

Legal activities covered by professional secret

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Chair of CCBE Committee Towards a Model Code of Conduct
from 2016 till 2020

Model Article on Confidentiality adopted by CCBE Plenary Session on 12.12.2016

4. Confidentiality applies to any and all information about a client or a client matter which is given to the lawyer by his or her client or which is received by the lawyer in the course of the lawyer's exercise of his or her profession, irrespective of the source of such information.
5. Confidentiality also applies to any and all documents prepared by the lawyer, to all those delivered by the lawyer to his or her client and to all communications between them.
6. Confidentiality as defined in paragraphs 4 and 5 applies both in litigation or advice.

Source of confidential information

Any and all information, irrespective of the source of such information:

- written on paper
- electronic
- oral

Source of confidential information

Any and all documents:

- **prepared by an advocate** (does not matter if delivered)
- **delivered by an advocate to his or her client** (does not matter who prepared)
- **all communications between an advocate and his or her client** (conversations in person, emails, telephone calls, telegram, whatsapp, Messenger, vkontaktie)

Source of confidential information continued

- 1. Potential future client** (information revealed before acceptance of advocate's offer, necessary to assess workload and make an offer)
- 2. Existing client** (after acceptance of advocate's offer)
- 3. Former client**

Possible abuse by potential client

Potential future client deliberately gives detailed information to an advocate without intention to hire this advocate.

The real intention is to prevent this advocate from the possibility of working for the opposing party.

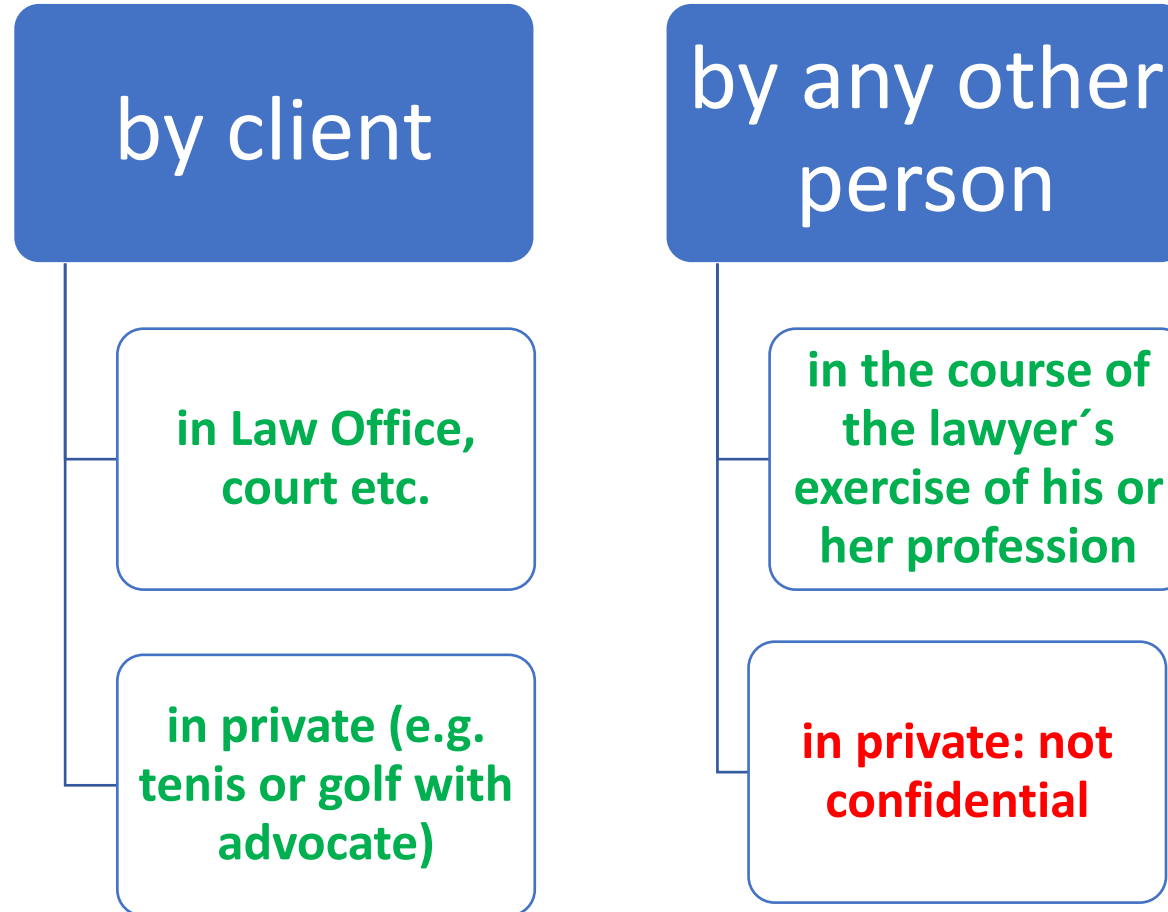
Who is bound by duty of confidentiality ?

- an advocate
 - a trainee (*if member of Bar*)
 - persons who cooperate with an advocate in carrying out professional activities: legal secretary, bookkeeper, accountant, translator etc. (*need for a written declaration*)
- *revealing is a crime ?*

Information about what ?

- about a client or
- about a client's matter

Given by whom ?



Scope of confidential information

- **in litigation (in court)**

(when an advocate represents his or her client on the basis of power of attorney, includes arbitration, mediation, bailiff, administrative bodies)

- **in advice (out-of-court)**

Thank you for your attention

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