

Actual problems of criminal law, criminal procedure and criminalistics

Materials of scientific conference

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Lawyer mystery

Abstract. This article describes attorney secrets which are voiced by many lawyers. The article also overviews secrecy of information which is necessary guaranteed to principal and portraits preservation of lawyer secret.

Keywords: lawyer, secrets, attorney secretes, mysteries.

Protection guaranteed by the Constitution of the Republic of Kazakhstan of the rights and freedoms of man and citizen, promotion to elimination of violations of law and strengthening rule of law are responsibility of professional and high moral duty counsel.

In this regard, the legal profession involves accurately and consistently comply with requirements of the current legislation, to do not violate ethical standards of conduct lawyer, to use all means provided by the law

and methods of protection applied to him for legal assistance. [1]

Institute of attorney-client privilege arose in the Roman Empire. Roman jurists prescribed presiding in the courts, so that they did not allow lawyers to take role of witnesses in cases where they are defenders.

About attorney secrets voiced many lawyers. Those who spoke about preservation of institute of attorney-client privilege, differently justified its necessity. Some have argued that "without mysteries of meeting - there is no protection, no justice." Others talked about violation of defendant's interests. From the moment when customer crossed threshold of legal advice, law firm, office - everything is a further object of attorney-client privilege. Even the fact of access to a lawyer have professional secrecy. The essence of client's request, the content of initial consultation is also the subject of attorney-client privilege. Moreover, even if initially lawyer asked not future customer but any of his family, with which subsequently concluded no agreement about business management, general rule remains unchanged - the information obtained from this relative, the fact of his conversion It is the attorney-client privilege. [2]

Attorneys secret - a constitutional unit of lawyer activity, without which the lawyer's

assistance as phenomenon disappears. Secrecy of Information - a necessary guarantee to principal.

There are the following guarantees preservation of lawyer secret:

- the right of Advocate to visit his client in private and in confidence [3]

- A ban on disclosure of information by counsel, which became known to him from connection with an application for legal aid and its implementation [3]

- Prohibition of questioning as a witness defense of the suspect, accused, as well as representative of victim, civil plaintiff and civil defendant, advocate of witness - about circumstances that have become known to him in connection with the performance of his duties in a criminal case. [3]

The disclosure of attorney-client privilege is a gross violation of the law " about advocacy". It undermines the credibility of citizens, as the only protection of violated or disputed constitutional rights, freedoms and lawful interests in court is a lawyer. Undermining the prestige of the professional activities of lawyers considered such behavior, which reduces public confidence in the institution of the legal profession and denigrates title of lawyer. The lawyer should be an example of moral purity and impeccable behavior.

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