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**THE LEGAL ESSENCE OF LAWYER'S MORALS IN THE CONTEXT  
OF BUSINESS ETIQUETTE**

**ПРАВОВА СУТНІСТЬ МОРАЛІ АДВОКАТА В КОНТЕКСТІ  
ДІЛОВОГО ЕТИКЕТУ**

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***Summary.** The article examines the morality of a lawyer in the context of business etiquette. Despite the existence of a number of regulations, the studied category of "business etiquette of a lawyer", unfortunately, is little studied by scholars and is rarely discussed by practitioners. However, the study of various manifestations of this institution allows us to conclude that it has a significant impact on the course of the trial. It was found that the content of the requirements concerning the duties of a lawyer to comply with generally*

*accepted rules of business etiquette and the requirements for appearance are not explained in any way in the Lawyers' Code of Ethics, which sometimes creates some ambiguities among practicing lawyers and is a shortcoming of the law. In our opinion, the business etiquette of a lawyer is a set of common rules and norms of behavior in both formal and informal settings. Also, in our opinion, the ethics of a lawyer's business relations can be considered a necessary basis of moral values, which is a system of criteria and parameters in relations between all members of society. The article discusses the requirements for lawyer's clothing, introduced in other countries. We fully support the position of a negative attitude towards the lawyer's robe, because lawyers wear a special robe, will not be able to add ethics and discipline a lawyer - because the "mantle of the portfolio" is not only not good, but also directly degrades the prestige of the legal profession. Norms of business etiquette of a lawyer can be considered: timely performance of his work; confidentiality; respect for colleagues; friendliness and friendliness to anyone, regardless of mood and attitude to others; attention and tolerance to customers; correct and competent language; proper clothing; restriction of personal telephone communication during professional activity; minimization of extraneous chats. These norms completely coincide with the norms and principles of lawyer's ethics, which can be considered as a culture associated with the establishment in society of moral and humanistic relations between people. In this regard, the article proposes to supplement Art.*

**Key words:** *morality, lawyer ethics, business etiquette, dress code, lawyer.*

**Анотація.** *В статті досліджено питання моралі адвоката в контексті ділового етикету. Не дивлячись на існування низки нормативно-правових актів, досліджувана категорія «діловий етикет адвоката», на жаль, мало досліджена вченими і рідко обговорюється практиками. Однак дослідження різних проявів цього інституту дозволяє прийти до висновку, що саме він робить істотний вплив на хід судового*

процесу. Виявлено, що зміст вимог, які стосуються обов'язків адвоката щодо дотримання загальноприйнятих норм ділового етикету та вимог щодо зовнішнього вигляду ніяким чином у Правилах адвокатської етики не розтлумачено, що іноді створює певні незрозумілості серед практикуючих адвокатів та є недоліком законодавства. На нашу думку, діловий етикет адвоката - це сукупність узвичаєних правил і норм поведінки як в офіційній, так і в неофіційній обстановці. Також, на наш погляд, етикою ділових відносин адвоката можна вважати необхідний базис моральних цінностей, що становить систему критеріїв та параметрів у відносинах між всіма членами суспільства. В статті розглянуті вимоги щодо одягу адвоката, впроваджені в інших країнах. Ми цілком підтримуємо позицію негативного ставлення до адвокатської мантії, адже носіння адвокатами спеціальної мантії, не зможе додати етичності та дисциплінувати адвоката - адже «мантія з портфелю» вид не тільки не гарний, а й пряме принижувати престижу адвокатської професії. Нормами ділового етикету адвоката можна вважати: вчасне виконання своєї роботи; дотримання конфіденційності; повага до колег; доброзичливість і привітність до будь-кого не залежно від настрою та ставленню до оточуючих; увага та терпимість до клієнтів; правильна та грамотна мова; належний одяг; обмеження особистого телефонного зв'язку під час здійснення професійної діяльності; зведення до мінімуму сторонніх балачок. Ці норми цілком співпадають з нормами та принципами адвокатської етики, яку можна вважати за культуру, що пов'язана з утвердженням у суспільстві моральних та гуманістичних взаємин між людьми. У зв'язку з чим в статті запропоновано доповнити ст. 12 Правил адвокатської етики переліком норм ділового етикету та норм щодо зовнішнього виду адвоката.

**Ключові слова:** мораль, адвокатська етика, діловий етикет, дрес-код, адвокат.

**Аннотация.** В статье исследованы вопросы морали адвоката в контексте делового этикета. Несмотря на существование ряда нормативно-правовых актов, исследуемая категория «деловой этикет адвоката», к сожалению, мало исследована учеными и редко обсуждается практиками. Однако исследования различных проявлений этого института позволяет прийти к выводу, что именно он оказывает существенное влияние на ход судебного процесса. Выявлено, что содержание требований, касающихся обязанностей адвоката по соблюдению общепринятых норм делового этикета и требований относительно внешнего вида никак в Правилах адвокатской этике не разъяснены, что иногда создает определенные неясности среди практикующих адвокатов и является недостатком законодательства. По нашему мнению, деловой этикет адвоката - это совокупность общепринятых правил и норм поведения, как в официальной, так и в неофициальной обстановке. Также, на наш взгляд, этикой деловых отношений адвоката можно считать необходимый базис нравственных ценностей, составляет систему критериев и параметров в отношениях между всеми членами общества. В статье рассмотрены требования относительно одежды адвоката, которые внедрены в других странах. Мы полностью поддерживаем позицию негативного отношения к адвокатской мантии, ведь ношение адвокатами специальной мантии, не сможет добавить этичности и дисциплинировать адвоката - ведь «мантия из портфеля» вид не только не хороший, но и прямое унижение престижа адвокатской профессии. Нормами делового этикета адвоката можно считать: своевременное выполнение своей работы; конфиденциальность; уважение к коллегам; доброжелательность и приветливость к любому независимо от настроения и отношению к окружающим; внимание и терпимость к клиентам; правильная и грамотная речь; надлежащая одежда; ограничения личной телефонной

*связи при осуществлении профессиональной деятельности; сведение к минимуму посторонних разговоров. Эти нормы вполне совпадают с нормами и принципами адвокатской этики, которую можно обозначить как культуру, которая связана с утверждением в обществе моральных и гуманистических взаимоотношений между людьми. В связи с чем, в статье предложено дополнить ст. 12 Правил адвокатской этики перечнем норм делового этикета и норм относительно внешнего вида адвоката.*

**Ключевые слова:** мораль, адвокатская этика, деловой этикет, дресс-код, адвокат.

**Formulation of the problem.** In the conditions of active formation of the bar, attention to increasing the requirements of lawyer ethics is of great importance. Publicity, as one of the main characteristics of advocacy, is not possible without criticism. The studied category of "business etiquette of a lawyer", unfortunately, is little studied by scientists and is rarely discussed by practitioners. However, a careful study of the various manifestations of this institution allows us to conclude that it has a significant impact on the course of the trial.

**Analysis of recent research and publications.** Recent publications on legal ethics include the works of lawyers D. Kukhniuk, N.M. Bakayanova, I.O. Bilytsia, G.V. Boyko and others.

**Part of the general problem has not been solved previously.** A lawyer must be highly professional and moral. The admission of unethical statements disrupts the normal course of the trial, disgraces the profession of lawyer. In carrying out his / her professional activity, a lawyer is also obliged to adhere to generally accepted norms of business etiquette, including on appearance, however, the Rules of Advocate Ethics do not contain any statements that may or may not be used and do not define norms on lawyer's appearance.

**Formulating the goals of the article** to consider and investigate the existing norms of business etiquette of lawyers, to make proposals for improving the current legislation of Ukraine.

**Presentation of the main research material.** The legal basis for the activities of the Bar of Ukraine is a number of regulations, where in accordance with the Constitution of Ukraine a special source is the Law of Ukraine "On Advocacy and Advocacy" and in the field of interpretation of moral norms - Rules of Advocate Ethics. the lawyer. I would like to note that public relations "lawyer - court" are carried out not only on mutual respect of the judge and the lawyer, but also on mutual respect of the lawyer and other participants in the trial, because the lawyer, as well as the judge, performs a common social function - human rights. According to Art. 23 of the Constitution of Ukraine, everyone has the right to free development of his personality, if it does not violate the rights and freedoms of others [1].

According to Art. 34 of the Law of Ukraine "On Advocacy and Advocacy" one of the important grounds for bringing a lawyer to disciplinary responsibility is a violation of the rules of ethics [2]. Thus, violations of only those requirements that are set out in the rules will be taken into account. According to Art. 12 of the Rules of Advocacy, a lawyer in carrying out professional activities must comply with generally accepted rules of business etiquette, including the appearance [3]. Thus, it is implied that one of the important elements of legal ethics is the moral culture in communication, because lawyers in their professional activities and in everyday life not only exchange information, but also interact, influence each other, pursue their own line of conduct. and defend their interests.

As for the requirement of "generally accepted norms of business etiquette", it is not explained in any way in the Rules. As a general rule, the ethics of any business relationship is a system of knowledge about its moral aspects [4, p. 35].



If we turn to international business practice, the researchers have derived the following rules of business etiquette: timely performance of their work; confidentiality; respect for colleagues; friendliness and friendliness to anyone, regardless of mood and attitude to others; attention and tolerance to customers; correct and competent language; proper clothing; restriction of personal telephone communication during professional activity; minimization of extraneous chats [5, p. 54-56]. All this coincides with the norms and principles of legal ethics, which can be considered a culture associated with the establishment in society of moral and humanistic relationships between people. Adherence to the rules of business etiquette is a constant process of self-education and self-improvement of a lawyer. In our opinion, this is, first of all, the lawyer's ability to choose the necessary forms and means of communication, which are perceived by the average person and transformed into high ideals, so that the lawyer activates his own desire for both personal self-expression and self-affirmation of self-worth. In addition to the above requirements of business etiquette of a lawyer, it is necessary to add compliance with the requirements for self-promotion and communication on the Internet.

A lawyer's business etiquette is thus a set of common rules and norms of conduct in both formal and informal settings. Also, in our opinion, the ethics of a lawyer's business relations can be considered a necessary basis of moral values, which is a system of criteria and parameters in relations between all members of society: individuals and legal entities.

The question of business norms for a lawyer in Ukraine also remains open. This issue was raised in the Verkhovna Rada of Ukraine in the draft Law "On Amendments to the Law of Ukraine" On Advocacy and Advocacy "of December 18, 2012 on the mantle of the mantle, when it was proposed as clothing for a lawyer mantle. The explanatory note to the bill stated the following arguments in favour of introducing such an amendment into modern legislation, namely: "Given the lack of Ukrainian legislation regulating the

official uniform and clothing of lawyers involved in court proceedings, in practice the appearance of some lawyers in their practice of advocacy causes serious remarks. In the courts of Ukraine, unfortunately, you can see lawyers in shabby jeans, stretched sweater, shorts, flip-flops, without socks; or in mini-skirts, shoes with too high heels with bright colours, etc. The sloppiness of some lawyers discredits the honourable profession, reduces trust in justice and the judicial process in Ukraine" [6]. This bill was withdrawn by the author in 2014 due to significant resistance from lawyers. We fully support the negative public attitude to the lawyer's mantle, because wearing a special mantle will not add ethics and discipline a lawyer - because the "mantle from the portfolio" does not look good, which will only degrade the prestige of the legal profession). This bill was withdrawn by the author in 2014 due to significant resistance from lawyers. We fully support the negative public attitude to the lawyer's mantle, because wearing a special mantle will not add ethics and discipline a lawyer - because the "mantle from the portfolio" does not look good, which will only degrade the prestige of the legal profession). This bill was withdrawn by the author in 2014 due to significant resistance from lawyers. We fully support the negative public attitude to the lawyer's mantle, because wearing a special mantle will not add ethics and discipline a lawyer - because the "mantle from the portfolio" does not look good, which will only degrade the prestige of the legal profession).

In other countries, on the other hand, there are special requirements for clothing (mantles). The main purpose of the introduction of special attire for lawyers is that the mantle is supposed to help increase the professionalism of the lawyer and his moral protection, and give equal status to the lawyer in the trial. For example, Art. 6 Lawyers of the Republic of Azerbaijan take part in court hearings in special uniforms [7]. The dress code for lawyers in India is governed by Part VI of Chapter IV of the Rules of the Bar Council of India under the Advocates Act 1961, which requires every lawyer to wear a black robe or coat



with a white shirt and white-collar. In Great Britain, the Westminster Decree of 1635 authorized the monarch to determine a dress code for the profession of lawyer, which was determined depending on the season.

However, the other side of the issue remains. Thus, the world is watching with great concern the increase in the number of cases of improper appearance of lawyers that have recently appeared in court. According to Nigerian Judge Ayu Bello, "practising lawyers need to dress appropriately and thus encourage respect for the legal profession, as well as enhance the dignity of Nigerian courts".

In our opinion, the mantle will not brighten up such unethical actions as excessive personal correspondence on the phone during the trial, splashing from a water bottle, forgetting the judge's name or addressing the judge with his hands in his pockets, etc. - these are the consequences of improper upbringing. Also, the mantle will not be able to help increase the professionalism of the lawyer - because it is experience and continuous improvement. In addition, the mantle cannot in any way provide additional guarantees of the equal status of a lawyer in court.

**Conclusions.** In accordance with the above, we consider it necessary to supplement Art. 12 of the Rules of Advocate Ethics as follows: In carrying out professional activities, a lawyer must comply with generally accepted rules of business etiquette:

- refrain from any action which, in certain circumstances, would be ashamed to announce in the press, on television or on the Internet;
- refrain from making recommendations to another person who would not offer himself;
- refrain from posting personal candid photos or videos on the Internet;
- refrain from the abuse of psychotropic, narcotic, toxic substances or alcohol.

Also, in terms of appearance, the necessary requirement is:

- cleanliness;
- business, not bright clothes;
- minimum jewellery.

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