



CANONS OF PROFESSIONAL ETHICS

SUPREME COURT OF PUERTO RICO

CANONS OF PROFESSIONAL ETHICS*

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CANONS OF PROFESSIONAL ETHICS GOVERNING THE CONDUCT OF THE MEMBERS OF THE LEGAL PROFESSION IN PUERTO RICO

PREAMBLE

In Puerto Rico, where the democratic system is fundamental for the existence of the community, and where faith in justice is considered a determining factor for social coexistence, it is particularly essential to institute and maintain such a sound and efficient juridical policy as to merit the absolute confidence and support of the citizenry.

The attainment of these ends imposes on the members of the legal profession, on whom the mission of dispensing justice and of interpreting and enforcing the laws mainly rests, the duty to discharge their important function with the highest and most lofty competence, responsibility and integrity.

The attainment of these objectives particularly requires from the lawyer:

a) to understand that the primary duty of his office as a jurist is his service to society, service which must mainly be intended to attain the real existence of an honest and efficient juridical policy and which must be essentially guided by the principles of democratic living and of respect to the inviolable dignity of the human being, which govern the social coexistence in this country;

b) to bear always in mind that his professional activities affect substantially the principal aspects of community life;

c) to acknowledge that there is an overbearing social interest in that every citizen in need of legal services shall have easy access to them, offered by lawyers whose conduct shall always be honorable, diligent, and respectful;

d) to be conscious of the importance of avoiding even the appearance of impropriety;

e) to have a solemn and irrevocable compromise, not only to observe his own personal behavior in accordance with the preceding principles and those that follow, but also to see that the conduct of the fellow lawyers shall be likewise governed by said requirements.

The canons of professional ethics enumerated below are adopted by the Bar Association of Puerto Rico as minimum standards fixing more specifically the conduct required by society from the members of the forum. The enumeration of particular duties, however, does not exclude from being mandatory other obligations not mentioned in this set of rules, duties which are inherent to the social and professional responsibility of the jurists and to the moral conduct expected from every member of the profession. The lawyer is forbidden to violate the present canons even indirectly or through third persons.

DUTIES OF THE LAWYER TO SOCIETY

General Purpose

The members of the legal profession, individually and collectively, have the responsibility of seeing that the different legal procedures of society embody and consecrate, effectively and adequately, the principles of democratic living and of respect for the inviolable dignity of the human being. In fulfilling this responsibility, society must have available all the adequate professional services of a legal nature which are necessary. It is also necessary that every lawyer, as a citizen and in his professional capacity, whether as judge, prosecuting attorney, practicing attorney, adviser or in any other capacity, shall always act according to the principles set forth in the preamble of these canons.

Canon 1.—Responsibility of the Lawyer to Strive Toward the Attainment of Adequate Assistance of Counsel for Every Person: Legal Services for Indigent Persons

It is a fundamental duty of every lawyer to labor continuously to warrant that every person shall have ready access to the professional services of a lawyer of integrity and competence.

For the attainment of this objective the lawyer must accept and perform any reasonable commission to render legal services gratuitously to indigent persons, especially insofar as the defense of the accused and the assistance of counsel for indigent persons are concerned. The absence of economic compensation in such cases does not relieve the lawyer from his obligation to offer competent, diligent, and enthusiastic legal services.

It is also the lawyer's duty to aid in establishing the proper means to furnish the adequate legal services to all persons who cannot pay for them. This obligation includes that of supporting the existent programs and that of actually contributing to extend and improve them.

Canon 2.—Responsibility of the Lawyer to Strive Toward the Attainment of Adequate Assistance of Counsel for Every Person: Quality of Legal Services

For the purpose of making feasible the objective of adequate assistance of counsel to all persons, the lawyer should also exert himself to attain and maintain a high degree of excellence and competence in his profession through studies and participation in educational programs for professional advancement: assisting the courts, boards, and other authorities in the promulgation of adequate standards and requirements serving as guides for the educational programs of the Schools of Law and the process for admission to the bar; and by serving on committees, seminar[s], and organizations having duties concerning the publication, improvement, and application of the canons of professional responsibility.

Canon 3.—Responsibility of the Lawyer to Strive Toward the Attainment of Adequate Assistance of Counsel for Every Person: Education of the Public as to Their Rights

Another task which should be performed by the lawyer so as to assure that all persons shall have adequate assistance of counsel is to take steps aimed at educating the public as to their rights and the means to assert them. This includes participating in educational programs, organizing and conducting seminar[s] and conferences, writing and publishing legal articles, and other similar activities.

Canon 4.—Responsibility of the Lawyer to Strive Toward the Advancement of the Legal System

It is the duty of every lawyer to strive constantly for the improvement of the legal system and of the legal procedures and institutions. By means of studies and the publication of articles, participation in public hearings, forums, conferences and debates, and of other appropriate means, the lawyer must participate in the promulgation and discussion of legislation and programs for the improvement of the legal system.

Canon 5.—Conduct as Counsel or as Prosecuting Attorney

The primary duty of the counsel for the defense and of the prosecuting attorney is to see that justice is done.

It is the right of the lawyer to undertake the defense of a person accused of a crime, regardless of his personal opinion as to the guilt of the accused; otherwise innocent persons, victims only of suspicious circumstances, might be denied proper defense. Having undertaken such defense, the lawyer is bound, by all fair and honorable means, to present every defense that the law of the land permits, to the end that no person may be deprived of life or liberty, but by due process of law.

The suppression of facts or the secreting [concealment] of witnesses capable of establishing the innocence of the accused is highly reprehensible. It shall also be highly reprehensible for a lawyer or a prosecuting attorney to present false evidence before the court, having full knowledge of its falsity. The improper intervention of a lawyer or prosecuting attorney with either the witnesses for the prosecution or the witnesses for the defense is intolerable.

Canon 6.—Conduct Before Government Agencies

In rendering his professional services before legislative or administrative agencies[,] the lawyer must observe the same principles of professional ethics required of his conduct in court. It is improper for a lawyer so engaged to conceal his

attorneyship before said government agencies through the use of third persons or indirect means to promote a particular government action in the interest of his client. A lawyer who practices his profession and who also discharges a legislative or government office should show preference for the public interest and not for that of his client when both are in conflict, and should immediately withdraw the representation of his client.

Canon 7.—Advising with Respect to the Commission of Offenses

It shall be highly improper of a lawyer to offer legal advice to a person or entity to facilitate or conceal the commission of a public offense. If a lawyer is informed by his client of the latter's intention to commit a public offense, the former has the duty to adopt the necessary measures to prevent the commission of the offense.

The foregoing does not preclude a lawyer from expressing his honest opinion as to the illegality of a statute, but in case he does so, he must warn his client as to the legal consequences of a violation of the law, and the possibility of success of the contention.

Canon 8.—Improprieties of Clients

The lawyer should not permit his clients, in the transaction of business which creates the attorney-client relationship, to incur in conduct which would be improper if performed by the lawyer himself. This standard is particularly applicable with reference to their relations with the courts, judicial officers, jurors, witnesses, and the other suitors. If a client persists in such improper conduct, the lawyer should terminate their professional relations.

DUTIES OF THE LAWYER TO THE COURTS

General Purpose

The proper functioning of the judicial process of the country is the inescapable responsibility of every member of the Bar. It is incumbent upon every lawyer to see that an atmosphere of decorum and formality shall always prevail in the courts and to strive to improve the quality of justice. In order to achieve the most adequate growth and development of the judicial process, the member of the legal profession should take all the proper and lawful steps available to him, especially observing the following canons, which indicate some of the particular duties which arise from the general purpose.

Canon 9.—Conduct of the Lawyer Toward the Courts

The lawyer should maintain toward the courts a conduct characterized by the utmost respect. This includes the obligation to discourage and avoid unjustified attacks or unlawful attempts against judges or against the proper order in the administration of justice in the courts. In cases where such attacks or attempts occur, the lawyer should intervene in order to try to reestablish order and the proper functioning of the judicial proceedings.

The duty of proper respect toward the courts includes also the obligation to take measures at law against judicial officers who abuse their prerogatives or who perform improperly their duties, and who do not observe a courteous and respectful attitude.

Canon 10.—Duties in Connection with the Selection and Appointment of Judges

It is the duty of the Bar to endeavor to prevent political considerations in the selection of judges. The lawyer, as member of the Bar and exponent of the principle of judicial independence, has the obligation to see that the judges be selected on the grounds of professional merits, vocation for the high ministry of dispensing justice, rectitude, integrity of character, and undeniable honesty. He should abstain, therefore, from exerting influence, so that, in the selection of the judges, political or personal considerations may intervene to the detriment of professional fitness.

Canon 11.—Undue Attention and Influence Toward the Judges

Marked attention and unusual hospitality on the part of a lawyer to a judge subject both the judge and the lawyer to misconstruction of motive and should be avoided. A lawyer should not communicate or discuss with the judge the merits of a pending case in the absence of the other party, and he deserves rebuke for any action to gain from a judge special personal consideration. The lawyer who occupies a public or political office must take the utmost care to abstain from trying to exert influence or undue pressure in the transaction of any issue submitted to judicial consideration.

Canon 12.—Punctuality and Prosecution of Causes

It is the duty of the lawyer to the courts, his colleagues, the parties, and witnesses, to be punctual in attendance and to be concise and direct in the handling and presentation of causes. This implies taking all the necessary measures to avoid undue delays in the prosecution and disposition thereof. He should only request the continuance of a hearing when there are powerful reasons and it is indispensable for the protection of the substantial rights of his client.

Canon 13.—Publicity of Pending Criminal Cases

The lawyer and the prosecuting attorney should abstain from publishing or in any manner facilitating the publication in newspapers, or through other means of divulging information, the details or opinions concerning pending or anticipated criminal cases, since such publications may interfere with an impartial trial and prejudice the due administration of justice. When actual extraordinary circumstances justify statements to the public, such statements should be limited to the records on file in the court, without reference to the evidence they have at their disposal or to the witnesses to be used, or to the content of their testimonies.

The counsel for the defense, as well as the prosecuting attorney, should avoid, insofar as possible, appearing in photographs for publicity purposes, and it is improper for a lawyer or a prosecuting attorney to appear in photographs in connection with criminal cases in which he participates or has participated.

Canon 14.—Publicity of Other Pending Litigation

The lawyer should abstain from publishing or in any manner facilitating the publication in newspapers or through other means of divulging information, the details or opinions as to pending or anticipated litigation, since such publications may interfere with an impartial trial and prejudice the due administration of justice. If the extreme circumstances of a particular case justify a statement to the public, it is unprofessional to make it anonymously. A unilateral or ex parte reference to the facts of a case should not go beyond quotation from the records and papers on file in the courts; but even in extreme cases, it is better to avoid such statements.

Canon 15.—Conduct Toward Witnesses and Litigants

A lawyer should always treat adverse witnesses and suitors with respect and due consideration. He should never minister to the animosity or prejudices of his client, nor should he allow him to conduct the case or become the keeper of the lawyer's conscience.

It shall be improper to use legal proceedings in an unreasonable manner or for the purpose of abusing the opposite party.

Every lawyer should abstain from offering or granting benefits to a witness in order to induce him to testify falsely. It shall be improper to pay or offer the payment of contingent fees to any witness. The lawyer should see that any other person, including his client, complies with these standards.

Canon 16.—Conduct in Relation to the Jury

The attitude of the lawyer toward the jury should be ruled at all times by standards of absolute integrity and professional fairness. Any attempt to fawn on or flatter the jury, whether in a direct or indirect manner, is unethical. This presupposes that there should be a total abstention from doing favors or giving presents of any kind to the same, or to their relatives.

A lawyer should not communicate in any manner with the jurors about cases in which he is interested, and during the trial he should avoid communicating privately with them, even as to matters foreign to the case, except with the permission of the court. He should also abstain from making suggestions in the jurors' hearing, looking to the convenience or comfort of the same. He should not communicate with a juror or with the latter's relatives after the trial about matters connected with the case, except only to investigate whether there is any legal reason to challenge the verdict, and that, after prior permission of the court.

A lawyer in any capacity in which he is engaged should not offer clearly inadmissible evidence with the deliberate purpose of influencing the jury.

Canon 17.—Unjustifiable Litigations

The lawyer must decline to represent a client in a civil cause when convinced that what is sought by means of the litigation is to harass or injure the opposite party, or to work oppression or wrong. His appearance in court should be deemed equivalent to an assertion on his honor that in his opinion his client's case is one proper for judicial determination. The signature of the lawyer in an allegation in a case is tantamount to certifying that he has read the allegation and that pursuant to his best knowledge, information, and belief, it is well grounded.

A lawyer should request permission from the court to withdraw the professional representation of his client in a case in litigation when he is convinced, during the course of the litigation, that the same is unjustified and that it is sought by means of the process to harass or prejudice the opposite party, or to work oppression or wrong.

DUTIES OF THE LAWYER TOWARD HIS CLIENTS

General Purpose

The relationship between lawyer and client should be grounded on absolute trust. Subject to the exigencies which arise from the obligations of a lawyer toward society, the laws, and the courts, every member of the Bar owes his clients professional treatment characterized by the greatest capacity, the most devoted

loyalty, and the most complete honesty. The lawyer should do his utmost to perform in this manner his professional practice and should not fail to comply with his duty for fear of judicial disfavor or public unpopularity.

Canon 18.—Competence of the Lawyer and Advice to the Client

It would be improper for a lawyer to assume professional representation when he is conscious that he cannot render suitable, competent service and that he cannot prepare himself properly without it entailing unreasonable expenses or delay to his client, or to the administration of justice.

It is the duty of the lawyer to defend the interests of the client diligently, exerting in each case his utmost learning and ability, and acting in the manner which the judicial profession in general deems adequate and responsible.

This duty to perform [] professional services in a capable and diligent manner does not mean that the lawyer may carry out any act which may enable him to succeed in winning his client's causes. The office of attorney does not permit him to violate the laws of the country or to commit any fraud in the defense of his client. Therefore, in supporting the client's cause, he should act within the bounds of the law, taking into account not only the language of the law, but its underlying spirit and purposes. Neither should he yield in the full discharge of his duty for fear of judicial disfavor or public unpopularity. However, a lawyer may assume any professional representation if he prepares himself adequately for it and does not impose unreasonable expenses or delays on his client and on the administration of justice.

Canon 19.—Information to the Client

The lawyer should always keep his client informed about every important issue which arises in the development of the case which has been entrusted to him.

Whenever the controversy will admit a reasonable settlement or adjustment, he should advise the client to avoid or to end the litigation, and it is the duty of the lawyer to notify his client of any offer of adjustment made by the other party.

The lawyer who represents several clients with common or related interests among themselves should not compromise any of the cases involved without each client being informed of said transaction and its possible consequences.

Canon 20.—Withdrawal from Legal Representation

When a lawyer has already appeared before a court representing a client, he cannot nor should he[] withdraw from employment without first obtaining the

permission of the court and he should request it only when there is a justified and unforeseen reason therefor.

A lawyer shall not withdraw from employment until he has taken reasonable steps to avoid prejudice to his client's rights, such as due notice to his client, advising him properly about the need to employ another counsel when necessary; allowing him time to employ another counsel; advise him as to the date due for any term at law which might affect his cause of action or for the filing of any petition which might benefit him; and has complied with any other legal provision of the court in the matter, including notice to the court of the last known address of his client.

Upon withdrawing from a case[,] the lawyer shall deliver to his client the record and all papers in connection with the case and shall refund promptly any part of a fee paid in advance that has not been earned.

Canon 21.—Conflicting Interests

The lawyer has the obligation to represent his client with complete loyalty. This duty includes the obligation to disclose to the client all the circumstances of his relations to the parties and to third persons, and any interest in the controversy which might influence the client in the selection of counsel. No lawyer should accept employment when his professional judgment might be affected by his personal interests.

It is unprofessional to represent conflicting interests. Within the meaning of this canon, a lawyer represents conflicting interests when, in behalf of one client, it is his duty to contend for that which duty to another client requires him to oppose.

The obligation to represent the client with fidelity includes not divulging his secrets or confidences and to adopt adequate measures to avoid disclosure thereof. A lawyer should not accept the representation of a client in matters adversely affecting any interest of a former client, nor should he be an arbitrator, especially when the former client has made him confidences which may affect one or the other client, even though both clients consent thereto. It will be highly improper for a lawyer to use the confidences of a client to the latter's prejudice.

A lawyer who represents a corporation or partnership owes complete loyalty to the corporation and not to its partners, directors, employees or shareholders, and he may only represent the interests of said persons when the same are not in conflict with those of the corporation or partnership.

When a lawyer represents a client by recommendation of another person or group who pays the lawyer for said service, he should withdraw from the representation of both as soon as a situation of conflicting interests arises between the person or group who pays his fees and the person whom he represents.

Canon 22.—The Lawyer as Witness

Except when essential to the ends of justice, the lawyer should avoid testifying in court in behalf or in support of his client. When a lawyer is a witness of his client, except as to merely formal matters, such as the attestation or custody of an instrument and the like, he should leave the trial of the case to another counsel.

Likewise, a lawyer should withdraw from the representation of his client when he finds out that the lawyer himself, one of his partners, or a lawyer in his firm, may be called to testify against his client.

Canon 23.—Acquiring Interest in Litigation and Dealing with Trust Property

The lawyer should not purchase any interest in the subject matter of the litigation which he is conducting.

A lawyer should not advance or promise financial aid to his client for medical expenses or sustenance, except that he may advance the payment of the costs in the litigation, and the expenses of the necessary investigation and medical examinations to represent properly the case of his client.

The fiduciary nature of the relations between client and lawyer demands that they be grounded on absolute honesty. Particularly, the money of the client or other trust property coming to the possession of the lawyer should be reported promptly and should not be commingled or permitted to be commingled with his private property.

Canon 24.—Fixing the Amount of the Fee

The fixing of professional fees should always be governed by the principle that our profession is an integral part of the administration of justice, and not a mere business for profit. In determining the amount of the fee, the following factors should be considered: (1) the time and labor required, the novelty and difficulty of the questions involved and the skill requisite properly to conduct the cause; (2) whether the acceptance of employment in the particular case will preclude the lawyer's appearance for others in cases likely to arise out of the transaction, and in which there is a reasonable expectation that otherwise he would be employed, or will involve the loss of other business while employed in the particular case or antagonisms with other clients; (3) the customary charges of the judicial district for similar services; (4) the amount involved in the controversy and the benefits resulting to the client from the services; (5) the contingency or the certainty of the compensation, and (6) the character of the employment, whether casual or for an established and constant client.

It is advisable to reach an agreement about the fees to be charged by the lawyer at the beginning of the professional relation and that said agreement be in writing.

The lawyer should avoid charges which overestimate his advice and services, as well as those which undervalue them. In accepting to undertake representation of a client[,] he should consider that he owes the latter his maximum professional effort in the measure of his talent and education. He should not accept a minimum retribution with the preconceived idea of rendering a minimum effort.

A client's ability to pay cannot justify a charge in excess of the value of the services, though his poverty may require a lesser charge or even none at all. The reasonable requests of brother lawyers, of their widows and orphans without ample means, should receive special and kindly consideration.

A lawyer should demand the payment of contingent fees only on those occasions when said fees are beneficial to his clients or when the client so prefers it after having been properly warned of the consequences.

Contingent fees should be reasonable and should always be subject to the approval of the court, in those cases where judicial intervention is required by law or by any of the parties to the litigation in order that clients may be protected from unjust charges. It is highly improper for a lawyer to charge contingent fees in a criminal proceeding.

The lawyer must obey the desire of a client anxious to compromise his case.

The fees granted by a court are for the benefit of the client and the lawyer must not claim them for himself or give them up without the client's express authorization.

Canon 25.—Suing a Client for a Fee

Controversies with clients concerning compensation are to be avoided by the lawyer so far as shall be compatible with his self-respect and with his right to receive reasonable recompense for his services. Lawsuits with clients should be resorted to only to prevent injustice, imposition or fraud.

Canon 26.—Rights and Limitations in Respect to the Clients

No lawyer is obliged to undertake the representation of a particular client and he has the right to accept or decline employment. It is highly improper to advise as to illegal transactions or acts, to bring frivolous suits, to urge false defenses without the lawyer being able to justify said acts under the pretext that by acting thus, he followed his client's instructions. The lawyer must always obey his own conscience and not that of his client.

It is improper for a lawyer to escape responsibility for negligent acts or omissions in his professional endeavor.

DUTIES OF THE LAWYER IN RELATION TO HIS COLLEAGUES AND HIS PROFESSION

General Purpose

To uphold the honor and dignity of the profession and the good relations between colleagues is the unavoidable responsibility of every member of the legal profession and to attain that end the attitude of every lawyer toward his colleagues must be respectful, sincere, honest, and of professional cordiality and cooperation, striving always for the proper practice of the legal profession.

Canon 27.—Professional Collaboration and Conflicts of Opinion

A lawyer or law firm should not associate another lawyer in the defense of the interests of his client without the latter's previous consent therefor and not before that should the secrets and confidences of said client be divulged to the other lawyer.

A client's proffer of assistance of additional counsel should not be regarded as an indication of lack of confidence, and such decision should be left to the determination of the client. In case a person represented by counsel requests legal advice from another, it should be the latter's duty to make sure that the former knows of his client's action before giving his advice or before performing any negotiation.

When two or more lawyers jointly in charge of a cause cannot agree as to any matter of vital importance to the client, the conflict of opinion should be frankly stated to him so that he may adopt the decision which he deems convenient. His decision should be accepted unless the nature of the difference makes it impracticable for the lawyer whose judgment has been overruled to cooperate effectively. In this event it is his duty to ask the client to relieve him.

Every effort, direct or indirect, aimed to encroach in any manner upon another lawyer's employment is unworthy of those who should be brethren at the Bar; but, nevertheless, it is the right of any lawyer, without fear or favor, to give proper advice to those seeking relief against unfaithful or neglectful counsel. In this event, he should first communicate with the lawyer against whom the complaint is made, whenever possible.

Canon 28.—Communications with the Opposite Party

A lawyer should not, in any way, communicate, negotiate or compromise with a party represented by another counsel in the absence of the latter. Particularly, he should not undertake to advise or incur in conduct which might mislead a party who is not represented by counsel.

Canon 29.—Personalities Arising Between Opposing Counsel

Clients, not lawyers, are the litigants. Any ill-feeling existing between clients should not influence counsel in their conduct and demeanor toward each other or toward suitors in the case. All personalities [personal matters] between counsel should be scrupulously avoided. In the trial of a cause, it is indecent to allude to the personal history or individual peculiarities or idiosyncrasies of opposing counsel. Personal colloquies between counsel which cause delay and provoke disputes should also be avoided.

It would be highly improper for a lawyer to make false imputations which affect the reputation and good name of a colleague. When there are grounded reasons for serious complaints against colleagues, it is the duty of a lawyer to submit his charges to the competent authorities, using for that purpose the means provided by law.

Canon 30.—Right to Control the Events of the Trial

[L]awyers, as professional colleagues, owe one another generous and considerate treatment, and the pressures or demands of their clients should not prevent such behavior. Provided that the interests of the client are protected, it is incumbent upon the lawyer and not the client, to grant reasonable concessions to a colleague as to petitions for the transfer of hearings, extensions, changes in the date and places for appointments or meetings, and as to the handling of incidental matters pending in the action.

Canon 31.—Known Customs or Practices of the Bar

A lawyer should observe the good customs established by the Bar or by a particular court; and even when it is legally permissible, he should not ignore such customs or practices without giving due notice to the opposing counsel.

Canon 32.—Professional and Notarial Services at Auction

It would be improper for a lawyer to appear as bidder at any auction concerning the rendering of professional or notarial services before any juridical, public or private person or entity.

Canon 33.—[Collaboration in the Unlawful Practice of the Profession]

(a) A lawyer admitted to practice in Puerto Rico shall not practice law, or assist another in doing so, in violation of the regulation of the legal profession in that jurisdiction.

Canons of Professional Ethics

(b) Unless authorized to practice in Puerto Rico, a lawyer shall not:
(1) establish an office or other continuing and systematic and continuous presence in Puerto Rico for the practice of law, or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in Puerto Rico.

(c) A lawyer admitted in a United States jurisdiction, and not disbarred or suspended from practice, may provide legal services in Puerto Rico on a temporary basis, provided that such services:

(1) are undertaken in association with a lawyer who is admitted to practice in Puerto Rico and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a court or administrative forum in Puerto Rico or a United States jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized by pro hac vice admission;

(3) are in or reasonably related to an arbitration, mediation, or any other alternative dispute resolution proceeding pending or soon to commence in Puerto Rico or in the United States, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized by pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a United States jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in a United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services through an office or another systemic and continuing presence in Puerto Rico, provided that such services:

(1) are provided to the lawyer's employer or its organizational affiliates, and are not services for which the forum requires pro hac vice admission, or

(2) are services authorized by federal or other law or rule to provide in Puerto Rico.

(e) A lawyer shall not practice the notarial profession in Puerto Rico without authorization from the Supreme Court. A lawyer admitted to practice the notarial profession in Puerto Rico shall not assist another in doing so without authorization. It is forbidden for a lawyer to allow or facilitate a person or entity not authorized to practice the notarial profession to collect totally or partially for the professional services rendered by a lawyer admitted to practice the notarial profession in Puerto Rico; nor shall a lawyer participate in a partnership with another who has not been authorized to practice the notarial profession when any of the activities of the partnership involve the practice of the notarial profession.

Canon 34.—Stirring Up or Procuring Litigation

A lawyer who, for profit, gives unsolicited counseling or advice, encourages or promotes, in any manner, potential clients to bring lawsuits or any other type of claims, is acting against the high postulates of the profession. It is also against the sound practice of the profession for a lawyer to hunt up, without request, personally or through agents, defects in titles or other possible sources or causes of action in order to receive some kind of benefit through his professional services.

It is highly reprehensible for a lawyer, whether acting directly or through intermediaries or agents, to procure employment for himself or for other lawyers, thus defiling the integrity and prestige of the profession. Likewise[,] it is unprofessional for a lawyer to give or offer benefits, favors or compensation of any type to public employees, insurance adjusters, or other third persons for the purpose of gaining their favor so that they may refer matters which might give rise to claims or cases, thus increasing the lawyer's clientele.

Because of the fact that this constitutes disreputable conduct with respect to the legal profession as well as to justice in general, every member of the Bar is bound to inform the competent agencies, immediately after having knowledge thereof, of any case involving such improper and reprehensible practice.

Canon 35.—Candor and Fairness

The conduct of any member of the legal profession before the courts toward his clients and in his relations with his colleagues should be candid and fair.

It is not candid or fair to use means which are inconsistent with the truth nor should the judge be led to error by using guile or a false statement of facts or of the law. It is improper to change or distort juridical quotations, or to suppress parts thereof in order to transmit an idea contrary to that established by the actual context or to conceal one known to him.

A lawyer should deal candidly with the facts in taking the statements of witnesses, in drawing affidavits and other documents, and in the presentation of causes. To destroy documentary evidence or to facilitate the disappearance of oral evidence in a case is also highly censurable.

Canon 36.—Publicity or Advertising by Attorney

(A) An attorney's best possible advertisement is a reputation of capability and integrity earned in the practice of his profession.

(B) When advertising in the public media, an attorney should avoid any type of propaganda that may promote unnecessary suits, encourage unreasonable expectations as to the success of his efforts, or affect the dignity of the attorney-client relationship. As a rule, any type of advertisement that is not justified as a reasonable

and professionally accepted means to keep the public informed of the legal services available is not appropriate. Particularly inappropriate is any type of advertisement that includes:

- (1) diagrams, drawings, photographs or any other type of illustration, or
- (2) self-laudatory expressions of the attorney or a reference to the quality of his legal services, or
- (3) a claim that the attorney is a specialist or an expert in a specific area of Law, or
- (4) false, fraudulent, or misleading expressions or information, including the following:

- (a) ambiguous representation of a factual situation.
- (b) failure to mention any fact that is essential for the full understanding of the matter to which the pertinent part of the advertisement refers.
- (c) expressions that may give the impression that the attorney is in a position to unduly influence courts or public officials.
- (d) any vague reference to fees, or any reference to services whose total value cannot be anticipated when the attorney is retained.

(C) In order to facilitate the process for the selection of a legal representative by potential clients, the attorney may publish information regarding the legal services he renders in the newspapers, radio or television, provided [sub]section (B) of this canon is not violated. He may include the following:

- (1) the attorney's name and his business address and telephone number.
- (2) information about what areas of Law he covers in his practice, including the expression that his practice is limited to one or more disciplines.
- (3) information about his fees for routine legal services, such as: uncontested divorces, adoptions, licenses to carry arms and renewal thereof, declarations of heirship[,] and name changes.
- (4) information about the way in which fees may be paid, including whether there are payment arrangements or if certain credit cards are accepted.

(D) The practice of paying or somehow compensating members of the media—printed press, radio, and television, or any other publicity medium—for advertising the name or the professional work of an attorney is unethical.

(E) The publication of a brief professional note in a legal directory is allowed as one of the acceptable means to let people know of the availability of an attorney to render legal services.

(F) Any doubt an attorney may have as to the correctness and propriety of certain means of publicity should be consulted with the Bar Association Committee appointed for this purpose.

(G) Nothing in this canon should be interpreted as allowing the personal soliciting of clients for profit, be it directly or indirectly.

Canon 37.—Participation of the Lawyer in Commercial Activities

The participation of a lawyer in transactions or activities concerning the sale of property, collection agencies, bonds, or other commercial services, belonging to him or to other persons, is not a proper professional practice if such transaction or activity has the direct or indirect purpose of producing lucrative professional employment which otherwise he would not have obtained.

Canon 38.—Upholding the Honor and Dignity of the Profession

The lawyer should strive, to the maximum of his capacity, to uphold the honor and dignity of his profession, even if by so doing he has to undergo personal sacrifices, and he should even avoid the appearance of professional impropriety. In his conduct as officer of the court he should take an interest in making his own and complete contribution toward the attainment of a better administration of justice. Such participation necessarily entails the assumption of positions which may personally be disagreeable to him but which redound in benefit to the profession, such as: to expose without fear, before the proper tribunal, corrupt or dishonest conduct of a colleague or judicial officer; to accept without hesitation employment against a member of the Bar who has wronged his client; to bring any criminal act or perjury committed before him to the knowledge of the proper authorities; and strive against the admission to the profession of candidates unqualified because of deficiency in moral or ethical standards as well as in education[] as required by our profession. Before recommending an applicant for admission to the Bar, a lawyer should satisfy himself as to the applicant's competent, moral, and ethical qualifications.

Every lawyer, because of the confidence entrusted to him as a member of the illustrious legal profession, should conduct himself in a dignified and honorable manner, in his private life as well as in the practice of his profession. In observing such conduct, the lawyer must absolutely refrain from rendering service or giving advice in a manner other than the tending to impress upon client exact compliance with the law and the respect to the judicial office and administrative agencies. Likewise, he must not allow his clients, regardless of their power or influence, to perform acts seeking to influence in an improper manner persons exercising public offices or private trust. The foregoing, however, does not prevent a lawyer from giving to his clients his advised and honest opinion as to the interpretation or validity of a law, order or regulation, which has not been, in turn, construed or clarified in its provisions by a competent court.

Every lawyer who retires from public service should reject any employment or legal representation in particular cases in relation to which he has delivered professional judgment as public officer.