

CODE OF ETHICS
FOR
LAWYERS
OF
THE BAR ASSOCIATION
OF
THE KINGDOM OF CAMBODIA

[Unofficial Translation]
Original file by Bun & Associate
First Edition

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CHAPTER 1

GENERAL PROVISIONS

Article 1._ Purpose

The Code of Ethics for lawyers aims at protecting and strengthening the independence and freedom of the legal profession and guaranteeing the dignity of lawyers both within and beyond the practice of the legal profession in order to enhance public confidence.

Article 2._ Scope

The Code of Ethics applies to intern lawyers and lawyers having registered in the Register of the Bar Association of the Kingdom of Cambodia.

Article 3._ Fundamental Principles

In all circumstances, lawyers shall abide by their oath of allegiance and shall conform to the principle of conscience, humanity, and dignity of the profession.

Lawyers shall not engage in any activities contradictory to laws, professional rules, and their conscience.

Article 4._ Mission

Lawyers have the mission to establish the rule of law, strengthen social justice, and protect human rights.

Article 5._ Freedom and Independence

Lawyers shall have freedom and independence in the practice of their profession.

Article 6._ Integrity and Honesty

Lawyers shall respect and abide by the principle of integrity and honesty.

Article 7._ Professional Confidentiality

Lawyers shall maintain absolute professional confidentiality. This confidentiality shall not be violated by anyone, even if he/she is a client.

There is no duty of confidentiality, when the lawyer has to respond to his/her client's complaint, provided that it is made only within the extent deemed necessary for his or her own defense.

It shall be considered as professional confidentiality all consultations, advice, unofficial documents which a lawyer produces for his/her client and paperwork sent between the lawyer and client.

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Article 8._ Membership Certificate of the Bar Association

A lawyer shall prove his/her profession with a certificate issued by the Bar Association.

This certificate shall be withdrawn by the Bar Association in case that the lawyer resigns or is prohibited from practicing for a specific period of time or is obliterated from the Register of the Bar Association.

Article 9._ Lawyer gown

Lawyers shall wear the lawyer gown for and during all hearings and jurisdictions unless the tradition requires otherwise.

Lawyers shall wear the professional gown for lawyers when attending official events or ceremonies of the Bar Association as required by the Bar Association.

CHAPTER 2

PROFESSIONAL DOMICILE AND CONSULATION LOCATION

Article 10._ Principal Office

A practicing member of the Bar Association of the Kingdom of Cambodia shall have the principal office or be a member of any law office in the Kingdom of Cambodia. The lawyer's principal office shall meet the following criteria:

- Name, sign, office address, and telephone;
- Fax, mailbox, website and picture of the office (if any);
- List of lawyers engaged with the office (if any);
- Site map and layout of the office;
- Logo, if any, which shall be approved by the Bar Association;
- Other relevant documents as required by the Bar Association.

The office of the legal profession shall be located separately from the commercial office to guarantee the compliance with the principles of dignity and independence as well as maintain professional confidentiality.

A member of the Bar Association of the Kingdom of Cambodia who practices the legal profession in any entity or institution without the principal offices or who is not a member of any law office shall provide a specific address for any contact with the Bar Association.

Article 11._ Secondary Office

A secondary office is an office separated from the principal office and shall be located outside the administrative boundary of the municipality/provinces in which the principal office is located.

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A lawyer who wants to set up a secondary office in the Kingdom of Cambodia shall fulfill the criteria as stipulated in article 10 above and shall have at least one fully qualified lawyer in charge.

The setup of the secondary office shall be approved by the Bar Council. Only one secondary office can be set up within the administrative boundary of each municipality/province.

A lawyer who wants to set up a secondary office in a foreign country shall inform the Bar Association of the Kingdom of Cambodia and shall fulfill all requirements of the bar association of that foreign country.

In order to guarantee the confidentiality and the dignity of the legal profession, the Bar Association may inspect any principal offices and secondary offices during working hours with a prior notice of at least seven (7) working days to any such offices that need to be inspected.

Article 12._ Secondary Office of Foreign Lawyers

A foreign lawyer could set up secondary offices in the Kingdom of Cambodia provided that the foreign lawyer fulfills the criteria stipulated in the Law on the Bar.

A foreign lawyer whom the Bar Association of the Kingdom of Cambodia has permitted to practice the legal profession shall abide by laws and rules governing the legal profession in the Kingdom of Cambodia.

Article 13._ Places for Legal Consultation

A lawyer can provide legal consultation to a client in his/her principal office or his/her secondary office.

A lawyer can provide legal consultation in any other places that are appropriate and can guarantee the professional confidentiality.

CHAPTER 3

PUBLICITY

Article 14._ Publicity of the Legal Profession

The Bar Association shall be in charge of publicizing the legal profession as a whole.

Article 15._ Private Publicity of the Legal Profession

A lawyer shall not provide any falsified, misleading or deceptive information or self-laudatory claim about his/her services in order to attract clients.

A lawyer could publicize the services of his/her law office through written communication, email, as well as public media after receiving the approval from the Bar Council.

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Article 16._ Letterhead and Name Card of Lawyers

The letterhead of lawyers shall include the following information:

- Surname and given name of the lawyer or name of the law office;
- Logo, if any;
- Notation “Lawyer” or “Lawyer of the Bar Association of the Kingdom of Cambodia”;
- Address of the professional domicile, and address of the secondary office, if any, which has been duly set up according to the law;
- Postal code, telecommunication, and other forms of communication, if any.

A lawyers working in a collective office, which is not an association of any form, may be permitted to use the collective letterhead, provided that it does not cause any confusion of the organizational structure.

The name card of lawyers shall include the following information:

- Surname and given name or name of the law office;
- Logo, if any;
- Notation “Lawyer”
- Address of the professional domicile and address of the secondary office, if any, which has been duly established according to the law;
- Postal code, telecommunication, and other forms of communication, if any.

Article 17._ Intervention (statement) of Lawyers through Public Media

All interventions made publicly or through public media by lawyers in the capacity as lawyers may be permitted only within the framework of strict compliance with the duties of the legal profession. Such interventions require diligence.

CHAPTER 4

LAWYERS AND CLIENTS

Article 18._ Relationship between Lawyers and Clients

The relationship between a lawyer and a client is contractual, and it derives from customary practices and mutual agreement. The lawyer shall be the one who defends and represents the client.

The relationship between a lawyer and a client occurs when any person expresses his/her intention to seek legal services from the lawyer and when the lawyer agrees thereto.

Article 19._ Professional Confidentiality

All lawyers have the duty of confidentiality towards their clients in accordance with the Law on the Bar. Lawyers shall not disclose the confidential information of their clients unless with informed consent from clients or permitted or required by laws.

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Article 20._ Issues of Documents Drafted by Lawyers

A lawyer who solely drafts documents based on the mutual agreement of both parties may act to defend the execution of the documents when his/her responsibilities for the documents become the issues but he/she shall not act against any party to such documents.

The lawyer engaging in the drafting of the documents in the capacity as the counsel for a party may act to defend the execution of the documents against the other party.

The lawyer who drafts or engages in the preparation of the documents may not perform any duties or defend the validity or interpret the documents he/she had drafted, where his/her intervention puts him/her into a position as witnesses or affects the professional confidentiality. Such lawyer may not intervene when his/her responsibilities become the issue.

Article 21._ Documents Drafted by Multiple Lawyers

Each lawyer shall collect personal information and documents of his/her respective client. Each lawyer shall verify the accuracy and the authenticity of individual identities with reference, the documents provided by his/her client, and all the signatures the lawyer has requested parties to affix.

Unless otherwise agreed, the lawyer in charge of document drafting shall begin the work immediately and initiate any formalities necessary to establish its validity and effectiveness. The lawyer shall thereby handover to his/her lawyer colleague all paperwork that needs to be returned to the client of that lawyer colleague.

Each lawyer shall be accountable to his/her lawyer colleague for the efforts and the formalities being under his/her responsibilities and shall act for the collective interests but under the condition that he/she has already received the necessary fund.

Article 22._ Acceptance of Cases

A lawyer has the right to or not to assist a client unless the case has been assigned by the President of the Bar Association. A lawyer may accept a case from a client directly or through a third party.

If a lawyer agrees to accept the assignment, the lawyer shall complete that assignment with the greatest diligence until it is completed, unless the client stops engaging him/her service.

If a lawyer agrees to accept the case, the lawyer shall explain the client about the characteristic of the case, procedural options for resolution, lawyer fee, expenses, and other fees based on the information received from the client.

In order to complete his/her assignment and to respect the freedom of the client, the lawyer shall act as the owner of the defense.

A lawyer shall not guarantee a client any positive outcome of the case.

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Article 23._ Power of Attorney

In all cases, a lawyer shall acquire the power of attorney or the mandate, or engagement form from his/her client.

The contents of the above letters shall detail the rights and the duties the client has entrusted the lawyer according to the laws and the sample determined by the Bar Association.

Article 24._ Direct Communication with Clients

Communication with clients shall be direct and personal. A lawyer cannot receive a case through a third party if the lawyer has no freedom to make direct communication with the client of the case.

This provision shall not be applicable when a lawyer acts as a correspondent for another lawyer.

Article 25._ Conflict of Interest

A lawyer shall not accept the following cases:

- A case in which the lawyer or his/her law group has already assisted the opposing party by providing consultation or agreed to represent the opposing party;
- When the interest of a client conflicts with the interest of another client in the case that the lawyer or his/her law group is working on;
- When two clients are the disputing parties of the same case;
- When a client wants to engage the lawyer or his/her law group but the lawyer or the law group has provided services to the opposing party in the other case or the lawyer has agreed to continue providing legal consultation unless the last case that the lawyer or the law group engaged has already passed two (2) years.
- A case in which the lawyer or law group act as the arbitrator, mediator, or conciliator in the Alternative Dispute Resolution.

In case that the lawyer or his/her law group is the counsel or used to be the counsel for many clients, the lawyer can accept the case and protect the interest of a client, provided that he/she informs the other parties and receive the consent thereto and shall exert great diligence not to lose dignity, reputation, and confidentiality of the profession.

Article 26._ Detained Clients

A lawyer shall not provide means or tools prohibited by laws to his/her detained client.

Article 27._ Lawyer Fee

Lawyer fee is a subject matter of the mutual agreement between a lawyer and a client.

In general, the lawyer shall not share the service fee with other lawyers, except for the following cases: