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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

COMMENTS

ON THE DRAFT LAW ON THE BAR AND PRACTICE OF LAW

OF UKRAINE

by

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A. Introduction

1. The Commission for Strengthening Democracy and the Rule of Law, Ukraine asked the Venice Commission to give an opinion on the „Draft Law of Ukraine On the Bar and Practice of Law“ (hereinafter “Draft Law” or “DL”) which was approved by the Third Plenary Session of this Commission on 27 April 2011

2. The Ukrainian Commission for Strengthening Democracy and the Rule of Law was established by Ukraine President Decree No. 1116/2010 on "*Discretion of the Commission on Strengthening of Democracy and Promotion of the Rule of Law*", of 9 December 2010. In accordance with its Statute, appended to this Decree, the Commission is charged, *inter alia,* with the “*preparation of proposals regarding attaining of compliance of the Constitution of Ukraine with the European standards and values, based on the recommendations of the Commission for Democracy through Law (the Venice Commission)*” (paragraph 3.c).

3. These preliminary comments have been drafted on the basis of the English translation provided by the USAID “Ukraine Rule of Law Project”. The Ukrainian Government also provided translation of several sections of the Code of Criminal Procedure of Ukraine and of the Civil Procedure Code of Ukraine to which the DL makes direct or indirect reference. The English version of the Constitution of Ukraine identified at http://gska2.rada.gov.ua/site/const_eng/constitution_eng.htm has been also used for the purpose of these preliminary comments.

B. European and National Constitutional Framework

4. Article 6 of the European Convention on Human Rights [ECHR], ratified by Ukraine, states as following:

„*1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly by the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.*

2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3. Everyone charged with a criminal offence has the following minimum rights:

(a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and the facilities for the preparation of his defence;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court."

Also Article 13 of ECHR provides that "*Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.*"

5. The implementation of these fundamental ECHR texts, as developed by the case law of the European Court of Human Rights, requires strong and clear constitutional and legal provisions in each country concerning – *inter allia* – the right to free access to courts of law, the right of defence, the exercise of the legal professions, including the profession of attorney-at-law (lawyer, advocate), etc.

6. The Constitution of Ukraine addresses such requirement within several provisions as like:

a) Article 40: „*Everyone shall have the right to address individual or collective petitions, or to personally recourse to public authorities, local self-government bodies, officials, and officers of these bodies obliged to consider the petitions, and to provide a substantiated reply within the period determined by law.*";

b) Article 55: „*Human and citizen rights and freedoms shall be protected by court.*

Everyone shall be guaranteed the right to challenge in court the decisions, actions, or inactivity of State power, local self-government bodies, officials and officers.

Everyone shall have the right to appeal for the protection of his rights to the Authorised Human Rights Representative (Ombudsman) to the Verkhovna Rada of Ukraine.

After exhausting all domestic legal instruments, everyone shall have the right to appeal for the protection of his rights and freedoms to the relevant international judicial institutions or to the relevant bodies of international organisations of which Ukraine is a member or participant.

Everyone shall have the right to protect his rights and freedoms from violations and illegal encroachments by any means other than prohibited by law.";

c) Article 56: „*Everyone shall have the right to compensation, at the expense of the State authorities or local self-government bodies, for material and moral damages caused by unlawful decisions, actions, or inactivity of State power, local self-government bodies, officials, or officers while exercising their powers.*";

d) Article 57: „*Everyone shall be guaranteed the right to know his rights and duties.*

Laws and other regulatory legal acts defining the rights and duties of citizens shall be brought to the notice of the population in compliance with the procedure established by law.

Laws and other regulatory legal acts defining the rights and duties of citizens, which have not been brought to the notice of the population in compliance with the procedure established by law, shall be invalid.";

e) Article 62: „*A person shall be presumed innocent of committing a crime and shall not be subjected to criminal punishment until his guilt is proved through a legal procedure and established by a court verdict of guilty.*

No one shall be obliged to prove his innocence of committing a crime.

An accusation shall not be based on illegally obtained evidence or on assumptions. All doubts in regard to the proof of guilt of a person shall be interpreted in his favour.

In the event of revocation of a court verdict as unjust, the State shall compensate the material and moral damages caused by the groundless conviction.";

f) Article 63: „*A person shall not bear responsibility for refusing to testify or to provide explanations about himself/herself, members of his/her family, or close relatives, the circle of whom is determined by law.*

A suspect, an accused, or a defendant shall have the right to a defence.

A convicted person shall enjoy all human and civil rights, with the exception of restrictions determined by law and established by a court verdict."

7. Of particular interest in the context of the subject matter of the present preliminary comments is Article 59 of the Ukraine Constitution according to which:

„*Everyone shall have the right to legal assistance. Such assistance shall be rendered free of charge in cases stipulated by law. Everyone shall be free to choose the defender of his rights.*

In Ukraine, the advocate shall act to ensure the right to defence against accusations and to provide legal assistance during the hearing of cases in courts and other state bodies."

C. International Professional Standards

8. All the national bars and law societies of the twenty-seven members of the European Union and of the three members of the European Economic Area (Norway, Liechtenstein and Iceland), together with Switzerland are full members of the Council of Bars and Law Societies of Europe (CCBE). Ukraine, through „*Спілка адвокатів України*", is an observer member of CCBE for the time being.

9. CCBE adopted in 1988 the Code of Conduct for European Attorneys (which has been amended three times, lately in Oporto on 19 May 2006). Also CCBE adopted in 2006 the Charter of Core Principles of the European Legal Profession (the Charter) which is a set of European-wide principles to be adopted by national bars in their own domestic settings, as follows: the independence of the lawyer and the freedom of the lawyer to pursue the client's case; the right and duty of the lawyer to keep client's matter confidential and to respect professional secrecy; avoidance of conflicts of interest, whether between different clients or between the client and the lawyer; the dignity and honour of the legal profession and the integrity and good repute of the individual lawyer; loyalty to the client; fair treatment of clients in relation to fees; the lawyer's professional competence; respect towards professional colleagues; respect for the rule of law and the fair administration of justice; the self-regulation of the legal profession.

D. Main Content of the Draft Law

1. Scope of the Draft Law

10. According to its preamble, "*This Law shall determine the legal grounds for the organization of the bar and carrying out practice of law in order to provide for the fulfillment of the social function of proper professional defense of the rights and freedoms in Ukraine.*"

11. The review of several provisions leads to the conclusion this Draft Law does not deal generally with the profession of "lawyer" but only with the so-named "defense lawyers" – who perfom legal assistance and representation as "*independent professional systematic activities*" (Article 1.2). Therefore the Draft Law does not deal with the activities that are qualified as "*incompatible with the status of advocate*" listed by Article 7.1:
"*1) work in court, prosecution office, internal affairs bodies, the Security Service of Ukraine, on the appointed positions in state and local authorities, state service, in the staff of enterprises and organizations including by combination of positions (except for scientific, educational and creative activities);*
2) military or alternative (non-military) service;
3) notarial activities;
4) forensic expert activities."

12. As resulted from the meetings held in Kyiv on 15 September 2011 with several representatives of Ukrainian stakeholders, in Ukraine there are two categories of lawyers (graduates of legal education) who can legally provide legal assistance and representation: advocates (who are members of Bars and holders of an advocate license) and "entrepreneur-lawyers" (who do not need any license or other prior approval or registration to carry out their professional activity). The main distinctions between the two categories are that only the advocates (i) can deal with criminal law matters and (ii) benefit from the guarantees provided by the legislation on legal profession.

The same sources pointed out that a very difficult issue is whether or not the "entrepreneur-lawyers" would be accepted as members of the Bars without passing an examination. Out of the possible solutions to this problem, it seems that it will prevail the opinion that such benefit could be recognized only for those "entrepreneur-lawyers" who can prove they have carried out their activity for a minimum limit of years to be specified by the future law.

2. Structure

13. This Draft Law is a large piece of legislation composed of eleven Sections, as follows:
Section I: General provisions (Articles 1-5)
Section II: Gaining right to perform practice of law and the stats of advocate (Articles 6-14)
Section III: Practice of law. Organizational forms (Articles 15-23)
Section IV: Practice of law. Provision of legal assistance by an advocate, implementation of protection and representation (Articles 24-36)
Section V: The rights and obligations of an advocate. Guarantees for the practice of law (Articles 37-41)
Section VI: Suspesnsion and termination of the right to practice law (Articles 42-43)
Section VII: Disciplinary action against an advocate (Articles 44-53)
Section VIII: Organization of the Bar of Ukraine (Articles 54-57)
Section IX: Advocates' self-government (Articles 58-72)
Section X: Practice of law in Ukraine by an advocate from a foreign state. Specifics of the status of advocate from a foreign state (Articles 73-78)
Section XI: Concluding and transitional provisiosn (one not-numbered Article).

E. General Assessment on the Compatibility of the Draft Law with the European Standards

14. After I have reviewed entirely the Draft Law, my opinion is that it is compatible with the main European standards in the field and its adoption will certainly constitute an important progress for strenghtening the democracy in Ukraine.

15. However several improvements must be made to this Draft Law before its enactment. Out of them, the most imperative ones regard at least the following deficient issues: over-regulation; complicated rules on "organizational forms" of the practice of law; lack of precise wording of the provisions regarding guarantees and elections.

F. Particular Comments

16. I am conscious that some (even many) of my following comments have as source the difficulties usually encountered when legal provisions are translated in a foreign language.
For instance, I assume this is the case of the term "*bar association"* which is used to designate one of the forms of organization of practice of law of advocates (e.g. Article 15 1.3 and Article 18). A better translation (which could eliminate the current confusing effect and contribute to the straight and correct understanding of the real meaning of the original legal provisions) would be perhaps "association of advocates".

17. The first particular comment is that the Draft Law contains some details which are not indispensable at this level of regulation. It is not only about the problem that, sometimes, such details make more difficult the understanding of their content. The more important legal problem is that usually such detailed provisions need to be ammended after a short period of time, which is not productive when it comes about a law passed by the Parliament. The alternate solution is to leave such details to be provided by the means of inferior implementing statutes, as like a Regulation (Statute; By-Laws) to be adopted by the Bar Council of Ukraine or the Congress of Advocates of Ukraine.

Such too detailed provisions are - for instance - the following:

a) Article 9.2:

"*The following documents must be attached to the application on admission to the qualification examination:*
1) copy of the passport or other identity document;
2) personal record attachment form;
3) extract from the labor book or other documents confirming the necessary employment record in law;
4) notarized copy of the full higher legal education certificate;
5) document certifying the place of residence (if such data are not indicated in the identity document);
6) certificate of the absence of criminal record.";

b) c) Article 9.1, 3 and 7:

"*1. Qualification examination – verification of theoretical and practical knowledge in the field of law, history of law practice, advocates' ethics, ability to apply theoretical knowledge in the practical activities of an advocate, identification of personal and moral features of a person who intended to gain the status of advocate.*
commission of the bar accepts and evaluates the examinations.
[…]
3. Qualification examinations are held at least once in three month

[…]
7. A candidate passes verbal examination by answering to 15 questions in the test paper.";

c) Article11.4 and 5:

"*4.Two members of the attestation chamber are in charge of evaluating a qualification examination paper, each of them evaluates it separately. Each paper is evaluated according to the scale of 0 to 30 points. Attestation chamber determines the mark for the paper as an arithmetical average of the points assigned by each of the two attestation chamber members who carried out evaluation.*

5. A person who passed the written examination is entitled to take a verbal one. A candidate who scored over 80 points in written examination is considered as having passed one.";

d) Article 22.5 : "*The following data must be entered into the Register:*

1) advocate's surname, name and patronymic;
2) advocate's license number and date, number and date of the decision on issuing advocate's license (permission to provide legal assistance issued to a foreign advocate);
3) name and location of the law practice (practicing as advocate) organizational form;
4) advocate's workplace address, communication means (phone, fax) number;
5) information on advocate's license suspension or termination;
6) name, surname and patronymic of the person who entered the data to the Register and entry date."

18. Article 3.1 provides as follows: "*Organization and activities of the bar of Ukraine shall be regulated by the Constitution of Ukraine, this Law and* ***other laws of Ukraine to the extent that does not go counter to this Law****, other legislative acts of Ukraine, advocates' ethics rules, decisions of advocates' selfgovernment bodies*" (emphasis added).

My comment is made in the light of the legal principle according to which "*specialia generalibus derogant*". I wonder what is the legal solution under Ukraine domestic law if another law (which is a law dealing with a particular, special subject matter – for instance a fiscal law) "*goes counter to this Law*"? Would not prevail "*specialia*"?

Also the wording "*to the extent that does not go counter to this Law*" seems to be not consistent with the possibility that this Law is amended to a certain stage in the future (as – by definition – the future amending law provides otherwise than the amended law provides).

19. Article 4.1 states as a matter of principle that "*Only advocates are entitled to provide professional legal assistance, defense and representation of rights, freedoms and legitimate interests of individuals and legal entities.*"

This general statement needs to be adjusted or supplemented by other complementary provisions in order to lay down that legal assistance can be also provided by other categories of lawyers as like in-house lawyers (or by "entrepreneur-lawyers", depending on the future policy to be adopted regarding this existing legal profession).

In this context, I also notice that there is no text in the Draft Law to indicate the aspect I have discussed *supra*, at # 12 of my comments, namely (i) either that only the licensed advocates can deal with criminal law matters or (ii) that the "entrepreneur-lawyers" are not allowed to deal with criminal matters.

20. In relation to Article 4.1, it is necessary also to introduce provisions regarding the right of the NGOs established for defending human rights to carry out their activity including by the means of work performed by licensed advocates.

21. Pursuant to Article 5.3, "*The state and local authorities **must agree** with the appropriate level advocates' selfgovernment bodies the draft legislative acts to the issue of the bar of Ukraine organization and operation*" (emphasis added).

Unless there is a translation error, it is impossible to oblige "*The state and local authorities"* (which have the sovereign power to make law or other regulations, as the case may be) "*to agree*" on the content of the legislation or regulations with the addressees of such legislation or regulations. Instead, there should be an obligation to hold prior consultations.

22. Article 12.1 states that "*A person who successfully passed qualification examination must pass a six month traineeship with an advocate to obtain and advocate's license.*"

This rule should be adjusted or supplemented in order to address some justified exceptions. For instance, it is not appropriate for the law to oblige to the completion of such traineeship a very experienced lawyer as like a judge, prosecutor, professor of law who has at least, for instance, 10-15 years of legal activity.

23. Article 13.1 ("*Gaining the status of advocate*") provides as follows: "***According to the traineeship results** a regional bar council takes the decision on issuing an advocate's license to practice law to a person or denial to issue thereof. Before receiving an advocate's license a person shall take the Oath of Advocate of Ukraine and gain the status of advocate*" (emphasis added).

How shall be assessed "*the traineeship results*"? There shall be a document issued by the trainee's tutor to ascertain such results? (In this case, I guess the "traineeship results" will always be considered as excellent!) There shall be an examination?

24. According to Article 13, an advocate's license to practice law is issued by the regional bar council following a described procedure. On the other hand, Article 26.4 provides as follows: "*An advocate can be exempted from an appointment as a defense counsel if the advocate has no practical experience in criminal law or **if the advocate's license does not apply to practice in the field of criminal justice** and provided that a contribution is paid to a special fund created by the regional bar council to support law practice, its resources being used to pay reimbursements to advocates appointed by bodies of inquiry or pretrial investigation or by a court to act as defense counsels in criminal proceedings."* (emphasis added).

The wording of Article 26.4 leaves the impression that an advocate's license can be issued for specific fields of law (i.e. only for criminal law or only for civil law, etc.). However, following the meetings I attended in Kyiv on 15 September 2011, I understand this is not what the Draft Law intends; on the contrary, any licensed advocate would have the possibility, at his/her own discretion, to deal with any kind of legal matters throughout Ukraine.

Therefore, Article 13 should be modified in order to avoid misunderstandings.

25. The provisions regarding the various "organizational forms" of practice of law (Articles 15 - 18) are quite complicated and sometimes unclear. Particularly, the distinctions operated by Article 18 which identifies three different types of "bar association" are confusing.

a) For instance, it is normal that in the case of the "legal office" (which is not a legal entity) the legal assistance agreement has to be concluded between the advocate and the client. But why in the case of the "law bureau" (which is a legal entity) the same rule applies?
b) According to Article 17.5, "[…] *The law bureau name must contain the surname of the advocate who founded it.*" In comparison, such provision does not exist regarding the "legal office" (which, pursuant to Article 16, is also an individual organizational form),

although it is difficult to conceive that such "legal office" might use as name something else that just the name of the advocate who founded it.

c) In the case of the "bar association without establishing a legal entity in form of simple company (partnership)" (Article 18.2), the legal assistance agreement shall be concluded between whom (as there is no provision in this respect, while for the other two types of "bar association" such particular provisions exist)?

d) According to the two final sentences of Article 18.3, "*Agreements on provision of legal assistance in the company are concluded between the advocate and the client. The agreements on provision of legal assistance on behalf of the company are not concluded.*" Since the "bar association" is in this case a legal entity, which is the reason for which the legal assistance agreement cannot be concluded with this legal entity (represented, of course, by a designated advocate)?

26. Article 12 deals with the concept of "advocate's trainee" and Article 21 with the different concept of "assistant advocate". Nevertheless the powers/duties of each of them are identical, as it arises from the comparative review of Article 12.5 and Article 21.3.

27. Article 24.1 provides a list of "types of law practice", i.e. types of activities which can be legally carried out by an advocate. It is advisable this list be completed with some other activities that are specific to the advocates profession in other countries, as like:
- mediation;
- fiduciary activities consisting of receiving, in deposit or escrow accounts, on behalf and at the expense of the client, financial funds and goods, as well as the placement and administration thereof, on behalf and at the expense of the client;
- temporary establishment of trading companies headquarters at the advocate's professional office, the registration of such companies, on behalf and at the expense of the client, of interest shares, shares, or stock of companies thus registered.

28. It is advisable that Article 29 ("*Form of agreement of the provision of legal assistance*") should be completed with references to the possibility for the advocate to conclude a legal assistance agreement by fax, email or other modern means of communication.

29. Article 39 contains very important "*Guarantees pertaining to law practice*". As such guarantees are crucial witin any law on legal profession, a special care must be given to the complete and precise wording of the related legal provisions. Also such guarantees must be in total compliance with the international acts on the protection of human rights.

In the light of the above, several provisions of Article 39 of the Draft Law have to be redrafted.

For instance, paragraph 4 stipulates as follows: "*it is prohibited to conduct a search or a personal examination of an advocate, his/her belongings or the premises where the advocate practices law or resides, to keep an advocate under surveillance, to control the information systems and means of communication used by an advocate for the provision of legal assistance, to extract information there from, or to eavesdrop on an advocate's conversations;*". However I think there should be situations (e.g. drugs traffic, terrorism, etc.) when even an advocate can be, for instance, placed under surveillance. For such extraordinary situations and measures the Draft Law needs to provide exceptions and special proceedings, involving always courts of law (eventually superior courts of law) as independent state bodies.

In this context, it is unclear the relation between the various special guarantees provided for advocates by Article 39 and its paragraphs 9 and 10 according to which:
"*9. no body of inquiry, investigator, or prosecutor may submit a motion, nor may a court pass a separate order (judicial ruling) concerning the legal stand of an advocate in a case;*

10. criminal proceedings against an advocate can only be initiated by the Prosecutor General of Ukraine, his/her deputies, prosecutors of the Autonomous Republic of Crimea, the oblasts, the cities of Kyiv and Sevastopol, or by their deputies;"

In other words, is paragraph 10 an exception to the guarantee stipulated, for instance, by paragraph 4? Can the Prosecutor General of Ukraine order that an advocate has to be placed under surveillance? Also, is paragraph 10 an exception to paragraph 9?

30. Some of the guarantees provided by Article 39 are not justified.

a) While it is out of question that the life, health or property of the family members of an advocate must be protected, it is however questionable if a higher protection has to be provided for such citizens in comparison with other citizens, who are not family members of an advocate. In this respect, Article 39.7 stipulates as following: "*the life and health of an advocate and of his/her close relatives is under the protection of the state; it provides for their security against criminal encroachments. The property of an advocate and the property of his/her close relatives are under the protection of the state and the state provides for the preservation thereof against criminal encroachments. Encroachments thereupon, manifestations of disrespect for an advocate, an insult or slander in relation to him/her, a threat of murder, violence, destruction of or damage to property concerning an advocate as well as his/her close relatives, deliberate destruction of or damage to property belonging to an advocate or his/her close relatives, murder or attempted murder of an advocate, spreading of discrediting information about an advocate in connection with activities related to provision of legal assistance shall entail liability pursuant to the law;*"

b) The same question mark exists regarding paragraph 13: "*following an advocate's written inquiry, enterprises, institutions, or organizations, irrespective of forms of ownership or types of activities, and natural persons are obliged to provide the advocate,* ***on a free-of-charge basis****, with the relevant information,* ***documents or copies thereof****, not later than within* ***ten days*** *after the receipt of the inquiry. Failure to provide an answer to the inquiry shall entail liability pursuant to the law;*" (emphasis added). It is justified that, for instance, the cost of copies would be borne by a natural person to whom an advocate sends a written inquiry? Furthermore, "ten days" is a quite unusual short deadline.

31. Articles 42 and 43 regarding suspension and termination of the right to practice law are worded unclearly in several respects.

a) Article 42.1.3, 4 and 5 and Article 43.1, 2, 4 and 6 make reference to various court decisions. Such decisions shall be or not final and irrevocable?

b) Articles 42.4 and 43.3 stipulates, similarly, that a decision to suspend or to terminate the right to practice law can be appealed to the High Qualifications and Disciplinary Commission **or** to a court. Which is the criterion to be used for choosing between the two bodies? Furthermore, if the adocate files his apeal with the Commission, his right to go in court will be preserved?

32. Article 47.1 ("*Initiating disciplinary action against an advocate*") provides as follows: "*The right to initiate disciplinary action against an advocate by way of submission of a written complaint to the qualifications and disciplinary commission of the bar shall be vested in the client as well as in other persons whose rights, freedoms, or legitimate interests were violated by the advocate****. Disciplinary action against an advocate can be initiated by the qualifications and disciplinary commission, on the initiative of no less than one third of its members***." [emphasis added].

The question is who is vested to decide on the disciplinary action when it is initiated by the qualifications and disciplinary commission itself? It seems the Draft Law confers this power to

the same commission, which obviously is against the fundamental principle regarding impartiality.

33. Pursuant to Article 65.1 ("*Meeting (conference) of the bar members*"), "*The highest body of a regional bar chamber shall be the meeting of the bar – the general meeting of all advocates who practice law, accordingly, in the Autonomous Republic of Crimea, an oblast, or the cities of Kyiv or Sevastopol and who are included in the Unified Registry of Advocates of Ukraine for the respective region. If the number of advocates in a region is more than 300 persons, the highest body of a regional bar chamber shall be the conference of bar members, which shall be composed of* ***authorized delegates****. The representational quota for the conference and the procedure for the election of delegates shall be determined by the regional bar council*." [emphasis added].

It is obvious that the concept of "authorized delegates" cannot be accepted as no rules are provided either to define it or to establish a certain procedure for such authorization.

34. It is unclear how an advocate could challenge the elections held according to the provisions of Section VIII ("Organization of the Bar of Ukraine").

35. Sections VIII and IX of the Draft Law contain rules regarding organization of the Bar of Ukraine and advocates' self-government and, *inter alia*, establish various leadership positions for certain terms of office. For obvious reasons, it is necessary that such important positions could be kept for a limited number of mandates (for instance, not more than 2 mandates in the lifetime of the same person).

36. According to Article 73.1 *("Limits to the practice of law in Ukraine for an advocate from a foreign state. Specifics of the status of an advocate from a foreign state"), " In Ukraine, an advocate from a foreign state can provide legal assistance on a permanent basis in relation to the legislation of the state in which he/she acquired the status of an advocate, represent the interests of citizens of that state, and defend them in the courts.*"

Such limitation is obviously too restrictive in the light of comparative law and, as a matter of fact, it is against the real long-term interests of the Ukrainian advocates for whom the cooperation with foreign lawyers can contribute to the modernization and development of their knowledge and skills.