

Approved
By Extraordinary Meeting of Members of the Notary
Chamber of Georgia, dated November 06, 2011

Respect Your Ministry;
Desist if even small doubt makes your act obscure;
Consider truth;
Act with prudence;
Learn with animation;
Ask dignity;
Guide from justice;
Limit with law;
Work with dignity;
Remember,
Your mission lies in avoiding dispute among people.

Deontology Code (Code of Ethics) of Georgian Notaries

We, the member notaries of the Notary Chamber of Georgia

- Realizing the aim of the notary profession and its critical role in building of constitutional state;
- Guiding from the requirements of Georgian legal acts, principles of steady observance of legal interests of physical persons and legal entities;
- Being obliged to conduct our professional activity based on high moral and ethical principles;
- Declaring our consideration towards notary traditions in Georgia and at the same time
- Expressing full support and devotion to the fundamental principles of Latin Notary

Hereby declare the present code:

Chapter I **General Provisions**

1.1. Deontology Code (Code of Ethics) of Georgian notaries (hereinafter referred to as „Code”) determines main principles of professional ethics of notaries, moral and ethical standards of behavior which notaries shall guide from in relations with state authorities, Notary Chamber, colleagues, physical and legal persons, establishes mechanisms for moral influence upon and encouragement for notaries.

- 1.2. Norms of the Code are compulsory for notaries and notary substitutes;
- 1.3. The aim of this Code is establishing highest standard of ethical behavior in the process of implementing professional activity, improving of confidence in Georgian notary from the side of the state and public, protection of prestige and authority of notary profession.
- 1.4. Violation of ethical norms in cases and under the rules established by legislation causes discipline liability of notaries.
- 1.5. Facts of possible violation of norms of this Code are considered by the Disciplinary Commission of the Notary Chamber of Georgia, which in case of proving such violation applies to the Board of the Notary Chamber with recommendation of imposing discipline liability to the notary in breach.

Chapter II

General principles of Notary Activity

- 2.1. Notary is a person of liberal profession, being granted public authority by the state in order to provide authenticity and maintenance of acts approved by it, conferring incontrovertible and affirmative force to notary acts.
- 2.2. In professional activity notary is devoted to the law, By-laws and resolutions of the Notary Chamber, oath taken by it and moral and ethical norms consolidated by this Code and at performing notary act – guarantees of rule of law and justice.
- 2.3. Notary has a vocation for protecting interests of citizens, community and the state, facilitate to creation of system of legal security in the state, strengthening legitimacy and law-abidance in community.
- 2.4. Professional independence and impartiality are the fundamental basis which notary institute relies on. Notary shall be impartial, free and not to fall under any influence, its private interests and outer pressure.
- 2.5. Notary shall take care of its personal and notary's prestige generally, not admit any behavior being inconsistent with notary's high title and not debase professional criteria in the eyes of clients, third parties or administrative bodies.
- 2.6. Existence of professional secrecy and its protection is ancient right and obligation of notary. Notary provides protection of any information (consisting of private or commercial secrecy) from disclosure, having become known to them, also to the employees of notary office in association with fulfilling their official function. Obligation of protection of professional secrecy has no limitation in time.

2.7. Notary shall treat participant of notary act with dignity and politely. Notary shall be attentive, tactful and civil towards citizens.

2.8. Notary shall take care of developing the quality of professional attainment on systematic basis, also pay attention and facilitate to perfection of training and culture of service of its employees. High qualification of notary provides better service of clients, state and community and more guarantees for legal safeguard.

2.9. Notary's activity proceeds from principles of honesty and moral purity. Notary shall reject any illegal and/or unethical agreement, hypocrisy and lie.

2.10. Notary shall be foresighted, attentive, distinguished with accuracy and scrupulousness.

2.11. Any doubt in connection with legality of notary act shall be dispelled before fulfillment of notary act. Notary shall desist from fulfilling of notary act if it has any doubts in correctness of own action.

2.12. Before drawing up of notary deed notary shall render impartial advice to participants of notary act about their rights and obligations, provide unbiased information on the option granted by legislation. Before drawing up of notary deed notary shall check facts and necessary requirements in order the document certified by it should be incontestable and have full legal force.

2.13. Racial, ethnic, national, social, property, religion or other discrimination of participant of notary deed is inadmissible, also referring to any such circumstances by the notary infringing one's esteem and dignity.

2.14. Notary shall, with its activity support maintenance of desirable moral and psychological climate in its office, Notary Chamber and the Ministry of Justice.

2.15. Notary shall desist from advertising own professional merits, also endeavor to publicly promote him(her)self where it is impermissible.

Chapter III

Notary's relation towards state authorities

3.1. Notary shall show respect towards the Ministry of Justice and other bodies of state authority, be punctual, polite and restrained in professional relations with them.

3.2. Furthermore, notary shall maintain independence and impartiality in relations with representatives of any branch of the state authority and act strictly within legislation.

3.3. Notary shall cooperate with the bodies authorized for revealing, legalization and struggling against illegal incomes, also law-enforcement bodies and courts, with all its means and under the rules set by legislation facilitate to establishing unbiased truth on the cases in process. In cases foreseen by legislation notary shall provide the law-enforcement bodies with the information associated with the case, while if needed personally take part in legal proceedings. Furthermore, notary shall take care of non-disclosure of information belonging to professional activity.

3.4. Notary being elected in the bodies of Notary Chamber shall take care of improving the guarantees of independence of the Chamber members from the state authorities and their impartiality. In case of getting the relevant information, notary shall, within the frames of its competence, take all possible efforts for stoppage of illegal intervention in notary's professional activity from administrative bodies or certain officials.

Chapter IV

Notary's relationship with Notary Chamber

4.1. Notary shall participate in achieving public and legal aims set by the Notary Chamber, as of the corporate union based on compulsory membership of notaries.

4.2. Member of the Notary chamber shall opportunely and fully pay mandatory membership fees foreseen by the by-laws of the Chamber, also fulfill other obligations imposed on it by the Chamber under legislation.

4.3. Notary participates in General Meetings of Members of the Notary Chamber, also other events organized by the Chamber, aimed at raising qualification of notaries.

4.4. At relevant demand, Notary answers questions asked by the Notary Chamber in written form, submit documentation associated with the notary activity to the Chamber, save as separate references consisting of professional secrecy.

4.5. Notary cares for enhancing knowledge of trainees attached to it for training, share professional experience with them, being guarantee for completion of notariat with high-professional personnel in the future.

4.6. Notary has the right to occupy elective office in notary bodies (including international bodies) and perform relevant activity. Person, whose family member and/or close relative is elected in the managing body (Board) of the Notary Chamber, may not be appointed in the staff of the Chamber.

4.7. Notary being elected in the Board or other body foreseen by by-laws shall treat the right and obligations imposed on it under legislation and resolutions of high management body of the Chamber duly and with full responsibility, take care of protection legal interests of the members of the Chamber, provision of rigid fulfillment of the events foreseen under pre-election program and promises given.

4.8. Notary being elected in the bodies of notary shall be accountable towards its colleagues. In case of demand, the Board of the Notary Chamber shall answer to notary's questions connected with the activities of the Board and furnish relevant information.

4.9. Members of the Board of the Notary Chamber shall pay attention and supervise over the personnel of the Chamber staff, in order to provide adherence to moral and ethical norms in relations with the members of the Chamber. Notary shall respect the personnel of the staff of the Chamber.

Chapter V

Notary's relations with colleagues

5.1. Corporate nature of notariat requires existence of relations built upon reciprocal respect, trust and fruitful professional cooperation among colleague notaries.

5.2. Notary shall respect its colleagues, including representatives of notary corps of foreign countries.

5.3. Notary shall:

- a) Adhere to the principle of collective nature in any circumstance;
- b) Conclude relations with its colleagues on the basis of honesty and reciprocal respect, in any case maintain tactfulness, politeness and benevolence in relations with them;
- c) Inform colleagues about the items which may affect their joint activity, as well as other problems associated with their professional solidarity.

d) Not be lazy in rendering consultation to its colleague, give efficient and true answer to its colleague in connection with notary act, diligently share professional experience with them;

e) Take all necessary measures against employees of its office, not to admit them to breach legislation and moral and ethical principles in relations with citizens, as well as colleagues.

f) Not to abase professional dignity and authority of its colleague;

g) Not to admit spreading of figments about its colleague and any information humiliating its honor and authority.

5.4. Unfair competition among colleagues is inadmissible. The following may be considered as unfair competition:

a) Failure to furnish references and/or information to the colleague required for fulfillment of notary act and causing hamper of notary's activity.

b) At rendering notary services, deliberate reduction of notary duty established by relevant legislation with the aim of attracting clients;

c) Using its power, compelling of client to take services of this notary or any third party being in a deal with the latter;

5.5. Notary shall desist from public expressing its negative views and opinions about professionalism and personal merits of its colleague.

5.6. Notary, at performing notary act commenced by the other notary, shall not accept the act being drawn up by the other notary. Before fulfillment of notary act notary shall be assured that participants of notary act fully paid the other notary the duty and other expenses associated with making the draft of notary deed.

5.7. Notary shall avoid disagreement in relation with colleagues. At arising conflict situation try to solve all issues by means of collective agreement.

5.8. Notary supervises employees of its office in order to eliminate disrespect or other unethical conduct towards other notaries.

5.9. If notary thinks that its colleague acted unethically, in the first place he(she) must tell about it to the notary and call for observance of collective relations.

5.10. Notary must avoid solving of dispute with its colleague by means of the court or administrative bodies. It is desirable to inform the Notary Chamber about arising of similar dispute in order to enable the Chamber to resolve discrepancy within the frames of legislation.

Chapter VI

Notary's relation to clients

6.1. In relations with clients notary shall be polite, delicate and civil, try to maintain balance and personal dignity in any situation.

6.2. Notary shall provide protection of rights and legal interests of persons applying to him (her) for performing notary services.

6.3. At performing its professional duties notary shall act proceeding from the best interests of clients and put such interest above own and those of his (her) colleagues.

6.4. Notary shall render legal service to client, explain its rights and obligations, warn on legal consequences following performance of notary act, take care of that client's lack of cognizance of legislation was not used against its interests.

6.5. Notary shall correctly and impartially explain the law to the participant of notary act. Notary shall acknowledge that consultation being rendered to the client has no value if it has aims other than ensuring of protection of client's legal interests.

6.6. Notary shall provide client with accurate information in connection with notary act performed by its participation, also about amount of duty for fulfilling notary act and rule of payment established by law.

6.7. At performing notary act notary shall not fall under influence of any third party or political situation, but strictly observe legislation and interest of persons having applied to notary for performing notary act.

6.8. Relations based on special trust between a notary and a client may exist only if client's identity, dignity and honesty are beyond doubt.

6.9. Notary shall not admit:

- a) Breach of established working schedule of notary office for unreasonable excuse;

b) Unsubstantial denial of performing notary act, including those to perform in client's premises, when client is not able to go to notary office due to health problem of other valid reason.

c) Transfer of functions associated with performance of notary act (including technical work) to other persons, save as employees of notary office.

d) Performance of official duties in a state of intoxication.

Chapter VII

Notary's non-notary activity

7.1. Notary, as a person enjoying special confidence from the state, as well as public, shall during non-working hours

a) Observe generally recognized principles of morality and ethics;

b) Not to admit any act or refrain from activity that may put its independence and impartiality under doubt or defile the prestige of notariat.

7.2. Notary shall refrain from participation in the activities of political parties and unions, threatening to notary's status as of neutral, independent and impartial profession. Notary may be the member of public or religious union.

7.3. Notary shall refrain from public disclosure of its private political views. Notary is banned to carry out political propaganda in notary office, as well as outside it.

Chapter VIII

Encouragement of notary

8.1. Notary performing its official duties on high professional level and distinguished with blameless professional activity, may be encouraged at the resolution of the Notary Chamber.

8.2. Types of encouragement of notaries

- Announcement of thanks;

- Giving memorable present to notary;

- Giving letter of commendation;
- Conferring the title of „Honored Notary”

Chapter IX

Entry into force

9.1 This Code shall enter into force as soon as approved by notaries at the General Meeting of Members of the Notary Chamber.