

SYLLABUS FOR THE 2012 BAR EXAMINATIONS

LEGAL AND JUDICIAL ETHICS

I. LEGAL ETHICS

A. Practice of law

1. Concept
 - a) Privilege
 - b) Profession, not business
2. Qualifications
3. Appearance of non-lawyers
 - a) Law student practice
 - b) Non-lawyers in courts
 - c) Non-lawyers in administrative tribunals
 - d) Proceedings where lawyers are prohibited from appearing
4. Sanctions for practice or appearance without authority
 - a) Lawyers without authority
 - b) Persons not lawyers
5. Public officials and practice of law
 - a) Prohibition or disqualification of former government attorneys
 - b) Public Officials who cannot practice law or with restrictions
6. Lawyers authorized to represent the government
7. Lawyer's oath

B. Duties and responsibilities of a lawyer

1. To society
 - a) Respect for law and legal processes
 - b) Efficient and convenient legal services
 - c) True, honest fair, dignified and objective information on legal services
 - d) Participation in the improvement and reforms in legal system
 - e) Participation in legal education program
2. To the legal profession
 - a) Integrated Bar of the Philippines
 - (i) Membership and dues
 - b) Upholding the dignity and integrity of the profession
 - c) Courtesy, fairness and candor towards professional colleagues
 - d) No assistance in unauthorized practice of law
3. To the courts
 - a) Candor, fairness and good faith towards the courts
 - b) Respect for courts and judicial officers
 - c) Assistance in the speedy and efficient administration of justice
 - d) Reliance on merits of his cause and avoidance of any impropriety which tends to influence or gives the appearance of influence upon the courts
4. To the clients

- a) Availability of service without discrimination
 - (i) Services regardless of person's status
 - (ii) Services as counsel de officio
 - (iii) Valid grounds for refusal
- b) Candor, fairness and loyalty to clients
 - (i) Confidentiality rule
 - (ii) Privileged communications
 - (iii) Conflict of interest
 - (iv) Candid and honest advice to clients
 - (v) Compliance with laws
 - (vi) Concurrent practice of another profession
- c) Client's moneys and properties
 - (i) Fiduciary relationship
 - (ii) Co-mingling of funds
 - (iii) Delivery of funds
 - (iv) Borrowing or lending
- d) Fidelity to client's cause
- e) Competence and diligence
 - (i) Adequate protection
 - (ii) Negligence
 - (ii) Collaborating counsel
 - (iii) Duty to apprise client
- f) Representation with zeal within legal bounds
 - (i) Use of fair and honest means
 - (ii) Client's fraud
 - (iii) Procedure in handling the case
- g) Attorney's fees
 - (i) Acceptance fees
 - (ii) Contingency fee arrangements
 - (iii) Attorney's liens
 - (iv) Fees and controversies with clients
 - (v) Concepts of attorney's fees
 - (a) Ordinary concept
 - (b) Extraordinary concept
- h) Preservation of client's confidences
 - (i) Prohibited disclosures and use
 - (ii) Disclosure, when allowed
- i) Withdrawal of services

C. Suspension, disbarment and discipline of lawyers

1. Nature and characteristics of disciplinary actions against lawyers
 - a) Sui generis
 - b) Prescription
2. Grounds
3. Proceedings
4. Discipline of Filipino lawyers practicing abroad

- D. Readmission to the Bar
 - 1. Lawyers who have been suspended
 - 2. Lawyers who have been disbarred
 - 3. Lawyers who have been repatriated
- E. Mandatory Continuing Legal Education
 - 1. Purpose
 - 2. Requirements
 - 3. Compliance
 - 4. Exemptions
 - 5. Sanctions
- F. Notarial Practice
 - 1. Qualifications of notary public
 - 2. Term of office of notary public
 - 3. Powers and limitations
 - 4. Notarial register
 - 5. Jurisdiction of notary public and place of notarization
 - 6. Revocation of commission
 - 7. Competent evidence of identity
 - 8. Sanctions

II. JUDICIAL ETHICS

- A. Sources
 - 1. New Code of Judicial Conduct for the Philippine Judiciary (Bangalore Draft)
 - 2. Code of Judicial Conduct
- B. Qualities
 - 1. Independence
 - 2. Integrity
 - 3. Impartiality
 - 4. Propriety
 - 5. Equality
 - 6. Competence and diligence
- C. Discipline of members of the Judiciary
 - 1. Members of the Supreme Court
 - a) Impeachment
 - 2. Lower court judges and justices
 - 3. Grounds
 - 4. Impeachment
 - 5. Sanctions imposed by the Supreme Court on erring members of the Judiciary

INCLUDE: Pertinent Supreme Court decisions promulgated up to January 31, 2012.

IMPORTANT NOTE: This bar coverage description is not intended and should not be used by law schools as a syllabus or course outline in the covered subjects. It has been drawn up for the limited purpose of ensuring that candidates reviewing for the bar examinations are guided on what basic and minimum amounts of laws, doctrines, and principles they need to know and be able to use correctly before they can be licensed to practice law. More is required for excellent and distinguished work as members of the Bar.

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