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GROUNDS OF DISCIPLINARY LIABILITY OF ATTORNEYS UNDER UKRAINIAN LEGISLATION

Disciplinary liability of attorneys is an important component of their legal status. Its function is to ensure high level of professional competence and integrity of the legal profession as a remedial institution of civil society. The grounds and procedure for application of disciplinary sanctions to attorneys is stated in the Law of Ukraine “On the Bar and Legal Practice” and the Rules of Attorney’s Ethics. Since attorney exercises an independent professional activity, the decision on imposition of disciplinary sanctions shall be adopted by a special institution, established by this community – the qualification and disciplinary commission of the region. Thus, this is the professional responsibility, legal nature of which is determined by the special status of the lawyer in a democratic society.

Such typical violations committed by attorney in Ukraine include: (1) persuasion of the client to refuse from his attorney; (2)

false or derogatory statements of attorney about his client in the media or on the Internet; (3) poor customer service by attorney; (4) lack of action to defend the client after receiving the fee, refusal to come into contact with the client; (5) deception of a client, promising to solve the client’s problem by illegal means, for example through corrupt practices; (6) overestimation of the fee size for the attorney’s services. Those violations result in imposition of disciplinary and other types of sanctions.

It is emphasized that compliance with laws when providing legal services is not only legal but also moral duty of attorney, which is required by legal ethics. The Rules of Attorney’s Ethics, accepted in 2012, contain the row of recommendations about the proper conduct of attorney, which cover both official and unofficial conduct and serve the criteria of estimation of activity or inactivity of attorney in case of breach of law.