



The Redmont Bar Association Ethical Doctrine

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The Aim of the Doctrine:

The aim of the Redmont Bar Association Doctrine (the Doctrine) is to provide guidance to lawyers on appropriate and ethical behaviour. It is worth noting that with the passage of the Modern Legal Board Act that the only violations that can result in a disbarment from the Federal Court of Redmont are breaches of attorney-client privilege, filing an “excessive amount frivolous cases in a relatively short time frame” and “egregious” breaches of the “values and ethics of the Court room”.

The Lawyer’s Code of Professional Ethics (the Code) is a sum of adopted principles, which should serve as directions to lawyers during their work. These principles are in compliance with the general principles of professional ethics of the Bar adopted and developed before.

All lawyers are advised to follow this Code.

Note: Any text in quotation marks is taken from the [Modern Legal Board Act](#) unless otherwise noted.

The Lawyer's Code of Professional Ethics:

Primary Obligations:

1. Independence

Lawyers should be independent in executing their obligations and they should not let influence from third parties or personal interests prevent them from fulfilling their obligations to their clients or breaching their ethics. A lawyer is obliged to not allow any violation of their independence and not to violate their professional principles in order to please anyone, even their client.

2. Trust

A client must be able to trust their lawyer. This means to trust their lawyer to maintain attorney-client privilege, represent them as best they can, act ethically, etc. This can only be achieved if a lawyer has honor, integrity and a willingness to work for their client.

3. Attorney-Client Privilege

Attorney-client privilege means that a client must be able to trust that any information they provide to their lawyer will be kept secret unless they give permission for it to be disclosed. This permission must be "voluntary and written". "Attorney-client privilege shall exist as soon as a client engages in a formal discussion with a lawyer and/or his/her staff regarding a case, potential case, or other legal matter." Lawyers cannot be charged with conspiracy or as an accessory to a crime for keeping attorney-client privilege. A lawyer may only breach attorney-client privilege if their client is "directly involved with an instance of corruption" or "poses an imminent threat to the safety of others".

4. Client's Interest

The lawyer is required to act in the client's best interest and he should put that interest before any other.

5. Frivolous Court Cases

A lawyer should not file frivolous court cases since they distract the Court from more important issues and require the defendant to expend resources to defend them. Frivolous court cases are defined as a case with "no serious purpose or value" (taken from the [Saviour Act](#)). Filing frivolous court cases can result in fines, and if an "excessive" amount of cases are filed, disbarment.

Secondary Obligations:

The lawyer should not see the opposite party as an enemy but as an average adversary, who may be as confident in his right as the client he represents. Thus, the lawyer's relation to the opposite party should be concrete. Nevertheless, this should not affect the representation of their client. The lawyer should act energetically and without fear, but still lawfully and ethically. The lawyer should avoid any contact with the opposite party without knowledge of his client and the opposite party's representative.

The lawyer should inform his client about any friendly relations with the opposite party, before he agrees to represent the client in order to eliminate any suspicion regarding performance of the lawyer's duties.

During the execution of their functions, a lawyer is obliged to protect the reputation of the Court. A lawyer should be seen by the Court as a protector of the law and their client's rights and interests.

Malpractice is considered to be a serious breach of ethics. Malpractice is improper, illegal, or negligent behaviour. This includes blackmail and coercion. Blackmail is using the threat of revealing or publicizing either information (true or untrue) about a person or people unless certain demands are met and coercion is the use of force or threats to compel a person or people to take or refrain from a course of action. Negligence is a failure by a lawyer to properly represent their client, for example, failing to respond to the Court in time or not completed an opening or closing statement. This is especially egregious when they cause damage to their client or their reputation, or cause them to lose a case.

The friendly relations of a lawyer with a Magistrate, Judge or Justice should not be expressed during the execution of the lawyer's functions. It is especially unethical if the lawyer tries to misuse his relations with these persons to gain an unfair advantage in a case or to unfairly harm others.

A lawyer should not ignore, belittle or underestimate the work of the opposite party's lawyer, by word or otherwise.

