

PROFESSIONAL ETHICS

SEMESTER- VIII (B.Com LL.B.)

DATE- 13.04.2020

SUBJECT- Professional Ethics, Accountability for Lawyers & Bar Bench Relation (Clinical Course)

TOPIC- Duties of an Advocate (Part 3)

Duties of an Advocate

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graph LR; A[Duties of an Advocate] --- B[Duty to Profession]; A --- C[Duty to render legal aid]; A --- D[Refusing to accept a case];
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Duty to
Profession

Duty to render
legal aid

Refusing to
accept a
case

DUTY TO PROFESSION

(Rule 36-40)

Every Advocate owes an obligation to uplift the profession to which he belongs. He must avoid, any conduct that may lead to lower the standards of the profession. He shall never forget that he belongs to the noble profession. Following are some of his important duties to the profession. These duties are incorporated with the intention of raising the standards of the profession.



1. An Advocate shall not speak ill of the profession. He should conduct himself in such a way to enhance respect, sympathy and good feeling between the members of the profession and strive to maintain the honour and dignity of the profession.

2. He shall not discuss in the newspapers any pending case or appeal.

3. He shall not in any way solicit cases by advertisement or otherwise.

4. He shall not act or plead in his professional capacity before any officer of the state not exercising judicial or quasi-judicial powers.



5. He shall not appoint intermediaries for procuring cases and divide the fees between them or pay commission to them for such work.

6. He shall not entertain or show any undue hospitality to any particular judge.

7. He shall not place himself in the situation which may be unbecoming of a member of the bar.

8. He shall not oppose the desire of his client for additional professional help or assistance from other lawyers also.



9. He must appear in robes in the court proceedings. He shall not wear robes or gown in public places except on ceremonial occasion.

10. He shall not act as a managing Director or a secretary of a company without the leave of the Bar Council.

11. He shall not work as a full time salaried employee.

12. He shall not do any other business. An advocate who inherits any family business may continue it, but he should not personally participate in the management of the business.

DUTY TO RENDER LEGAL AID

Justice is a great interest of man on earth and the lawyer is the high priest in the shrine of justice. The quality of justice, to a great extent, depends on the moral quality, integrity and fairness of the lawyers. To develop their moral qualities, the lawyers must actively participate in the legal and aid programs and give free legal services to the poor and the needy people. This is one of the important duty an Advocate owes to the society.



If a lawyer personally knows that his client is unable to pay because of poverty then he must represent the case without demanding any fees from him.

Similarly, when the court appoints a lawyer to defend an accused, it is his moral obligation to accept such order and discharge his duties towards the court and the accused by the best use of his knowledge and ability.

Lawyers shall co-operate and actively participate in joining hands with the local area legal services Authorities in organizing Lok Adalats and Legal Aid programs and conciliation proceedings.

REFUSING TO ACCEPT A CASE

An Advocate shall not refuse to accept a case, if the client asks to file or defend a case in a court or a tribunal where he normally practice. This is one of the important duty to the client. But in the following situations he can refuse to accept a case.

1. If he has reasons to believe that he may be called as witness in the case.
2. If he has already given the advise or prepared the pleadings for the opposite party.
3. If he is physically disabled from appearing.
4. When he may not be available to present the case in the court.
5. Where he confines his practice in some courts only.

THANK YOU !!