

Legal Professional Ethics Rules in Moldova

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Legal Sources of Advocates' Ethical Rules:

- 1) The Law "On Advocacy" as of July 19, 2002;
- 2) Criminal Procedural Code of Moldova as of March 14, 2003;
- 3) Civil Procedural Code of Moldova as of May 30, 2003;
- 4) The Code of Ethics for Advocates of the Bar of the Republic of Moldova, adopted by the Congress of Advocates on December 20, 2002.

The Law on Advocacy requires advocates to:

- apply all possible legal means to protect their clients' rights and interests (Article 46);
- avoid certain conflicts of interest, refrain from conceding their clients' guilt or otherwise acting against their clients' legitimate interests (Article 46);
- preserve clients' confidential information and documents (Article 47);
- refrain from providing legal assistance to a person whose interests contradict their clients' interests (Article 46);
- refrain from representing a client in cases that they have previously participated in as a judge, prosecutor, investigator, expert, translator, or witness (Article 46);
- refrain from participating in a case in which they are related to the lawyer on the other side of the case (Article 46)
- refrain from advertising their practices and capabilities (Article 52).

Ethical rules in the procedural codes:

- advocate (or any legal representative in a civil case) is prohibited from representing a defendant or a civil party if there are conflicts of interest (Criminal Procedural Code, Article 67; Civil Procedural Code, Article 78);
- advocates in criminal cases are also barred from acting against the interests of the defendant, including admitting the client's guilt without his/her permission, disclosing confidential information, or leaving the courtroom, except during an announced break (Criminal Procedural Code, Article 68);
- advocate may not refuse to defend a person without well-founded reasons, terminate representation on his/her own initiative, or assign responsibility for defending the case to another person (Criminal Procedural Code, Article 68).

Milestones of the Code of Ethics:

- independence;
- confidentiality;
- activities incompatible with the practice of law;
- personal advertising;
- obligations to clients;
- conflicts of interest;
- fee matters;
- relations with other advocates, investigators, courts, and public authorities;
- the preparation of young advocates.

By law, the Code of Ethics is mandatory for all advocates and violations constitute a basis for disciplinary responsibility (The Law “On Advocacy”, Articles 46,48).

The CCBE Code of Conduct was adopted by the Moldovan Bar on July 15, 2007. Simultaneously, the Code of Ethics was amended and aligned with the CCBE Code of Conduct.

Hence, the current edition of the Code of Ethics is very close to the CCBE Code of Conduct. Most provisions are designed in a very similar manner.

At the same time, the Moldovan Code of Ethics does not cover such a wide range of matters like the CCBE Code of Conduct does.

For instance, the Code of Ethics does not cover issues of

- (1) “Pactum de Quota Litis”;
- (2) client’s funds, and;
- (3) professional indemnity insurance.