

Attorney-Client Privilege in Legal Ethics and Professional Responsibility: A Cross-Jurisdictional Analysis

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Annotation: This article examines the crucial role of professional ethics in the practice of law in the Republic of Uzbekistan. It highlights the legal framework governing advocates' ethical obligations, including constitutional guarantees of the right to qualified legal assistance and the Rules of Professional Ethics for Advocates adopted in 2013. Key principles such as independence, confidentiality, loyalty to clients, and integrity are analysed with reference to current legislation and the Rules of Professional Ethics. The enforcement mechanisms – including oversight by the Chamber of Advocates and disciplinary sanctions for violations – are discussed to underscore how ethical compliance is ensured in practice. The paper also addresses contemporary challenges and debates, noting the evolving standards of lawyer conduct and areas where the ethical code may require further refinement. Overall, maintaining high ethical standards among advocates is shown to be essential for protecting clients' rights, strengthening public trust in the justice system, and improving the quality of legal services.

Key words: Legal professional privilege, Attorney–client confidentiality, Advocacy in Uzbekistan, Comparative legal analysis, Professional ethics of lawyers, Confidential information protection, Criminal procedure guarantees, Disciplinary liability of advocates, International legal standards, Access to justice, Rule of law.

Introduction

The legal profession plays a pivotal role in upholding the rule of law and protecting individual rights. In Uzbekistan, as in many jurisdictions, lawyers (referred to as *advocates*) are entrusted with safeguarding the rights of citizens in courts and beyond. The importance of advocates is enshrined at the constitutional level: Article 29 of the Uzbek Constitution guarantees the accused's right to a defence and the right to qualified legal assistance at all stages of investigation and judicial proceedings [1]. To fulfill this guarantee, the institution of the *advokatura* (bar) operates as the body providing legal aid to citizens, organizations and others, with its organisation and activities defined by law. The Law "On Advocacy" of Uzbekistan further defines the *advokatura* as a legal institution comprising independent, voluntary professional associations of lawyers (as well as individual practitioners) established to provide legal assistance in accordance with the Constitution[2]. Given the vital function of advocates in the justice system – for example, only licensed advocates may represent parties in court proceedings [3]– maintaining high standards of professional ethics is of paramount significance.

Professional ethics for lawyers are the norms of conduct that ensure lawyers act with integrity, independence, and in the best interests of their clients and society. These ethical standards are not merely aspirational; in Uzbekistan they are codified and carry the force of law. Advocates must adhere strictly to ethical rules alongside general law, as failure to do so can undermine public trust in the legal system and jeopardise the rights of those seeking justice. This article discusses the framework of professional ethics governing Uzbek advocates, the core principles embodied in that framework, and how these principles are applied and enforced. It also examines challenges and developments in the

ethical regulation of the legal profession, highlighting the need for continual commitment to ethical excellence.

Legal Framework for Advocates' Ethics in Uzbekistan

In Uzbekistan, the professional conduct of lawyers is governed by a combination of legislation and a dedicated ethical code. A cornerstone of this framework is the **Rules of Professional Ethics of Advocates**, adopted by the Chamber of Advocates of the Republic of Uzbekistan in 2013 (at the II Conference of the Chamber) as a binding code for all practicing lawyers[3]. These Rules consist of 63 articles divided into 7 chapters and constitute an authoritative guide to acceptable conduct. Importantly, the ethical rules have formal legal force – they are considered legal norms that every advocate is obliged to follow. Violation of the Rules is explicitly linked to disciplinary liability under the Law “On Advocacy” and other legislation[4]. In serious cases, breaching ethical duties can lead to sanctions including reprimands, suspension, or even revocation of the advocate’s licence to practice[3]. The emphasis on ethical compliance is also echoed in Uzbekistan’s statutory law: the 1998 Law “On Guarantees of Lawyer Activities and Social Protection of Lawyers” declares that the basic principles of a lawyer’s activity include *independence, strict observance of the Rules of Professional Ethics*, preservation of *lawyer secrecy*, and adherence to the lawyer’s oath[5]. Thus, ethical duties are elevated to the same level as fundamental principles like independence.

New entrants to the profession formally acknowledge their ethical obligations through an oath. Upon admission to practice, an Uzbek advocate must swear “solemnly to fairly and honestly fulfill [their] professional duty, to consistently protect human rights and freedoms, to keep lawyer secrecy, and to strictly observe the Constitution and laws of the Republic of Uzbekistan”[5]. This oath underscores that integrity and respect for law and ethics are core to the identity of an advocate. Legislation also reinforces certain ethical constraints. For instance, to preserve professional independence and avoid conflicts of interest, advocates are prohibited by law from engaging in other paid employment outside their legal practice (with only narrow exceptions such as academic work or roles within the Chamber of Advocates). This statutory restriction ensures that lawyers devote themselves fully to their legal duties and avoid situations that could compromise their loyalty to clients or their independence.

Crucially, the **Rules of Professional Ethics** provide detailed guidance on an advocate’s conduct in various dimensions of practice. They set out general obligations and specific prohibitions, codifying standards that have developed in Uzbekistan’s legal community and drawing from universal principles of lawyer conduct. Before turning to these principles in detail, it is worth noting the institutional mechanism for enforcement: the Chamber of Advocates (the self-governing body of the legal profession in Uzbekistan) is tasked with monitoring compliance with ethical rules. Among the Chamber’s functions is the oversight of advocates’ observance of the Ethics Rules and related laws[6]. The Chamber, through its disciplinary commissions, hears cases of alleged misconduct and imposes penalties where appropriate, thereby upholding the integrity of the profession. This self-regulatory aspect, backed by state law, creates a comprehensive framework ensuring that ethics are not optional but mandatory and enforceable standards.

Core Principles of the Professional Ethics Rules

The 2013 Rules of Professional Ethics for Advocates articulate a range of principles and duties designed to uphold the honour of the legal profession and protect client interests. These can be summarised under several key themes:

- **Independence and Integrity:** The Rules stress that an advocate’s professional independence is a necessary condition for public trust[3]. Lawyers must avoid any actions that could undermine that trust or indicate abuse of the client’s trust, as such behaviour is deemed incompatible with the status of an advocate[3]. Advocates are expected to maintain *personal dignity* and the *prestige of*

the profession by acting responsibly and morally in all circumstances. In practical terms, this means refraining from any conduct that would tarnish the reputation of the bar or bring the profession into disrepute. The Rules explicitly define as unethical any behaviour by a lawyer that disgraces the honorific title of “advocate” or erodes public confidence in the *advokatura*. By insisting on integrity and propriety, the code seeks to ensure that lawyers merit the respect of clients, courts, and society.

- **Loyalty to the Client and Primacy of Client’s Interests:** A fundamental ethical duty is the advocate’s loyalty to their client’s lawful interests. The advocate must always act in the client’s best interests within the bounds of law. Notably, the Uzbek ethical rules forbid a lawyer from taking a position in a case that contradicts the express will of the client (the *dovéritel* or person represented)[3]. In other words, an advocate cannot actively pursue an outcome that the client opposes, except in the very rare circumstance (noted in ethical discussions) where the lawyer might be convinced the client is engaging in self-incrimination. This principle ensures that the client’s agency and objectives remain at the centre of the advocate’s efforts. The Law on guarantees for lawyers likewise codifies that a lawyer “*shall not take a professional position worsening the situation of the person who asked for legal aid*”[5]. Furthermore, if a client considers a decision unlawful, the lawyer is obliged to help challenge it through legal procedures. These provisions collectively enshrine the duty of zealous representation: advocates must use all lawful means to defend the rights and interests of their clients and must not betray those interests.
- **Confidentiality (Lawyer’s Secret):** Maintaining client confidentiality is another cornerstone of legal ethics. The Rules require advocates to safeguard attorney-client privilege and regard any information obtained in the course of representation as strictly confidential[4]. An advocate has no right to disclose a client’s secrets without the client’s consent. This duty is perpetual and survives the end of the lawyer-client relationship. Uzbek law strongly protects this principle; for instance, interference with lawyer secrecy is prohibited, and even authorities cannot compel an advocate, or their assistants/trainees, to divulge confidential information or testimony related to a client[4]. By preserving confidentiality, the ethical rules ensure clients can trust their lawyers with sensitive information, which is essential for effective legal assistance.
- **Competence and Diligence:** The ethics code calls on advocates to act competently and diligently. Rule 9, for example, enumerates that a lawyer must be *courteous, honest, principled, and respectful* towards clients, colleagues and others, and must *act promptly and professionally* in using all lawful methods to defend the client’s rights and interests[3]. Advocates are urged to continually expand their legal knowledge and improve their professional qualifications. These requirements reflect a commitment to high professional standards – a lawyer should not only refrain from misconduct but affirmatively strive for excellence in service. Principles such as honesty, utmost professionalism, selflessness, tact and moderation are highlighted as virtues that *safeguard the honour of the advocacy*[7]. In fact, it is logically expected that those virtues lie at the heart of any profession, but in advocacy they take on *particular importance* because of the direct impact a lawyer’s conduct has on clients’ lives and on justice. An advocate’s ethical duty is therefore not just to obey rules but to cultivate the personal qualities that inspire confidence and respect.
- **Avoiding Disreputable Conduct:** The Uzbek Rules of Ethics contain specific prohibitions to prevent behaviour that could undermine fairness or the profession’s image. For example, an advocate must not, in the course of judicial proceedings, make statements that humiliate or insult other participants in the process[7]. They must also refrain from any action that would *undermine the prestige of the bar or their own personal dignity*. These provisions cover a broad range of situations – from how a lawyer behaves in court (showing respect to judges, opponents, and the

judicial process) to how they conduct themselves in public or in media. The guiding idea is that a lawyer should exhibit civility and uphold the *honour of the profession* at all times. Even outside the courtroom, an advocate's conduct is expected to be dignified and ethical, reflecting the standing of the legal profession in society.

In sum, the core ethical principles for Uzbek advocates align with global standards of the legal profession: **independence, loyalty, confidentiality, competence,** and **integrity** are strongly emphasised. All advocates are expected to internalise these norms as part of their professional identity. The codification of these duties in 2013 was a significant step, placing Uzbekistan among those countries that have formalised ethical requirements for lawyers in a comprehensive manner. This development can be seen as part of a broader historical trend – ever since the early 20th century, legal communities worldwide have sought to create ethical codes to foster moral integrity in the profession[8]. A notable example was the American Bar Association's first code of ethics in 1908, which offered detailed ethical guidelines on matters such as honesty, diligent performance of duties, and the lawyer's obligations to clients and the court. Uzbekistan's adoption of its own authentic set of **Rules of Professional Ethics** in 2013 reflects both an adherence to international best practices and an effort to address the specific needs and values of the national bar.

Enforcement and Disciplinary Practice

No matter how well-crafted an ethical code may be, its effectiveness hinges on enforcement. In Uzbekistan, enforcement of advocates' ethical standards is carried out through a combination of self-regulation by the Chamber of Advocates and oversight pursuant to national law. As mentioned, the Chamber of Advocates is statutorily responsible for ensuring advocates comply with the **Rules of Professional Ethics**, and it has the authority to impose disciplinary measures for violations[6]. Typically, a disciplinary commission or committee within the Chamber will investigate complaints of misconduct (which might come from clients, judges, or other lawyers) and determine if an advocate has breached ethical rules or other professional duties.

Sanctions for unethical conduct can range from warnings and reprimands to suspension or disbarment (revocation of the advocate's status). The Rules themselves specify that violating professional ethics entails disciplinary responsibility in accordance with the Law "On Advocacy" and other legal acts. The ultimate penalty – being stripped of the right to practice law – underscores how seriously ethical lapses are taken. Indeed, it has been noted that for an advocate, compliance with all ethical rules is of utmost importance, as non-compliance can lead to *dire consequences*, including the loss of one's status as an advocate or other disciplinary measures[9]. Beyond formal penalties, an errant lawyer also risks informal sanctions such as damage to reputation and **public censure**, which, in a profession built on trust, can be even more devastating. Public confidence once lost is hard to regain, hence every enforcement action also serves as a message to the broader community of lawyers about the importance of ethical conduct.

The positive effect of strict ethical enforcement is not only in punishing wrongdoing but in elevating the overall quality of legal services. Researchers have observed that stronger compliance with ethical standards tends to reflect positively on the quality of legal assistance provided to the public. Clients are more likely to receive competent, fair, and honest representation when their lawyers adhere to ethical norms. Thus, disciplinary practice in Uzbekistan's bar is oriented not just towards penalising misconduct but also towards preventive and educational goals – reinforcing a culture of ethics. The Chamber of Advocates regularly organises training and discussions on professional ethics, and aspiring advocates are examined on ethical norms before admission, which helps inculcate these standards from the outset.

It should be noted that the state also backs the independence and immunity of advocates to enable them to adhere to their ethical duties without undue interference. For example, law enforcement or

other authorities cannot arbitrarily intrude into a lawyer's work or force disclosure of confidential client information. This legal protection empowers advocates to resist pressures that could lead to ethical compromises (such as violating client confidentiality or abandoning a client's defence under external influence). In cases where an advocate faces external threats or obstacles while performing their duties, those responsible can themselves be held liable under the law. Such provisions illustrate that enforcement of ethics is a two-way street: lawyers are held accountable for misconduct, but conversely, they are shielded from being compelled into unethical behaviour by outside forces. This balanced approach facilitates an environment where ethical rules can be meaningfully upheld.

Evolving Challenges and Perspectives

While the ethical framework for advocates in Uzbekistan is robust, it is not static. As legal practice evolves and society's expectations change, new ethical questions and challenges arise. In recent years, there have been active discussions among legal scholars and practitioners in Uzbekistan about refining and improving ethical norms to address gaps and grey areas. For instance, commentators have pointed out that the current **Rules of Professional Ethics** pay insufficient attention to an advocate's conduct **vis-à-vis** the court and law enforcement officials outside the formal judicial process[3]. One humorous yet telling proverb sometimes cited in this context is: "*A good lawyer knows the law; a clever lawyer invites the judge to dinner.*". This joke, while facetious, reflects an underlying concern about potential **improper influence** or fraternisation with judges. Although such behaviour would blatantly violate both legal and ethical norms, the very existence of the quip suggests a public perception that informal relations could unduly sway legal outcomes. The ethical code could be enhanced by more explicit guidance on avoiding even the appearance of impropriety in dealings with judges or officials, to reinforce that justice must not only be done but be seen to be done impartially.

Another modern challenge is the conduct of lawyers in the media and public sphere. With the rise of television and social media, some lawyers engage in self-promotion or commentary on pending cases in ways that test the boundaries of professional decorum. There have been instances, for example, of advocates making public statements about evidence or shouting allegations of rights violations outside the courtroom context. Such actions, especially if done for publicity or personal image-building, risk breaching the advocate's duty of **restraint and respect** for the judicial process. The Rules of Ethics do caution against making statements that could prejudice a case or insult participants[3], and clearly any grandstanding that undermines the dignity of the profession is discouraged. Nonetheless, in an age of pervasive media, the bar continuously needs to address how lawyers should balance their right to free expression with their professional responsibilities. There is a fine line between contributing to public legal discourse and violating client confidentiality or presumption of innocence through inappropriate comments. Ongoing education and perhaps new guidelines (for example, on the use of social media by lawyers) may be necessary to navigate these issues.

Furthermore, ethical standards are, by their nature, subject to continual reassessment. What was acceptable practice decades ago may be viewed as inadequate today. In Uzbekistan, as elsewhere, the ethical expectations of lawyers have been rising as the legal system matures and the public becomes more rights-conscious. It is observed that standards for professional ethics evolve over time with societal changes, and new requirements are added to address emerging situations. For example, concepts like *conflict of interest* have gained more attention – advocates must be careful not to represent clients whose interests clash, and if such a situation arises, they are expected to recuse themselves to maintain impartiality. The 2013 Rules already incorporate many such provisions, but continuous reform is key. Legal reforms in the advocacy sphere (such as moves towards an "advocates' monopoly" on representation in courts, which has been discussed and partially implemented) also have ethical dimensions[9]. If only advocates can represent litigants, ensuring those advocates adhere to ethical norms becomes even more critical to protect consumers of legal services.

Encouragingly, reforms in the legal profession in Uzbekistan appear to be geared towards strengthening the ethical regime. Improvements in the selection and training of new advocates, including rigorous qualification exams and ethics components, aim to filter for competence and integrity[10]. The Chamber of Advocates has been granted greater autonomy and responsibility, which, as analysis suggests, should help lawyers govern themselves and uphold professional standards without external interference. As one scholar noted, the ongoing reforms – such as giving the Chamber a voice in legislative discussions and focusing on specialisation and professional development – ultimately should enhance the quality and ethics of legal services. Strong ethical standards, backed by institutional support, serve not only to punish the rare bad actor but to elevate the practice of every advocate, thereby benefiting the justice system as a whole.

Conclusion

Neutral and rigorous adherence to professional ethics is the bedrock of a trustworthy and effective legal profession. In Uzbekistan, the establishment of the **Rules of Professional Ethics for Advocates** in 2013, reinforced by constitutional principles and legislative mandates, provides a comprehensive foundation for ethical legal practice. These rules enshrine fundamental principles – from independence and confidentiality to loyalty and integrity – that each advocate must uphold in service of their clients and society. The Uzbek approach demonstrates that ethical norms are given the force of law and are integrated into the daily practice of lawyering: an advocate who strays from these norms faces disciplinary action and the loss of professional credibility. At the same time, an advocate who abides by them fulfills the lofty pledge of the profession – to “*fairly and honestly fulfil the duty, protect rights and freedoms, and obey the law*”.

The analysis shows that maintaining high ethical standards among advocates is not an abstract ideal but a practical necessity. It ensures that clients’ rights to defence and legal assistance (guaranteed by the Constitution) are realised in a meaningful way. Ethical lawyers help guarantee fair trials, as they will not mislead the court or betray their clients’ trust. Moreover, ethical advocacy contributes to the public good: as noted by commentators, strong professional ethics positively affect the quality of legal services available to the population, thus reinforcing the rule of law. Conversely, any erosion of ethics can quickly lead to miscarriages of justice and public disillusionment with the legal system.

Looking ahead, the ethical code and its enforcement in Uzbekistan must continue to adapt to new challenges. Legal practice in the 21st century is changing with technology, globalization, and evolving public expectations. The ethical framework will need periodic review to address areas like lawyers’ public communications, conflicts of interest in increasingly complex transactions, and the relationship between advocates and authorities in and out of court. Continuous professional training and a culture of ethical mentorship within the bar are important to keep the spirit of the code alive beyond the written rules. Nevertheless, the core values are enduring. By strengthening the independence of the bar and demanding accountability, Uzbekistan is following a path that many mature legal systems have taken – recognising that *professional ethics is not a peripheral concern, but the very heart of effective advocacy*. The ongoing commitment of both the legal community and the state to uphold these standards bodes well for the further development of a fair, competent, and respected justice system in the Republic of Uzbekistan.

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