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ETHICAL ASPECTS OF RELATIONSHIPS BETWEEN ATTORNEYS

As a rule, a person turns to an attorney with a request for legal assistance, but it is possible that such a person may turn to several attorneys at the same time. Summarizing the provisions of Articles 29, 59 and 63 of the Constitution of Ukraine, we can conclude that the task of the legal profession is to ensure the right to protection from persecution and the provision of legal assistance [3].

According to Article 24 of the Rules of Advocate Ethics, at the request of the client or upon agreement with him, acceptance of one assignment by several attorneys is allowed [4]. It is worth noting the main principles of the client's acceptance of the mandate of several attorneys, namely: free choice of attorneys by the client; requirement of competence and conscientiousness of attorneys; respect for the rights of other attorneys [2, p. 197]. The issue of coordination of actions between attorneys who jointly perform assignments becomes important. In this case, the principles of distribution of duties and powers of attorneys, as well as their responsibility to the client, must be defined [4].

Also, the Rules of Advocate Ethics prohibit encouraging the client to enter into an agreement with several attorneys, if the reason for the impossibility of executing the assignment by one of them is his incompetence [2, p. 197]. In addition, according to Article 51 of the Rules of Advocate Ethics, a attorney must refrain from a certain list of actions that may contradict ethical norms in relations with other attorneys, namely: not to use statements against another attorneys that degrade his honor and dignity, harm his business reputation, tactless and humiliating expressions; not to spread knowingly false information about them; not to try to persuade the client of the attorneys to terminate the contract with them on the provision of professional legal assistance, etc. [4]. In general, the relationship between attorneys who defend one client should be built on the principles of mutual respect, trust and cooperation for the benefit of the

client, avoiding artificial generation or deepening of the conflict between clients [2, p. 197].

In cases where a contract for the provision of legal assistance is concluded with a law firm (association), the decision to appoint a specific attorney or several attorneys to perform the assignment or to replace an attorney is made by the law firm or the law association at its discretion, with the exception of cases when the contract does not specify another procedure for replacing an attorney [4]. Such a decision of the legislator is justified, as it allows avoiding a number of contradictions between attorneys in the process of providing legal assistance.

There are other cases when the client, after concluding an agreement on the provision of legal assistance to him by a certain attorney, without the latter's consent, concludes a contract with another attorney, the first of the attorneys, as well as the second, if the client does not inform him of the existence of a previous agreement, will have the right in a unilateral order to terminate the concluded contract on the provision of legal assistance [4]. In our opinion, this provision guarantees the attorney the termination of the contract and the provision of his/her constitutional right to honor and dignity, because in half of the cases such a client's attitude towards the attorney is a violation of these rights.

Another important issue regarding relations between attorneys is the issue of permissible forms of response of an attorney to illegal or unethical actions of another attorney.

Article 52 of the Rules of Advocate Ethics states that the permissible forms of an attorney's response to the illegal or unethical behavior of another attorney, which has caused or may cause damage to the interests of the attorney, his client, the bar association, the bureau, the bodies of the bar self-government or the bar as such, should be considered appeals to the self-government bodies of attorneys, including those empowered with disciplinary powers in relation to attorneys, as well as the use of other forms of protection of the rights and legitimate interests of a person provided for by the legislation of Ukraine [4].

Also, it is worth knowing that in such cases it is not allowed to abuse the right to apply to the self-governing bodies of attorneys, including those endowed with disciplinary powers, to initiate the issue of disciplinary responsibility of the attorney without sufficient grounds and to use the said right as a means of putting pressure on the attorneys [1, p. 193]. Such a remark is quite appropriate. The legislator should reduce the number of such cases as much as possible, because such pressure on an attorney performing his duties is unacceptable, because it can prevent the exercise of the constitutional right to protect the client.

Thus, it can be concluded that despite the possibility of providing legal assistance by several attorneys to one client regarding the execution of the same assignment, this does not exclude the obligation of each of such attorneys to observe the principles of confidentiality and the prevention of conflict of interests. In addition, in the specified cases, it is advisable for attorneys to enter into a written agreement, which will determine the division of duties of each of them in relation to the execution of the client's assignment. This will help to avoid any future misunderstandings both between the attorneys themselves and between the attorneys and the client.

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