

V. DECLARATION OF ATHENS

I. Young Lawyers of every Country stand together. They intend to defend those principles which are common and which they consider to be indivisible from the notion of justice and law.

II. They consider as indispensable to the healthy administration of justice and as a guarantee of liberties in all domains:

- The **independence of lawyers** similar to that of **judges**;
- The **immunity of the defence**, under the control of independent disciplinary jurisdictions, and the respect of the privileged professional client relationship;
- The right for lawyers to carry out their role as **advisor** in the widest possible way in order to adapt themselves to the necessities of the present times;
- The right for every individual to ask in any circumstances for the assistance of a **lawyer who has been freely chosen**.

III. They affirm that the presence in the profession of young and dynamic elements is necessary in order to transmit the fundamental traditions of the various Bars in a spirit which is constantly in process of renewal.

To this end they declare :

- That the **liberty of access** to the profession must be assured without discrimination founded on race, religion or opinions, only the criteria of competence, independence, probity and (subject to international conventions) nationality and domicile being proper conditions for access to the Bar.
- That the problem of the effective and practical **professional education** of young lawyers is of interest to the entire profession; this must be carried out according to the wishes and traditions of the profession.
- That young lawyers must be able to **unite freely** and without hindrance in national and international professional associations in order to assure the permanence of their professional rights and duties and the respect of the principles herein enunciated.
- That these associations have the purpose of affirming the **view-point of young lawyers** on problems concerning justice and their profession and that it is desirable that the competent authorities consult them prior to any decision in these areas.

IV. **The solidarity** of young lawyers of all countries must manifest itself each time that the principles set out in the present declaration are threatened. The Association Internationale des Jeunes Avocats (AIJA) in consequence appeals to all young lawyers of the World to aid it to watch over the respect for these principles.

V. The Association Internationale des Jeunes Avocats and each of its members have authority to make known the present declaration.

Adopted unanimously at Athens,
27th August 1966

VI. DECLARATION OF LAUSANNE

I

By the Declaration of Athens, A.I.J.A. recognised that due regard for **professional privilege is fundamental to the principle of the right to a fair trial** in its widest sense, in both civil and criminal cases.

That there is legislation in certain countries which together with procedural and other measures threaten this confidentiality is most strongly condemned by AIJA.

These cannot be justified on the basis of the need to produce evidence, the interest of the State or even the implication of the lawyer himself in the affair.

The right for any person to require, whatever the circumstances of the case, the assistance and advice of an independent and freely chosen lawyer, is fundamental to a fair trial. This is the lawyers essential role within the administration of justice.

In the exercise of this role, the lawyer necessarily has access to confidential information whose unwarranted exposure could jeopardize the individual's right to a fair trial or to his privacy.

The right to a fair trial and the individual's right to privacy are fundamental human rights, recognised as such by all civilised nations and International Conventions.

The lawyers professional privilege and that of everyone whose assistance is required to discharge the lawyer's function, is closely aligned with human rights. The character of confidentiality extends to all such information confided to the lawyer, or which he has learned or ascertained in the exercise of this profession, except insofar as the information was given to him to be divulged or used in the accomplishment of his task.

The principle of confidentiality of the client-lawyer relationship must take into account the evolution of the profession, its internationalization as well as its recourse to new techniques, it requires continuous teaching and dissemination to lawyers.

II

Regard for professional privilege is of primary importance for the lawyer, an essential right for his client and each person entitled to it and a fundamental guarantee of justice; even in the absence of legal provisions its existence is in the public interest.

The interest dictates :

1. that lawyers professional privilege should be safeguarded always and everywhere,
2. that lawyers who breach this privilege should be subject to appropriate sanctions,
3. that similar steps be taken to prevent or, if need be suppress use or appropriation by third parties of information divulged in confidence to the lawyer, even if the third party is acting in the name of the State.

III

AIJA considers

1. that when it is the rights and interests of the client or of third parties that are involved, the object and extent of secrecy are matters for the lawyer alone to determine, with in the framework of the rules and customs of the profession.

2. that no State authority can have access to information or documents in the lawyer's possession which the latter considers as confidential, unless their statutes has been previously checked, even in case of an implication of the lawyer himself, by a control procedure in the hand of an independent body. Such a body should, wherever possible, be composed of members of the legal profession or, if not, be obliged to take into account the opinion of professional authorities.

IV

and requires

1. that the Bar Associations and professional lawyers organisations everywhere disseminate to their members and educate their members on the rules and customs relating to the principle of professional privilege.
2. that every nation provides for the principles of and respect for lawyers professional privilege in its law and secures their embodiment within the international conventions on the protection of Human Rights.

*Lausanne, 27th August 1982
Helsinki, 2nd September 1983*

Translated from French

RESOLUTIONS

RESOLUTIONS MADE IN ALICANTE ON 21-9-1979

The Young Lawyer, his entry to the profession and his theoretical and practical training.

Considering that the title of lawyer (which in this context means the qualified advocate, barrister of solicitor) should represent to the lawyer's clients a guarantee of the high quality of the services which he provides.

Considering further that the future of the legal profession depends on this guarantee to its clients and cannot be better preserved than by the high quality of these services and by the respect of its professional rules.

Considering further that for these reasons it is of the greatest importance that the future lawyer receives a complete training in theory and practice which will provide a guarantee of the quality of the services which he offers.

The A.I.J.A. in session at its 17th Annual Congress in Alicante resolves as follows

1

The lawyer should acquire at the University or Law School the knowledge of law which is necessary to guarantee his professional competence.

The University should avoid becoming simply a professional school and should maintain its role as a place distinguished by opportunities for reflection and for developing quality of mind and thought. The University should be the place where the law student acquires and develops techniques of legal reasoning and knowledge of all main areas of law encountered in general practice. The University should offer courses which are similar for all law students whether or not they intend to qualify as lawyers.

The student's knowledge of law should be subjected to official examinations.

2

The lawyer should acquire the practical knowledge necessary to guarantee his professional competence by taking courses of practical instruction and by completing a period of practical training.

The total period of practical teaching should be between two and three years and the trainee should be employed on a full time basis.

At least half of the period of practical training should take place in a lawyer's office. The other part may be carried out with the judicial or legal administrative authorities or in a foreign lawyer's office.

A. Practical Training Courses

As part of the practical knowledge of the future lawyer can be better acquired by means of courses of instruction there should be established courses to deal with legal subjects from the practical aspect and professional subjects. Examples are Advocacy, Pleading and Procedure in Court, Drafting Contracts, Accountancy, Professional Ethics and Law Office Administration.

These courses should normally be organised jointly by the universities and professional authorities. Preferably they should take place before the period of practical training so as to improve its value.

The knowledge acquired from these courses should be tested.

B. Practical Training Period

- The master should supervise the full practical training of the trainee lawyer.
- He should provide the trainee lawyer in his office with all the facilities which the trainee lawyer needs to conduct his work properly.
- A lawyer may not train more than two trainee lawyers at the same time.
- The trainee lawyer should in preference not be employed by more than one master at the same time.
- He should be obliged to devote his whole attention to acquiring a good training and he must comply with the instructions of his master.
- During at least the first half of the period of training the trainee should only be permitted to act for clients and appear in court in the name of and on the responsibility of his master.
- The period of practical training should be subject to the supervision of the professional authorities.

The practical knowledge acquired by the trainee through courses of instruction and the period of practical training should be tested by official examinations organised and supervised by the professional authorities, the universities and for the judicial authorities.

Only after passing these examinations should the trainee be allowed to use his full professional title (for example advocate, barrister or solicitor).

3

REMUNERATION OF THE TRAINEE LAWYER

Considering that to pay the trainee lawyer either nothing or only a nominal amount is a serious affront to the dignity of the profession.

Considering further that the work done by the trainee lawyer in his employer's office will produce a benefit for his employer.

Considering further that the work of the trainee lawyer will produce a greater benefit where the trainee has previously undergone courses of instruction in practical subjects.

The A.I.J.A. resolves that :

The remuneration of the trainee lawyer should enable him to support himself in a decent manner. The remuneration should be fixed taking into account :

- the salaries of law graduates in other sectors;
- the profitable employment of the trainee lawyer;
- the masters teaching obligation;
- the possibility (if any) for the trainee lawyer to earn fees from his own clients.

Alicante 21-9-1979.

ATHENES RESOLUTIONS OF 22-11-1980

At its meeting held on 22nd November 1980 in Athens the Executive Committee of the Association Internationale des Jeunes Avocats unanimously adopted the following Resolutions prepared by its Young Lawyers Commission :

1. RESOLVED to request the Bars and Law Societies both inside and outside the EEC who have not already made such provision to make provision in their rules that subject to reasonable approval of the Bar and Law Society concerned at least 3 months spent in the service of a qualified foreign lawyer should be taken into account in reckoning the period required of a young prospective lawyer in order to allow him to become entitled to practise (i.e. the stage, articles or apprenticeship).
2. RESOLVED in a case where lack of finance presents a major obstacle to a young lawyer or a young prospective lawyer making a visit to a foreign lawyers office to widen his knowledge and experience of conditions of practice in another country to ask the Bars and Law Societies of the Country of Origin of the young lawyer or prospective lawyer to assist him in overcoming the financial problems and to ask them to consider arranging Bank Loans repayable over a reasonable period and paying at least the interest or part of the interest on such loans for a reasonable period or assisting with the finances in any other appropriate way.

Edinburgh resolution of 30.08.2003

AIJA, at its General Assembly held on Saturday, August 30, 2003 in Edinburgh.

- (i) Having on November 11, 2001, during its Executive Committee Meeting expressed its condemnation of *September 11* acts of terror, causing the deaths of thousands of innocent individuals from over 50 nations;
 - (ii) Having on May 18, 2002, during its Executive Committee, mandated a group of members – the “Terrorism Working Group” (“TWG”) – to address and analyze – *inter alia* - the consequences that post-*September 11* national and international legislation are having with respect to (a) the right of a lawyer to freely exercise his or her profession and (b) the general principles governing the lawyer-client relationship;
 - (iii) Having taken into consideration several national and international legislations including *inter alia* the EU Money Laundering Directive , as recently amended, the U.S. Patriot Act, the U.S. Sarbanes-Oxley Act¹, and several others;
 - (iv) Aware of the pressing need to detect, deter and prosecute money laundering and the financing of terrorist activities;
 - (v) Equally aware, however, of the fact that the general principles governing the lawyer-client relationship are a pillar of justice and, ultimately, a fundamental guarantee for a full and effective access to justice;
 - (vi) Having taken into consideration the resolutions that other national and international bar associations and lawyers professional associations have adopted in the past months and in the aftermath of *September 11*;
 - (vii) Having considered various submissions and various draft resolutions and having held thorough discussions during both the Executive Committee Meeting held in Santiago on November 23, 2002 and in Lugano on May 17, 2003;
 - (viii) Having considered Art. 2 of the Statutes of AIJA, setting forth that the objects of the Association “*are to encourage meetings and to promote cooperation and mutual respect between young lawyers from all countries around the world to defend the interests of young lawyers and to study questions of relevance to them, to help set up groups of young lawyers in countries and regions where none as yet exist and to play an active role in the development of the legal profession and the harmonization of its professional rules; in addition to contribute in all circumstances to the provision of full and effective protection in all circumstances and places of the right of all lawyers to practice their profession freely and of every person to be counseled or represented by lawyer a freely chosen and to be entitled to a fair trial by an impartial and independent judge within a reasonable period of time*”;
 - (ix) Having considered Art. 3 of the Statutes of AIJA, stating that the “*Association shall exclude itself from any activity or discussion of political or religious nature*”;
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(x) Aware that *September 11* and all acts of terrorism greatly affect our lives as human beings and our role as lawyers;

CONCERNED

about the fact that national and international legislation adopted in the after-math of *September 11* does not take into appropriate consideration the role and function of lawyers in the administration of a just society;

REAFFIRMS

the principles stated in the AIJA Declaration of Athens of August 25, 1966 considering as indispensable to the healthy administration of justice and as a guarantee of liberties in all domains the independence of lawyers, the immunity of the defense, the right for lawyers to carry out their role as advisor in the widest possible way and the right for every individual to ask in any circumstances for the assistance of a lawyer who has been freely chosen and

the principles of the AIJA Declaration of Lausanne of August 27, 1982 stating that lawyers professional privilege is to be "*safeguarded always and every where*";

DECLARES:

In the conflicting balance between security and justice, the Rule of Law always be the primary and fundamental principle.

AIJA CHARTER OF THE YOUNG LAWYER

Adopted in Naples, 28 th Augustus 2004

“Advocatus iuris et legum consultus, ad cavendum, ad agendum, vel ad respondendum peritus” (Ulpianus)

The Young Lawyers of AIJA stand united behind the following principles:

I

Committed to the *Rule of Law*, the Young Lawyer ensures the respect of rights and liberties, acknowledging that the role of the legal profession is to serve Society in the administration of Justice.

II

Personal honor, honesty and integrity are for the Young Lawyer essential conditions for the discharge of his or her professional obligations.

III

The Young Lawyer is independent. His or her absolute independence is the fundamental guarantee of the effectiveness of his or her intervention.

IV

The Young Lawyer is committed to the highest standards of confidentiality as a fundamental duty ensuring access to Justice.

V

Subject to due observance of all rules of law and professional conduct, the Young Lawyer must always act in the best interest of his or her client and must put those interests before his or her own interest. The Young Lawyer is committed to the highest standards of respecting conflict of interest: he or she shall not advise, represent or act in case of significant risk of conflict.

VI

The Young Lawyer is committed to competence, also through his or her continuing legal education. He or she strives to understand and respect different legal systems and cultures and the internationalization of the legal profession.

VII

The Young Lawyer shall be entitled to inform the public about his or her professional services provided that he or she does it *cum decoro*.

VIII

The Young Lawyer is committed to appreciating, understanding and using the various modern technologies available in the conduct of the work of the legal profession, but recognizes the importance of preserving the essential human factors integral to the profession.

IX

The Young Lawyer has a social responsibility: he or she is committed to *pro bono*.

X

Whether counselor, advisor or advocate, the Young Lawyer stands for a united profession.

XI

The Young Lawyer has the right to receive from the colleagues with whom he or she is collaborating, appropriate training, fair choice of an area of interest and transparent information on his or her career pattern in the law firm.

XII

The Young Lawyer is committed to act together with his or her colleagues for the mutual benefit of the legal profession both at national and international level.

AIJA CHARTER OF THE YOUNG LAWYER

Adopted in Paris, 30th June 2012

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