Lawyer Quo Vadis? Rethinking the Meaning and Value of Independent Legal Advise

“Vir bonus, disceptandi peritus, qui non solum scientia et omni facultate dicendi perfectus, sed moribus”

Quintilianus

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Section 2 General Principles

2.1. Independence

2.1.1 The many duties to which a lawyer is subject require his absolute independence, free from all other influence, especially such as may arise from his personal interests or external pressure. Such independence is as necessary to trust in the process of justice as the impartiality of the justice. A lawyer must therefore avoid any impairment of his independence and be careful not to compromise his professional standards in order to please his client, the court or third parties.

2.1.2 This independence is necessary in non-contentious matters as well as in litigation. Advice given by a lawyer to his client has no value if it is given only to ingratiate himself, to serve his personal interests or in response to outside pressure.
Code of Ethics of the IBA

Rule 3

*Lawyers shall preserve independence in the discharge of their professional duty. Lawyers practising on their own account or in partnership, where permissible, shall not engage in any other business or occupation if by doing so they may cease to be independent.*
Advocates Act (1958, as amended)

Section 5.1.

An advocate shall honestly and conscientiously fulfill the tasks entrusted to him and he shall, at all times, observe the rules of proper professional conduct for advocates.

Code of Conduct by Finnish Bar Association (1972)

Section 1

An advocate is obligated, within the limits of the law and the rules of proper professional conduct, to pursue his client’s interests to the best of his ability.

An advocate shall fulfil tasks entrusted to him without letting his conduct be influenced by considerations of his own advantage, by inconvenience caused by the matter or awkward circumstances related thereto, by consideration of the social status, nationality, race, gender, political or religious beliefs of the parties involved, or by other similar circumstances

Section 1

A lawyer’s primary duty is, within the limits of the law and professional ethics, to pursue his client’s interests to the best of his ability. He shall pursue these without letting his conduct be influenced by considerations of his own advantage or inconvenience or by considerations of social status, nationality, colour of skin, political or religious belief or other irrelevant circumstances.

A lawyer must not further wrongfulness.
"L’avocat a pour mission d’assurer la protection de tout sujet de droit. L’avocat a le droit à la reconnaissance et à la protection de son rôle par la société et par tout organe de pouvoir...son rôle devant être considéré comme un instrument essentiel dans l’administration de justice et l’organisation de la société”.

UIA, Turin Charter, Sydney 2002
“Solo la dove gli avocati sono independenti, i giudici possono essere inparziali.”

Calamandrei, Piero, op. cit., XXVIII.
"La profession d’avocat est une profession libérale et indépendante, ce principe étant rappelé à l’article premier de la Loi".

"L’essence de la profession à titre libéral, (…), la dignité, la conscience, l’indépendance, la probité et l’humanité, l’honneur, la loyauté, la délicatesse, la modération, la courtoisie, le désintéressement, la confraternité, et le tact, sont d’impérieux devoirs pour l’avocat et constituent ensemble les Principes Essentiels de la profession d’avocat."

“Les Principes Essentiels” de la “Règlement Intérieur de l’Ordre des Avocat à la Cour de Paris” (art 1.3.)
"En el Estado de Derecho, la independencia intelectual y moral del Abogado es condición esencial para el ejercicio de su profesión, al igual que lo es la de los Tribunales. La independencia del Abogado, que deberá permanentemente preservar, constituye la garantía de que los intereses del cliente serán defendidos con objetividad".

“Normas Deontológicas de la Abogacía Española”, 1987
"A stupid lawyer remains a lawyer
a dishonest lawyer remains a lawyer
a lawyer without independence, ceases to be a lawyer".