Book Review

Arman Sarvarian

In "An Epigram to the Counsellor," Ben Jonson described a lawyer who changed his opinion of a profession he had previously considered one of “gowned vultures.” As Jonson wrote:

Then com'st thou off with victory and palm,
Thy hearers’ nectar, and the client’s balm,
The court's just honour, and thy judge's love.
And (which doth all achievements get above)
Thy sincere practice breeds not thee a fame
Alone, but all thy rank a reverend name.

As the judicialization of international law gives lawyers – as opposed to diplomats – greater influence on foreign relations, the question of whether a lawyer acts as a gowned vulture or a more civilized creature gains particular importance. This issue of lawyers’ conduct in international proceedings is confronted in Arman Sarvarian’s thoroughly-researched Professional Ethics at the International Bar.

Sarvarian begins with the thesis that advocacy before international courts and tribunals can and should be subject to a common standard of conduct, and that such a common standard would promote the integrity and legitimacy of international courts. In the opening chapters of his book, Sarvarian tests this thesis by contrasting divergent national traditions on ethics. Based on this comparison – which considers systems ranging from England to France, and from Iran to China – Sarvarian concludes that legal professionals generally seek professional independence and self-regulation, regardless of the legal framework or type of government in place in the particular country in which
they practice. Sarvarian then describes the development of international advocacy, particularly noting early tribunals’ willingness to regulate counsel when their conduct led to procedural problems.

Thereafter, the book proceeds through a series of chapters, each discussing the ethical standards and relevant procedural rules of existing international courts and tribunals: the International Court of Justice, the European Court of Justice, the European Court of Human Rights, international arbitral tribunals, and the International Criminal Court. For each court, Sarvarian notes its admission requirements, ethical standards, and disciplinary jurisdiction. This discussion reveals a great diversity from court to court in the treatment of ethical matters from conflicts of interest to counsel’s duties to the court. In addition, these chapters demonstrate that, while some international courts have a highly developed practice on ethical standards, other courts have rarely voiced an opinion on such matters.

The book closes with a discussion of the possible methods of developing ethical standards in international tribunals. First, Sarvarian considers the ability of international courts to regulate counsel appearing before them. After examining a number of recent decisions, Sarvarian concludes that international courts may have an implied power to regulate counsel based on their inherent jurisdiction, drawn from a general principle of law derived from national jurisdiction and due to counsel’s role in procedural integrity. Sarvarian closes with what appears to be the ultimate goal of his research – the creation of an international bar authority with corresponding bar admission requirements, a code of conduct, and a standing disciplinary panel. Sarvarian views the achievement of this goal as a long-term project, but one which has already been put into motion through the work of organizations such as the Council of Bars and Law Societies of Europe (CCBE), the International Law Association, and the International Bar Association in creating common codes of conduct.

Two aspects of this book deserve particular praise. First, by structuring the court-specific chapters in a methodical and organized fashion, Sarvarian has presented a very practical and useful summary of these courts’ practice. This study permits future scholars to perform a broad cross-court comparison of what is and is not successful in the regulation of counsel under particular circumstances, and to make recommendations on that basis. This methodical presentation is also useful for practitioners – counsel appearing for the first time in a particular international tribunal, for example, could quickly consult the relevant tribunal-specific chapter to glean the most important information on ethical standards.

In addition, the book provides numerous insightful observations about the functioning of international courts based on the more than 20 interviews with