

NATIONAL BAR COUNCIL

MINISTRY OF JUSTICE

Code of Conduct for Italian Lawyers

*(Approved by the National Bar Council
during the session of January 31st 2014)*

TITLE I

GENERAL PRINCIPLES

Article 1

The lawyer

1. The lawyer protects, in any courts, the right to liberty, as well as inviolability and effectiveness of the right to representation, and he¹ ensures that trials and hearings conform to proper procedures.
2. In the practice of his profession, the lawyer shall take care that laws conform to the principles of the Constitution and to the Regulations of the European Union. Besides, he shall ensure that the same principles, as well as those of the Convention for the protection of human rights and fundamental freedoms, are respected for the protection and in the interest of the assisted party.
3. Ethical rules are essential for the realization and the protection of both the community and the clientele reliance, the fair behavior, the quality and effectiveness of professional performance.

Article 2

Ethical rules and their enforcement area

1. The ethical rules shall be applied to all lawyers with regard to their professional activity, their relations with other members of the legal profession, and their relations with third parties; they also shall be applied to behaviours in the lawyers' private lives, if they compromise their personal reputation or the image of the legal profession.
2. The trainees shall be subjected to the duties and ethical rules of the lawyers and to the disciplinary power of the Organs of the legal profession.

Article 3

Professional activity abroad and foreign lawyers' activity in Italy

¹ Note: the masculine form for pronouns and adjectives has been exclusively used throughout the document but it aims at covering both genders equally.

1. In the practice of his profession abroad, the Italian lawyer shall respect his home-country ethical rules, as well as the ethical rules of the country where he is carrying out his activity.
2. In case of contrast between the two rules, the one of the hosting country prevails, provided that it does not conflict with the public interest to the correct practice of the professional activity.
3. In the practice of his profession in Italy, the foreign lawyer shall respect the Italian ethical rules.

Article 4

Voluntariness of an action

1. The disciplinary liability results from the voluntary failure of the lawyer to comply with his duties and with the rules of behaviour provided by the law and the professional ethics, as well as from the awareness and will of the action or omissions.
2. If a lawyer is chargeable with intentional conduct that violates criminal law, he shall be subjected to disciplinary proceedings; however, the disciplinary organ is entitled to independently evaluate the violation committed.

Article 5

Prerequisite for the practice of the professional activity

The enrolment to the Law List shall be a prerequisite for the practice of the lawyer's professional activity.

Article 6

Duty to avoid incompatibility

1. A lawyer shall avoid any situations of incompatibility, which may prevent him from maintaining his enrolment in the Law List.
2. A lawyer shall not perform activities anyway incompatible with the duties of independence, dignity and decorum of the legal profession.

Article 7

Disciplinary responsibility for actions carried out by the lawyer's associates, collaborators and substitutes

A lawyer shall be personally responsible for the performance of tasks carried out on his behalf by his associates, collaborators and substitutes, unless the circumstances result in their separate and autonomous responsibility.

Article 8

Disciplinary responsibility of the law firm

1. The rules of this code shall be applied to the law firm since their compatibility.
2. The disciplinary responsibility of the law firm combines with the one of the law firm partner when the partner's ethic violation is connected with instructions given by the law firm.

Article 9

Duties of probity, dignity, decorum and independence

1. A lawyer shall practice his professional activity with respect to the duties of independence, honesty, integrity, probity, dignity, decorum, diligence and competence, taking into consideration the constitutional and social relevance of the defence and respecting the principles of fair and honest competition.
2. A lawyer, even outside his professional role, shall respect the duties of probity, dignity and decorum, for the protection of his personal reputation and for the image of the legal profession.

Article 10

Duty of loyalty

A lawyer shall faithfully fulfil the received mandate, carrying out his activity in the interest of the assisted party and in compliance with the constitutional and social relevance of the defence.

Article 11

Relationship based on trust and acceptance of the representation

1. A lawyer shall be free to decide whether to represent a client.
2. The lawyer's relations with his client and the assisted party is based on trust.
3. A lawyer enrolled in the list of the defending counsels nominated by the court, once appointed, cannot refuse to provide representation or interrupt it without justification.
4. A lawyer enrolled in the list of the defending counsels appointed by the State is allowed to refuse or to withdraw from the representation requested by a less prosperous person only with justification.

Article 12

Duty to carry out the profession with diligence

A lawyer shall carry out his professional duties with integrity and care, ensuring the quality of his professional performance.

Article 13

Duty not to disclose confidences and secrets

In the interest of his client and the assisted party, a lawyer shall assure the rigorous observance of privilege and the utmost discretion on facts and circumstances anyway given to him by his client within the activity of representation and judicial assistance, as well as within the legal advice, the extra-judicial assistance and, in any case, for professional reasons.

Article 14

Duty to represent the client competently

In order to assure the quality of his professional activities, a lawyer shall not accept assignment if he knows that he is not in a position to carry out the representation competently.

Article 15

Duty to be professionally up to date and continuously trained

It is a lawyer's duty to keep his professional preparation up to date, maintaining and improving his knowledge with particular regard to the areas of his specialization and usual practice.

Article 16

Duty to fulfil fiscal, social security, insurance and contributory obligations

1. A lawyer must comply with his duties concerning taxes and his social security contributions provided for by law on the matter.
2. A lawyer shall comply with the insurance obligations provided for by law.
3. A lawyer must pay regularly and promptly contributions due to organs of the legal profession.

Article 17

Information on the practice of the professional activity

1. A lawyer is allowed, for the protection of the community reliance, to inform people about his professional activity, the organization and structure of his law office, and about any achieved specializations and scientific qualifications.
2. Disclosure in public by any means, including computer, shall be transparent, truthful, correct, unambiguous, non-misleading, non-denigrating or suggestive, and not comparative.
3. In any case, the information provided shall refer to the nature and extent of the professional obligation.

Article 18

Duties in relations with the media

1. In his relations with the media, a lawyer shall maintain balance and moderation, in compliance with the duty of discretion and confidentiality; with the consent and in the interest of the assisted party, a lawyer may reveal information to the media if such information is not protected by the secrecy of investigation.
2. A lawyer shall ensure the children's anonymity in any case.

Article 19

Duties of honesty and integrity towards colleagues and the legal institutions

A lawyer's contact with other lawyers and forensic institutions shall be based on integrity and honesty.

Article 20

Disciplinary responsibility

Breach of duties referred to in the previous articles constitutes a disciplinary violation prosecutable under titles II, III, IV, V and VI of this code.

Article 21

Disciplinary power

1. The disciplinary organs of the legal profession have the power to impose, in compliance with the rules, even regulative, adequate sanctions that are proportionate to the violation of ethical rules.
2. The disciplinary organs shall evaluate the entirety of the accused person's conduct; only one sanction shall be imposed although several accusations are raised in the course of the same proceeding.
3. The sanction shall be proportionate to the gravity of the fact, the degree of guilt, the possible existence of intent and its intensity, the behavior of the accused before and after the event, with regard to the circumstances, both subjective and objective, in whose context the violation occurred.
4. In determining the sanction, the prejudice possibly suffered by the assisted party and the client, the compromising of the legal profession image, the professional life, and the previous violations shall be taken into consideration.

Article 22

Sanctions

1. The disciplinary sanctions are:

- a) Warning: it consists in informing the accused that his conduct has not complied with the rules of ethics and law, with the invitation to refrain from carrying out other infringements; it can be deliberated when the fact the accused is charged with is not grave and there is reason to believe that the accused does not commit other violations.
- b) Censure: it consists in formal blame and applies when the gravity of the infringement, the level of responsibility, the previous behavior of the accused and his behavior following the fact lead to believe that he will not run into another infringement.
- c) Suspension: it consists in the temporary exclusion, from two months to five years, from the exercise of the profession or traineeship and it applies to violations consisting in grave behaviours and responsibility. It also applies when there are no conditions to impose the only sanction of censure.
- d) Expulsion: it consists in the definitive removal from the law register, list or registry and prevents the enrolment to any other register, list or registry, except as provided for by law; it is imposed for very grave violations that make the permanence of the accused in the register, list or registry as incompatible.

2. In the most serious cases, the disciplinary measure may be increased to the utmost:

- a) up to the suspension of the practice of the professional activity for two months, if the sanction of warning is provided;
- b) up to the suspension of the professional activity for no more than one year, if the sanction of censure is provided;
- c) up to the suspension of the professional activity for no more than three years, if the sanction of suspension of the professional practice up to one year is provided;
- d) up to the expulsion, if the sanction of suspension of the professional practice from one to three years is provided.

3. In the less grave cases, the disciplinary sanction can be reduced:

- a) to warning, if the sanction of censure is provided;
- b) to censure, if the sanction of suspension of the professional practice up to one year is provided;

c) to suspension of the professional practice up to two months if the suspension of the professional practice from one to three years is provided.

4. In the cases of slight and excusable infringements, the accused is rebuked, but the rebuke has not the nature of a disciplinary sanction.

TITLE II

RELATIONS WITH THE CLIENT AND THE ASSISTED PARTY

Article 23

Retaining a lawyer

1. A lawyer shall be retained by the assisted party; if a lawyer is retained by a third party, in its interest or in the interest of the assisted party, the representation shall be undertaken only with the consent of the assisted party and shall be carried out only in its own interest.
2. Before accepting any assignment, a lawyer must ascertain the identity of the person who retains him and the identity of the assisted party.
3. After being retained, a lawyer must refrain from entering into any economic, patrimonial and commercial or of whatever nature relations with the client and the assisted party, which might influence the professional relationship, except for what provided in Article 25.
4. A lawyer shall not suggest unnecessarily onerous actions.
5. A lawyer is free to accept the assignment but he shall refuse to provide his activity when he deduces from known particulars that his activity may be used to fulfil any unlawful action.
6. A lawyer shall not suggest invalid, illegal or fraudulent behaviours, actions or negotiations.
7. The breach of duties under sub-sections 1 and 2 entails the enforcement of warning as disciplinary sanction. The breach of prohibitions under sub-sections 3 and 4 entails the enforcement of censure as disciplinary sanction. The breach of duties under sub-sections 5 and 6 entails the enforcement of suspension of the professional activity from one to three years as disciplinary sanction.

Article 24

Conflict of interests

1. A lawyer shall refrain from accepting any assignment that may create a conflict with the interests of the assisted party and the client or which may interfere in the execution of any other assignment, even if not a professional one.
2. A lawyer, in the practice of his professional activity, shall maintain his independence and defend his freedom from pressures or influences of every kind, also related to interests regarding his personal sphere.
3. A conflict of interest also arises if :
 - the acceptance of a new assignment may result in a breach of confidentiality applicable to information supplied by another assisted party or client;
 - the knowledge that the lawyer has about an existing party's business may provide an unfair advantage to another assisted party or client;
 - the representation of an existing client limits the lawyer's independence in carrying out the new representation.
4. A lawyer shall communicate to the assisted party and the client the existence of circumstances that would prevent the execution of the requested activity from being provided.

5. The duty to refuse an assignment shall also be respected if the opposing parties of a controversy refer to different lawyers who are member of the same law firm or professional association or to lawyers who practise in the same premises and frequently collaborate on a professional basis.
6. The breach of duties under sub-sections 1, 3 and 5 entails the enforcement of suspension of the professional practice from one to three years as disciplinary sanction. The breach of duties under sub-sections 2 and 4 entails the enforcement of censure as disciplinary sanction.

Article 25

Legal fee agreements

1. The legal fee agreement, without prejudice to Article 29 sub-section 4, is free. The agreement may be based on:
 - time rates
 - flat rates
 - agreements on one or more businesses
 - fulfilment and time of the activity execution
 - single stages or performances or the entire activity
 - percent basis on the value of the business
 - how much the receiver of the performance can benefit and not only on a strict asset basis.
2. Agreements through which a lawyer receives as legal fee a part or a whole of an allotment of the property subject of his legal performance or of the point of contention are forbidden.
3. The breach of prohibition under the previous sub-section entails the enforcement of suspension of the professional practice from two to six months as disciplinary sanction.

Article 26

Carrying out the representation

1. The acceptance of representation requires the competence to carry it out.
2. A lawyer, in case of representations requiring competences different from his, shall advice the client and the assisted party on the need for another colleague with such competences in order to integrate his representation.
3. Failure to perform actions related to representation of the assisted party, or the late or negligent performance of such actions, constitutes a violation of professional duty if such behavior results from inexcusable and careless disregard of the assisted party's interests.
4. If the defending counsel nominated by the court should not be able to attend a hearing, he must explain the reasons therefore to the responsible authority in a timely manner, or must arrange for another lawyer who, once accepted the assignment, assumes the responsibility for the representation at that hearing.
5. The breach of duties under sub-sections 1 and 2 entails the enforcement of warning as disciplinary sanction. The breach of duties under sub-sections 3 and 4 entails the enforcement of censure as disciplinary sanction.

Article 27

Duty to keep the client informed

1. When accepting the assignment, a lawyer shall inform the assisted party clearly on the aspects and the importance of the case and on the activities to be carried out, indicating with precision initiatives and possible solutions.

2. A lawyer shall inform his client and the assisted party about the likely duration of the trial and the possible costs involved in the representation; if requested, he shall also inform in writing he who grants the professional mandate about the cost of the representation.
3. Upon entrusting with the representation, a lawyer shall inform the assisted party clearly and in writing about the possibility to take advantage of the mediation provided for by law; he shall give information about the alternative methods to legal arguments, provided for by law as well.
4. Upon entrusting with representation, a lawyer, if the conditions occur, shall inform the assisted party about the possibility to take advantage of the defending counsels appointed by the State.
5. A lawyer shall inform his client and the assisted party on his professional insurance details.
6. A lawyer, whenever requested, shall inform his client and the assisted party on the execution of the representation he has been entrusted with. Besides he shall provide them copies of deeds and documents, also issued from a third party, regarding the subject of the representation and its execution, both in extrajudicial and judicial context, without prejudice to Article 48 sub-section 3 of this code.
7. Without any prejudice to Article 26, a lawyer shall communicate the need of carrying out necessary actions to the assisted party in order to avoid prescription under the statute of limitations, loss or other prejudicial effects regarding the representation in progress.
8. A lawyer shall inform the assisted party, if the information is in its interest, about the content of what he legally heard during his practice of representation.
9. The breach of duties under sub-sections from 1 to 5 entails the enforcement of warning as disciplinary sanction. The breach of duties under sub-sections 6, 7 and 8 entails the enforcement of censure as disciplinary sanction.

Article 28

Confidentiality and professional secret

1. It is a lawyer's principal and fundamental duty as well as his right to preserve confidences and secrets to the utmost, with regard to the services carried out and to the information which has been given to him by his client or the assisted party, as well as to those he has become aware in circumstances relating to his representation.
2. The obligation of confidentiality must be respected even when the mandate has been fulfilled, however concluded, withdrawn or not accepted.
3. A lawyer shall assure that professional secrets are respected to the utmost by his employees, trainees, consultants and professional partners, even occasional ones, concerning facts and circumstances heard as lawyers or because of their activity.
4. A lawyer is allowed to disregard the abovementioned duties if the disclosure is necessary:
 - a) to the execution of the representation;
 - b) to avoid committing a crime of a particular seriousness;
 - c) to allege circumstances de facto in a dispute between a lawyer and his client or assisted party;
 - d) within a disciplinary action.In any case, the disclosure shall be limited to what is strictly necessary to the protected aim.
5. The breach of duties under the previous sub-sections entails the enforcement of censure as disciplinary sanction and, in such cases where the violation is related to the professional secret, the suspension of the professional practice from one to three years.

Article 29

Request for payment

1. During the professional relationship, a lawyer may request reimbursement for expenses and periodic payment of lawyer's fees incurred in the course of the representation, as well as fair compensation proportional to the quantity and complexity of the requested activities in order to terminate the assignment.

2. A lawyer shall keep the accounting of both the costs incurred and the deposits received and shall deliver, on the customer's request, its detailed memorandum.
3. A lawyer shall issue the prescribed fiscal document for each payment he receives.
4. A lawyer shall not request compensation or deposits which are obviously out of proportion with the work undertaken or the work to be carried out.
5. If a client does not make payment promptly, a lawyer shall not thereafter request any compensation higher than that previously agreed upon, unless such an arrangement has been previously agreed to.
6. A lawyer shall not subordinate the payment to the client of sums of money received on behalf of the latter to the recognition of his rights or the execution of his specific services.
7. A lawyer shall not subordinate the execution of his professional services to the recognition of the right to withhold part of the sums which he receives on behalf of the client or the assisted party.
8. A lawyer appointed as a defence counsel of the party by the State shall neither ask nor collect, on the side of the assisted party or of a third party, compensation or refund different from those provided by law.
9. The breach of duties under sub-sections from 1 to 5 entails the enforcement of censure as disciplinary sanction. The breach of duties under sub-sections 6, 7 and 8 entails the enforcement of suspension of the legal practice from six months to one year as disciplinary sanction.

Article 30

The administration of funds received from other parties

1. A lawyer shall administer diligently any money received from the assisted party or from third parties for the execution of the professional activity, or the money received on behalf of the assisted party, and he shall account for such sums promptly.
2. A lawyer shall not keep any sums received on behalf of the assisted party longer than strictly necessary, without the consent of the latter.
3. A lawyer, in the practice of his professional activity, shall refuse to receive or manage funds that are not attributed to a client.
4. In case of fiduciary deposits, a lawyer shall request written instructions and adhere to them.
5. The breach of duty under sub-section 1 entails the enforcement of censure as disciplinary sanction. The breach of duties under sub-sections 2 and 4 entails the enforcement of suspension of the professional activity from six months to one year as disciplinary sanction. The breach of duty under sub-section 3 entails the enforcement of suspension of the professional activity from one to three years as disciplinary sanction.

Article 31

Compensation

1. A lawyer shall put immediately at the assisted party's disposal the sums received on the latter's behalf.
2. A lawyer is entitled to retain sums of money, which he received from anyone, to compensate him for his expenses, provided he gives notice to the client.
3. A lawyer has the right to retain sums of money received from anyone, in order to pay his own fees:
 - a) if the client and the assisted party have given their consent;
 - b) if such sums have been awarded him in a judgment, payable by the adverse party, and he has not already received those expenses and fees from his client;
 - c) if he has already made a request for payment for his fees to which the client has already agreed.
4. The breach of duty under sub-section 1 entails the enforcement of the suspension of professional activity from one to three years as disciplinary sanction. The breach of duty under sub-section 2 entails the enforcement of censure as disciplinary sanction.

Article 32

Withdrawal from representation

1. A lawyer is entitled to withdraw from representation of a client, taking the proper precautions in order to avoid prejudices to the assisted party.
2. If a lawyer withdraws from the assignment, he shall give adequate notice to the assisted party and shall inform it of steps necessary to avoid prejudice to its case.
3. In the event that a lawyer is unable to locate the assisted party, he shall send the assisted party a registered letter addressed to its address as indicated at the General Registry Office or to its last known domicile or send it a certified email. By doing so, and in observance of the obligations of the law, a lawyer is relieved from any other responsibilities, regardless of whether the assisted party has actually received such communication or not.
4. After his withdrawal, a lawyer, in compliance with the legal regulations, cannot be held responsible for the unavailability of subsequent legal assistance, if the client does not retain a new lawyer within a reasonable period.
5. However, a lawyer shall inform the assisted party about the communications and notifications he should receive.
6. The breach of duties under the previous sub-sections entails the enforcement of censure as disciplinary sanction.

Article 33

The restitution of documents

1. On request, the lawyer shall return without delay any deed and documentation received from the client and the assisted party in connection with the representation. He also shall deliver a copy of all the deeds and documents, even if coming from third parties, regarding the subject and the execution of the assignment both within the extra-judicial and judicial activity, without prejudice to what provided in Article 48 sub-section 3 of this code.
2. A lawyer shall not subordinate the restitution of documentation to the payment of his compensation.
3. A lawyer may take and keep a copy of documentation even without the consent of the client or the assisted party.
4. The breach of duty under sub-section 1 entails the enforcement of warning as disciplinary sanction. The breach of prohibition under sub-section 2 entails the enforcement of censure.

Article 34

Claims against the client for non-payment of the lawyer's fees

1. In order to take legal action against the client or the assisted party and to be paid for his professional services, a lawyer shall withdraw from all the received assignments.
2. The breach of duty under the previous sub-section entails the enforcement of censure as disciplinary sanction.

Article 35

Duty to provide correct information

1. A lawyer who provides information on his professional activity shall respect the duties of truth, integrity, openness, secrecy and confidentiality, anyway referring to the nature and limits of the professional obligation.
2. A lawyer shall provide neither comparative information about other professionals nor ambiguous, misleading, denigrating, evocative, otherwise containing reference to qualifications, roles or jobs not concerning his professional activity.

3. In providing information, a lawyer shall in any case indicate his professional qualification, his office name and the Bar Council which he belongs to.
4. A lawyer may use the academic qualification of professor if only he is or has been an academic teacher in legal subjects, anyway specifying his qualification and the teaching subject.
5. He who is enrolled in the Law List of Practitioners may use, exclusively and in full, the qualification of “legal practitioner”, with the possible indication of “qualified for legal defence” if he achieved such a qualification.
6. Information on professionals and third parties associated directly to either the lawyer’s staff or his office is not allowed.
7. In providing information, a lawyer cannot use the name of a deceased lawyer who was a member of that law office, if the latter has not expressly agreed to such a listing during his life-time or made a testamentary disposition to that effect, or if his heirs have not agreed unanimously.
8. In giving information to the public, a lawyer shall not indicate the names of his clients or assisted parties also in case the clients should agree with the publication.
9. A lawyer may only use, for information purposes, websites on his own domain without URL redirecting, provided that they are directly connected to him, the law firm or corporations of lawyers which he belongs to, after having given notice of the form and the content to the Bar Council of which he is member.
10. A lawyer is responsible of the content and security of his own website, which cannot include commercial or advertising references through both direct indication and internal or external links.
11. Forms and methods of providing information shall anyway respect the principles of dignity and decorum of the profession.
12. The breach of duties under the previous sub-sections entails the enforcement of censure as disciplinary sanction.

Article 36

Prohibition against carrying out professional activity without the appropriate qualification or using qualification which one does not have

1. It is a violation of the ethical rules to use a professional title which one does not have, or to carry out legal activity without the title appropriate to that activity or during a period of suspension.
2. Even the behaviour of a lawyer who supports or, in any direct or indirect way, makes it possible that a non-qualified or suspended person illegally practises the lawyer’s activity or permits that these subjects can gain economic benefits - even though limited to the period of possible suspension from the execution of activity – is considered a breach of the ethical rules.
3. The breach of sub-section 1 entails the enforcement of suspension of legal practice from six months to one year as disciplinary sanction. The breach of sub-section 2 entails the enforcement of suspension of the legal activity from two to six months as disciplinary sanction.

Article 37

Prohibition against the solicitation of clients

1. A lawyer is forbidden to obtain relations with clients through agents or wheeler-dealers or any other means not in compliance with honesty and decorum.
2. A lawyer shall not offer or pay commissions or any other remuneration to another lawyer or any other person as compensation for the introduction of a client or for obtaining professional assignments.
3. A lawyer violates the disciplinary rules if he offers gifts or services to third parties, or if he makes payments or promises advantages in order to obtain legal assignments.
4. A lawyer is forbidden to offer, both directly and through a third person, his professional performances at a consumer’s house, in places for work, rest, leisure and, in general, in public places or places open to public.
5. A lawyer is also forbidden to offer, without any request, a tailored performance, that is to say a performance addressed to a specific person for a specific business.

6. The breach of duties under previous sub-sections entails the enforcement of censure as disciplinary sanction.

TITLE III

RELATIONS BETWEEN LAWYERS

Article 38

Corporate spirit of the profession

1. A lawyer, who intends to bring a claim against another lawyer for circumstances pertaining the legal practice, shall give him advance notice in writing, unless the notice can prejudice the right of defence.
2. A lawyer shall not record telephone conversations with another lawyer. Any recording during a meeting shall be allowed only with the consent of all persons present.
3. A lawyer shall not relate the contents of the confidential discussions between colleagues in procedural documents or report them in court.
4. The breach of duty under sub-section 1 entails the enforcement of warning as disciplinary sanction. The breach of prohibitions under sub-sections 2 and 3 entails the enforcement of censure as disciplinary sanction.

Article 39

Relations with collaborators in the law firm

1. A lawyer must allow his collaborators to improve their professional preparation and not prevent them from growing their educational development, remunerating them in proportion to their contribution to the lawyer's work, taking into account their use of the services and structures present in the law firm.
2. The breach of duties under this article entails the enforcement of warning as disciplinary sanction.

Article 40

Relations with trainees

1. A lawyer shall ensure the trainee that his legal training period is efficient and profitable to provide him an adequate vocational training.
2. A lawyer shall supply the trainee with an adequate working place and, without prejudice to the compulsory refund of expenses, recognize him, after the first semester of training, a remuneration in proportion to his professional contribution, taking into account the use of the services and structures present in the law firm.
3. A lawyer shall attest to the accuracy of entries in the trainee's record-book only after due oversight and without indulging in favours or friendship.
4. A lawyer shall not appoint a trainee to carry out legal activity that is not allowed.
5. The breach of duties under sub-sections 1, 2 and 3 entails the enforcement of warning as disciplinary sanction. The breach of prohibition under sub-section 4 entails the enforcement of censure as disciplinary sanction.

Article 41

Relations with the party assisted by other lawyers

1. A lawyer shall not directly contact an opposing party who is represented by another lawyer.

2. A lawyer, in every moment of the legal action and in each status of litigation, may have contacts with the other parties only in their lawyer's presence or by their permission.
3. A lawyer may send correspondence directly to an opposing party - in such cases a copy must be sent to the opposing party's lawyer - only if necessary to notify a person in order to:
 - require a specific behaviour;
 - summon notice of default;
 - avoid expiration dates or forfeitures.
4. A lawyer shall not agree to meet with the opposing party, knowing that the party is represented by another lawyer, without informing the latter and without obtaining his permission.
5. The breach of duties and prohibitions under this article entails the enforcement of censure as disciplinary sanction.

Article 42

Information concerning another lawyer

1. A lawyer must refrain from expressing negative opinions on the professional activity carried out by another lawyer.
2. A lawyer shall not produce documents concerning the personal life of opposing counsel or information concerning his person in judicial proceedings, unless the colleague results party of the judicial proceedings and the use of such documents and information is necessary to the protection of a right.
3. The breach of duties under the previous sub-sections entails the enforcement of warning as disciplinary sanction.

Article 43

The obligation to pay for services provided by another lawyer

1. A lawyer, who directly engages another lawyer to provide representation or to assist in representation of a client, shall arrange for the compensation of his colleague if the client does not do it by himself.
2. The breach of duty under the previous sub-section entails the enforcement of censure as disciplinary sanction.

Article 44

Prohibition against impugning a settlement reached with a colleague

1. A lawyer, who agrees with the lawyer for the adverse party on a settlement accepted by the parties, shall refrain from impugning the settlement in a judicial proceeding, unless that action is justified by particular circumstances arisen subsequently or unknown at the time of the settlement.
2. The breach of duty under the previous sub-section entails the enforcement of censure as disciplinary sanction.

Article 45

Replacement of counsel for the defence

1. When a lawyer is replaced during a proceeding by being discharged or by withdrawal, the new counsel shall inform his predecessor that he has been appointed and he shall do his best, without prejudicing the representation, to ensure that former counsel is compensated for any services performed.
2. The breach of duties under the previous sub-section entails the enforcement of warning as disciplinary sanction.

TITLE IV

DUTY OF THE LAWYER BEFORE THE COURT

Article 46

Duty to defend a client before the court and contacts with lawyers

1. In judicial proceedings, a lawyer shall base his conduct on the duty to defend his client, while safeguarding as far as possible his relations with other lawyers.
2. A lawyer shall be punctual at hearings and in any other meeting with other lawyers; the repeated breach of this duty represents a violation of the disciplinary rules.
3. A lawyer must oppose any irregular or unjustified request from the opposing party in court if such request is prejudicial to his client's interests.
4. A lawyer selected directly by the accused shall inform any lawyer who was previously nominated by the court that he has undertaken the representation. In addition, without any prejudice to the defence, he shall do his best to make his client pay the costs and fees which have been fixed in a judgment in favor of another lawyer for the provided activity.
5. In the interest of the assisted party and within the law, a lawyer collaborates with counsels of the other defendants, exchanging information, pleadings and documents.
6. In cases of joint defence, a lawyer shall consult his co-counsel regarding any procedural choices and inform the co-counsel about any discussion with their mutual client in order to establish an efficient strategy for the trial.
7. A lawyer shall notify the colleague of the opposing party about the interruption of the extrajudicial transaction, in view to initiate legal proceedings.
8. The breach of duties under sub-sections from 1 to 6 entails the enforcement of warning as disciplinary sanction. The breach of duty under sub-section 7 entails the enforcement of censure as disciplinary sanction.

Article 47

Obligation to instruct and inform another lawyer

1. A lawyer shall provide timely instructions to the correspondent colleague retained to represent a client. Likewise, the colleague retained to represent a client shall give the referring lawyer detailed information about the activity carried out and the activity to be carried out.
2. The election of domicile at another colleague's law firm is possible only after previous communication and with the latter's consent.
3. The correspondent lawyer shall not settle a controversy through negotiation without informing the lawyer who initially entrusted him with the matter.
4. In the absence of instructions, the correspondent lawyer shall act in the most appropriate way to safeguard the interests of the party, informing the lawyer who entrusted him with the matter as soon as possible.
5. The breach of duties under sub-sections 1, 2 and 4 entails the enforcement of warning as disciplinary sanction. The breach of prohibition under sub-section 3 entails the enforcement of censure as disciplinary sanction.

Article 48

Prohibition against revealing correspondence among lawyers

1. A lawyer shall not produce, report in deeds or refer to in judicial proceedings the correspondence sent or received from other lawyers, marked as confidential, or any correspondence containing proposals for negotiations or settlements.
2. Correspondence between lawyers may be produced when:
 - a) it constitutes the completion and evidence of an agreement;
 - b) it assures the performance of services requested.

3. A lawyer shall not provide to his client and the assisted party confidential correspondence between himself and another lawyer. However, where his assignment is terminated, the lawyer may provide the correspondence to newly retained counsel who will be in charge of the matter and who is obliged to observe the same rules of confidentiality.
4. The abuse of the confidentiality clause is an autonomous violation of disciplinary rules.
5. The breach of prohibitions under the previous sub-sections entails the enforcement of censure as disciplinary sanction.

Article 49

Duties of the defending counsel

1. A lawyer, who has been appointed counsel by the court, shall inform the assisted party that it has the right to select defending counsel of its own choice and he shall also inform the assisted party that the counsel appointed by the court has the right to be remunerated.
2. A lawyer shall not defend more persons who are under investigations or accused and who have made accusatory declarations towards another person under investigation or accused in the same proceeding or in another linked or connected proceeding.
3. A lawyer under investigation or accused in a criminal proceeding may not accept or continue the defence of another party in the same proceedings.
4. The breach of duty under sub-section 1 entails the enforcement of warning as disciplinary sanction. The breach of prohibitions under sub-sections 2 and 3 entails the enforcement of suspension of the legal practice from six months to one year as disciplinary sanction.

Article 50

Duty to act truthfully

1. Into the trial, a lawyer shall not introduce evidence, elements of proof or documents which he knows to be false.
2. A lawyer shall not introduce evidence or documents, either produced or provided by the assisted party, which he knows to be false.
3. A lawyer, who knows even at a later stage about the introduction of false evidence, elements of proof or documents provided by the assisted party in the proceeding, may not use them or shall withdraw his assignment.
4. A lawyer shall never pledge his word with a judge about the truth of facts presented in the trial.
5. Declarations made by a lawyer in judicial proceedings regarding the existence or non-existence of objective facts which are a specific element for the judge's decision and with which a lawyer is directly acquainted must be true.
6. When presenting legal petitions or requests arising out of the same factual situation, a lawyer is obliged to mention rulings already obtained including those already rejected.
7. The breach of prohibitions under sub-sections 1, 2, 3, 4 and 5 entails the enforcement of suspension from legal practice from one to three years as disciplinary sanction. The breach of duty under sub-section 6 entails the enforcement of warning as disciplinary sanction.

Article 51

If a lawyer becomes a witness

1. A lawyer shall refrain, unless in exceptional cases, from testifying as person of interest or witness about circumstances of which he has obtained information in the course of his professional activity or which are related to any representation in which he has been engaged.

2. A lawyer shall however refrain from testifying on the content of what he has learnt during confidential discussions with a colleague as well as on the content of the private correspondence exchanged with the latter.
3. If a lawyer intends to appear as a witness or person who knows the facts in a matter, he shall not undertake the representation and, if already undertaken, he shall withdraw from representation and not resume it in the future.
4. The breach of duties under the previous sub-sections entails the disciplinary sanction of censure.

Article 52

Prohibition against using insulting or unsuitable expressions

1. A lawyer shall avoid using offensive and unsuitable expressions in court pleadings and in his professional activity in dealing with lawyers, judges, opposing parties and third parties.
2. The retaliation and provocation of insulting comments, or the fact that insults were mutual, do not exclude the disciplinary relevance of behavior.
3. The breach of prohibition under sub-section 1 entails the enforcement of censure as disciplinary sanction.

Article 53

Relations with judges

1. The lawyer's relations with judges shall be based on the dignity and mutual respect.
2. Except for particular cases, a lawyer shall not discuss a judicial proceeding with the judge before whom the proceeding is pending without the lawyer for the adverse party being present.
3. A lawyer who has been named as an honorary judge shall observe all obligations pertaining to such office as well as the regulations concerning incompatibility.
4. A lawyer shall not take advantage of any friendship, relationship or closeness with a judge to obtain or request favours or preferences, and he shall not emphasize the existence of such ties.
5. A lawyer member of the Bar Council shall not accept any legal assignment on the part of judges belonging to his same district, except for the lawyers appointed counsel by the court.
6. The breach of duties and prohibitions under the previous sub-sections entails the enforcement of censure as disciplinary sanction.

Article 54

Relations with arbitrators, conciliators, mediators and expert witnesses

1. Prohibitions and duties under Article 53 sub-sections 1, 2 and 4 shall be enforced even in the lawyer's and the opposing party's relations with arbitrators, conciliators, mediators and expert witnesses.
2. The breach of prohibitions and duties under this article entails the enforcement of censure as disciplinary sanction.

Article 55

Relations with witnesses and persons of interest

1. A lawyer, who speaks to witnesses or persons of interest involved in a judicial proceeding, shall avoid being too forceful or making direct suggestions in an effort to obtain favorable evidence.
2. A lawyer, within a criminal proceeding, retains the right to carry out investigations in compliance with the terms and conditions of law and respecting the provisions hereinafter and those provided by the authority for the protection of personal data.

3. The defending counsel has the duty to preserve confidences and secrets with regard to the investigation documentation of the defensive investigation and its content until he uses it in the proceeding, with the exception of disclosing facts for a just cause in the interest of the assisted party.
4. If the defending counsel avails himself of substitutes, collaborators, authorized private investigators and expert witnesses, he may provide them all necessary information and documents to carry out their responsibilities, even if such documentation should have been declared secret, urging them however not to violate the secrecy and to communicate the results to the defending counsel only.
5. The defending counsel has the obligation to keep scrupulously and confidentially the documentation of the defensive investigation during the whole time which he considers necessary or useful for exercising his defence.
6. The information, which the defender and other parties that he possibly delegates are required to give by law to persons interviewed for the purposes of investigation, shall be documented in writing.
7. The defending counsel and the other parties he delegates are not allowed to pay compensation in whatever form to the persons they asked to assist with the investigation, with the exception of reimbursing them the expenses based on receipts.
8. The defending counsel shall speak with the party injured in a crime and ask the party for information or written declarations only upon written invitation and after having given notice to the counsel of the injured party if the existence of such counsel is known. In the written invitation, it shall be indicated the opportunity that in any case it would be useful to consult a lawyer so that he should participate in the meeting.
9. The defender shall inform close relatives of the person accused or under investigation on the right to refrain from answering questions, specifying that, if they do not intend to avail themselves of this right, they will be obliged to report the truth.
10. The defending counsel shall give integral documentary evidence of the information obtained. If the reproduction, also phonographic, of the information is ordered, its evidence may be documented in a summarized form.
11. The defending counsel is not obliged to give a copy or excerpt of the minutes neither to the person who provided the information nor to the defending counsel of such person.
12. The breach of prohibition under sub-section 1 entails the enforcement of suspension of the legal practice from two to six months as disciplinary sanction. The breach of duties, of prohibitions, of legal obligations and of prescriptions under sub-sections 3, 4 and 7 entails the enforcement of suspension of the legal practice from six months to one year as disciplinary sanction. The breach of duties, prohibitions, legal obligations and prescriptions under sub-sections 5, 6, 8, 9, 10 and 11 entails the enforcement of censure as disciplinary sanction.

Article 56

Listening to minors

1. A lawyer may not listen to a minor without the permission of the holders of parental authority, provided that there is no conflict of interest between the minor and them.
2. The parent's lawyer, in the family or child disputes, shall refrain from any kind of conversation or contact with the minors on the disputes' circumstances.
3. In a criminal proceeding, the defending counsel shall formally invite the holders of parental authority to confer with the minor in order to gather information or request for written declarations. He shall also inform them on their faculty to participate in the meeting, reserving the obligation for the presence of the expert in the cases provided for by law and whenever the minor results the offended person.
4. The breach of duties and prohibitions under the previous sub-sections entails the enforcement of suspension of the legal practice from six months to one year as disciplinary sanction.

Article 57

Relations with the media and communication activities

1. In dealing with the media and communication activities, a lawyer, without prejudice to the defence needs of the assisted party, shall not provide information covered by secrecy of investigation, make use of his clients' and assisted parties' names, emphasize his professional skills, request articles or interviews and call press conferences.
2. A lawyer shall anyway ensure the minors' anonymity.
3. The breach of prohibition under sub-section 1 and of duty under sub-section 2 entails the enforcement of suspension of legal practice from two to six months as disciplinary sanction.

Article 58

On one's own notification

1. Carrying out abuse in the exercise of the right provided for by law regarding notification constitutes a disciplinary offense.
2. The behavior whereof under the previous sub-section entails the enforcement of suspension of the legal practice from two to six months as disciplinary sanction.

Article 59

Calendar of the trial

1. The failure to meet the deadlines set in the calendar of the civil trial, where determined exclusively by the dilatory conduct of a lawyer, constitutes a disciplinary violation.
2. The breach of the previous sub-section entails the enforcement of warning as disciplinary sanction.

Article 60

Abstention from hearings

1. A lawyer is entitled to participate in a strike called by the legal authorities in compliance with the provisions of the code of self-government of the lawyer's organization and the regulations in force.
2. A lawyer who exercises his right not to take part in such a strike shall inform other counsels in advance.
3. A lawyer is not allowed to take part or to dissociate himself from a strike according to his own convenience.
4. A lawyer who agrees with the strike may not partially dissociate himself from it, participating only on certain days or to his own specific activities. Similarly, a lawyer who dissociates himself from a strike may not choose to participate partially and to dissociate himself only for certain days or for his own particular activities.
5. The breach of duties under sub-sections 1 and 2 entails the enforcement of warning as disciplinary sanction. The violation of duties under sub-sections 3 and 4 entails the enforcement of censure as disciplinary sanction.

Article 61

Arbitration

1. A lawyer who accepts the position of arbitrator shall respect the duties of integrity and honesty and shall monitor that the procedure is carried out under independence and impartiality.
2. A lawyer shall not exercise the office of arbitrator if he has professional relations with one of the parties involved in the matter or if he had relations in the last two years and, in any case, if one of the hypotheses of arbitrators' challenge provided for by law occurs.

3. A lawyer shall not accept the assignment as arbitrator if one of the parties involved in the matter is assisted or has been assisted in the last two years by a colleague associated with him or practicing in his office.
In any case, a lawyer shall inform the parties of any factual circumstances or particular professional relations with defending counsels that might affect his independence in order to obtain the consent of the parties before continuing.
4. Once appointed as arbitrator, a lawyer shall act in a manner so to preserve confidence placed in him by the parties and shall remain free from external influences and constraints of any kind.
5. Acting as arbitrator, a lawyer:
 - a) shall keep confidentiality on facts of which he becomes aware due to the arbitral procedure;
 - b) shall not provide information on matters relating to the proceeding;
 - c) shall not disclose the decision before it has been formally communicated to all parties.
6. A lawyer who has held the position of arbitrator shall not keep up relations with one of the parties:
 - a) unless at least two years have elapsed from the definition of the procedure;
 - b) if the object of the activity is not different from that one of the procedure itself.
7. The prohibition extends to professional members, associates or to those exercising in the same office.
8. The breach of duties and prohibitions under sub-sections 1, 3, 4, 5, 6 and 7 entails the enforcement of suspension of legal practice from two to six months as disciplinary sanction. The violation of the prohibition under sub-section 2 entails the enforcement of suspension of the professional practice from six months to one year as disciplinary sanction.

Article 62

Mediation

1. A lawyer who performs the role of mediator shall respect the obligations imposed by the legislation and the provisions under the regulation of the mediation body, to the extent that these last provisions do not contradict those ones of this Code.
2. A lawyer shall not assume the role of mediator in the absence of appropriate expertise.
3. A lawyer shall not assume the role of mediator:
 - a) if he has or has had in the last two years a professional relationship with one of the parties;
 - b) if one of the parties is assisted or has been assisted in the last two years by a professional associate to him or associated with him or by a professional who exercises in his same office.The occurrence of one of the hypotheses for the challenge of arbitrators provided by the Code of Procedure constitutes an impedimental condition for a lawyer to be retained as a mediator.
4. A lawyer who has been retained as a mediator shall not have any relationships with one of the parties:
 - a) unless at least two years have elapsed from the definition of the procedure;
 - b) if the object of the activity is not different from that of the procedure itself.The prohibition extends to professional partners or associates who exercise in the same office.
5. A lawyer shall not permit that the body of mediation has location, for whatever reason, or carries out activities at his office or that the lawyer himself is domiciled at the office of the body of mediation.
6. The breach of duties and prohibition under sub-sections 1 and 2 entails the enforcement of censure as disciplinary sanction; the breach of prohibition under sub-sections 3, 4 and 5 entails the enforcement of suspension of the legal practice from two to six months as disciplinary sanction.

TITLE V

RELATIONS WITH THIRD AND OPPOSING PARTIES

Article 63

Relations with third parties

1. Even outside his professional role, a lawyer has the duty to act in his interpersonal relations in a manner that will not compromise the dignity of his profession and the confidence of third parties in the lawyer's capacity to fulfil his professional duties.
2. A lawyer shall treat the staff of his own office, the staff of the legal system, and any other person with whom he might come into contact in the exercise of his profession with fairness and respect.
3. The breach of duties under the previous sub-sections entails the enforcement of warning as disciplinary sanction.

Article 64

Fulfilling commitments made to third parties

1. A lawyer shall fulfil commitments made to third parties.
2. A lawyer's failure to fulfil obligations which are not related to the exercise of his profession is a disciplinary violation if, due to its nature or seriousness, it compromises the dignity of the profession and the confidence of third persons in the lawyer's capacity to fulfil his professional duties.
3. The breach of duties under the previous sub-sections entails the enforcement of suspension of the legal practice from two to six months as disciplinary sanction.

Article 65

Threatening actions against the adverse party

1. A lawyer may summon the opposing party to carry out particular fulfilments threatening legal actions, bankruptcy petitions, complaints or any other measure, informing the opposing party about the relative consequences; however, it is ethically improper to threaten excessive or vexatious actions.
2. If a lawyer wishes to invite the opposing party to his office for discussion before commencing any legal action, he must advise the opposing party that it may be accompanied by a lawyer of its own choice.
3. A lawyer may charge the opposing party fees and costs for any extra-judicial activity, on the condition that such request of payment is done in favour of his own client.
4. The breach of duties under the previous sub-sections entails the enforcement of censure as disciplinary sanction.

Article 66

Multiplicity of actions towards the opposing party

1. A lawyer shall not make the opposing party's financial situation worse by instituting onerous or multiple judicial actions if there are no real reasons to do so in order to safeguard the assisted party's interests.
2. The breach of duty under the previous sub-section entails the enforcement of censure as disciplinary sanction.

Article 67

Requesting compensation from the opposing party

1. A lawyer shall not request that the opposing party pay his fees, unless the parties have previously agreed to such payment and the lawyer's client has consented or unless such payment is otherwise provided by law.
2. In the event his own client does not pay his fees, a lawyer is allowed to request payment of his professional fees from the opposing party following any form of settlements through which a judicial or an arbitral proceeding is resolved.
3. The breach of prohibition under sub-section 1 entails the enforcement of warning as disciplinary sanction.

Article 68

Undertaking representation against former clients

1. A lawyer may undertake representation that is adverse to a former client if a period of two years has passed from the end of the professional relationship.
2. A lawyer shall not undertake representation that is adverse to a former client if the matter of the new representation is not different from the one carried out previously.
3. In any case, a lawyer shall not use information previously acquired because of the past relationship.
4. A lawyer, who jointly represented spouses and cohabiting partners in family disputes, shall always refrain from carrying out his professional assistance in favour of one of them in later disputes between them.
5. A lawyer, who assisted a minor in family disputes, shall always refrain from carrying out his professional assistance in favour of one of the parents in later disputes with the same nature, and vice versa.
6. The breach of prohibitions under sub-sections 1 and 4 entails the enforcement of suspension of the professional activity from two to six months as disciplinary sanction. The breach of duties and prohibitions under sub-sections 2, 3 and 5 entails the enforcement of suspension of the professional activity from one to three years as disciplinary sanction.

TITLE VI

RELATIONS WITH FORENSIC INSTITUTIONS

Article 69

Elections and relations with forensic institutions

1. A lawyer, called to be part of the forensic institutions, shall fulfil the responsibility with diligence, independence and impartiality.
2. A lawyer, who takes part as a candidate or supporter of any candidate at the election for the representative bodies of the legal profession, shall act with honesty and avoid any form of publicity or action that is not appropriate to the dignity of such offices.
3. Any form of initiative or electioneering where the elections are conducted and during the voting process is prohibited.
4. Only billposting of electoral lists and posters containing the rules for the conduct of electoral operations are permitted at the polling stations.
5. The breach of duty under sub-section 1 entails the enforcement of censure as disciplinary sanction. The breach of duties and prohibitions under sub-sections 2, 3 and 4 entails the enforcement of warning as disciplinary sanction.

Article 70

Relations with the Bar Council

1. A lawyer, when enrolling into the Bar Council's list, shall declare the possible existence of a family relationship, marriage, affinity and cohabitation with magistrates, for the purposes requested by the judicial system; this obligation also exists with regard to occurred changes.
2. A lawyer shall immediately inform the Bar Council he belongs to, and the district Bar as well, about the setting up of associations or professional corporations, the opening of principal and secondary offices, their professional address and subsequent amending events.
3. A lawyer may join only one legal association or corporation.

4. A lawyer must comply with his duties concerning taxes and his social security contributions provided for by law, as well as contributions due to organs of the legal profession.
5. A lawyer shall communicate to the Bar Council he belongs to the details of his insurance policies and every subsequent amending.
6. A lawyer shall comply with the regulations of the National Bar Council and of the Bar Council he belongs to, concerning the obligations and the training programs.
7. The breach of duties under sub-sections 1, 2, 3, 5 and 6 of this article entails the enforcement of warning as disciplinary sanction; the breach of duties under sub-section 4 entails the enforcement of censure as disciplinary sanction.

Article 71

Duties of collaboration

1. A lawyer shall collaborate with forensic institutions for the implementation of their aims and, in doing so, he shall scrupulously observe the duty of truthfulness; for such purpose, he shall inform the forensic institutions about facts he is acquainted with concerning the professional activities of lawyers or the administration of justice which may require institutional intervention.
2. If the forensic institutions, in connection with complaints filed by third parties, ask a lawyer for clarification, information or fulfilments which are intended to obtain information or fulfilments to assist in the evaluation of a complaint, the lawyer's failure to reply promptly is a violation of disciplinary rules.
3. In a disciplinary proceeding or in its early stage, it is not an autonomous disciplinary violation for a lawyer to fail to reply to the accusations he has been charged with or to fail to present any comments and defense. However, such conduct may be taken into consideration by the judging authority when forming its opinion in the matter.
4. The breach of duties under sub-section 1 entails the enforcement of warning as disciplinary sanction. The violation of duties under sub-section 2 entails the enforcement of censure as disciplinary sanction.

Article 72

Qualifying examination

1. A lawyer who provides, in any way, texts relating to the proposed topic to one or more candidates, before or during the exam, is punished by disciplinary sanction of suspension of legal practice from two to six months.
2. If member of the examination board, the sanction may not be less than the suspension of legal practice from one to three years.
3. The candidate who receives texts or notes of whatever kind, by whatever mean, in the exam class and does not report the fact to the board is punished by the disciplinary sanction of censure.

TITLE VII

FINAL PROVISION

Article 73

Entering into force

This Code of Conduct shall enter into force sixty days after its publication in the Official Journal.