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## THE PROFESSIONAL ETHICS OF LAWYERS: PRINCIPLES, PROPERTIES AND NORMS

**Abstract:** The article deals with professional ethics as a separate sphere of ethics. Its principles, norms, factors influencing its formation and features of private professional ethnic codes. It also separately shows the professional ethics of advocates, its content and significance, discloses the essence and relevance of advocate's ethics. Moreover, the main principles of advocate's practice and such concepts as honesty, fairness and integrity are reflected and disclosed.

**Key words:** Ethics, advocacy, legal science, principles, equality, competence.

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### Introduction

### UDC 340

In order to regulate relations between people in society, ethics has been created - a set of moral and ethical norms that apply to the actions of a person living among people. Without it, humanity will lose understanding of the meaning of the words "good" and "bad", applicable to communication, interaction of homo sapiens with each other. Because each person realizes himself or herself not only in everyday communication, but also in professional duties. From the doctrine of morality, the direction stands out - professional ethics.

Professional ethics are the moral norms that govern people's interaction in the work process, define their attitude towards their duties and form an idea of professional duty.

Moral and ethical professional norms influence:

- ✓ the formation of a professional community that shares ethical principles;
- ✓ a common understanding by employees of the concept of professional duty;
- ✓ definition of the concept of "professional responsibility";

✓ definition of obligatory qualities of an employee, without which his activity will not be successful;

- ✓ peculiarities of employees' relations;
- ✓ relations between professionals and those people who are influenced by their actions (in building up the interaction between an advocate and a trustee);
- ✓ attitude to the results of their work to their quality.

Professional ethics has been developing for centuries. Its formation is influenced:

- ✓ universal moral and ethical norms;
- ✓ specific working situations, which are constantly repeated in the activity of a certain specialisation, which require the application of ethical norms when making decisions.

### MAIN BODY

Regardless of the nature of the profession, ethics defines the following principles:

✚ To act towards subordinates and colleagues in the way that the individual would like people to act towards him or her or not to do to others what they would not do towards themselves.

✚ Fairness in the distribution of resources among employees.

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✚ A breach of ethics should be corrected, regardless of who committed it and when, regardless of job status and position within the professional community.

✚ An employee's conduct is considered ethical if it contributes to the development of the organization and does not violate established norms.

✚ The employee must tolerate the norms and rules established in the organization.

✚ Individual and collective participation in decision making is equally possible.

✚ The employee must have a personal point of view, but is not encouraged to persist in insisting on his or her opinion as opposed to the generally accepted rules established in the community.

✚ The style of communication with subordinates should not be based on constant pressure on subordinates, on an ordered tone.

✚ Professional ethical standards cannot be implemented by orders; they are formed through constant work and are learned through the mutual efforts of employees.

✚ Conflicts are a breeding ground for violations of ethical standards, so positive labor relations should be formed, reducing the risk of conflict situations.

✚ The employee, observing the requirements of ethics, is obliged to promote similar behavior on the part of colleagues.

✚ It is unethical to criticize competitors, both external and internal - rival divisions, employees within the organisation.

✚ The principle "do no harm" defines a ban on actions that harm another person. This is especially true in cases where mistakes are made because of indifference to one's business, negligence or unwillingness to learn new things.

✚ To achieve positive results, the employee must develop, constantly learn, and acquire new knowledge and skills.

✚ Professional secrecy is required, while respecting the principle of confidentiality. Each profession includes its own specialized information in the scope of this information [2].

Professional communities create their own codes of conduct that take into account general and private ethical standards. Any code has several functions:

- Creating a set of ethical professional standards.
- Regulating the actions of any company member.
- Defining specific requirements for employees.
- Formation of rules of disciplinary sanctions in case of violation of the code requirements.
- Determining requirements to professional behavior of an employee in relation to those served by the profession: a trainee, a patient, a client.

- The content of the code may include information about the core values of the company, which should be shared by all employees [6].

Since each profession has its own peculiarities, the work ethic of a particular community is designed to regulate the actions of employees in accordance with the specifics of their activities.

Advocacy ethics is one of the least studied areas of ethics. To this day, issues of advocate's ethics have been constantly on the attention of both scholars and practicing lawyers, although they still remain insufficiently studied. But there are several basic principles that are fundamental to lawyers from all over the world.

The most important principles of advocate's ethics include both general requirements of public morality (honesty, reasonableness, integrity, justice, humanism, responsibility, respect for human dignity and honor) and some specific rules. Specific principles are the requirements of a moral nature to the personality of an advocate, to the means and methods of defence, to respect for the law and the court, as well as moral rules of relations between an advocate and a client, an advocate and his/her colleagues, an advocate and other participants in the proceedings [7].

*Honesty*, as a principle of advocate's ethics, is the fundamental beginning of the professional activity of an advocate in building relations of an lawyer with colleagues, state and non-state bodies, trustees, etc.. Advocate's honesty is based on the notion of "honour" characterising a person's ability to give an internal assessment of his/her conduct, to control himself/herself in his/her actions in this or that situation.

*The principle of reasonableness* is the requirement to determine the clear proportionality of the ways and methods of rendering legal assistance to the qualification and experience of an advocate and the substance of the case with which the advocate was approached by the client. At the decision of the question on acceptance of the case the advocate shall be obliged to clearly define whether the level of his qualification and professional experience is sufficient for the qualitative protection of the interests of the client.

*The principle of integrity* of advocate's ethics means that an advocate must provide legal assistance "on conscience", i.e. using all legal means and methods necessary and sufficient to achieve the desired result as soon as possible. Being guided by the principle of honesty, a lawyer shall be obliged to apply all his/her professional experience, qualification as much as possible, to provide for all possible variants of development of events, to take into account all circumstances in order to be ready in any situation to provide full protection of interests of his/her client.

*The principle of justice* is now inter-sectoral and applies to the entire legal system. It is of particular importance for the branches of law related to the

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consideration and resolution of legal disputes and conflicts. The Universal Declaration of Human Rights enshrines in Article 10 that everyone has the right on the basis of full equality to have his case examined in public and in compliance with all requirements of justice by an independent and impartial court in order to determine his rights and obligations and to establish the validity of a criminal charge against him.

The principle of justice in the work of a lawyer is based, inter alia, on the following axioms:

- ✓ the seriousness of the punishment must match the seriousness of what was done;
- ✓ the exercise of one person's right must not impair the exercise of another person's right;
- ✓ everyone is equal before the law and the court, and equal in the right to qualified legal aid [1].

The principle of humanism in the industry as a whole is characteristic of the entire legal system of any social state based on the rule of law. The human being, his rights and freedoms are the supreme value. Recognition, observance and protection of human and civil rights and freedoms is a duty of the state.

Humanism as a principle of lawyer ethics is manifested in the recognition and protection of lawyers by all legal means of rights, freedoms and interests of individuals and legal entities. It is the directly acting human and citizen's rights and freedoms that determine the meaning, content and application of laws, the activities of legislative and executive powers, local self-government, and are secured by justice.

The ethical principle of responsibility in advocacy means that a lawyer is always responsible for the consequences of his actions to some extent. He can bear not only legal or corporate responsibility, but also moral responsibility, first of all before his conscience, as well as before his colleagues and trustees [7].

## CONCLUSION

Advocate's ethics is a system of scientifically grounded notions about moral aspects of advocate's activity and their assessments.

Advocate's ethics is a part of judicial ethics which attracts constant attention due to the multiplicity and severity of conflicts arising in the practice of the advocate-defender and the advocate-representative.

It should be stressed that advocate's ethics does not set itself the goals of justifying deviations from the truth and objectivity, it condemns lies. And only it can give the lawyer a weapon of great socially useful force, to save the novice specialist from deep disappointments, to suggest ways of true moral satisfaction of the activity.

The moral education of young specialists (be it a lawyer, a medic, a teacher or a scientist) is no less important than arming them with a certain amount of special knowledge. It is professional ethics that is most likely to help solve this problem.

The moral traits of a lawyer should be objectivity, deep respect for the law and the interests of justice. For a lawyer, whose position is complicated by the fact that he is bound by the interests of the accused, there should be equally alien to both his acquittal by diminishing the social danger of the crime, and premature giving up positions without a struggle, without using all the opportunities provided by law [5].

Compliance with the principles of professional ethics is the duty of every specialist, who has the status of an advocate and has been sworn in and their violation by an advocate is inadmissible and is controlled by the bodies of corporate self-governing of the Bar.

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