

# **Code of Ethics for Attorney-at-law**

## **PREAMBLE**

- 1. An attorney-at-law is entrusted with mission to advocate fundamental human rights and realize social justice.**
- 2. An attorney-at-law diligently and fairly carries out his/her duties and maintains honor and dignity.**
- 3. An attorney-at-law serves the country and society by devoting himself/herself to making the law part of everyday life.**
- 4. An attorney-at-law contributes to enhancement of legal culture by demonstrating courage, foresight and creativity.**
- 5. An attorney-at-law works hard to strengthen democratic order and fights injustice and corruption.**
- 6. An attorney-at-law respects friendship and trust and shows spirit of cooperation and mutual benefit.**
- 7. An attorney-at-law contributes to world peace by facilitating friendship among international lawyers.**

## **CHAPTER I GENERAL ETHICS**

### **Article 1 (Mission)**

- (1) An attorney-at-law("Attorney") shall protect and reinforce human rights and freedom, and endeavor to realize justice through the channel of law.
- (2) An Attorney shall serve public interest, and endeavor to achieve democratic improvement of laws & regulations as well as legal institution.

### **Article 2 (Basic Ethics)**

- (1) An Attorney shall perform his/her duties in a fair, faithful and independent manner.
- (2) An Attorney shall not distort the truth or make a false statement in the course of performing his/her duties.
- (3) An Attorney shall express mutual respect and have courtesy.

- (4) An Attorney, as a legal professional, shall seek indispensable knowledge and endeavor to enhance ethics as well as level of culture.

## **CHAPTER II ETHICS ON DUTY**

### **Article 3 (Compliance with Regulations, etc.)**

An Attorney shall comply with laws and regulations of Republic of Korea as well as any regulations, rules, provisions, resolutions, etc. established by the Korean Bar Association("KBA") and local bar association with which he/she is affiliated, and actively participate in composition and activities of the aforementioned associations.

### **Article 4 (Activities of Public Interest, etc.)**

- (1) An Attorney shall practice and participate in the activities for public interest.
- (2) In the event that an Attorney is appointed for duties for the sake of public interest such as duties of public defender, etc., he/she shall perform such duties in a fair and faithful manner, and shall not receive any unjustified fees from interested parties.

### **Article 5 (Duty to Maintain Dignity)**

An Attorney shall maintain his/her dignity, and shall not conduct any acts that may damage his/her reputation.

### **Article 6 (Prohibition of Concurrent Holding of Offices)**

- (1) An Attorney shall be prohibited from concurrently holding office of a paid public official : Provided, That the same shall not apply to cases where it is permitted by statutes or where an Attorney performs duties entrusted with by public institutions.
- (2) An Attorney shall not engage in, without permission of local bar association with which he/she is affiliated, any conducts such as running a commercial business or other business pursuing profit-making, becoming an employee of a person who runs such business, or becoming an executive partner, director or employee of a corporation pursuing profit-making.
- (3) The provisions of paragraphs (1) and (2) shall not apply to cases where an Attorney is in suspension of practice.

### **Article 7 (Prohibition of Establishment of Dual Offices)**

An Attorney shall not have two or more law offices under any pretext : Provided, That in cases where an additional office is set up in an adjacent place and an Attorney

remains there as prescribed by the KBA on unavoidable grounds such as insufficient office space, the additional office shall be considered as one office together with the primary law office.

#### **Article 8 (Office Staff)**

- (1) An Attorney shall not employ office staff member whose primary job is to solicit cases.
- (2) An Attorney shall not pay office staff in return for solicitation of cases.
- (3) In employing office staff, an Attorney shall not compete with other attorneys-at-law or conduct any acts that may breach good faith.
- (4) An Attorney shall direct and supervise office staff in order to have them work in a faithful manner complying with laws and regulations of Republic of Korea as well as any regulations, rules, provisions, resolutions, etc. established by the KBA and local bar association.

#### **Article 9 (Prohibition of Solicitation of Cases)**

- (1) An Attorney shall not accept cases through the person who engages in the brokerage of cases, take advantage of such person, or allow such person to use his/her name.
- (2) In no event shall an Attorney provide any commission fee, money and other valuables, or any other similar benefits in exchange for introduction or brokerage of cases.

#### **Article 10 (Prohibition of Slanderous Statement against Counterparty)**

- (1) An Attorney shall not entice or make a slanderous statement against a counterparty or its attorney-at-law.
- (2) An Attorney shall not intervene in cases he/she does not accept and refrain from rash criticism against such cases.

#### **Article 11 (Prohibition of Cooperation in Illegal Acts)**

- (1) An Attorney shall not collaborate in criminal acts or any other illegal acts committed by his/her client. In the event that an Attorney finds that his/her client's activities amount to criminal acts or other illegal acts, he/she shall promptly suspend the collaboration.
- (2) An Attorney shall not encourage suing or complaining if the merit of the criminal case is minimal.
- (3) An Attorney shall not abet his/her client in perjury or submission of false evidence, or conduct any acts that may bring about such doubt.

#### **Article 12 (Protection of Personal Information)**

An Attorney shall pay attention to protection of personal information in performing his/her duties.

## **CHAPTER III ETHICS FOR CLIENTS**

### **[General Provision]**

#### **Article 13 (Obligation of Good Faith)**

- (1) An Attorney shall, at any time, maintain good and sincere manner towards his/her client.
- (2) An Attorney shall do his/her best to attain his/her client's aim in a practically speedy manner within professional ethics in performing his/her duties.

#### **Article 14 (Prohibition of Financial Dealings)**

An Attorney shall not take advantage of his/her position in order to have financial dealings such as loan, guaranty or provision of security with his/her client.

#### **Article 15 (Prohibition of Withdrawal of Action without Consent, etc.)**

An Attorney shall not conduct any acts that lead to termination of legal proceedings, such as withdrawal of action, reconciliation or mediation without specific authorization from his/her client.

#### **Article 16 (Refusal of Cases, etc.)**

- (1) An Attorney shall not decline cases merely for the reason that either client or case is subject to public criticism.
- (2) An Attorney shall not decline cases merely for the reason that a client belongs to such groups as the old and weak, people with disabilities, people with little means, people with no one to rely on, foreigners, minorities, or other disadvantaged people.

#### **Article 17 (Public Defender, etc.)**

- (1) An Attorney who is appointed the public defender of a case by the government shall not initiate negotiations to convert the case into that of private attorney service.
- (2) In the event that the position of an Attorney is converted from public defender to private attorney at the request of his/her client, he/she shall submit additional power of attorney or letter of designation of counsel, etc.

## **Article 18 (Maintenance of Confidentiality, Protection of Rights and Interests of Client)**

- (1) An Attorney shall not divulge or take advantage of any confidential matter of his/her client that he/she has learned in the course of performing his/her duties.
- (2) An Attorney shall not disclose communication exchanged with his/her client, documents or other things acquired from his/her client in the course of performing his/her duties.
- (3) An Attorney shall not disclose documents, notes or other similar material written in the course of performing his/her duties.
- (4) In the application of the provisions of paragraphs (1) through (3), an Attorney is permitted to disclose or take advantage of aforementioned items to the minimum extent if required for seeking grave public interest or backing up his/her own rights, as well as if his/her client agrees to do so.

## **[Acceptance and Disposal of Cases]**

### **Article 19 (Relations with Potential Clients)**

- (1) An Attorney shall not contact potential clients in a manner contrary to his/her honor and dignity, or unjustly induce potential clients to file lawsuits.
- (2) An Attorney shall take special care not to have his/her office staff or a third party do the things mentioned in paragraph (1) for the purpose of soliciting cases.

### **Article 20 (Explanation, etc. at the Time of Acceptance of Cases)**

- (1) An Attorney shall provide necessary explanations including expected progress of a case, fees and expenses on the basis of information given by a client to ensure that a client can make a decision whether to entrust an Attorney with such case.
- (2) Regarding the case that is unlikely to produce such results that a client seeks, an Attorney shall not presume or affirm as if such results are likely to be produced.
- (3) In the event that an Attorney has a special relationship including family relationship with the counterparty or its attorney-at-law, he/she shall notify his/her client of such fact in advance.
- (4) An Attorney shall be prohibited from advertising, in order to accept cases, as if he/she can exercise influence on a case by making reference to his/her personal relationship, connections, etc. with public officials engaged in trial or investigative duties.

### **Article 21 (Prohibition of Acceptance of Cases)**

An Attorney shall not accept a case if the purpose of entrustment or the manner to deal with a case is grossly unjustified.

#### **Article 22 (Restriction on Acceptance of Cases)**

- (1) An Attorney shall not provide his/her services with respect to cases that fall under any of the following subparagraphs : Provided, That the same shall not apply to cases under subparagraph (c) where the client of formerly accepted case consents, cases under subparagraph (d) where the client consents, and cases under subparagraphs (e) and (f) where all the concerned clients consent and at the same time there are reasonable grounds to believe it does not undermine interests of all the concerned clients.
  - (a) The case that an Attorney dealt with in the capacity of public official, arbitrator or mediator, or participated in preparing notarial deed with regard to
  - (b) The case where the Attorney represents the counterparty
  - (c) The separate case offered by the counterparty of a case an Attorney is currently responsible for
  - (d) The case where the counterparty or its attorney-at-law has family relationship with an Attorney
  - (e) The case where two or more concurrent clients are in conflict of interests
  - (f) The case that is in conflict of interests with a case an Attorney is currently responsible for
- (2) After conclusion of a former case an Attorney was responsible for, he/she shall not accept a latter case of which the issues in dispute are the same as those of a former case, offered by the counterparty of a former case.
- (3) In the event that an Attorney failed to accept a case from potential counterparty after consultation, or similar situation took place, an Attorney shall not be prohibited from accepting such case from his/her client merely for the reason of consultation, as far as it is deemed that acceptance of such case does not undermine interest of potential counterparty.

#### **Article 23 (Submission of Power of Attorney through Appropriate Channel)**

- (1) In the event that an Attorney accepts a case, he/she shall submit power of attorney or letter of designation of counsel to the authority in charge. No Attorney shall, without submission of such documents, commence his/her pleadings in forms of phone, letter, visit or any other.
- (2) When an Attorney submits power of attorney or letter of designation of counsel to the authority in charge, such documents shall pass through local bar association with which he/she is affiliated in advance. Nevertheless, under urgent situation where it is hardly possible to have such documents pass through local bar association in advance, an Attorney shall go through such procedure without delay after urgent situation disappears.

#### **Article 24 (Grant and Receipt of Money, etc.)**

An Attorney shall make clear the grant and receipt of money such as deposit or security deposit and documents such as evidentiary documents, and take special care not to have any disputes arise therefrom.

#### **Article 25 (Participation of Other Attorneys)**

- (1) An Attorney shall not prevent his/her client from entrusting the case he/she is currently responsible for, to other attorneys-at-law.
- (2) In the event that the client intends to replace an Attorney with new one, an Attorney shall cooperate in a reasonable range for smooth transfer of duties.

#### **Article 26 (Joint Performance of Duties)**

- (1) In the event that an Attorney performs his/her duties jointly with other attorneys-at-law for the same client, he/she shall cooperate with other attorneys-at-law for the sake of his/her client.
- (2) In the event that an Attorney is of different opinion with other attorneys-at-law in jointly performing duties, which may have adverse consequences, he/she shall inform the client of such fact without delay.

#### **Article 27 (Conflict of Interests between Clients)**

In the event that conflict of interests between two or more clients an Attorney concurrently represents takes place after acceptance of a case, he/she shall inform the clients of such fact without delay, and look for appropriate measure.

#### **Article 28 (Consultation with Regard to Case)**

- (1) An Attorney shall inform his/her client of principal progress of a case, and deal with the issues through consultation with his/her client if necessary.
- (2) An Attorney may not follow instructions or requests of his/her client, which are deemed to be detrimental to dignity of an Attorney or to be against interest of his/her client, after explaining to his/her client the grounds thereof.

#### **Article 29 (Conclusion of Cases)**

After conclusion of a case an Attorney was responsible for, he/she shall inform his/her client of outcome promptly.

#### **Article 30 (Settlement of Dispute)**

In the event that a dispute between an Attorney and his/her client arises with regard to duties of an Attorney, he/she shall endeavor to settle such dispute through mediation at local bar association with which he/she is affiliated.

## **[Fees]**

### **Article 31 (Principle)**

- (1) An Attorney shall not seek grossly excessive fee arrangement in light of public and professional nature of his/her duties.
- (2) The fees payable to an Attorney shall be reasonably determined, considering overall circumstances such as degree of difficulty of a case, degree of effort and required time, proficiency and capability of an Attorney, acquired benefits of his/her client.

### **Article 32 (Agreement in Writing)**

In the event that an Attorney accepts a case, he/she shall make clear scope of a case, fees, method of payment thereof, extra expenses, etc., and make an agreement in writing if possible : Provided, That the same shall not apply to cases where an Attorney only provides legal consultation or prepares documents, or other reasonable grounds exist.

### **Article 33 (Additional Fees, etc.)**

- (1) An Attorney shall not request additional fees without any justifiable reasons.
- (2) An Attorney shall not convert court deposit, security deposit or any other escrow funds into fees except as expressly agreed upon in writing : Provided, That if he/she is a creditor of outstanding obligation, he/she may offset such obligation and court deposit, etc.
- (3) An Attorney shall not determine fees under the pretext of entertaining public officials in charge, and demand any money or other valuables with regard thereto.

### **Article 34 (Prohibition of Distribution of Fees)**

- (1) An Attorney shall not accept a case in form of joint business, or share fees with any person who is not attorney-at-law : Provided, That the same shall not apply to cases where it is prescribed otherwise by Foreign Legal Consultant Act.
- (2) An Attorney shall not become an assignee of any right in dispute, and make an arrangement of profit other than fees.

## **CHAPTER IV ETHICS FOR COURTS, INVESTIGATIVE AGENCIES, GOVERNMENT ORGANS, A THIRD PARTY, ETC.**



### **Article 35 (Respect for Judicial Power and Realization of Due Process)**

An Attorney shall pay respect to judicial power, and endeavor to realize fair trial and due process.

### **Article 36 (Duty of Truth in Legal Proceedings)**

- (1) An Attorney shall not, on purpose, make false arguments or submit false evidence.
- (2) An Attorney shall not instigate or induce a witness to make a false statement.

### **Article 37 (Facilitation of Proceedings)**

An Attorney shall observe due date in proceedings, and shall not conduct any acts for the purpose of unjustified delay.

### **Article 38 (Prohibition of Exercise of Influence)**

An Attorney shall not conduct any acts which directly or indirectly exercise influence on fulfillment of duties by courts or investigative agencies, etc. by way of taking advantage of personal relationship or former such status as judges, prosecutors, etc.

### **Article 39 (Prohibition of Entry for Purpose of Soliciting Cases)**

No Attorney shall enter any court, investigative agency, correctional institution or hospital, or have office staff enter such places for the purpose of soliciting cases.

### **Article 40 (Prohibition of Referral by Public Officials)**

An Attorney shall not accept a case that is introduced or referred by public officials engaged in trial or investigative duties.

### **Article 41 (Prohibition of Use of Confidential Matter)**

An Attorney shall not avail himself/herself of confidential matter that he/she has learned in the course of performing public duties.

### **Article 42 (Restriction on Acceptance of Cases During Concurrent Holding of Offices)**

An Attorney shall not accept a case that arises from affairs of government organ of which office he/she is holding, if it causes concern over fairness.

### **Article 43 (Prohibition of Receipt of Unjustified Profit)**

An Attorney shall not receive, promise to receive or demand profit from counterparty of a case he/she is or has been responsible for.

**Article 44 (Prohibition of Offer of Unjustified Profit)**

An Attorney shall not offer or promise to offer profit to counterparty of a case he/she is or has been responsible for.

**Article 45 (Prohibition of Direct Negotiation with Counterparty Represented by Other Attorneys)**

In the event that counterparty of a case an Attorney is responsible for has attorney-at-law or legal representative, he/she shall not directly contact or negotiate with such counterparty without reasonable grounds such as consent of attorney-at-law or legal representative of counterparty.

**Article 46 through Article 54**

Omitted.

**ADDENDUM(2017. 2. 27.)**

This Code of Ethics shall enter into force as of its promulgation date.