whose assigned district the jurisdiction of the court falls. This is valid for national as well as international districts. If a district is newly assigned, then the EAK members will be informed about it in the current membership list. The EAK members forgo membership in other correspondence communities to avoid a clash of interests and to ensure the success of the EAK.

**Article 11:** All EAK members are obliged to give accurate and complete information concerning themselves and the EAK in any advertising, public statements or appearances. The public must not be deceived or misled, EAK members must oppose confusion or misunderstanding and contribute to their clarification.

**Article 12:** All EAK members are committed during the pursuit of their profession to avoid arguments with others working in the administration of justice. Disputes between EAK members are to be settled within the organization. A leaking of information is to be avoided.

**Article 13:** An EAK member must inform their client beforehand when advising them to turn to a company, a society or an organization with which the member is directly or indirectly involved.

**Article 14:** EAK members must ensure that they always fulfill their professional and financial obligations punctually. If it is foreseen that an EAK member may have to make an affidavit over its financial circumstances and/or that bankruptcy proceedings may be instituted, then the member must immediately omit any reference to its membership in the EAK. Beyond this the Executive Committee of the EAK is to be informed. The committee will treat this information confidentially and try to support the EAK member in the best possible way. The remaining EAK members are to be informed only if a special interest is determined.

**Article 15:** In all other respects any other professional rules apply. In case of offenses against this code of ethics the EAK decides in an appropriate and fair manner, which measures are to be taken. The member concerned is to be heard, but remains excluded from the decision. Gross violations against the code of ethics can lead to the immediate exclusion of the member from the EAK.

The signer hereby commits itself to maintain the above code.

EAK member

Name:

Date: