

C-DUTY TO THE COURT:

159. It is the duty of an advocate to maintain towards the Court a respectful attitude, not for the sake of the temporary incumbent of the judicial office, but for the maintenance of its supreme importance, judges, not being wholly free to defend themselves, are peculiarly entitled to receive the support of the Bar against unjust criticism and clamour. At the same time whenever there is proper ground for complaint against a judicial officer, it is the right and duty of an advocate to ventilate such grievances and seek redress thereof legally and to protest the complainant and person affected.

160. An advocate shall not advise a person, whose testimony could establish or tend to establish a material fact, to avoid service of process, or conceal himself or otherwise to make his testimony unavailable.

161. An advocate shall not intentionally misquote to a judge, judicial officer or jury the testimony of a witness, the argument of the opposing advocate or the contents of a document; nor shall he intentionally misquote to a judge or judicial officer the language of a book, statute or decision; nor shall he, with knowledge of its invalidity and without disclosing such knowledge, cite as authority a decision that has been over-ruled or a statute that has been repealed or declared unconstitutional.

162. Marked attention and unusual hospitality on the part of an advocate to a judge or judicial officer not called for by the personal relations of the parties, subject both the judge and the advocate to misconstructions of motive and should be avoided. An advocate should not communicate or argue privately with the judge as to the merits of a pending cause and he deserves rebuke and denunciation for any advice or attempt to gain from a judge special consideration or favour. A self-respecting independence in the discharge of professional duty, without denial or diminution of the courtesy and respect due to the judge's station, is the only proper foundation for cordial, personal and official relations between the Bench and the Bar.

163. The primary duty of an advocate engaged in public prosecution is not to convict, but to see that justice is done. The suppression of facts or the concealing of witnesses capable of establishing the innocence of the accused is highly reprehensible.

164. Publications in newspaper by an advocate as to pending or anticipated litigation may interfere with a fair trial in the courts and otherwise prejudice the due administration of justice. Generally they are to be condemned. If the extreme circumstances of a particular case justify a statement or reference to the facts should not reach the public, it is unprofessional to make them anonymously. An ex-parte reference to the facts should not go beyond quotation from the records and papers on file in the court but even in extreme cases it is better to avoid any ex-parte statement.

165. It is the duty of advocates to endeavour to prevent political considerations from outweighing judicial fitness in the appointment and selection of judges. They should protest earnestly and actively against the appointment or selection of persons who are unsuitable for the Bench and thus should strive to have elevated thereto only those willing to forego other employments, whether of a business, political or other character, which may embarrass their

free and fair consideration of the questions before them for the decision. The aspiration of advocates for judicial positions should be governed by an impartial estimate of their ability to add honour to the office and not by a desire for the distinction the position may bring to themselves.

166. It is the duty of advocates to appear in court when a matter is called and if it is so possible to make satisfactory alternative arrangements.

167. An advocate should in general refrain from volunteering his legal opinion or addressing any arguments in cases in which such advocate is not engaged unless called upon to do so in open court by a judge or judicial officer. In advancing any such opinion he must do so with a sense of responsibility and impartiality without any regard to the interest of any party.

D- CONDUCT WITH REGARD TO THE PUBLIC GENERALLY:

168. An advocate shall not accept employment to prosecute or defend a case out of spite or for the purpose of harassing anyone or delaying any matter; nor shall he take or prosecute an appeal wilfully motivated to harass any one or delay any matter.

169. An advocate should always treat adverse witnesses and parties with fairness and due consideration, and he should never minister to the malevolence of prejudices of a client in the trial or conduct of a cause. The client cannot be made the keeper of the advocate's conscience in professional matters. He has no right to demand that his advocate shall abuse the opposite party or indulge in offensive arguments. Improper speech is not excusable on the ground that it is what the client would say if speaking in his own behalf.

170. An advocate must decline to conduct a civil cause or to make a defence when convinced that it is intended merely to harass or to injure the opposite party or to work any oppression or wrong. But otherwise it is his right, and having accepted a retainer, it becomes his duty to insist upon the judgement of the court as to the legal merits of his client's claim. His appearance in Court should be deemed equivalent to an assertion on his honour that in his opinion his client's case is one proper for judicial determination.

171. No advocate is obliged to act either as adviser or advocate for every person who may wish to become his client. He has the right to decline professional employment. Every advocate upon his own responsibility must decide what business he will accept as an advocate, what cause he will bring into Court for plaintiffs, and what cases he will contest in Court for the defendants.

172. No client, corporate or individual, however powerful, nor any cause civil or political, however important, is entitled to receive, nor should any advocate render, any service or advice involving disloyalty to the law whose ministers advocates are, or disrespect the judicial office, which they are bound to uphold, or corruption of any person or person or persons exercising a public office or private trust, nor indulge in deception or betrayal of the public. When rendering any such improper service or advice the advocate invites and merits stern and just condemnation. Correspondingly, he advances the honour of his profession and the best interest of his client when he renders service or gives advice tending to impress upon the client and his

undertaking exact compliance with the strictest principles of moral law. He must also observe and advise his client to observe the statute law; though until a statute shall have been finally construed and interpreted by competent adjudication, he is free and indeed is entitled to advise as to its validity and as to what he conscientiously believes to be its just meaning and extent. But above all, an advocate will find his highest honour in a deserved reputation for fidelity to private trust and to public duty as an honest man and or a patriotic and loyal citizen.

173. An advocate shall not communicate with, nor appear before a public officer, board, committee or body, in his professional capacity, without first disclosing that he is an advocate representing interests that may be affected by the action of such officer, board, committee or body.

174. An advocate should not accept employment as an advocate in any matter upon the merits of which he has previously acted in a judicial capacity.

An advocate having once held public office or having been in the public employment, should not, after his retirement accept employment in connection with any matter which he has investigated or dealt with while in such office, nor employment except in support thereof.

174-A. No Advocate will use this previous designation or post such as "Retired Justice", "Ex Judge", "Retired General", "Ex Attorney-General", "Ex Advocate-General" or use any ex-designation, post or calling in any manner whatsoever, as prefix or suffix, either on letter-heads, name plates, sign boards, visiting cards or in any form during the period of his practise as an Advocate at any time].

174-B. No Advocate shall display outside his office or anywhere else his name on the nameplate or Board of the size of more than 1.

175. (1) An Advocate shall not join or carry on any other profession, business, service or vocation or shall not be an active partner or a salaried official or servant in or be subject to the terms and conditions of service of the Government, semi-Government or autonomous body or any other organization or institution, public or private.

(2) Any violation of sub-rule (1) by an Advocate shall entail consequences as provided in Rule 108-O.

175-A. Non observance or violation of the canons of professional conduct and etiquette mentioned in this chapter by an advocate shall be deemed to be professional misconduct making him liable for disciplinary action.

175-B. Non observance or defiance of decisions/instructions of the Pakistan Bar Council by any Bar Council or Bar Association or any member of the Bar/Advocate shall be deemed to be a gross professional misconduct.