

LAW GAT PREPARATION NOTES

Topic: “CANONS OF PROFESSIONAL CONDUCT OF ADVOCATES””

Canons of professional conduct and etiquette of advocates is included in Law GAT Course Curriculum (5%)

Past Law GAT papers question includes in it.



AKRAM LAW ACADEMY

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INSTRUCTOR LAW GAT SCORE:	88
ABOUT INSTRUCTOR:	A LAW GRADUATE FROM INTERNATIONAL ISLAMIC UNIVERSITY AND A PRACTICING LAWYER. PROVIDES GUIDANCE AND LECTURES IN LAW GAT OR SEE LAW TEST PREPARATION.
SOURCE OF LECTURE:	MAIN LAW BOOKS ESPECIALLY BARE ACTS
MODE OF EVALUATION:	OBJECTIVE PAPER

How to prepare Law GAT: Study law subjects according to HEC Law Gat Curriculum. Law GAT MCQs books available in markets are bulky containing irrelevant material and also contained errors, so the most authentic source of test preparation is the main law books called Bare Acts, which are freely available here [“Akram Law Academy”](http://Akram Law Academy).

THE PAKISTAN LEGAL PRACTITIONERS AND BAR COUNCILS RULES, 1976

CHAPTER XII

CANONS OF PROFESSIONAL CONDUCT AND ETIQUETTE OF ADVOCATES

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A – Conduct with regard to other Advocates:

134. It is the duty of every Advocate to uphold at all times the dignity and high standing of his profession, as well as his own dignity and high standing as a member thereof.

135. An advocate shall not solicit professional employment by advertisement or by any other means. This clause shall not be construed as prohibiting the publication or use of ordinary professional cards, name plates or conventional listing in directories, so long as the information contained therein is limited to professional and academic qualifications, and public offices currently held, and does not contain any matter which savours of personal advertisement.

136. An advocate shall not employ any other person to solicit or obtain professional employment nor remunerate another person for soliciting or obtaining professional employment for him; nor shall he share with an unlicensed person any compensation arising out of or incidental to professional employment, nor shall he aid or abet an unlicensed person to practice law or to receive compensation therefor; nor shall he knowingly accept professional employment offered to him as a result of or as incidental to the activities of an unlicensed person.

137. An advocate shall not communicate about a subject of controversy with a party represented by an advocate in the absence and without the consent of such advocate.

138. An advocate shall not, in the absence of the opposing counsel, communicate with or argue before a judge or judicial officer except in open Court and upon the merits of a contested matter pending before such judge or judicial officer; nor shall he, without furnishing the opposing advocate with a copy thereof, address a written communication to a judge or judicial officer concerning the merits of a contested matter pending before such judge or judicial officer. The rule shall not apply to *ex parte* matters or in respect of matters not *sub-judice* before the judge or judicial officer concerned.

139. A client's proffer of assistance of additional advocates should not be regarded as evidence of want of confidence but the matter should be left to the determination of the client. An advocate should decline association as a colleague unless the dues of the advocate first retained are paid.

140. Clients, not advocates, are the litigants. Whatever may be the ill-feeling existing between clients, it should not be allowed to influence advocates in their conduct and demeanour towards each other or toward the parties in the case. All personal clashes between advocates should be scrupulously avoided. In the trial of a cause it is indecent to allude to the personal history or the personal peculiarities and idiosyncrasies of advocates appearing on the other side. Personal colloquies between advocates which cause delay and promote unseemly wrangling should be carefully avoided.

141. No division of fees with any person for legal services is proper except with another advocate based upon the principle of division of work as expressed in the agreement between the advocates.

142. Subject to the precedence of the Attorney-General and the Advocate-General, as established by constitutional usage and practice, it is the duty of advocate to maintain and uphold the order of precedence in accordance with the roll of advocates maintained by the Bar Council.

143. Junior and younger members should always be respectful to senior and elder members. The latter are expected to be not only courteous but also helpful to their junior and younger brethren at the Bar.

144. Where more than one advocate is engaged on any side it is the right of the senior member to lead the case and the junior members should assist him, unless the senior so wants.

B - Conduct with regard to Clients:

145. An Advocate shall not acquire an interest adverse to a client in the property or interest involved in the case.

146. An Advocate shall not accept employment adverse to a client or former client, relating to a matter in reference to which he has obtained confidential information by reason of or in the course of his employment by such client or former client provided that an advocate, who has not been formally engaged by a person and accepted a retainer nor received any fees for such engagement is not precluded from accepting employment adverse to the interest of such person.

147. An advocate shall not accept professional employment without first disclosing his relation, if any, with the adverse party, and his interest, if any, in the subject matter of such employment.

148. An advocate shall not represent conflicting interests.

149. An advocate shall not himself or in *benami* purchase any property at a probate, foreclosure or judicial sale in an auction or proceeding in which such advocate appears for a party, nor shall he accept the whole or part of the property, in respect of which he had been engaged to conduct the case, in lieu of his remuneration, or as a reward or bounty.

150. An advocate shall not commingle the property of client with his own, and shall promptly report to the client the receipt by him of any money or other property belonging to such client.

151. An advocate shall not advise the commencement of prosecution or defence of case, unless he has been consulted in reference thereto, except when his relation to a party or to the subject matter is such as to make proper for him to do so.

152. An advocate in his professional capacity shall not advise the violation of any law. This rule shall not apply to advice given in good faith, that a law is invalid.

153. It is the right of an advocate to undertake the defence of a person accused of crime, regardless of his personal opinion, as distinguished from knowledge as to the guilt of the accused; otherwise innocent persons and victims merely of suspicious circumstances might be denied proper defence. Having undertaken such defence, an advocate is bound by all fair and honourable means, to present every defence that the law of the land permits, to the end that no person may be deprived of life or liberty, except by the process of law.

154. In fixing fees, advocates should avoid charges which over-estimate their advice and services as well as those which undervalue them. A client's ability to pay cannot justify charge in excess of the value of the service, though his property may

justify a lesser charge, or even none at all. The reasonable requests of a brother advocate, should also receive special and kind consideration. In respect of widows and orphans of an advocate, all advocates shall assist them free of charge.

In determining the amount of fee it is proper to consider; (i) the time and labour required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the case; (ii) whether the acceptance of employment in a particular case will preclude the Advocate's appearance for others in cases likely to arise out of the transaction, about which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of their business while employed in a particular case; (iii) the customary charges of the Bar for similar service; (iv) the amount involved in the controversy and the benefits resulting to the client from the service; (v) the contingency of the certainty of the compensation, and (vi) the character of the employment, whether casual or for an established and constant client. Of these considerations, none in itself is the controlling factor. These are mere guidelines in ascertaining the real value of the service.

In fixing fees it should never be forgotten that the profession is a branch of the administration of justice and not a mere money making trade.

155. Controversies with clients concerning compensation are to be avoided by the advocate so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services. Any law suits with clients should be resorted to only to prevent injustice, imposition or fraud.

156. Nothing operates, more certainly to create or foster popular prejudice against advocates as a class, and to deprive the profession of that full measures of public esteem and confidence which belongs to the proper discharge of its duties than does the false claim, often set up by the unscrupulous in defence or questionable transactions, that it is the duty of the advocate to do whatever may enable him to succeed in winning his client's cause.

It is improper for an advocate to assert in argument his personal belief in the client's innocence or in the justice of his cause. His professional duty is strictly limited to making submissions at the Bar consistently with the interest of his client.

An advocate owes entire devotion to the interests of the client, warm zeal in the maintenance and defence of his rights and the exertion of his utmost learning and ability to the end that nothing be taken or be withheld from him save by rules of law legally applied. No fear of judicial disfavour or public unpopularity should restrain him from the full discharge of his duty. In the judicial forum the client is entitled to the benefit of any and every remedy and defence that is authorized by the law of the land, and he may expect his advocate to assert every such remedy or defence. But it is steadfastly to be borne in mind that the great trust of the advocate is to be discharged within and not without the bounds of the law. The office of an advocate does not permit, much less does it demand of him for any client, the violation of any law or any manner of fraud or chicanery. In doing his professional duty to his client he must obey the voice of his own conscience and not that of his client.

157. When an advocate is a witness for his client except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to other advocates. Except when essential to the ends of justice, an advocate should avoid testifying in Court on behalf of his client.

158. In incidental matters, not effecting the merits of the cause in a trial, nor working substantial prejudice to the rights of the client, such as forcing the opposite advocate to trial when he is under affliction or bereavement, forcing the trial on a particular day to the injury of the opposite advocate when no harm will result from a trial at a different time, agreeing to an extension of time for filing written statements, cross interrogatories and the like, the advocate must be allowed to judge himself. In such matters no client has a right to demand that his advocate shall be ungenerous or that he does any thing therein repugnant to his own sense of honour and propriety.

C - Duty to the Court:

159. It is the duty of an advocate to maintain towards the Court a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance. Judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamor. At the same time whenever there is proper ground for complaint against a judicial officer, it is the right and duty of an advocate to ventilate such grievances and seek redress thereof legally and to protect the complainant and person affected.

160. An advocate shall not advise a person, whose testimony could establish or tend to establish a material fact, to avoid service of process, or conceal himself or otherwise to make his testimony unavailable.

161. An advocate shall not intentionally misquote to a judge, judicial officer or jury the testimony of a witness, the argument of the opposing advocate or the contents of a document; nor shall he intentionally misquote to a judge or judicial officer the language of a book, statute or decision; nor shall he, with knowledge of its invalidity and without disclosing such knowledge, cite as authority a decision that has been over-ruled or a statute that has been repealed or declared unconstitutional.

162. Marked attention and unusual hospitality on the part of an advocate to a judge or judicial officer not called for by the personal relations of the parties, subject both the judge and the advocate to misconstructions of motive and should be avoided. An advocate should not communicate or argue privately with the judge as to the merits of a pending cause and he deserves rebuke and denunciation for any advice or attempt to gain from a judge special consideration or favour. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due to the judge's station, is the only proper foundation for cordial, personal and official relations between the Bench and the Bar.

163. The primary duty of an advocate engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the concealing of witnesses capable of establishing the innocence of the accused is highly reprehensible.

164. Publications in newspaper by an advocate as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement or reference to the facts should not reach the public, it is unprofessional to make them anonymously. An ex-parte reference to the facts should not go beyond quotation from the records and papers on file in the Court but even in extreme cases it is better to avoid any ex-parte statement.

165. It is the duty of advocates to endeavour to prevent political considerations from outweighing judicial fitness in the appointment and selection of judges. They should protest earnestly and actively against the appointment or selection of persons who are unsuitable for the Bench and thus should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their free and fair consideration of the questions before them for the decision. The aspiration of advocates for judicial positions should be governed by an impartial estimate of their ability to add honour to the office and not by a desire for the distinction the position may bring to themselves.

166. It is the duty of advocates to appear in Court when a matter is called and if it is so possible to make satisfactory alternative arrangements.

167. An advocate should in general refrain from volunteering his legal opinion or addressing any arguments in cases in which such advocate is not engaged unless called upon to do so in open Court by a judge or judicial officer. In advancing any such opinion he must do so with a sense of responsibility and impartiality without any regard to the interest of any party.

D - Conduct with regard to the public generally:

168. An advocate shall not accept employment to prosecute or defend a case out of spite or for the purpose of harassing anyone or delaying any matter; nor shall he take or prosecute an appeal wilfully motivated to harass any one or delay any matter.

169. An advocate should always treat adverse witnesses and parties with fairness and due consideration, and he should never minister to the malevolence or prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the advocate's conscience in professional matters. He has no right to demand that his advocate shall abuse the opposite party or indulge in offensive arguments. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

170. An advocate must decline to conduct a civil cause or to make a defence when convinced that it is intended merely to harass or to injure the opposite party or to work any oppression or wrong. But otherwise it is his right, and having accepted a retainer, it becomes his duty to insist upon the judgment of the Court as to the legal

merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honour that in his opinion his client's case is one proper for judicial determination.

171. No advocate is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline professional employment. Every advocate upon his own responsibility must decide what business he will accept as an advocate, what cause he will bring into Court for plaintiffs, and what cases he will contest in Court for the defendants.

172. No client, corporate or individual, however powerful, nor any cause civil or political, however important, is entitled to receive, nor should any advocate render, any service or advice involving disloyalty to the law whose ministers advocates are, or disrespect the judicial office, which they are bound to uphold, or corruption of any person or persons exercising a public office or private trust, nor indulge in deception or betrayal of the public. When rendering any such improper service or advice the advocate invites and merits stern and just condemnation. Correspondingly, he advances the honour of his profession and the best interest of his client when he renders service or gives advice tending to impress upon the client and his undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law; though until a statute shall have been finally construed and interpreted by competent adjudication, he is free and indeed is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all, an advocate will find his highest honour in a deserved reputation for fidelity to private trust and to public duty as an honest man and or a patriotic and loyal citizen.

173. An advocate shall not communicate with, nor appear before a public officer, board, committee or body, in his professional capacity, without first disclosing that he is an advocate representing interests that may be affected by the action of such officer, board, committee or body.

174. An advocate should not accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

An advocate having once held public office or having been in the public employment, should not, after his retirement accept employment in connection with any matter which he has investigated or dealt with while in such office, nor employment except in support thereof.

¹[**174-A.** No Advocate will use his previous designation or post such as "Retired Justice", "Ex Judge", "Retired General", "Ex Attorney-General", "Ex Advocate-General" or use any ex-designation, post or calling in any manner whatsoever, as prefix or suffix,

¹. Added *vide* Notification published in the Gazette of Pakistan, Extra, (Part-II), December 31, 1989.

either on letter-heads, name plates, sign boards, visiting cards or in any form during the period of his practice as an Advocate at any time.]

²[**174-B.** No Advocate shall display outside his office or anywhere else his name on the name plate or Board of the size of more than 1½' x 2'.]

³[**175.** (1) An Advocate shall not join or carry on any other profession, business, service or vocation or shall not be an active partner or a salaried official or servant in or be subject to the terms and conditions of service of the Government, semi-Government or autonomous body or any other organization or institution, public or private.

(2) Any violation of sub-rule (1) by an Advocate shall entail consequences as provided in Rule 108-O.]

⁴[**175-A.** Non observance or violation of the canons of professional conduct and etiquette mentioned in this chapter by an advocate shall be deemed to be professional misconduct making him liable for disciplinary action.]

⁵[**175-B.** Non observance or defiance of decisions/instructions of the Pakistan Bar Council by any Bar Council or Bar Association or any Member of the Bar/Advocate shall be deemed to be a gross professional misconduct.]

². Added vide Notification published in Gazette of Pakistan Extra (Part-II), January 7, 1992.

³. The present text was substituted for the following originally framed Rule 175, vide Notification dated 15.7.1998:-
"175. An advocate should not as a general rule carry on any other profession or business or be an active partner in or a salaried official or servant in connection with any such profession or business."

⁴. Added, vide Notification dated 24.3.1979

⁵. Added, vide Notification dated 18.2.2009.

Notes in Law GAT or SEE Law Preparation

For preparation of Law GAT or SEE Law notes are prepared according to test pattern. Anyone who needs these notes may contact at 03245971547 or email asifakram35@hotmail.com.

Sr. No	Topic	Price
1.	Public International law	400
2.	Private International law	100
3.	English Jurisprudence	400
4.	Islamic Jurisprudence	400
5.	Amendments to Constitution of Pakistan 1973	200
6.	English Legal Language	Free
7.	Maxims of Equity	Free
8.	Canons of Professional	Free

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Lecturers in Law GAT or SEE Law Preparation

Lecturers are provided to students in preparation of Law GAT or SEE Law test. Bare Acts are recommended for preparation of Law GAT or SEE Law test. Anyone wants to prepare law papers (law GAT, SEE Law, Judicial or prosecutor) may contact.

Sr. No	Topic
9.	Qanoon-e-Shadhat 1984
10.	Pakistan Penal Code 1860
11.	Criminal Procedure Code 1898
12.	Pakistan Penal Code 1860
13.	Civil Procedure Code 1908
14.	Specific Relief Act 1877
15.	Limitation Act 1908
16.	Maxims of Equity
17.	Law of Tort
18.	English Legal Language
19.	Canons of Professional
20.	International law
21.	Contract Act 1872
22.	Constitution of Pakistan 1973
23.	Constitutional History of Pakistan
24.	World Constitution
25.	English Jurisprudence
26.	Islamic Jurisprudence

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