

# The Attorneys' Code of Ethics\*

\* The Attorneys' Code of Ethics was passed at the Assembly of the Croatian Bar Association on 18 February, 1995. The "Amendments" were adopted at the Assembly of the CBA on 12 June, 1999.

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## I. GENERAL PRINCIPLES

1. The Attorneys' Code of Ethics (hereinafter called: the Code) establishes the principles and rules of conduct that attorneys shall at all times follow in fulfilling their professional responsibilities and in order to preserve the dignity of, and respect for, the legal profession.
2. The basic principles are contained in the solemn oath that every attorney takes when beginning his or her professional legal activity. These principles must be a component part of each attorney's own conscience and belief.
3. The attorney's relationship towards his or her client, the adverse party and the opposing attorney, other attorneys, courts, public attorneys and other government bodies and agencies possessing public authority shall be determined by the attorney's role as the protector of the rights of citizens and legal entities.
4. In his or her appearances, submissions, speeches and other official acts and public and private appearances in general, an attorney shall always consider the requirements of professional and general culture.
5. In fulfilling his or her professional responsibilities, an attorney shall behave in such a way as to gain and maintain the trust of the client, and of the judicial and other bodies he or she appears before.
6. An attorney shall fulfill conscientiously all his or her duties that arise from the attorney's profession and preserve the reputation and the dignity of the profession both at work and in his or her private life.
7. An attorney shall manifest conduct that is an example of humanity, respect, human dignity and progressive efforts in recognizing and accomplishing basic human rights and freedoms.
8. An attorney shall protect the interests of clients, using only the means that are in accordance with the law, with the dignity of the legal profession and good customs and that are not contrary to the attorney's conscience.
9. In representing a client, an attorney shall preserve his or her independence.
10. An attorney shall not accept jobs that are incompatible with the legal profession and could damage the attorney's independence and reputation and the integrity of the legal profession.
11. Cooperation with unlicensed attorneys is contrary to an attorney's dignity.
12. An attorney shall not entrust to persons who are not authorized to practice law any legal services that, according to regulations, may only be rendered by attorneys.
13. An attorney shall not refuse to take a legal matter entrusted to him or her by an official body.
14. An attorney shall not accept a fee for any matter entrusted to him or her, unless it is permitted by the fee schedule.
15. An attorney shall not use his or her previous job or office to attract clients, nor shall an attorney, in any way, encourage a client to believe that because of such job or office, the needed legal service will be more effective.
16. An attorney shall constantly renew, broaden and improve his or her legal and general education.
17. An attorney shall expand his or her scope of activity only by using the means that are in accordance with ethical standards and the reputation of the legal profession.
18. It is against the dignity and the reputation of the legal profession to act disloyally when

practicing law, and in particular to:

- attract clients by means of offers, intermediaries and advertisements;
- give blank letters-of-attorney or promotional material to third parties;
- collaborate with unlicensed attorneys and persons suspected of being illegal practitioners of law;
- promise commission or award to others for attracting clients;
- belittle other attorneys;
- take instructions from third persons from outside the law office;
- claim good connections;
- advertize legal services in foreign newspapers or by letters sent abroad;
- offer discounted legal counseling;
- have an attorney's office sign which is of a conspicuous shape or put an attorney's sign in places other than the building in which the office is located;
- use a disproportionately large or round seal;
- display conspicuously the names of joint law offices in submissions, letters or elsewhere;
- display the attorney's specialization in a conspicuous way;
- appear in public, in mass media or elsewhere by stressing one's capacity as an attorney, in a way that can be understood as an act of imposing oneself on the public or as advertising.

**19.** An attorney shall be permitted to:

- publish in a newspaper a notice of the intention to open or move a law office, whereby any impression of such a notice being an advertisement has to be avoided;
- publish a notice about opening or moving a law office in the form of a circular only to attorneys, judicial bodies and clients.

**20.** An attorney who is written or talked about in the mass media in a way contrary to the provisions of the Law on the Legal Profession, the by-laws of the Bar Association and this Code, thus causing damage to the reputation of the legal profession, has the obligation to respond in a way so as to publicly disassociate himself or herself from such statements.

**21.** If an attorney practices law in another country or if he or she represents a foreigner in Croatia, he or she must try to act according to the principles that govern the legal profession of such a country.

**22.** The Code also contains rules whose violation constitutes a disciplinary violation of the duty and reputation of an attorney.

**23.** Unless otherwise determined by law, the by-laws of the Bar Association and this Code, a competent disciplinary body shall determine whether the violation of a rule from the Code in a particular case represents a disciplinary violation of the duty and reputation of the legal profession according to the by-laws of the Bar Association.

**24.** A violation of a rule from the Code that does not represent a disciplinary violation of the duty and reputation of the legal profession in general shall be examined by the Executive Committee of the Bar Association or by a competent body of the Local Bar Association to which an attorney belongs. Such body will inform the attorney of its opinion and warn him or her about the possible consequences of the violation.

**25.** The provisions of the Code expressly applying to attorneys who work alone shall be applied in the same way to attorneys who work in joint law offices or law firms.

The provisions of this Code that expressly apply to attorneys shall accordingly be applied to law trainees.

## **II. THE ATTORNEY'S CONFIDENTIALITY**

**26.** An attorney shall preserve the confidentiality of any information acquired from a client or otherwise while rendering legal assistance, particularly during representation or defense. An

attorney must conscientiously determine alone what the client wants to be preserved as the attorney's secret.

**27.** An attorney shall exercise reasonable care to ensure that the confidentiality of such information be preserved by other persons working in his or her law office.

**28.** The attorney's secret refers to all documents, recordings, computer data, pictures and similar materials and deposits kept in the attorney's office.

**29.** Confidences or information acquired in the course of rendering legal assistance to a legal person or a public body must not be used in the proceedings or otherwise to the client's disadvantage. An attorney shall not use such confidences to the disadvantage of either one or more interested members of the particular legal person or body, except when rendering legal assistance to a legal person or body against their members.

**30.** An attorney shall preserve the attorney's secret under threat of disciplinary accountability while rendering legal assistance and afterwards, as long as its disclosure is likely to be detrimental to the client.

**31.** In order to preserve the attorney's secret, an attorney shall not disclose any information about the matters entrusted to him or her, even upon the termination of a case.

**32.** The rules governing the obligation of protecting the attorney's secret shall be applied accordingly to other attorneys and employees working in the same law office.

**33.** An attorney shall expressly state in the work contract (contract of employment) with employees that the violation of the attorney's secret is a ground for the termination of employment (severe violation of responsibilities).

**34.** Revelation of the attorney's secret is permitted only upon the clear consent of the client, if it is necessary for the defense of the attorney, or if it is necessary to justify the attorney's decision to withdraw from defending the client.

### **III. FREE LEGAL ASSISTANCE TO DEPRIVED PERSONS AND VICTIMS OF THE WAR FOR THE HOMELAND**

**35.** Free legal assistance to deprived persons and victims of the war for the homeland is the honourable duty of every attorney and it must be carried out as conscientiously and diligently as for any other clients.

**36.** An attorney shall accept representation of deprived persons and victims of the war for the homeland in civil and criminal cases when assigned by an authorized body of the Association.

**37.** An attorney shall have the obligation to render free legal assistance to deprived persons and victims of the war for the homeland in legal matters in which these persons are enforcing their rights related to their positions when the Association entrusts such legal assistance to him or her in accordance with its enactments.

**38.** In the case of success in voluntary representation of deprived persons and victims of the war for the homeland, an attorney may ask for a fee for his or her legal services to the extent to which such a representation will not lose its social and humane character. An attorney shall, in any case, be allowed to accept a fee that amounts to what the represented client has recovered from the adverse party on account of the attorney's representation.

**39.** An attorney who, as counsel to a deprived person or a victim of the war for the homeland, acquires from such a person or from a third party, in connection with such representation and on whatever ground, a reward before the termination of representation, has thus committed a severe violation of the attorney's duty and of the reputation of the legal profession.

### **IV. RELATIONSHIP TO A CLIENT**

**40.** Faithfulness to the client is the attorney's main duty. It is more important than the

attorney's own interests and any loyal considerations regarding colleagues.

**41.** An attorney shall exercise all his or her professional skill and conscientiousness to represent a client and render his or her legal assistance without delay or hesitation. Therefore, when undertaking a representation, an attorney must use proper care not to, because of excess work, jeopardize timeliness, thoroughness and conscientiousness when exercising his or her professional duty. An attorney who is approached by too many clients should direct them to other attorneys.

**42.** An attorney shall render legal assistance to a client who approaches him or her and may refuse the requested legal assistance only for the reasons established by law, the by-laws of the Bar Association and this Code.

**43.** An attorney may refuse a client's request for legal assistance only for important reasons, such as overload, meagre prospects for success, insufficient knowledge in a particular legal field, common understanding of the client's inclination to wanton litigation, immorality of the client's reasons to seek legal assistance and the client's incapacity to pay the fee.

**44.** An attorney who personally knows the adverse party may refuse to represent a client against it. If he or she is willing to undertake such representation, his or her client has to be informed about the acquaintance in advance.

**45.** An attorney who is granted specialized legal assistance by the Association may refuse to render any form of legal assistance not falling within his or her specialization.

**46.** An attorney shall refuse legal assistance, if:

1. he or she or any other attorney who worked or still works in the same office on the same legal matter or in any related legal matter has represented the adverse party or both parties and has given them legal advice or received instructions from them;
2. if he or she has worked on the same legal matter or a related legal matter as a law trainee with the attorney who represented the adverse party;
3. if he or she has worked on the same legal matter or a related legal matter as a judge, public attorney, attorney-general or as any other official person in an administrative or other procedure;
4. except in a criminal case, what the client seeks is wanton or clearly against the law, so that, in all probability, failure may be predicted;
5. in all other cases provided by law, the by-laws of the bar Association and this Code.

**47.** An attorney who renders legal service to two or more parties must cancel the representation of either of them if a dispute among them arises in connection with the rendered legal service.

**48.** An attorney may not cancel representation except for the reasons for which he or she is obligated or authorized to cancel them pursuant to this Code.

**49.** If in the course of representation it becomes clear that the client, without any blame on the part of the attorney, has lost every chance for a successful outcome, the attorney is authorized to cancel representation if it will not cause excessive damage for the client which cannot be eliminated by entrusting the representation to another attorney.

**50.** An attorney who cancels representation shall represent the client until the client finds another counsel, but not longer than 30 days from the cancellation of the power of attorney.

**51.** If it is in the interest of the client, the attorney shall exert every effort to help the parties to a dispute to reach an agreement without initiating judicial or any other proceedings. In the course of judicial or any other proceedings, the attorney shall try to encourage the parties to resolve the dispute by way of settlement if this is in the interest of his or her client.

**52.** An attorney shall not cause unnecessary procedural costs to the client.

**53.** An attorney, whose failure to succeed causes a certain cost for the client in the course of the proceedings, shall inform the client about it and shall cover the costs.

**54.** While representing a client, an attorney shall not identify himself or herself with the client

but rather preserve the integrity and dignity of a counsel and a defense attorney.

**55.** An attorney shall represent and defend the client conscientiously, using all the necessary legal means to do so.

**56.** In the course of representation and in connection with the dispute, an attorney shall not come into contact with the adverse party, either in the absence of the client or without the client's approval.

**57.** If an attorney renders legal assistance to a number of clients in the same matter, it is his or her duty to conscientiously protect the interest of all of them, regardless of which party asks for legal assistance and pays for the legal service.

**58.** While representing a client, an attorney shall not accept the invitation of the adverse party to represent him or her, even if in another case.

**59.** An attorney shall not represent the adverse party in another case even after the termination of the proceedings in which he or she represented his or her client if, according to the circumstances of the case, it would be against the principle of attorneys' ethics.

**60.** An attorney shall not undertake the representation of a co-plaintiff or a co-defendant if their interests are in conflict.

**61.** If a client is given legal assistance by an attorney who is a member of, or works in, a law firm, or is a member of a joint law office, the adverse party shall be any party which is being in conflict with the client of an attorney working in the same law firm or a joint law office.

## **V. REPRESENTATION IN CRIMINAL CASES**

**62.** An attorney shall undertake the proffered defense of a defendant in criminal cases, regardless of the identity of the accused individual or the nature of the criminal offense.

**63.** An attorney shall not refuse to render legal assistance in a criminal case because it is difficult to win, because there is some irrefutable evidence that a criminal offense has been committed, because the client has admitted his or her guilt, because of the severity of a particular criminal offense, because of public opinion or in any other similar situation.

**64.** An attorney shall not cancel his or her legal assistance to a client in a criminal action if as a result the client's position would be endangered or it would be impossible for the client to find another attorney.

**65.** In a criminal case, an attorney may withdraw from defending a client only if his or her professional conscience does not let him or her carry out the task.

**66.** In the course of, and in connection with, a criminal action, an attorney must avoid giving prominence to his or her name for the purpose of advertising, primarily in mass media.

**67.** An attorney shall not make public statements in the course of a criminal action that may have an impact on the progress and outcome of the proceedings.

**68.** It is against the reputation of the legal profession to offer oneself as a defense attorney to prisoners and use them to obtain work.

**69.** When more than one defendant and defense attorney participate in a criminal trial, each attorney shall try not to encroach on the domain of the other attorneys.

**70.** An attorney shall not defend or free his or her defendant from guilt in such a way as to shift the blame to other co-defendants, or increase their guilt in order to decrease the guilt of his or her defendant. An attorney may do that only if, in his or her justified opinion, the defendant is not guilty and this cannot be proven in any other way except by proving the guilt of a co-defendant. Such evidence must correspond to the facts.

**71.** If there is more than one defense attorney, they must try to coordinate their work and speak in such a way as not to harm any defendant. The defending attorneys must reach a preliminary agreement regarding their speeches, so that the defending attorneys speaking first do not exhaust the issue to such an extent as to make the duty of other attorneys more

difficult.

**72.** In his or her legal presentations and conclusions, a defending attorney is not bound by the instructions received from the client regarding legal matters. The defending attorney shall have the obligation to abide by the instruction received from the defendant concerning facts only.

## **VI. RELATIONSHIP TO THE ADVERSE PARTY**

**73.** An attorney shall treat the adverse party in a considerate and objective way, trying to establish the conditions for the dispute to be solved as soon as possible and in the mutual interest of the parties.

**74.** An attorney shall not try to accomplish the foregoing requirements by using otherwise legal but inappropriate or harsh means.

**75.** An attorney shall not exploit the ignorance, error or intimidation of the adverse party, particularly if the party does not have a legal representative, in order to achieve unjust success for his or her own party.

**76.** If the adverse party is not careful, conciliatory, considerate and objective, the attorney may treat the adverse party firmly, especially when the absence of such a manner could damage the justified interests of his or her own client and encourage the adverse party to unscrupulousness and even greater unfounded resistance.

**77.** Before initiating an action, an attorney must always warn the adverse party by giving a reasonable deadline for the fulfillment of the disputed claim, unless the matter is urgent or if it is a question of an obviously wanton and uncompromising opponent.

**78.** An attorney shall not come into any contact with the adverse party without the knowledge of the party's counsel or without the knowledge of his or her own client.

**79.** An attorney must discourage his or her client from criminally suing the adverse party for imprudent statements caused by a tense situation in the proceedings if such a suit is not necessary in order to meet the client's interest. The attorney himself or herself should, if possible, try to refrain from criminal actions against the adverse party for inappropriate or impolite statements about him or her that have been made out of nervousness.

## **VII. RELATIONSHIP TOWARDS THE BAR ASSOCIATION AND THE LOCAL BAR ASSOCIATIONS**

**80.** An attorney shall conscientiously fulfill all his or her obligations towards the Bar Association and the Local Bar Associations and shall respect, preserve and increase their reputation and contribute to their increasingly successful work.

**81.** An attorney shall attend the Association's and the Local Bar Association meetings, the general meetings in particular, and shall, with his or her active participation, contribute to their successful work.

**82.** To be elected to any body of the Association or the Local Bar Association ought to be an honor for every attorney, and he or she may refuse the appointment only if their own health conditions make work in these bodies impossible.

**83.** An attorney shall strive to successfully nurture and develop correct relations among attorneys.

**84.** A particularly severe violation of the attorney's duty is:

- not to apply the decisions of the bodies of the Association and of Local Bar Associations;
- to submit false reports to these bodies;
- any wrongful written or oral communication with these bodies;
- not to fulfill, or to fulfill irregularly, any financial obligations towards the Association and

Local Bar Associations.

### **VIII. RELATIONSHIP TO THE COURTS AND TO ADMINISTRATIVE AND OTHER GOVERNMENT BODIES**

**85.** In carrying out the legal profession, an attorney shall always protect the authority of the courts before which legal assistance is rendered and shall at all times express his or her due respect.

**86.** By his or her appearance before any court of law, an attorney shall always justify and maintain the understanding that he or she is a cooperator in law enforcement and in the protection of the fundamental rights of citizens and their justified interests.

**87.** If judges relate to an attorney, to a law trainee or to a client as if they were inferior persons, the attorney shall resist and shall maintain such an attitude and conduct so as to convince them that they are all associates in the process of accomplishing an equal task and therefore have the same position.

**88.** While working as a legal counsel for a client, the attorney's possible private relationship with the judge must not be manifested.

**89.** The attorney's attitude before the courts and in submissions and speeches shall be as realistic and concise as possible, to a degree that will not damage the protection of the client's interests.

**90.** The length of submissions and speeches shall depend on the circumstances of a particular case, on its complexity, on the legal matter frequently or seldomly occurring in practice and on the extent to which legal and factual issues involved have been solved in legal practice and analyzed in legal writings.

**91.** An attorney shall exert maximum effort to ensure that his or her submissions and speeches are presented in a concise and eloquent manner and that they are interesting, clear and easy to understand.

**92.** When appearing before the courts, an attorney shall not make insulting statements or derogatory comments on the judge's decisions, and shall not impetuously and thoughtlessly challenge and make accusations against the judge or act in such a manner.

**93.** During litigation and until the final decision is rendered, an attorney shall not make statements and undertake other out-of-court activities by which he or she may, in an unpermitted way, influence the course and outcome of the proceedings.

**94.** An attorney shall advise the client to show due respect towards the courts.

**95.** An attorney shall offer determined resistance against every attempt to violate the rule of law and personal dignity, using only the permissible and correct means.

**96.** In order to offer a client expeditious legal protection at the lowest expense, an attorney shall avoid dragging out or misusing of any right in a lawsuit before the court.

**97.** An attorney shall try to ensure that both the attorney and the client conscientiously use the rights they are entitled to in the proceedings.

**98.** In principle, an attorney may speak with witnesses outside the court both before and in the course of the proceeding. The attorney is, however, obligated to speak with them in such a way as to avoid any influence on the witnesses.

**99.** The provisions of this Chapter on the relationship of an attorney towards the courts shall similarly be applied to the relationship of attorneys towards administrative and other government bodies, before which the attorney renders his or her legal assistance to the client.

### **IX. RELATIONSHIP AMONG ATTORNEYS**

**100.** Due respect for the profession obliges every attorney to have a correct and loyal

relationship with other attorneys and to show professional solidarity. Such relations must not have a negative impact on the conscience and determination of an attorney when representing and defending his or her client.

**101.** An attorney who is approached by an attorney from abroad for legal assistance must always be aware that the foreign attorney depends on his or her assistance much more than if sought from an attorney in his or her own country. Therefore, the responsibility of attorneys in rendering legal assistance to foreign attorneys is much greater. Such cases must be undertaken only if they can be handled without any delay.

**102.** An attorney who seeks legal assistance from a foreign attorney shall be responsible for the foreign attorney's fees, unless otherwise expressly agreed.

**103.** An attorney who has directed his or her client to a foreign attorney shall not be responsible for the foreign attorney's fees but will also not be entitled to any portion of such fees.

**104.** If an attorney is approached by a client represented by another attorney, it is his or her obligation to inform the latter about it.

**105.** An attorney shall treat the opposing attorney with due respect, to avoid belittling or slighting him or her in any way. An attorney shall also not personally assault an opposing attorney or unnecessarily involve him or her in any dispute.

**106.** In every extrajudiciary or procedural appearance against the adverse party, an attorney shall not avoid the party's counsel and shall not make statements about not wanting to communicate with the counsel.

**107.** An attorney shall prevent any attempt of the adverse party come into direct contact with him or her, avoiding at the same time his or her own counsel and without his or her prior assent. Moreover, the attorney should advise the client to turn to his or her own counsel.

**108.** It is permissible to undertake a client's representation against another attorney without previous approval from the competent body of the legal profession. Having undertaken such representation, the client's counsel must inform the Local Bar Association to which the attorney, against whom the representation is undertaken, belongs, about the employment in a criminal proceeding and the outcome.

**109.** Cases in which the matter in dispute is the attorney's fees should be settled before Local Bar Association bodies.

**110.** An attorney shall not undertake representation of a client already represented by another attorney until the client has cancelled the power of attorney given to the previous attorney.

**111.** Correct behavior among attorneys requires them, unless there are some important reasons against this, to help each other by offering professional opinion and advice.

**112.** An attorney shall accept a correctly requested substitution in rendering legal assistance by another attorney, unless prevented by his or her own obligations.

**113.** An attorney who turns to a colleague for substitution shall deliver on time the necessary data, documents and instructions related to the requested substitution.

**114.** If the approached attorney is not able to substitute, he or she shall decline the substitution and promptly inform the attorney requesting substitution. However, if because of the same shortage of time, a procedural activity could be missed or some other harmful consequences could occur, the attorney who cannot accept the substitution should find another attorney to undertake the substitution. The approached attorney has the obligation also to undertake any other activities in order to avoid possible harmful consequences.

**115.** An attorney should not refuse to receive a letter from another attorney or return it unopened.

**116.** An attorney shall guarantee his or her substitute all the incurred expenses in substitution, unless otherwise agreed. A request for compensation of the substitution costs has to be made along with the report on the task.

**117.** Unless attorneys reach a different agreement, the substituting attorney shall receive half of the amount foreseen in the fee scale for the rendered legal assistance.

**118.** Any disagreement with another attorney or a law trainee must be settled directly or with the mediation of a legal profession committee.

## **X. RELATIONSHIP TOWARDS LAW TRAINEES**

**119.** In order to create a capable young legal profession cadre, attorneys are advised to accept for training young, capable and diligent law school graduates.

**120.** An attorney must be aware that law trainees are younger colleagues and future counsels and will therefore determine his or her attitude towards them accordingly.

**121.** Attorneys shall offer their trainees the possibility of acquiring legal practice and knowledge and must therefore make an effort to make the practice diverse and the knowledge thorough.

**122.** Legal training must not be carried out along with some other job. A law trainee shall carry out legal training as a full-time activity and not as a sporadic practice. Any assistance towards fictitious training shall constitute a serious violation of the performance of the legal profession.

**123.** Entering into any kind of contract between an attorney and his or her law trainee on participation in gain or partnership is prohibited.

**124.** A law trainee is forbidden to independently carry out legal operations.

**125.** An attorney shall conscientiously supervise the work of his or her law trainee.

**126.** Attorneys shall pay due attention to making law trainees familiar with the rules of the attorneys' ethics and this Code.

**127.** A law trainee shall keep the confidences and secrets of the law office in which he or she works.

**128.** If a conflict arises between an attorney and his or her law trainee, they must try to solve it alone or with the mediation of competent legal profession bodies.

**129.** If a conflict arises between an attorney and a trainee who does his or her training at another law firm, the attorney should first approach the adverse attorney about mediation in the dispute.

## **XI. RUNNING A LAW OFFICE**

**130.** An attorney shall strive to keep his or her office and the working style worthy of the reputation of the legal profession as an autonomous and independent service.

**131.** An attorney shall maintain an orderly and timely record of all cases, develop a storage system and accurate files of all dates and hearings, so that both the attorney and the client are always able to check the files for any data on a particular case. An attorney shall always, in accordance with the by-laws of the Bar Association and without delay, be able to provide legal profession bodies with necessary information about his or her work.

**132.** An attorney shall be responsible for the work of his or her law office.

In joint law offices, all attorneys shall be responsible for the work of their office.

In law firms, the attorneys who are members shall be responsible for the work of their law firm.

**133.** An attorney shall be particularly conscientious and punctual in his or her financial operations. An attorney is not allowed to commingle a client's money with his or her own and must always be in a position to pay out such money.

**134.** An attorney shall not be allowed to keep money received for the client longer than necessary.

**135.** It is prohibited to:

- use or keep money which has been given to an attorney for a certain purpose, for any other purposes;
- extend the right of retention for outstanding claims for services still to be rendered.

**136.** An attorney shall fulfill all the obligations towards his or her employees in accordance with the law, the Collective Agreement and the Employment Contract.

**137.** A law office sign may be put only on the building and in the building in which the law office is located. The size, the inscription and the number of signs may not exceed the usual measurements.

**138.** An attorney is forbidden to publish newspaper columns of questions and answers with his or her name quoted. An attorney shall also not be allowed to give legal advice to an unlimited number of persons by means of public communication.

## **XII. REPRESENTATION FEES**

**139.** An attorney is entitled to a fee for his or her work according to a fee schedule for legal services.

**140.** If a client offers the attorney a fee higher than the one established in the fee schedule, and the attorney has not in any way encouraged such an offer, he or she is allowed to accept it, under the condition that it is not in evident disproportion to the rendered service, to the outcome of his or her service and the financial condition of the client.

**141.** An attorney shall have the right to ask for the payment of accrued expenses. If the client does not deposit the money for the coverage of such expenses, the attorney may refuse to continue representing the client.

**142.** An attorney shall have the right to receive a deposit for his or her fees.

**143.** An attorney who has not been paid his or her fees shall not have the right to refuse to return to the client his or her original documents when the representation is completed. An attorney shall, at the client's request and expense, make a copy of all the submissions he or she has written for the same client.

**144.** An agreement on the fee for rendering legal service shall only be made in accordance with the Law on the Legal Profession and the fee schedule.

**145.** It is not permitted to make a discount from the fixed amounts in the fee schedule. Upon the completion of the proceedings, it is permitted to make a discount in certain justified cases, particularly if the claim is uncollectable. It is advisable to make a discount if the client's financial conditions are difficult.

**146.** It is possible to make a contract on rendering legal assistance with a legal person or an individual performing some kind of business activity. A lump sum may be established in the contract regarding legal counseling services and it should correspond to the expected service. The fee for court representation and in other proceedings may not be substantially lower than the amount in the fee schedule. Such a contract must be registered for certification with the Bar Association.

**147.** An attorney shall inform the client about the approximate amount of the legal representation fee and also warn the client that the expenses he or she will be compensated for on account of the adverse party might be less than the attorney's fee.

**148.** An attorney shall allow the client to inspect of the fee schedule and, at his or her request, give a specified statement of costs.

**149.** An attorney intending to sue his or her client for the costs and the fee owed shall send a written reminder first.

### **XIII. ENTRY INTO FORCE**

**150.** The Code shall enter into force on the day of being adopted by the Assembly of the Croatian Bar Association.

**President  
Marijan Hanzekovic**