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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT LAW OF UKRAINE
ON THE BAR AND PRACTICE OF LAW**

Approved by the Third Plenary Session
of the Commission for Strengthening Democracy and the Rule of Law 27.04.2011

Translated by the USAID Ukraine Rule of Law Project

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.

Section I. GENERAL PROVISIONS

Article 1. Definition of terms

1. The terms in this Law shall have the following meaning:

1) advocate – an individual carrying out practice of law on the grounds and according to the procedure as defined by this Law;

2) practice of law – independent professional systematic activities of a defense lawyer (an advocate) on provision of legal assistance, performing legal defense and representation according to the Constitution of Ukraine and under the procedure and within the framework as determined by this Law and other laws of Ukraine;

3) advocate's inquiry – a binding written request by the advocate to a state and local authority, official, enterprise, institution or organization or a head or a management body thereof, associations of citizens or individuals to provide data, certificates, characteristics or other documents (copies thereof), items, or to provide opinions, official clarifications or an official reply on the issues within their terms of reference which are necessary for proper performance by the advocate of the agreement on the provision of legal assistance;

4) advocates' self-government – the advocates' right, guaranteed by the state, to independently resolve the issues connected with the organization and activities of the bar according to the procedure as established by this Law;

5) fee – a monetary remuneration for the legal assistance, legal defense and representation provided by an advocate;

6) agreement on the provision of legal assistance, legal defense and representation (agreement on the provision of legal assistance) – an arrangement, by virtue of which one party (advocate, bar association) undertakes to provide legal assistance, perform legal defense or representation of a client according to the conditions and procedure as stipulated by the agreement, and the other party (client) undertakes to pay the advocate's (bar association's) fee and actual expenses connected with the provision of legal assistance;

7) defense – advocate's activity aimed to ensure the observation of the individuals' and legal entities' legitimate rights and interests by the investigatory, pretrial investigation, state prosecution and court in criminal judiciary and administrative offence cases consideration;

8) client – individual or legal entity, state or territorial community (local authority) whose rights and freedoms are defended or whose legitimate interests are represented by the advocate, or whom he/she directly provides legal assistance in forms as stipulated hereby;

9) order – a written document which in the events stipulated by this Law certifies the advocate's powers based on the agreement on the provision of legal assistance;

10) legal assistance – advocate's activity on provision of legal advice and explanations to the client, preparation and drafting of legal documents, legal support of the client's activities;

11) representation – activity carried out by the advocate on behalf and in the interests of a client and aimed to gaining, change and termination of civil rights and obligations and ensuring the enforcement of the client's procedural rights and obligations in the judiciary.

Article 2. The Bar of Ukraine

1. The bar of Ukraine is the social, public, self-governing institution authorized by the Constitution of Ukraine, which includes all advocates who provide professional protection of rights, freedoms and legitimate interests of the individuals, legal entities, state, territorial communities (local authorities) and access to the justice.

2. Organization and activities of the bar are based on the principles of rule of law, humanism, democratism, voluntary involvement, lawfulness, confidentiality, independence and self-government.

3. With the aim to comply with the law practice guarantees, ensure high professional level of advocates and liability for the quality of legal assistance provided by an advocate, advocates' self-government and qualifications and disciplinary commissions of the bar shall operate in Ukraine.

Article 3. Legal regulation of the organization and activities of the bar of Ukraine

1. 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' self-government bodies.

2. If an international treaty, the binding nature of which was agreed by the Verkhovna Rada, envisages other rules than established by this Law, the rules of such international treaty shall apply.

Article 4. Principles and framework of the practice of law

1. Only advocates are entitled to provide professional legal assistance, defense and representation of rights, freedoms and legitimate interests of individuals and legal entities.

2. An advocate may perform practice of law on the entire territory of Ukraine and beyond it if an international treaty of a country of sojourn legislation do not envisage otherwise.

3. The right to carry out practice of law arises from the date of entering the information on the chosen organizational form of practice to the Uniform Register of the Bar and the Law Practice of Ukraine.

4. The law practice is performed on the principles of the rule of law, independence, humanism, professionalism and confidentiality.

5. An advocate performs practice of law (practices) according to one of organizational forms defined by this Law.

Article 5. The Bar and the state

1. The bar is not included in the system of state and local authorities.

2. The state creates proper conditions for the operation of the bar and provides for the observation of the law practice guarantees.

3. The state and local authorities must agree with the appropriate level advocates' self-government bodies the draft legislative acts related to the issues of the bar of Ukraine organization and operation.

4. The Ministry of Justice of Ukraine:

1) generalizes statistical data on the bar organization and activities;

2) organizes funding of the provision of legal aid and carrying out legal defense at the expense of the State Budget of Ukraine according to this Law and other laws of Ukraine.

5. The executive bodies within their terms of reference facilitate the obtaining by the advocates' self-government bodies of the premises suitable for the performance of their functions.

6. Local self-government bodies within their terms of reference facilitate advocates in solving their social issues, provide them with suitable working premises for lease, establish rental fee and utility payment privileges etc.

Section II. GAINING RIGHT TO PERFORM PRACTICE OF LAW AND THE STATUS OF ADVOCATE

Article 6. Conditions for gaining the status of advocate

1. An individual gains the status of an advocate if he/she complies with the requirements of Art. 9, part 1 of this Law, has passed a qualification examination, successfully completed traineeship, taken the Oath of Advocate of Ukraine, received the license of the right to perform the practice of law and selected legal and organizational form of practice of law (practicing as advocate).

2. The following person may not be an advocate:

1) having an unexpunged or outstanding conviction for felonies, severe felonies, as well as crimes of medium gravity for which the sentence in form of prison confinement is stipulated by law;

2) was deemed legally incapable or of limited legal capability according to the procedure established by law;

3) was deprived of the right to perform practice of law – during seven years from the day when the qualifications and disciplinary of the bar had taken the decision to void the license;

4) was dismissed from the position of a judge, prosecutor, investigator, notary or state servant for violation of oath or a corruption offence – during three years from such dismissal.

Article 7. Activities incompatible with the status of advocate

1. The following activities are incompatible with the status of an advocate:

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.

2. If there occur circumstances indicated in part 1 of this Article the advocate shall immediately be obligated to submit an application on the termination of an advocate's license.

3. Performing the activities incompatible with the status of advocate shall be the grounds to bring an advocate to a disciplinary liability.

Article 8. Employment record in the field of law

1. The work on following positions is included in the employment record in the field of law:

1) judge, prosecutor, investigator, notary;

2) assistant judge, assistant advocate, assistant notary;

3) lawyer, legal advisor, chief legal advisor, chief of legal department and on other positions in the state authorities and local self-government bodies, enterprises, institutions and organizations regardless of the form of ownership if employment on such position requires full higher education in law;

4) pedagogic or scientific and pedagogic specialists carrying out training, education and professional training in professional and technical, higher education and postgraduate higher education establishments if such positions require full higher education in law;

5) employees of scientific and research facilities if such positions require full higher education in law;

6) on other positions which according to the law require full higher education in law.

2. For the purposes of part 1 of this Article the employment record counting does not start until a person obtains full higher legal education.

Article 9. Admission to the qualification examination.

1. A person graduated from a higher education establishment of III or IV accreditation level and obtained full higher education on the specialties "Law", "International Law", "Law Enforcement", has the employment record in law not less than three years, speaks national

language is entitled to submit to the qualifications and disciplinary commission of the bar at the place of residence an application on admission to the qualification examination.

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.

3. If the documents are not submitted in full the qualifications and disciplinary of the bar suspends the application consideration and gives the applicant a certain time to correct deficiencies. The application must be considered within two months from the receiving date.

4. Qualifications and disciplinary commission of the bar is entitled to check the authenticity of submitted documents and data, apply to the respective bodies with the request on verification or confirmation thereof.

5. Upon the verification the qualifications and disciplinary commission of the bar takes the decision on admission of a person to a qualification exam or on rejection thereof. The decision of the qualifications and disciplinary commission of the bar on rejection of the admission to the examination may be appealed within thirty days from passing thereof to the High Qualifications and Disciplinary Commission of the Bar or to the court.

Article 10. Qualification examination

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.

2. Qualifications and disciplinary commission of the bar organizes and carries out the qualification examination. The attestation chamber of the qualifications and disciplinary commission of the bar accepts and evaluates the examinations.

3. Qualification examinations are held at least once in three month.

4. The Chairman of the attestation chamber of the qualifications and disciplinary commission of the bar notifies the applicant in writing not later than twenty days prior to the examination on his/her admission to or rejection from qualification examinations. The candidate's notice on admission to qualification examinations must indicate place, date and time of qualification examinations.

5. Qualification examination results may be appealed within 30 days from the day of receiving thereof to the High Qualifications and Disciplinary Commission of the Bar or to the court.

6. A person who failed to pass a qualification examination (repeated qualification examination) is entitled to submit an application on passing a qualification exam not earlier than in a year after the preceding failure to pass a qualification examination (repeated qualification examination).

Article 11. Qualification examination passing procedure

1. The qualification examination is passed in the state language according to the Qualification Examination Curriculum as approved by the Council of the Bar of Ukraine.

2. Qualification examination comprises two parts: written and verbal examination that are passed separately.

3. A written examination is passed by preparing four written papers in form of drafting procedural documents in all branches of law or an opinion regarding provided materials of court case or a case considered by administrative bodies.

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.

6. While passing a verbal examination the candidate has to show his/her knowledge of legislation and case law.

7. A candidate passes verbal examination by answering to 15 questions in the test paper.

8. Each member of the attestation chamber participating in the session separately evaluates the answer to each question by a five-point scale ranging from 0 to 4. Attestation chamber determines the mark of a person passing a verbal examination as an arithmetic average of points assigned by each member of the attestation chamber evaluating the answers.

9. Marks assigned by the attestation chamber members are recorded in the evaluation spreadsheet containing surname, name and patronymic of an attestation chamber member, marks and signature of the attestation chamber member. The Chairman of the attestation chamber stores evaluation spreadsheets.

10. According to qualification examination results a protocol is drawn and must be signed by the attestation chamber members participating in the session. Attestation chamber members are entitled to insert their remarks to the protocol. The attestation chamber session protocol is approved by the decision of the respective qualifications and disciplinary commission.

11. A candidate who scored over 110 points in total according to the written and verbal examination results is considered as having passed the qualification exam.

12. Not later than two days from passing the qualification exam the Chairman of the qualifications and disciplinary commission of the bar sends a person who was taking qualification examination a written notice of the examination results.

13. The candidate who failed to pass qualification examination regardless of the appealing against the decision of the qualifications and disciplinary commission of the bar may within thirty days from the day qualification examination results determination submit to the qualifications and disciplinary commission of the bar a written application on passing the repeated qualification examination. The candidate is admitted to passing qualification exam not earlier than two and not later than four month form the prior qualification examination.

14. A person who has successfully passed qualification examination receives the qualification examination passing certificate from the qualification and disciplinary commission of the bar not later than thirty days after the determination of the examination results.

15. The qualification examination passing certificate is valid during four years since the day of determination of the examination results.

Article 12. Traineeship. Advocate's trainee

1. A person who successfully passed qualification examination must pass a six month traineeship with an advocate to obtain an advocate's license.

2. In order to organize a traineeship a person who obtained the qualification examination passing certificate submits the respective application to the regional bar council.

3. Advocate who supervises the traineeship provides the professional training of the trainee to prepare him/her for practice of law according to the Regulation on the Traineeship Procedure and Traineeship Curriculum as approved by the Bar Council of Ukraine.

4. The trainee performs the advocate's assignments related to the cases handled by advocate except for those pertaining to procedural powers (rights and obligations) of an advocate in court.

5. The trainee is entitled to:

1) attend together with the advocate all court sessions where the advocate participates, including closed sessions;

- 2) attend together with the advocate all investigative actions in a criminal case where an advocate participates as a defense lawyer or representative;
 - 3) upon the advocate's permission attend meetings with clients together with him;
 - 4) upon advocate's permission and provided that the client does not object attend the advocate's meetings with the client, including the latter's detainment, confinement and in penitentiary facilities;
 - 5) together with the advocate or on his/her assignment independently collect and store evidence in cases handled by the advocate;
 - 6) on advocate's assignment study the materials of the cases handled by the advocate, make copies and extracts thereof.
6. The trainee is obligated to keep privilege of confidence and comply with the Advocate's Ethics Rules. The trainee is prohibited to combine the traineeship with the activities incompatible with the status of advocate.
7. A person indicated in Art. 6, part 2 hereof may not be an advocate's trainee.
8. The persons having assistant advocate employment record of not less than two years, on condition that they obtained such record not earlier than two years before the day of submitting the application on admission to the qualification examination.

Article 13. Gaining the status of advocate

1. 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.
2. The decision on denial in issuing an advocate's license to practice law may be appealed to court within thirty days of passing thereof.
3. A person pays a fee for an advocate's license, the amount of such fee is established by the Bar Council of Ukraine.
4. A person who gained the status of an advocate becomes a member of the National Bar Chamber of Ukraine.

Article 14. Taking the Oath of Advocate of Ukraine

1. A person receiving an advocate's license to practice law shall take the Oath of Advocate of Ukraine of the following content:

OATH OF ADVOCATE OF UKRAINE

"I, (name and surname), hereby solemnly swear, that in my professional activities I shall assert the principles of rule of law, to protect and represent in fundamental, unconditional and responsible way human and civil rights and freedoms, rights and legitimate interests of legal entities on the basis of the legislation of Ukraine, international human rights and freedoms acts with my knowledge and skills, consistently comply with Advocates' Ethics Rules, strictly keep the attorney-client confidential information, always be independent and uncompromising, be attentive to people, keep the purity of the status of advocate at any time and place, be loyal to this Oath, provide legal assistance according of the Constitution and laws of Ukraine.

2. The text of Oath, signed by the advocate, shall be stored by the regional bar council in the advocate's personal file.

Section III. PRACTICE OPF LAW ORGANIZATIONAL FORMS

Article 15. Practice of law (practicing) organizational forms

1. Practice of law (practicing as advocate) organizational forms are the following:
 - 1) legal office;
 - 2) law bureau;
 - 3) bar association;
 - 4) employment under a labor contract in a bar association (bureau, office).

2. Only advocates may be the participants (founders, partners, members) of law practice (practicing as advocate) organizational forms.

3. An advocate is entitled to independently select and change law practice (practicing) organizational form according to this Law and the place of its carrying out. The advocate notifies a regional bar council on the chosen form of law practice (practicing as advocate) within ten days from gaining the status of an advocate.

4. The name of advocates' entity must reflect the practice of law organizational form.

5. The word "advocate" and its derivatives may be used only in the names of practice of law organizational forms and advocates' self-government bodies as stipulated hereby.

Article 16. Legal office

1. Legal office is the form of practice of an advocate who carries out professional activities individually.

2. Legal office is an advocate's workplace and may be located in residential premises.

3. Agreements on the provision of legal assistance are concluded between the advocate and the client and registered in the legal office records.

4. An advocate shall notify the regional bar council in writing on the legal office founding within ten working days.

5. Legal office is not a legal entity.

Article 17. Law bureau

1. Law bureau is the form of practice of an advocate who carries out professional activities individually.

2. Law bureau is an advocate's workplace and may be located in residential premises.

3. Agreements on the provision of legal assistance in a law bureau are concluded between the advocate and the client and registered in the law bureau records.

4. An advocate shall notify the regional bar council in writing on the law bureau founding within ten working days.

5. Law bureau is a legal entity acting on the basis of the statute. The law bureau name must contain the surname of the advocate who founded it.

Article 18. Bar association

1. Bar association is the practice of law organizational form founded by the advocates on the following conditions:

2. Without establishing a legal entity in form of simple company (partnership).

The relations arising in connection with the creation and activities of a partnership the provisions of Art. 15 hereof shall apply if this Article does not provide otherwise.

The advocates who founded a partnership conclude a simple written partnership agreement between them. In accordance therewith partner advocates are obligated to consolidate their efforts to provide legal assistance on behalf of all partners.

The partner agreement shall indicate: agreement validity term, procedure of the partners' decision taking, managing partner election procedure and terms of reference, other substantial conditions.

The managing partner is in charge of general business of the partnership if the partner agreement does not provide otherwise. The managing partner or other partner concludes the agreements on provision of legal assistance with the clients on behalf of all the partners based on the commission given by them. The commissions shall indicate all limitations of the terms of reference of the partner who concludes agreements with clients and third parties. Clients and third parties are informed on such limitations.

Partner agreement is terminated in the following events: its expiration, termination or suspension of one of the partners' advocate's license, if the partner agreement does not stipulate retaining the validity thereof in relations with other partners, cancellation of partner agreement on request of one of the partners, if the partner agreement does not stipulate retaining its validity in relations with other partners.

Since the moment of partner agreement termination its participants bear joint responsibility on general outstanding obligations towards clients and third parties.

If one of the partners quits partner agreement, he/she is obligated to transfer to the managing partner the proceedings in all cases where he/she had participated.

3. By creating a legal entity in the form of a non-entrepreneurship company founded by advocates to provide for performing of their professional activities.

Non-entrepreneurship company is founded by two or more advocates on the equal membership basis, operates on the basis of a charter, and its activities are governed by the applicable laws of Ukraine taking into account the provisions of this Law.

Only persons whose advocate's license is not terminated may be the founders and participants of company. If such person discontinues practice of law or dies, his/her membership in the company shall be terminated.

The company has its own balance, opens accounts with banking institutions, according to the applicable laws of Ukraine, has seal, stamps and letterheads with address and name of the bar association.

The founders of the company shall within ten working days from taking the respective decision provide a written notice on foundation, reorganization or liquidation thereof to a regional bar council, such notice must contain data on founders, location of the bar association, procedure for phone, telegraph, mail and other communications with the company.

The company is obligated to notify the regional bar council on the changes of the composition of its member advocates.

The property contributed by the bar association founders as contributions is the property of the bar association.

Company members may not be held responsible for the company liabilities, the company shall not be responsible for its members' liabilities.

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.

4. By creating a legal entity in form of entrepreneurship company founded exclusively with the purpose of carrying out practice of law by an advocate (advocates) that operates on the basis of a charter and agreement concluded by the founders (participants) of the company.

Only persons whose advocate's license to practice law is not terminated may be the founders and participants of company. If such person discontinues practice of law or if a founder (participant) dies, the share pertaining to him/her shall within six calendar months be alienated exclusively in favour of a practicing advocate.

The managing partner advocate shall organize practice of law in the company if the articles of incorporation do not provide otherwise.

Agreements on provision of legal assistance are concluded by a managing partner if the articles of incorporation do not provide otherwise.

The founders of the company shall within ten working days from taking the respective decision provide a written notice on foundation, reorganization or liquidation thereof to a regional bar council, such notice must contain data on founders, location of the company, procedure for phone, telegraph, mail and other communications with the company.

The company has its own balance, opens accounts with banking institutions, according to the applicable laws of Ukraine, has seal, stamps and letterheads. Its activities are governed by the applicable laws of Ukraine taking into account the provisions of this Law.

The company is entitled to create branches. The company within ten days from the moment of taking the respective decision will notify regional bar council on creation or liquidation of a branch by written notice indicating data on advocates working in the branch, procedure for phone, telegraph, mail and other communications with the branch.

The company is obligated to notify regional bar council on the changes in the composition of advocates.

Article 19. Carrying out Practice of Law by Labor Contract

1. An advocate who did not establish a legal office, law bureau and did not gain the status of participant (partner) in a bar association may enter into labor relations with a bar association (bureau, office).

2. An advocate maintaining labor relations with a bar association in form of an entrepreneurship company will provide legal assistance to the company clients only and may not carry out personal practice of law.

3. The labor contract provisions may not limit advocate's professional rights and practice of law guarantees. Advocate maintaining labor relations with a bar association may not refer to the fulfillment of the management orders as a basis for relieving him/her from liability if a disciplinary proceedings are initiated against him/her.

4. The general manager of a bar association is obligated to provide for the observance of the advocates' professional rights and law practice guarantees.

Article 20. Prohibition of influence on the advocate's legal views

1. Advocate, member (participant, partner) of a bar association in his/her professional activities shall be governed by this Law, Advocate's Ethics Rules, laws of Ukraine, principle of the client's interests priority. The interference by other bar association participants (members), advocates' self-governance bodies with the legal views of an advocate in a particular case is prohibited.

Article 21. Assistant advocate

1. An advocate may have assistant advocates from among the persons having graduated from a higher education establishment of III or IV accreditation level and obtained full higher education on the specialties "Law", "International Law", "Law Enforcement". Assistant advocates work on the basis of a labor agreement (contract) concluded with an advocate (bar association) compliant to this Law and labor legislation.

2. The assistant advocate performs the advocate's assignments related to the cases handled by the advocate except for those pertaining to procedural powers (rights and obligations) of an advocate in court.

3. The assistant advocate is entitled to:

1) attend together with the advocate all court sessions where the advocate participates, including closed sessions;

2) attend together with the advocate all investigative actions in a criminal case where an advocate participates as a defense lawyer or representative;

3) upon the advocate's permission attend meetings with clients together with him;

4) upon advocate's permission and provided that the client does not object attend the advocate's meetings with the client, including the latter's detainment, confinement and in penitentiary facilities;

5) together with the advocate or on his/her assignment independently collect and store evidence in cases handled by the advocate;

6) on advocate's assignment study the materials of the cases handled by the advocate, make copies and extracts thereof.

4. 6. The assistant advocate is obligated to keep privilege of confidence and comply with the Advocate's Ethics Rules. The assistant advocate is prohibited to combine the traineeship with the activities incompatible with the status of advocate.

5. Persons indicated in Art. 6, part 2 hereof may not be assistant advocates.

Article 22. Uniform Register of Advocates and Law Practice of Ukraine

1. With the purpose of collecting, storage, accounting and provision of reliable information on the number and personnel of advocates carrying out law practice in Ukraine the Uniform Register of Advocates and Law Practice of Ukraine is maintained. The respective regional registers constitute the informational basis of the Register.

2. The Register is maintained on the principle of openness and free access to information in accordance with this Law.

3. The Bar Council of Ukraine is the Administrator of the Register and carries out organizational, methodological and informational maintenance of the Register, registrars' activities control and providing official data from the Register.

4. Regional bar councils are registrars of the Register and are entitled to enter the data in the Register.

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.

6. Register data are open and placed for general availability on the official website of the National Bar Chamber of Ukraine.

Article 23. Unions and other non-governmental organizations of advocates

1. Advocates are entitled to create local, nationwide and international unions, other non-governmental organizations and charity funds.

2. Advocates and non-governmental organizations of advocates are entitled to be the members of international advocates' and lawyers' organizations.

Section IV. PRACTICE OF LAW. PROVISION OF LEGAL ASSISTANCE BY AN ADVOCATE, IMPLEMENTATION OF PROTECTION AND REPRESENTATION

Article 24. Types of law practice

1. The types of law practice ["advocates' activities"] are as follows:

1) provision of verbal and written legal advice, clarifications of law, writing of briefing notes, applications, complaints, petitions, agreements, legal opinions and other documents of a legal nature;

2) legal representation of individuals or legal entities, the state, or a territorial community (local self-government bodies) in all categories of cases in a court, law-enforcement bodies, state power bodies, self-government bodies, enterprises, institutions, or organizations irrespective of forms of ownership, before natural persons in Ukraine and abroad, in foreign or international judicial bodies, unless otherwise specified by the legislation of foreign states, statutory documents of international judicial bodies or other international organizations or international treaties agreed to be binding by the Verkhovna Rada of Ukraine;

3) defense of the rights, freedoms and interests of a suspect, accused, defendant, convicted or acquitted person in all courts, law-enforcement bodies, other state or non-state bodies in Ukraine and abroad, in foreign or international judicial bodies, unless otherwise specified by the legislation of foreign countries, statutory documents of international judicial bodies or other international organizations or international treaties agreed to be binding by the Verkhovna Rada of Ukraine;

4) representation in an enforcement proceeding or during the execution of a sentence in state power bodies or self-government bodies, before enterprises, institutions, organizations, or before natural persons;

5) provision of legal assistance to a detained person or to a person subject to administrative action, protection of the person's rights, freedoms and interests;

6) representation of the interests of an acquitted person, victim, witness, civil plaintiff, or civil defendant during an inquiry, pretrial investigation, or before the courts;

7) other types of legal assistance.

2. The following is not classified as practice of law:

1) the activities of persons working as lawyers or legal advisors at enterprises, institutions, or organizations and providing the kind of legal assistance specified in paragraph 1, part one, of this Article, to these enterprises, institutions, or organizations;

2) the activities of employees of bodies of state power and of local self-government who, according to the law, protect the rights and freedoms of man and citizen within the limits of their competence.

3. Only advocates shall be entitled to perform the types of activities specified by part one of this Article on a permanent professional basis, with or without payment (fee).

4. When performing any of the types of law practice, an advocate shall enjoy all of the rights provided by this and other Laws of Ukraine and shall be subject to all of the guarantees pertaining to advocates' activities.

Article 25. Pro bono legal aid (free legal assistance)

1. In the cases and in accordance with the procedure prescribed by the law, an advocate shall provide legal aid to individuals free of charge.

2. The organization of the provision of free legal aid shall be entrusted to regional bar councils.

3. The total volume of time spent by an advocate on providing pro bono (free) legal assistance may not exceed 144 working hours in a calendar year.

4. An advocate shall keep track of the working time spent on providing free legal assistance in accordance with a special formula specified by the Bar Council of Ukraine.

5. An advocate shall have the right to reduce, for taxation purposes, the income received during the taxation period by the amount of a conventional fee calculated as the product of the number of working hours spent on providing free legal assistance and the average per hour salary rate in the region where the advocate is practicing.

Article 26. Provision by an advocate of granted legal aid

1. The grounds for appointing an advocate as a defense counsel are stipulated by the criminal procedure legislation of Ukraine.

2. The appointment of an advocate as a defense counsel shall be performed through the regional bar councils. The obligation to act as a defense counsel by appointment shall apply to all advocates, irrespective of the form in which the performance of the law practice is organized.

3. The rate of and the procedure for the payment of the fee and the reimbursement of expenses to an advocate providing legal assistance by appointment shall be determined by the authorized central executive body and the payment shall be made from the State Budget of Ukraine, in coordination with the Bar Council of Ukraine, through the regional bar councils.

4. 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.

Article 27. Grounds for practicing law

1. An advocate shall practice law in any form based on an agreement on the provision of legal assistance.

2. The powers of an advocate regarding the implementation of an agreement on the provision of legal assistance (on participation in a case) shall be certified by the advocate's license to practice law ["certificate of the right to practice law"] and a verbal statement.

3. If, in the agreement on the provision of legal assistance, the client has restricted the advocate's powers as his/her representative, the license to practice law shall be appended with an order, to be issued by the advocate or the bar association and signed by the client, indicating the extent of such restriction.

4. The license to practice law and the order shall be the only documents duly certifying the advocate's powers regarding the implementation of an agreement on the provision of legal assistance and the [only] ground for the advocate's admission to participation in the case.

Article 28. Legal assistance Agreement

1. An agreement on the provision of legal assistance must necessarily include data on:

- 1) the parties to the agreement;
- 2) the subject of the agreement (the type and scope of legal assistance, defense, and representation provided to the client);
- 3) the terms and rate of the fee to be paid for the implementation of the agreement on the provision of legal assistance;
- 4) the procedure and rate of reimbursement of the advocate's (bar association's) expenses related to the implementation of the agreement on the provision of legal assistance.

An agreement on the provision of legal assistance can specify other conditions for the provision of legal assistance or for the implementation of defense and representation, defined at the parties' discretion.

2. An agreement on the provision of legal assistance shall be deemed to have been concluded from the moment of reaching consent on all of the essential terms and conditions of the agreement; and in the event of concluding a written agreement, from the moment it has been signed by the parties.

3. The parties to an agreement on the provision of legal assistance shall be the advocate – or, in cases specified by this Law, the bar association – and the client.

4. An agreement on the provision of legal assistance can be concluded on behalf of the client by another person acting in the client's interests, his/her legitimate representative, or a body (official) authorized to appoint a defense counsel in a criminal proceeding pursuant to the Code of Criminal Procedure of Ukraine, or by an authorized representative of a legal entity. In such a case, the client's subsequent consent shall be required for the provision of legal assistance by an advocate.

5. An agreement on the provision of legal assistance must not contain any provisions contradicting the legislation, the moral principles of society, or the Rules of Advocates' Ethics.

Article 29. Form of agreement on the provision of legal assistance

1. An agreement on the provision of legal assistance shall be concluded in writing.

2. In the event of provision of such types of legal assistance as advice on or clarification of legal issues, issuance of a briefing note about legislation, or writing of individual legal documents, an agreement can be concluded in a simplified written form (entry in a register, record in a journal, etc).

3. An agreement on the provision of legal assistance can be concluded in verbal form only in cases when the client urgently needs legal assistance and the conclusion of a written agreement is impossible, provided that such an agreement will be duly formalized within the following three days or, if this is prevented by objective obstacles, as soon as it becomes possible outside the said period.

Article 30. Grounds for refusing to conclude an agreement on the provision of legal assistance

1. An advocate shall not be entitled to conclude an agreement on the provision of legal assistance if:

- 1) the actions sought in the power of attorney go beyond the limits of the advocate's professional rights and obligations;
- 2) the result sought by the client or the means of achieving it that the client insists on are illegal or contradict the moral principles of society;
- 3) the advocate was or is involved as a defense counsel or representative of persons whose interests run counter to those of the person the advocate is defending or representing or providing with legal assistance, as well as the person asking the advocate to undertake the proceedings; or if the advocate was involved in the case as an investigator, inquirer, prosecutor,

judge, people's assessor, juror, court hearing secretary, expert, specialist, victim's representative, civil plaintiff, civil defendant, witness, interpreter, or attesting witness;

4) the advocate is a relative or a family member of an official who was or is involved in the investigation or hearing of the case in which the advocate is addressed with a request for legal assistance, defense, or representation;

5) the implementation of the agreement on the provision of legal assistance might result in the disclosure of attorney-client privileged information;

6) the interests of the client run counter to those of another client, to whom the advocate is linked through an agreement on the provision of legal assistance, or if there are sufficient grounds to believe that the expected evolution of these persons' interests will lead to conflicts. This limitation can be canceled in a particular case on the basis of written consent of the persons whose interests are (or can become) contradictory;

7) its implementation can contradict the advocate's own interests or those of his/her relatives, of the bar association in which the advocate is a founder or participant, or contradict his/her professional or other obligations.

2. In the event of refusal to conclude an agreement on the provision of legal assistance, the advocate shall be obliged to keep advocate's secret as regards information he/she learned in advance of concluding an agreement on the provision of legal assistance.

Article 31. Termination or pre term termination of an agreement on the provision of legal assistance

1. An agreement on the provision of legal assistance shall be terminated upon its proper execution.

2. An agreement on the provision of legal assistance can be terminated **early** ??? at any time pursuant to mutual consent of the parties.

3. A client giving consent to **early** ??? termination of an agreement on the provision of legal assistance shall have the right to obtain from the advocate information on the possible consequences thereof for the outcome of the performance of the client's power of attorney and shall be able to go to another advocate.

4. The client can at any time and for any reason unilaterally terminate an agreement on the provision of legal assistance.

5. An advocate (bar association) can terminate an agreement on the provision of legal assistance ahead of time (before the full execution of the power of attorney) if the client:

1) has been using the legal assistance being provided by the advocate for alleviating the performance of unlawful acts, if the advocate has learned about this fact or if it is apparent to the advocate;

2) grossly violates the obligations he/she has assumed pursuant to the agreement on the provision of legal assistance;

3) contrary to actions and advice by the advocate, has been committing actions which might render it impossible for the advocate to properly perform the agreement on the provision of legal assistance;

4) refuses to reimburse, as required by the agreement on the provision of legal assistance, the actual expenses, if these are necessary for subsequent execution of the power of attorney;

5) fails to fulfill the obligation to make an advance payment, if this was provided for by the agreement on the provision of legal assistance;

6) in other cases rendering it impossible for the advocate to execute the agreement on the provision of legal assistance in accordance with the requirements of this Law and of the Rules of Advocates' Ethics.

Article 32. Advocate's fee

1. An advocate's fee shall be the only acceptable form in which an advocate (bar association) can obtain remuneration for the execution of an agreement on the provision of legal assistance.

2. The amount of the fee shall not include the moneys contributed by the client (or other person acting in the client's interests) to reimburse the actual expenses related to the performance of the agreement on the provision of legal assistance.

3. The procedure for the calculation of the fee (fixed amount, per hour rate, changes of the fee introduction in connection with changes in the scope and complexity of the work, etc) shall be specified, following an arrangement with the client, in the agreement on the provision of legal assistance.

4. When establishing the amount of the fee, it shall be necessary to take into account the complexity of the case, the advocate's qualification and experience, the client's financial conditions, and other essential circumstances.

5. Recommendations regarding the maximum possible fee for actions related to representation of individuals or legal entities, the state, or a territorial community (local self-government bodies) in a court, to protection of the rights, freedoms and interests of a suspect, accused, defendant, convicted or acquitted person in all courts, law-enforcement bodies, other state or non-state bodies in Ukraine and abroad, in foreign or international judicial bodies, shall be approved Bar Council of Ukraine.

6. An advocate is prohibited to conclude with his/her client any transactions of a proprietary nature except for agreements (contracts) on securing the client's obligations to pay the fee or to reimburse the actual expenses related to the performance of the agreement on the provision of legal assistance.

7. The types of expected expenses related to the provision of legal assistance and the procedure for their payment shall be specified in the provisions of legal assistance agreement.

Article 33. Procedure for paying the fee

1. The right of an advocate (bar association) to the full amount of the fee shall arise after proper execution of the agreement on the provision of legal assistance, unless otherwise provided by the agreement itself. The fee can be paid in parts, in a step-by-step manner, for the part of work already performed by the advocate, if this is specified by the agreement on the provision of legal assistance.

2. In the event of early termination of an agreement on the provision of legal assistance, the fee shall be paid to the advocate for the actually implemented scope of work.

3. An agreement on the provision of legal assistance can provide for the possibility of subsequent change of the fee, specified as a fixed amount, in connection with considerable increase or decrease in the scope of work, and indicate the consequences of failure to agree on this issue.

4. The advocate's (bar association's) expenses related to the execution of the agreement on the provision of legal assistance shall not be included in the amount of the fee and shall be paid by the client separately, unless otherwise specified by this agreement.

5. The types of expected expenses related to the provision of legal assistance and the procedure for their payment shall be specified in the agreement on the provision of legal assistance.

6. In the event of non-execution or improper execution of the agreement on the provision of legal assistance, the payment shall be returned fully or partially upon the demand of the client (or other person acting in the client's interests); and in the event of a dispute, on the basis of a court decision.

7. The payment of the fee to the advocate for acting as a defense counsel on legal aid basis in a criminal case and for providing free legal assistance shall be made pursuant to the legislation of Ukraine.

8. In the event of termination of law practice by an advocate practicing law on an individual basis, the regional bar council shall be obliged to take appropriate measures to protect the property interests of the clients of such an advocate, in particular to take measures to identify and preserve the resources received by the advocate in advance.

Article 34. An advocate's folder

1. For each case of each client, an advocate (bar association) shall maintain an advocate's folder (except for cases completed immediately during the conclusion).

2. All of the materials of an advocate's folder prepared by an advocate (bar association) belong to the advocate (bar association). At the client's request, the advocate shall provide him/her with copies of materials from the advocate's folder pertaining to the client's case. Upon termination of the agreement on the provision of legal assistance, the advocate (bar association) shall provide for the storage of the materials in the advocate's folder within three years from the moment of termination of this agreement.

Article 35. Storage and transfer of an advocate's case files

1. In the event of termination of law practice by an advocate practicing law on an individual basis, the advocate's folders shall be stored by the regional bar council – for completed cases, within three years; for cases still pending, until the client requests that the case file be transferred to another advocate.

2. In the event of termination of law practice by an advocate practicing law on an individual basis, the advocate (or if this is impossible, the regional bar council) must take measures to transfer the client's case file (advocate's folder) to another advocate. Such transfer of case files must take place in written coordination with the client.

3. A client shall have the right to reject a proposed advocate. In such an event, the advocate's case file (advocate's folder) shall be returned to the client.

Article 36. Civil liability insurance for an advocate's professional activities

1. To provide for indemnification of damages resulting from the practice of law, an advocate shall be obliged, before starting his/her professional activities, to conclude a civil liability insurance agreement.

2. The state shall not be liable for damages caused by the wrongful actions of an advocate performing his/her professional activities.

3. The civil liability related to the professional activities of an advocate who is a partner (member) of a bar association shall be insured by such an association.

4. The minimum sum insured shall be one hundred and fifty minimum wage rates.

5. The amount of damages to be paid shall be agreed upon by the parties or be determined in a court.

**Section V. THE RIGHTS AND OBLIGATIONS OF AN ADVOCATE.
GUARANTEES FOR THE PRACTICE OF LAW****Article 37. Professional rights of an advocate**

1. While practicing law, an advocate shall have the right to:

1) represent and protect the rights, freedoms and interests of natural persons and legal entities in a court, bodies of state power and self-government bodies, enterprises, institutions, or organizations irrespective of forms of ownership, associations of citizens, before citizens or officials in charge of relevant issues in Ukraine as well as beyond the state border of Ukraine;

2) accept applications, collect items, documents, information on facts in the cases in which the advocate is providing legal assistance, defense and representation, collect and present other evidence in cases in which the advocate is providing legal assistance, defense or representation;

3) submit advocate's inquiries to bodies of state power, local self-government bodies, their officials, enterprises, institutions, or organizations irrespective of forms of ownership, associations of citizens, etc, and demand answers thereto;

4) be apprised, without any hindrance, at any legal entities with documents, materials, other sources of information required for the performance of the power of attorney, including those constituting state or commercial secret, in accordance with the procedure set forth for familiarization with this category of documents;

5) obtain experts' written opinions on issues requiring special expertise;

6) write applications, complaints, petitions and other legal documents and present them in the manner prescribed by the law;

7) provide advice and briefing notes on legal issues in verbal as well as written form;

8) certify copies of documents in cases undertaken by the advocate, except for those requiring mandatory notarial certification pursuant to the law;

9) use technical means, in particular to copy materials of a case in which the advocate is providing defense, representation, or legal assistance, make an audio or video recording of the legal proceedings in which the advocate is involved, document the course of the hearing, etc;

10) present applications, petitions, or complaints during meetings with officials and receive written motivated answers thereto, attend the hearing of the advocate's applications, petitions, or complaints, provide explanations of their essence, in particular during sessions of collegiate bodies;

11) requiring no special permission, meet face-to-face, without any restrictions and on terms providing for confidentiality, with the client, in particular during the client's detention, arrest, or stay in custody, with no limit to the number of meetings or to their duration;

12) upon obtaining consent, interview individuals if they have information pertaining to the case in which the advocate is involved, document interviews or examinations in writing;

13) attend any procedural actions in relation to the person whose interests the advocate protects or represents, being entitled to ask questions of all the participants in the procedural actions and have these questions and answers entered into the record in accordance with the procedure prescribed by relevant procedural law;

14) have unimpeded access to the premises of bodies of state power, courts, prosecutor's office, bodies of inquiry or pretrial investigation, or other official premises in connection with his/her practice of law on the basis of advocate's certificate, except for cases specified by the legislation;

15) obtain copies of procedural documents and receive written notifications in cases prescribed by the law;

16) have guarantees of personal security as well as of the security of the members of the advocate's family pursuant to the legislation of Ukraine;

17) hire advocate's assistants as well as other employees;

18) perform other actions insofar as these are not at variance with the legislation.

Article 38. Professional obligations of an advocate

1. While practicing law, an advocate shall be obliged to:

1) protect, in a professional and conscientious way, the rights, freedoms and legitimate interests of the client;

2) act in accordance with the requirements of the legislation, the Advocate's Oath, and the Rules of Advocates' Ethics;

3) treat colleagues respectfully;

4) comply with decisions taken by self-government bodies of the bar within the limits of their competence;

5) pay annual fees to support self-government bodies of the bar;

6) raise his/her professional standards in accordance with the rules established by a competent professional body;

7) act as a defense counsel by appointment and provide legal assistance at the expense of the state in the cases and in accordance with the procedure prescribed by the legislation;

8) keep from disclosure attorney client privileged information ;

9) have a workplace;

10) within ten days, notify the regional bar council in writing of any change in information about himself/herself currently included in the Unified Registry of Advocates and Law Practice of Ukraine;

11) upon the client's demand, present a report on the performance of the agreement on the provision of legal assistance.

2. A lawyer shall be prohibited to:

1) use his/her powers to the detriment of the client;

- 2) without the client's consent, reveal attorney client privileged information, use it in the advocate's own interests or in the interests of third parties;
- 3) take a stand on the case contrary to the client's will, except when the advocate is confident of the client's false self-incrimination;
- 4) accept the client's guilt as proven, if the client denies it;
- 5) cooperate with bodies conducting criminal and pretrial investigations.

Article 39. Guarantees pertaining to law practice

1. The professional rights, honor and dignity of an advocate are guaranteed and protected by the Constitution of Ukraine and by this and other Laws of Ukraine, in particular:

1) it is guaranteed that an advocate shall be equal in rights, before the law and the court, to the other participants in the trial, and that the principles of adversariness and freedom shall be observed in presenting evidence to the bodies of pretrial investigation and to the court and in proving to these bodies and the court that the evidence is convincing;

2) it is prohibited to violate the law practice guarantees established by the law. Any interference with the practice of law, impeding in any form the lawful activities of an advocate, or violation of law practice guarantees established by the law or of an advocate's independence and confidentiality shall entail liability pursuant to the law;

3) it is prohibited to demand from an advocate, his/her assistant, trainee, or other persons working for the advocate any information constituting attorney client privileged information; none of them may be interrogated about these issues in a case; it is also prohibited to demand from citizens or officials any testimony related to provision of legal assistance, defense, or representation by an advocate, if such information pertains to the subject of advocate's secret;

4) 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 therefrom, or to eavesdrop on an advocate's conversations;

5) it is prohibited to conduct any criminal investigation related actions which might result in the disclosure of advocate's secret;

6) when investigative actions are being conducted in relation to an advocate or at an advocate's place of work or residence, a representative of the relevant regional bar council must be present thereat.

The official conducting the investigative actions should provide for the nondisclosure of advocate's secret. Information which constitutes advocate's secret and which became known to bodies of pretrial investigation as a result of investigative actions shall be treated as a secret of investigation and must not be further disclosed;

7) 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;

8) documents related to practice of law by an advocate may not be demanded, examined, revealed, or removed without the advocate's consent;

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;

11) the fact of detention of an advocate or of imposition of pretrial restrictions on an advocate must immediately be reported by the court or the body of pretrial investigation to the relevant regional bar council;

12) an advocate may not be subjected to criminal or other liability or be threatened therewith in connection with provision by the advocate of legal assistance, defense, or representation in accordance with the law (in particular also after he/she has lost the advocate's status, if these actions are related to his/her previous activities as an advocate);

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;

14) while practicing law, an advocate enjoys freedom of speech. None of his/her statements made during the proceedings or in mass media can be a ground for initiating disciplinary, civil, administrative, or criminal proceedings against the advocate, as long as these statements do not violate the Rules of Advocates' Ethics.

15) it is prohibited to identify an advocate with his/her client. No statements reflecting the legal stand of the person receiving legal assistance from the advocate or being defended or represented by him/her may be a ground for initiating proceedings against the advocate.

Article 40. An advocate's inquiry

1. An advocate's inquiry must contain the following information:

- 1) the name of the document;
- 2) the family name, first name, and patronymic of the advocate;
- 3) the number and date of issuance of the advocate's license to practice law and the body that issued it;
- 4) the family name, first name, and patronymic or identity of the person(s) represented by the advocate;
- 7) a list (content, description) of data, documents (copies of documents), items, opinions, official clarifications and other information requested by the advocate;
- 8) the address to which the response to the advocate's inquiry should be sent;
- 9) an indication that the addressee of the advocate's inquiry is obliged to provide the answer to the advocate's inquiry;
- 10) the advocate's obligation to indemnify the addressee of the advocate's inquiry for his/her actual documented expenses related to providing the answer (documents, materials, and copies thereof) to the advocate's inquiry;
- 11) the date of the writing of the advocate's inquiry;
- 12) the signature of the advocate who has written the advocate's inquiry, and his/her stamp.

2. The addressee of an advocate's inquiry shall have the right to dismiss it if the advocate's inquiry fails to comply with the requirements set forth in this Article.

3. An advocate's inquiry must be considered by the addressee within twenty days from the day of its receipt. If the addressee of the advocate's inquiry needs more time to provide an answer thereto, he/she should coordinate the deadline for providing the answer to the advocate's inquiry with the advocate.

4. If the addressee of an advocate's inquiry does not have the data, documents, items, or other sought-for information mentioned in the advocate's inquiry, or if the advocate's inquiry was sent to him/her by mistake, the addressee shall be obliged to notify the advocate of the fact in writing.

5. The actual documented expenses of the addressee of an advocate's inquiry related to providing the answer to the advocate's inquiry, in particular related to the preparation and transmission (sending) of data, documents (copies of documents), opinions, official clarifications and other information mentioned in the advocate's inquiry, must be indemnified by the advocate submitting the inquiry.

Article 41. Advocate's secret

1. The subject of advocate's secret includes any information about a person that the advocate became aware of in connection with the practice of law, the fact of being addressed, and the issues about which the client (person) addressed the advocate (bar association), as well as the essence of the recommendations, advice, or clarifications provided by the advocate, legal documents written by him/her, information stored on electronic media, and any documents or information obtained by the advocate while practicing law.

2. Information can be deprived of the status of advocate's secret only by the client, in writing.

3. The obligation of an advocate to keep advocate's secret also applies to a person who used to have the status of an advocate even after the termination of that status. A breach of advocate's secret resulting in damage to a person who was a client or to someone else to whom the information was related shall entail disciplinary and civil liability of the advocate; or civil liability of a person whose status of advocate has been terminated.

4. If the client comes up with unjustified demands in relation to the advocate, referring to low-quality legal assistance, the advocate shall be exempted from the obligation to keep advocate's secret – insofar as this is necessary to protect his/her own rights and interests, revealing it only to the court or to the disciplinary body of the bar, which shall be obliged to take measures to prevent further spreading of such information.

5. An advocate (bar association) shall be obliged to provide for conditions preventing outsiders' access to information constituting advocate's secret.

Section VI. SUSPENSION AND TERMINATION OF THE RIGHT TO PRACTICE LAW**Article 42. Suspension of the right to practice law**

1. The right to practice law shall be suspended by way of suspending the license to practice law in the following cases:

- 1) submission by the advocate of an application to suspend his/her right to practice law;
- 2) involvement of the advocate in activities incompatible with advocate's status;
- 3) coming into force of a court's judgment of conviction concerning the advocate for committing an inadvertent crime, if the pronounced punishment is not related to deprivation or restriction of liberty;
- 4) imposition of discipline on the advocate in the form of suspension of his/her right to practice law;
- 5) a court's decision finding the advocate to be incapacitated or partially incapacitated.

2. The license to practice law shall be suspended for the duration of the circumstances specified in part one of this Article.

3. The decision to suspend the right to practice law shall be taken by the qualifications and disciplinary commission of the bar, which fact shall be duly recorded in the Unified Registry of Advocates and Law Practice of Ukraine.

4. A decision to suspend the right to practice law can be appealed within thirty days from the day the decision was taken to the High Qualifications and Disciplinary Commission of the Bar or to a court.

5. During the period of suspension of the license to practice law, the person concerned shall not be entitled to practice law or to take part in the work of self-government bodies of the bar.

6. The qualifications and disciplinary commission of the bar that took the decision to suspend the license to practice law shall reactivate the license within ten days from the moment of receipt of an application to that effect if it is established that the circumstances specified by part one of this Article have ceased to exist.

Article 43. Termination of the right to practice law

1. The right to practice law shall be terminated by way of revocation of the license to practice law in the following cases:

- 1) submission by the advocate of an application to terminate his/her right to practice law;

- 2) the advocate's being declared missing or dead;
 - 3) the advocate's death;
 - 4) imposition of discipline on the advocate in the form of deprivation of the right to practice law;
 - 5) provision of inaccurate information on the basis of which the advocate acquired the advocate's status;
 - 6) coming into force of a court's judgment of conviction concerning the advocate for the commission of a heavy or especially grave crime.
2. The decision to terminate the right to practice law shall be taken by the qualifications and disciplinary commission of the bar.
3. A decision to terminate the right to practice law can be appealed within thirty days from the day the decision was taken to the High Qualifications and Disciplinary Commission of the Bar or to a court.
4. In the event of termination of the right to practice law, information on the advocate shall be excluded from the Unified Registry of Advocates and Law Practice of Ukraine and the license to practice law shall be revoked.
5. A person in relation to whom a decision was taken to terminate his/her license to practice law shall not be entitled to practice law or to take part in the work of self-government bodies of the bar.
6. A person in relation to whom a decision was taken to deprive him/her of the right to practice law shall not be entitled for seven years since the day the decision was taken to submit to the qualifications and disciplinary commission an application for admission to a qualification examination.

Section VII. DISCIPLINARY ACTION AGAINST AN ADVOCATE

Article 44. General conditions for disciplinary action against advocates

1. An advocate can be subjected to disciplinary action, in a disciplinary proceeding, in accordance with the procedure and on the grounds established by this Law.
2. A disciplinary proceeding is the procedure of consideration, by the qualifications and disciplinary commission of the bar, of a written complaint containing information suggesting the presence of elements of a disciplinary offence in an advocate's actions.
3. A disciplinary case against an advocate shall be heard by the qualifications and disciplinary commission of the bar having jurisdiction over the advocate's workplace.

Article 45. Types of disciplinary sanctions and periods of their imposition and withdrawal

1. Only one of the following disciplinary sanctions can be imposed on an advocate for the commission of a disciplinary offence:
 - 1) admonition;
 - 2) suspension of the right to practice law for a period between one month and one year;
 - 3) deprivation of the right to practice law.
2. An advocate can be subjected to disciplinary action not later than one year after the discovery of the offence, not counting the time of the advocate's temporary incapacity for work or being on vacation.

Article 46. Grounds for taking disciplinary action against an advocate

1. The ground for taking disciplinary action against an advocate is the commission by the advocate of a disciplinary offence.
2. An advocate's disciplinary offence shall consist in the following:
 - 1) violation by the advocate of the requirements regarding incompatibility;
 - 2) violation by the advocate of the Oath of an Advocate of Ukraine;
 - 3) violation of the Rules of Advocates' Ethics;
 - 4) violation of advocate's secret;

5) nonperformance or undue performance of the advocate's obligations, if this resulted in violation of the client's rights and interests;

6) failure to comply with decisions taken by self-government bodies of the bar within the limits of their competence;

7) violation of other advocate's obligations stipulated by this Law and the procedural legislation of Ukraine, the Rules of Advocates' Ethics, or other acts of self-government of the bar.

3. It shall not be a ground for taking disciplinary action against an advocate if a court passes a judgment against the client, or if the judgment in a case in which the advocate provided legal assistance, defense, or representation is revoked or modified, if this involved no disciplinary offence.

Article 47. Initiating disciplinary action against an advocate

1. 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.

2. It shall not be allowed to abuse the right to initiate disciplinary action against an advocate, in particular to initiate disciplinary action against an advocate without due cause or to use the said right as a means of influencing an advocate in connection with his/her practicing of law.

Article 48. Stages of a disciplinary proceeding against an advocate

1. A disciplinary proceeding against an advocate shall consist of the following stages:

- 1) verification of information on the advocate's disciplinary offence;
- 2) initiation of a disciplinary case;
- 3) hearing of the disciplinary case;
- 4) passing a decision to discipline the advocate and impose upon him/her one of the types of disciplinary sanctions or to terminate the disciplinary case;
- 5) review by the High Qualifications and Disciplinary Commission of the Bar of the decision to discipline the advocate (in case it has been appealed).

Article 49. Verification of information on the advocate's disciplinary offence

1. The chair of the disciplinary chamber of the qualifications and disciplinary commission of the bar shall, within a month from the receipt of a complaint about an advocate's disciplinary offence, authorize no less than three members of the said disciplinary chamber to conduct collegial verification of the information provided in the complaint.

2. Based on the results of the verification, a memorandum shall be prepared which must contain an account of the facts revealed by the verification, conclusions and proposals regarding the presence of grounds for initiating a disciplinary case.

3. The memorandum and all of the verification materials shall be submitted for consideration to the relevant qualifications and disciplinary commission of the bar, which is to decide whether it is expedient to initiate a disciplinary proceeding.

Article 50. Initiating a disciplinary case

1. In the presence of grounds, a disciplinary proceeding against an advocate shall be initiated by an order of the chair of the disciplinary chamber of the relevant qualifications and disciplinary commission of the bar within ten days from the day of receipt of the application or report on the advocate's disciplinary offence.

2. The chair of the qualifications and disciplinary commission of the bar shall refuse to initiate a disciplinary case if the complaint and the verification materials contain no information on the presence of elements of a disciplinary offence in the advocate's actions.

3. The decision on the initiation of a disciplinary case and on scheduling the date of its hearing or the decision on refusal to initiate a disciplinary case shall be sent to the advocate and to the subject of initiation of disciplinary action against the advocate.

4. Refusal to initiate a disciplinary proceeding can be appealed within thirty days from the day of the taking of the relevant decision to the High Qualifications and Disciplinary Commission of the Bar or to a court.

Article 51. Hearing a disciplinary case

1. A disciplinary case against an advocate shall be heard by the qualifications and disciplinary commission of the bar within a month from the day of its initiation.

2. During the hearing of the case, the disciplinary chamber of the qualifications and disciplinary commission of the bar must hear explanations from the advocate subjected to the disciplinary action as well as from the subject of initiation of disciplinary action against the advocate. The said persons shall be entitled to present evidence to corroborate their claims.

3. At the hearing, reports can be heard from other persons invited upon petition from the advocate, the subject of initiation of disciplinary action against the advocate, or on the initiative of the disciplinary chamber, documents can be read out, and other materials contained in the case file or additionally submitted during the hearing can be reviewed.

4. The failure of the advocate or of the subject of initiation of disciplinary action against the advocate to appear at the hearing held by the qualifications and disciplinary commission for no good reason, in the presence of evidence that notifications of the date and time of the hearing were sent to these persons, shall not prevent the hearing of the case.

5. At the hearing, a written record of the minutes shall be made, which must be signed by the chair of the meeting and the person making the record.

Article 52. Deciding a disciplinary case

1. Based on the results of the hearing of a disciplinary case, the disciplinary chamber of the qualifications and disciplinary commission of the bar shall decide by a majority of the votes of all its members to discipline the advocate for the commission of a disciplinary offence and to impose one of the types of disciplinary sanctions upon him/her or to terminate the disciplinary case.

2. The decision shall be taken in camera and presented to the advocate against signed receipt. A copy of the decision shall be served on the advocate and on the subject of initiation of disciplinary action against the advocate within three working days from the day of the taking of the decision or of the filing of the relevant application.

3. A decision in a disciplinary case must contain the following:

1) the name of the commission;
2) the time and place of the passing of the decision;
3) the family names and initials of the members of the commission;
4) the family name, first name, and patronymic of the advocate who was subjected to the disciplinary proceeding;

5) the facts of the case;

6) the advocate's explanation, if any;

7) the explanation from the subject of initiation of disciplinary action against the advocate;

8) the rationale for the decision taken, with reference to evidence (in particular to actions requiring discipline, indication of the disciplinary sanction imposed on the advocate or of the grounds to terminate the case);

9) The procedure and deadline for appealing the decision.

4. When choosing the disciplinary sanction to be imposed, account shall be taken of the nature of the offence, its consequences, the personality of the advocate, the degree and type of his/her guilt, and other circumstances impacting the choice of the type of disciplinary sanction.

Article 53. Appealing a decision in a disciplinary case

1. The advocate or the subject of initiation of disciplinary action against the advocate shall be entitled to appeal the decision of the qualifications and disciplinary commission of the

bar within thirty days from the day the decision was taken to the High Qualifications and Disciplinary Commission of the Bar or to a court.

2. The High Qualifications and Disciplinary Commission of the Bar shall, within ten days from the day of receipt of the complaint, order the production of the disciplinary case file from the relevant qualifications and disciplinary commission of the bar and review it in accordance with the procedure specified by this Law.

3. The decision of the High Qualifications and Disciplinary Commission of the Bar can be appealed to a court.

Section VIII. ORGANIZATION OF THE BAR OF UKRAINE

Article 54. The system of the bar in Ukraine

1. The bar of Ukraine comprises all of the advocates of Ukraine, united through membership in the National Bar Chamber of Ukraine.

2. The National Bar Chamber of Ukraine is an all-Ukrainian independent organization of self-government of the bar in Ukraine.

3. The National Bar Chamber of Ukraine shall operate in the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol through regional bar chambers.

4. To determine the qualifications level of the persons who have expressed an intention to practice law, and to address issues related to advocates' disciplinary liability, there shall operate qualifications and disciplinary commissions of the bar and the High Qualifications and Disciplinary Commission of the Bar of Ukraine.

5. The powers of the bodies of the National Bar Chamber of Ukraine and of the regional bar chambers, the High Qualifications and Disciplinary Commission, the qualifications and disciplinary commissions of the bar, as well as the procedure for their formation shall be determined by this Law.

6. The advocate's right to self-government shall be exercised through the Congress of Advocates of Ukraine and the meetings (conferences) of the bar members of the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol.

Article 55. The qualifications and disciplinary commissions of the bar

1. The qualifications and disciplinary commissions of the bar shall be elected by the meetings (conferences) of the bar members in the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol for a three-year term by secret ballot.

2. The qualifications and disciplinary commissions of the bar shall be legal entities and shall be composed of an attestation chamber and a disciplinary chamber.

The attestation chamber of the qualifications and disciplinary commission of the bar shall be composed of eleven members: six advocates from the region practicing law for no less than seven years, four judges, and one representative of the territorial body of justice. The chair of the attestation chamber shall be elected from among themselves by the members of the attestation chamber.

The disciplinary chamber of the qualifications and disciplinary commission of the bar shall be composed of nine members: six advocates practicing law for no less than seven years, two judges, and one representative of the territorial body of justice. The chair of the disciplinary chamber shall be elected from among themselves by the members of the disciplinary chamber.

3. The chair of the qualifications and disciplinary commission of the bar shall be elected by the meeting (conference) of the bar members for a one-year term by secret ballot; his/her deputies shall be the chairs of the attestation and disciplinary chambers.

4. The powers of a qualifications and disciplinary commission of the bar shall include the following:

- 1) organization and conducting of qualification examinations;
- 2) taking a decision to issue a certificate on the successful passing of the qualification examination;
- 3) hearing and adjudication of disciplinary cases against advocates;
- 4) hearing of complaints against advocates;

5) imposition of disciplinary sanctions on advocates;
6) taking a decision to suspend or terminate the right to practice law;
7) resolution of other matters assigned to the competence of the qualifications and disciplinary commission of the bar by this Law, or by a decision of the Congress of Advocates of Ukraine or of the meeting (conference) of the bar members taken within the limits of their competence.

5. A session of a qualifications and disciplinary commission of the bar shall be deemed competent if attended by no less than half of its members. Sessions of the attestation and disciplinary chambers of a qualifications and disciplinary commission of the bar shall be deemed competent if attended by no less than half of all the members of the respective chamber.

6. A decision of a qualifications and disciplinary commission of the bar shall be taken by a simple majority of the votes of all its members. A decision taken by a qualifications and disciplinary commission of the bar shall, within five days from the day of its passing, be sent by registered mail with delivery confirmation to the person who is the subject of the decision, or be served on him/her personally, against signed receipt.

7. A decision of a qualifications and disciplinary commission of the bar can be appealed within thirty days from the day the decision was taken to the High Qualifications and Disciplinary Commission of the Bar or to a court.

8. The procedures for organization and operation and the terms of remuneration of the members of a qualifications and disciplinary commission of the bar shall be determined by this and other Laws of Ukraine and by the Regulations on a Qualifications and Disciplinary Commission of the Bar.

Article 56. The High Qualifications and Disciplinary Commission of the Bar

1. The High Qualifications and Disciplinary Commission of the Bar shall be elected by the Congress of Advocates of Ukraine, and shall consist of 27 persons practicing law for no less than ten years (the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol being represented by one person each (from among the candidates nominated by the meetings (conferences) of the bar members)), by secret ballot, for a three-year term.

2. The chair of the High Qualifications and Disciplinary Commission of the Bar and his/her deputies shall be elected by secret ballot, for a three-year term, by the Congress of Advocates of Ukraine from among the members of the commission.

3. The High Qualifications and Disciplinary Commission of the Bar shall:

1) review complaints against decisions of the qualifications and disciplinary commissions of the bar;

2) develop the Regulations on the Procedure for the Passing of Qualification Examinations and the Outline of Qualification Examinations;

3) generalize the disciplinary practice of the qualifications and disciplinary commissions of the bar and develop appropriate recommendations in this connection.

4. Based on the results of its review of a complaint against a decision of a qualifications and disciplinary commission of the bar, the High Qualifications and Disciplinary Commission of the Bar shall:

1) uphold the decision of the qualifications and disciplinary commission of the bar;

2) modify the decision of the qualifications and disciplinary commission of the bar;

3) revoke the decision of the qualifications and disciplinary commission of the bar and pass a new decision;

4) remand the case for a new hearing to the respective qualifications and disciplinary commission of the bar.

5. A session of the High Qualifications and Disciplinary Commission of the Bar shall be deemed competent if attended by no less than half of its members. Decisions of the High Qualifications and Disciplinary Commission of the Bar shall be taken by a majority of the votes of its members.

6. A decision of the High Qualifications and Disciplinary Commission of the Bar can be appealed to a court.

7. The High Qualifications and Disciplinary Commission of the Bar shall be a legal entity and shall operate pursuant to this and other Laws of Ukraine and to the Regulations on the High Qualifications and Disciplinary Commission of the Bar.

Article 57. Independence guarantees for the decisions of the qualifications and disciplinary commissions of the bar

1. The High Qualifications and Disciplinary Commission of the Bar and the qualifications and disciplinary commissions of the bar shall be independent of the Bar Council of Ukraine or of the regional bar councils. No executive bodies of self-government of the bar shall be allowed to interfere in any way in the activities of the High Qualifications and Disciplinary Commission of the Bar or of the qualifications and disciplinary commissions.

2. The High Qualifications and Disciplinary Commission of the Bar and the qualifications and disciplinary commissions of the bar shall be subordinated and answerable to the highest bodies of self-government of the bar: the Congress of Advocates of Ukraine and the meetings (conferences) of the bar members.

3. The same persons may not be simultaneously elected to the High Qualifications and Disciplinary Commission of the Bar and to a qualifications and disciplinary commission of the bar, or hold offices at the Bar Council of Ukraine and at a regional bar council.

4. The powers of the members of the High Qualifications and Disciplinary Commission of the Bar or of a qualifications and disciplinary commission of the bar can be terminated ahead of time by a decision of the body that elected them, on grounds of gross violation by them of the legislation of Ukraine and of the Rules of Advocates' Ethics, if such a decision is supported by no less than two thirds of those attending the Congress of Advocates of Ukraine or the meeting (conference) of the bar members.

Section IX. ADVOCATES' SELF-GOVERNMENT

Article 58. The principles of professional self-government of the bar (bar self-government)

1. The professional self-government of the bar – advocates' self-government – shall operate for the purposes of ensuring the independence of the bar and the due performance by the bar of its constitutional tasks; ensuring conditions for effective performance by advocates of their professional obligations; expanding the opportunities for the bar to influence the provision of professional protection of rights and freedoms in Ukraine; protecting advocates' professional rights; representing advocates in their relations with governmental authorities and local self-government bodies, as well as between state and international organizations and institutions; and involving the bar in the legislative process.

2. Self-government of the bar shall be performed on the basis of the following principles:

1) adherence by bodies of self-government of the bar to the principle of independence of the practice of law and observance of the prohibition of any form of interference in the professional activities of an advocate in individual cases;

2) equality of advocates' rights, involvement of all advocates in advocates' self-government through the machinery of election of the executive bodies of self-government of the bar, of delegates to the Congress of Advocates of Ukraine, and through direct participation in the work of a meeting (conference) of the bar members;

3) binding nature of the decisions taken by self-government bodies of the bar within the limits of their competence;

4) opportunity for each advocate to appeal decisions taken by bodies of self-government of the bar beyond the limits of competence of self-government bodies and in violation of the principles provided for by this Law;

5) answerability of the delegates to the Congress of Advocates of Ukraine before the meetings (conferences) of the bar members that elected them, binding nature of the decisions of these meetings (conferences) on the delegates to the Congress of Advocates of Ukraine;

3. All advocates included in the Unified Registry of Advocates and Law Practice of Ukraine shall be involved in the operation and formation of self-government bodies of the bar.

Article 59. The National Bar Chamber of Ukraine

1. The National Bar Chamber of Ukraine shall:

- 1) represent the bar of Ukraine in its relations with bodies of state power, organizations, institutions, enterprises irrespective of forms of ownership, and international organizations, delegate representatives to the bodies of state power;
- 2) protect the professional, social, and civil rights of advocates, and provide for law practice guarantees;
- 3) promote the rule of law;
- 4) ensure that advocates act as counsels by appointment and that they provide free legal assistance in the cases specified by the legislation of Ukraine;
- 5) ensure a high qualification level of advocates of Ukraine;
- 6) provide for the accessibility and openness of information about advocates in Ukraine;
- 7) promote the involvement of the bar in the legislative process and in the introduction of the judicial and legal reform;
- 8) perform other functions pursuant to this Law.

2. The National Bar Chamber of Ukraine shall implement the functions of self-government of the bar through its bodies, which shall be bodies of self-government of the bar. At the regional level, the National Bar Chamber of Ukraine shall be represented by regional bar chambers in the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol.

3. The bodies of self-government of the bar shall include the following:

- 1) at the national level, the Congress of Advocates of Ukraine, the Bar Council of Ukraine, and the Auditing Commission of the National Bar Chamber of Ukraine;
- 2) at the regional level, meetings (conferences) of the bar members, regional bar councils, and auditing commissions of the regional bar chambers.

5. The National Bar Chamber of Ukraine shall be a legal public law entity created and operating pursuant to this Law.

Article 60. The Congress of Advocates of Ukraine

1. The Congress of Advocates of Ukraine shall be the highest body of the National Bar Chamber of Ukraine.

2. The Congress of Advocates of Ukraine shall be made up of the delegates to be elected by the meetings (conferences) of the bar members of the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol by secret ballot, by a majority of the votes of those attending the meeting (conference).

3. The representational quota for the Congress of Advocates of Ukraine and the procedure for the holding of the Congress of Advocates of Ukraine shall be established by the Bar Council of Ukraine; and for the Founding Congress of Advocates of Ukraine, by the "Concluding and Transitional Provisions" of this Law.

4. An ordinary Congress of Advocates of Ukraine shall be convened annually by the Bar Council of Ukraine. An extraordinary Congress of Advocates of Ukraine shall be convened within a month's term on the initiative of the Bar Council of Ukraine or upon the demand of no less than one third of the total number of advocates included in the Unified Registry of Advocates and Law Practice of Ukraine or no less than one third of the regional bar chambers.

5. The Congress of Advocates of Ukraine shall be deemed competent if attended by no less than half of the delegates specified by the representational quota and representing no less than half of the regional bar chambers.

6. If the Congress of Advocates of Ukraine is incompetent for lack of delegates, it shall be possible to immediately convene a repeated Congress of Advocates of Ukraine to which no quorum-related requirements shall apply. Such a Congress shall be competent to pass decisions exclusively on those matters that were on the agenda of the preceding Congress of Advocates of Ukraine that failed to be held.

Article 61. The powers of the Congress of Advocates of Ukraine

1. The Congress of Advocates of Ukraine shall:

1) elect the Chair of the Bar Council of Ukraine, who shall be, ex officio, the Chair of the National Bar Chamber of Ukraine, his/her deputies, and take decisions to recall them;

2) adopt acts of self-government of the bar, introduce amendments thereto;

3) endorse the members of the Bar Council of Ukraine elected by the meetings (conferences) of the bar members, take decisions to recall them, and approve the staffing structure of the Bar Council of Ukraine;

4) approve the main areas of activity of the National Bar Chamber of Ukraine for the period of authority of the newly elected executive bodies;

5) hear the report of the Bar Council of Ukraine on the performance of the tasks of self-government bodies of the bar;

6) elect the members of the High Council of Justice, pursuant to Article 131 of the Constitution of Ukraine and the Law of Ukraine "On the High Council of Justice";

7) endorse the members of the High Qualifications and Disciplinary Commission of the Bar elected by the meetings (conferences) of the bar members, elect the Chair of the High Qualifications and Disciplinary Commission of the Bar and his/her deputies, and recall them from their offices;

8) approve the Rules of Advocates' Ethics;

9) approve the Regulations on the High Qualifications and Disciplinary Commission of the Bar, the Regulations on the Unified Registry of Advocates and Law Practice of Ukraine, and the Regulations on the Procedure for Conducting a Disciplinary Proceeding;

10) approve the Regulations on the Practicing of Law in Ukraine by an Advocate from a Foreign State;

11) approve the Regulations on the Bar Council of Ukraine, the Regulations on the Auditing Commission of the National Bar Chamber of Ukraine, and the Regulations on Standing and Interim Commissions, Other Advisory and Auxiliary Bodies of the National Bar Chamber of Ukraine (on ethics, protection rights of advocates, advanced training of advocates, etc);

12) approve the Model Regulations on a Regional Bar Chamber, the Model Regulations on a Regional Bar Council, the Model Regulations on a Qualifications and Disciplinary Commission of the Bar, and the Model Regulations on the Auditing Commission of a Regional Bar Chamber;

13) approve the budget of the National Bar Chamber of Ukraine, the reports on the results of the financial and economic activities of the Bar Council of Ukraine, in particular on the execution of the budget of the National Bar Chamber of Ukraine, and the findings of the verifications conducted by the Auditing Commission of the National Bar Chamber of Ukraine;

14) approve decisions on the entry of the National Bar Chamber of Ukraine into international and other associations;

15) establish the minimum and maximum rates of annual fees to support the implementation of the functions of self-government of the bar and the procedure for the payment thereof;

16) determine the rate of deductions to be paid by the regional bar chambers to the National Bar Chamber of Ukraine;

17) determine the rate of remuneration for work at the Bar Council of Ukraine to be paid to the Chair, his/her deputies, and the members of the Bar Council of Ukraine;

18) exercise other powers pursuant to this Law.

2. Pursuant to this Law, the decisions taken by the Congress of Advocates of Ukraine shall be binding upon all of the advocates of Ukraine and [all] of the self-government bodies of the bar.

3. The decisions of the Congress of Advocates of Ukraine shall be taken by a simple majority of the votes of the delegates taking part in its work. The decisions on issues specified in paragraphs 8, 14, 16, and 17 of part one of this Article shall be taken by two thirds of the votes of the delegates taking part in the work of the Congress of Advocates of Ukraine.

Article 62. The Bar Council of Ukraine

1. The Bar Council of Ukraine shall be a standing collegiate executive body of the National Bar Chamber of Ukraine. The Bar Council of Ukraine shall consist of thirty persons: one representative from each of the regions, who shall be elected by secret ballot by the respective meetings (conferences) of the bar members, and also the Chair and his/her two deputies, who shall be elected from among the delegates to the Congress of Advocates of Ukraine.

2. The period of authority of the Bar Council of Ukraine shall be three years. One and the same person may not be a member of the Bar Council of Ukraine for more than two consecutive periods.

3. The membership of the Bar Council of Ukraine shall be subject to annual rotation in accordance with the procedure approved by the Congress of Advocates of Ukraine.

4. The Bar Council of Ukraine shall:

1) convene the Congress of Advocates of Ukraine;
2) determine the representational quota for delegates of the regional bar chambers to the Congress of Advocates of Ukraine and the procedure for the holding of the Congress of Advocates of Ukraine;

3) support the activities of the regional bar chambers;

4) maintain the Unified Registry of Advocates and Law Practice of Ukraine;

5) provide organizational and logistical support for the Congress of Advocates of Ukraine, the activities of the High Qualifications and Disciplinary Commission of the Bar, the Auditing Commission of the National Bar Chamber of Ukraine and other self-government bodies of the bar created by the Congress of Advocates of Ukraine;

6) organize informational and methodological support for advocates;

7) ensure a high qualification level of the bar members of Ukraine;

8) determine the procedure for advocates' acting as defense counsels by appointment and for provision of free legal assistance pursuant to the legislation of Ukraine;

9) protect the professional and social the rights of advocates, provide for law practice guarantees;

10) take decisions concerning the administration of the property and funds of the National Bar Chamber of Ukraine pursuant to the budget and with regard to the intended use of the property;

11) approve the form of the license to practice law, the advocate's certificate, and the order;

12) approve recommendations regarding the maximum possible fee for actions specified in part five of Article 32 of this Law;

13) approve the Regulations on the Procedure for the Passing of Qualification Examinations and the Outline of Qualification Examinations which are proposed by the High Qualifications and Disciplinary Commission of the Bar;

14) approve the Regulations on the Procedure for Undertaking a Traineeship and the Traineeship Program;

15) involve advocates in the legislative process and in the introduction of the judicial and legal reform;

16) approve the Model Regulations on a Law Bureau and the Regulations on the Official Press Organs of the National Bar Chamber of Ukraine and of the Regional Bar Chambers;

17) perform other functions pursuant to this Law.

5. In the event of noncompliance by the Bar Council of Ukraine with the requirements of this Law, its authority can be terminated ahead of time by the Congress of Advocates of Ukraine.

6. A session of the Bar Council of Ukraine shall be convened by its Chair; and during the period of his/her absence, by a Deputy Chair if necessary, but not less than once in every two months. A session of the Bar Council of Ukraine shall be deemed competent if attended by no less than half of its members.

7. Decisions of the Bar Council of Ukraine shall be taken by a simple majority of the votes of its members. In case of a tied vote, the Chair of the Bar Council of Ukraine shall have the decisive vote.

8. The powers of the Bar Council of Ukraine, the Chair, the Deputy Chairs, and the members of the Bar Council of Ukraine shall be determined by this Law.

9. The Chair and his/her deputies, and also the other members of the Bar Council of Ukraine can combine work in the Bar Council of Ukraine with the practice of law and receive remuneration for their work in the Bar Council of Ukraine at the rate determined by the Congress of Advocates of Ukraine.

Article 63. The Chair of the Bar Council of Ukraine

1. The Chair of the Bar Council of Ukraine shall be elected by the Congress of Advocates of Ukraine for a three-year term. The chair of the Bar Council of Ukraine shall be, ex officio, the Chair of the National Bar Chamber of Ukraine.

2. One and the same person may not be elected as the Chair of the Bar Council of Ukraine for more than two consecutive periods.

3. The Chair of the Bar Council of Ukraine shall represent the National Bar Chamber of Ukraine in state power bodies, self-government bodies, enterprises, institutions, or organizations irrespective of forms of ownership, in Ukraine and beyond the state border, in its relations with natural persons, act on behalf of the National Bar Chamber of Ukraine requiring no special authorization, grant powers of attorney, conclude agreements, and administer its funds and property based on decisions of the Bar Council of Ukraine pursuant to the budget and with regard to the intended use of the property. The Chair of the Bar Council of Ukraine shall assign duties among his/her deputies, employ and dismiss the staff of the Bar Council of Ukraine, convene sessions of the Bar Council of Ukraine, and ensure the execution of the decisions of the Bar Council of Ukraine and of the Congress of Advocates of Ukraine.

Article 64. Regional bar chambers

1. The regional chambers comprise advocates included in the Unified Registry of Advocates and Law Practice of Ukraine on the basis of workplace location – accordingly, in the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol.

2. The Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol shall each have only one regional bar chamber.

3. A regional bar chamber shall be a legal entity.

Article 65. Meeting (conference) of the bar members

1. 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.

2. The meeting (conference) of the bar members shall be convened no less than once annually by a decision of the regional bar council. The founding meeting (conference) of the bar members shall be convened and shall pass decisions in accordance with the procedure determined by the “Concluding and Transitional Provisions” of this Law.

3. An extraordinary meeting (conference) of the bar members shall be convened by a decision of the regional bar council, of the Bar Council of Ukraine, or upon the demand of no less than one third of the advocates included in the Unified Registry of Advocates and Law Practice of Ukraine for the respective region. If within a month from the day of the receipt of the demand of advocates to hold an extraordinary meeting (conference) of the bar members the regional bar council fails to comply with the said demand, the holding of the meeting

(conference) of the bar members shall be organized by an initiative group consisting of no less than ten advocates.

4. The meeting (conference) of the bar members shall be deemed competent if no less than half of the region's advocates (conference delegates) participate in its work.

5. If the meeting (conference) of the bar members is incompetent for lack of delegates, it shall be possible to immediately convene a repeated meeting (conference) of the bar members. No quorum-related requirements shall apply to a repeated meeting (conference) of the bar members. Such a meeting (conference) of the bar members shall be competent to pass decisions exclusively on those matters that were on the agenda of the preceding meeting (conference) that failed to be held.

6. The powers of the meeting (conference) of the bar members shall include the following:

1) election of the Chair of the regional bar council, who shall be, ex officio, the Chair of the regional bar chamber, and taking a decision to recall him/her;

2) election of the members of the regional bar council, taking a decision to recall them;

3) election of delegates to the Congress of Advocates of Ukraine;

4) nomination of a representative of the region to the Bar Council of Ukraine and nomination of a representative of the region to the High Qualifications and Disciplinary Commission of the Bar;

5) election of the chair and of the members of the qualifications and disciplinary commission of the bar;

6) election of the members of the auditing commission of the regional bar chamber;

7) approval of the Regulations on the Regional Bar Chamber, the Regulations on the Regional Bar Council, the Regulations on the Qualifications and Disciplinary Commission of the Bar, and the Regulations on the Auditing Commission of the Regional Bar Chamber;

8) approval of the rate of annual fees to support advocates' self-government in the region between the minimum and maximum rates established by a decision of the Congress of Advocates of Ukraine;

9) approval of the budget of the regional bar chamber;

10) approval of the reports of the regional bar council, in particular on the execution of its budget;

11) approval of the report of the auditing commission of the regional bar chamber on the results of the financial and economic activities of the regional bar chamber;

12) approval of the staffing schedule of the regional bar council;

13) taking other decisions in the exercise of the powers of self-government of the bar.

7. The meeting (conference) of the bar members shall take decisions by a simple majority of the votes of all the advocates (conference delegates) taking part in its work. The decisions on issues specified in paragraphs 7, 8, 9 of part six of this Article shall be taken by no less than two thirds of the votes of all the advocates (conference delegates) taking part in the work of the meeting (conference) of the bar members.

8. The meeting (conference) of the bar members shall be entitled to pass a decision revoking any decision of the regional bar council.

Article 66. Regional bar council

1. A regional bar council shall be a standing collegiate executive body of the regional bar chamber.

2. The chair and the members of the regional bar council shall be elected by the meeting (conference) of the bar members for a three-year term by secret ballot. One and the same person may not be a member of the regional bar council for more than two consecutive periods. The number of the members of each regional bar council shall be determined by the respective Regulations on the Regional Bar Council.

3. The membership of the regional bar council of Ukraine shall be subject to annual rotation in accordance with the procedure determined by the respective Regulations on the Regional Bar Council.

4. At the first meeting, the members of the regional bar council shall, upon a proposal from the chair of the regional bar council, elect from among themselves two deputy chairs for a three-year term.

5. The membership of the regional bar council can only consist of advocates included in the Unified Registry of Advocates and Law Practice of Ukraine for the respective region.

6. A regional bar council shall:

1) represent the regional bar chamber;
2) convene the meeting (conference) of the bar members, determine the representational quota for the conference of bar members, the procedure for the election of delegates thereto, and form the agenda for the meeting (conference);

3) provide informational and methodological support for the region's advocates;

4) take measures to support the traineeship of persons intending to acquire the status of an advocate;

5) issue licenses to practice law;

6) enter information into the Unified Registry of Advocates and Law Practice in Ukraine;

7) take measures to organize advanced training of the region's advocates;

8) protect the professional and social the rights of advocates, promote law practice guarantees;

9 create special funds to support advocates' activities;

10) take measures to ensure advocates' acting as defense counsels by appointment and the provision by advocates of free legal assistance in the cases specified by the legislation of Ukraine;

11) administer the funds and property of the regional bar chamber pursuant to the budget approved by the meeting (conference) of the bar members;

12) perform other functions pursuant to this Law.

7. A regional bar council shall be subordinated and answerable to the meeting (conference) of the bar members of the respective region. If the regional bar council fails to comply with the requirements of this Law, the acts of self-government of the bar, or the regulations on the regional bar association, the authority of the council can be terminated ahead of time by a decision of the meeting (conference) of the bar members.

8. The meeting of the regional bar council shall be deemed competent if attended by no less than half of its members.

9. Decisions of the regional bar council shall be taken by a simple majority of the votes of its members attending the session.

10. The Chair, Deputy Chairs, and other members of the regional bar council can combine work in the regional bar council with the practice of law and receive remuneration for their work in the council at the rate determined by the Congress of Advocates of Ukraine.

Article 67. The Chair of the regional bar council

1. The Chair of the regional bar council shall be elected by the meeting (conference) of the bar members for a three-year term. The Chair of the regional bar council shall be, ex officio, the Chair of the regional bar chamber of Ukraine.

2. One and the same person may not be elected as the Chair of the regional bar council for more than two consecutive terms.

3. The Chair of the regional bar council shall represent the regional bar chamber in its relations with bodies of state power, bodies of local self-government, organizations, as well as with natural persons and legal entities, act on behalf of a regional bar chamber requiring no special authorization, grant powers of attorney and conclude agreements on behalf of the regional bar council, administer its funds and property based on decisions of the council pursuant to the budget and with regard to the intended use of the property, employ and dismiss the staff of the council, convene the council's meetings, and provide for the execution of the decisions of the council and of the meeting (conference) of the bar members.

Article 68. The property of the National Bar Chamber of Ukraine and of the regional bar chambers

1. The property of the National Bar Chamber of Ukraine shall be formed on the basis of deductions received from the regional bar chambers, charitable aid (donations) coming from legal entities and natural persons, and other sources not prohibited by the law in accordance with the procedure established by the legislation of Ukraine.

2. The property of the regional bar chambers shall be formed on the basis of annual fees to support advocates' self-government, grants and charitable aid (donations) coming from legal entities and natural persons, and other sources not prohibited by the law in accordance with the procedure established by the legislation of Ukraine.

3. The expenses of the National Bar Chamber of Ukraine and of the regional bar chambers shall be deemed to include the staff payroll costs, the cost of the remuneration paid to the members of the executive bodies of self-government of the bar, and material support for activities and performance of functions pursuant to this Law.

Article 69. Auditing Commission of the National Bar Chamber of Ukraine, auditing commissions of the regional bar chambers

1. The Auditing Commission of the National Bar Chamber of Ukraine and the auditing commissions of the regional bar chambers shall be elected from among advocates for the purpose of supervising the financial and economic activities of the National Bar Chamber of Ukraine and of the regional bar chambers.

2. The Auditing Commission of the National Bar Chamber of Ukraine shall be elected by the Congress of Advocates of Ukraine by secret ballot for a three-year term, and shall be composed of seven members. The auditing commission of the bar shall be guided in its activities by the Regulations on the Auditing Commission of the National Bar Chamber of Ukraine.

3. The auditing commission of a regional bar chamber shall be elected by secret ballot for a two-year period by the meeting (conference) of the bar members, the number of its members being specified by the meeting (conference). A regional auditing commission of the bar shall be guided in its activities by the Regulations on the Auditing Commission of the Regional Bar Chamber.

4. The auditing commissions shall report on the results of their activities, respectively, to the Congress of Advocates of Ukraine and to the meeting (conference) of the bar members.

5. The members of an auditing commission may not be elected to other bodies of self-government of the bar. The members of an auditing commission can combine work in the auditing commission with the practice of law and receive remuneration for work in the auditing commission at the rate determined by the Congress of Advocates of Ukraine.

Article 70. Decisions of self-government bodies of the bar

1. The decisions of the Congress of Advocates of Ukraine and of the Bar Council of Ukraine taken within the limits of their competence specified by this Law shall be binding upon all of the advocates.

2. The decisions of the meeting (conference) of the bar members and of the regional bar council taken within the limits of their competence specified by this Law shall be binding upon all of the advocates of the respective region.

3. The decisions of self-government bodies of the bar shall come into force from the moment of their passing, unless otherwise provided in the decision itself or in this Law.

Article 71. Funding of self-government bodies of the bar

1. The financing of self-government bodies of the bar shall be based on the following:

- 1) advocates' fees meant for organizational and technical support;
- 2) advocates' annual fees to support advocates' self-government;
- 3) voluntary contributions by advocates and advocates' associations;
- 4) charitable aid (donations) coming from natural persons and legal entities;
- 5) other sources not prohibited by the law.

2. The rates of advocates' fees shall be determined in accordance with the procedure determined by this Law.

3. The funds shall be deposited in the accounts of the qualifications and disciplinary commissions of the bar; and those specified in paragraph 2 of part 1 of this Article, in the accounts of the regional bar chambers; and shall be used by them exclusively in accordance to the budgets approved by the meetings (conferences) of the bar members.

4. The funds specified by paragraphs 4 and 5 of part one of this Article can be deposited directly in the account of the Bar Council of Ukraine and be used in accordance with the budget approved by the Congress of Advocates of Ukraine.

5. The financial reports of self-government bodies of the bar of all levels shall be made public annually in accordance with the procedure established by the Bar Council of Ukraine and be released to any advocate upon his/her demand.

Article 72. Guarantees of advocates' involvement in self-government

1. A regional bar council shall notify all of the region's advocates of the holding of the next ordinary meeting (conference) of the bar members and of its agenda no less than forty-five days in advance; and in the event of convocation of an extraordinary meeting (conference), no less than ten days in advance.

2. The Bar Council of Ukraine shall notify the delegates of the Congress of Advocates of Ukraine of the holding of the Congress and of its agenda no less than two months in advance of the holding of the Congress; and in the event of convocation of an extraordinary Congress, no less than ten days in advance.

3. All the draft decisions of self-government bodies of the bar included in the agenda of, respectively, the meeting (conference) of the bar members or of the Congress of Advocates of Ukraine, shall be made known to all of the region's advocates or of the advocates of Ukraine through the official periodicals of the regional bar chambers and of the National Bar Chamber of Ukraine and shall be posted on the official websites of the National Bar Chamber of Ukraine and of the regional bar chambers.

4. Any general act of self-government of the bar taken in violation of the requirements specified in part three of this Article shall be regarded as null and void.

5. An advocate (bar association) or a public organization of bar members can appeal any decision of self-government bodies of the bar to a court on grounds of violation of the guarantees of advocates' involvement in self-government, interference in advocates' professional activities, noncompliance with the main principles of the organization and performance of advocates' activities specified by this Law, as well as on grounds of excess of powers by the body of self-government that passed the decision or of violation of the decision-making procedure.

Section X. PRACTICE OF LAW IN UKRAINE BY AN ADVOCATE FROM A FOREIGN STATE. SPECIFICS OF THE STATUS OF ADVOCATE FROM A FOREIGN STATE

Article 73. 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

1. 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.

2. The professional rights and obligations of an advocate specified by this Law shall apply to an advocate from a foreign state providing legal assistance in Ukraine.

3. The law practice guarantees provided by this Law shall fully apply to an advocate from a foreign state.

Article 74. Acquisition by an advocate from a foreign state of the right to provide legal assistance in Ukraine

1. The decision to grant an advocate from a foreign state permission to provide, on a permanent basis, legal assistance in Ukraine shall be taken by the Bar Council of Ukraine if the advocate from a foreign state proves his/her status of an advocate of the respective state in accordance

with the procedure established by the Regulations on the Provision of Legal Assistance in Ukraine by an Advocate from a Foreign State.

2. Proceeding from the results of consideration of documents confirming the advocate's status in a foreign state and absence of obstacles to acquisition of the advocate's status specified by this Law, the Bar Council of Ukraine shall, on the basis of a relevant decision, grant the advocate from a foreign state the permission to provide legal assistance in the territory of Ukraine regarding matters related to the legislation of the respective state.

Article 75. Forms of practice of law by an advocate from a foreign state in the territory of Ukraine

1. The norms of this Law concerning the organizational forms of law practice shall apply to an advocate from a foreign state providing legal assistance on a permanent basis in Ukraine.

2. An advocate from a foreign state can be a member (participant, partner) of an advocates' association along with Ukraine's advocates.

Article 76. Liability of an advocate from a foreign state

1. In the event of commission of a disciplinary offence by an advocate from a foreign state, he/she shall be subject to discipline in accordance with the procedure prescribed by this Law for Ukraine's advocates.

2. Regardless of discipline, an advocate from a foreign state shall be civilly liable for provision of low-quality legal assistance according to the standard procedure, pursuant to this and other Laws of Ukraine.

3. The fact of imposition of a disciplinary sanction on an advocate from a foreign state shall be reported by the Bar Council of Ukraine to the bar chamber of the respective state.

Article 77. Involvement of an advocate from a foreign state in advocate's self-government

1. An advocate from a foreign state who has been granted permission to provide legal assistance in Ukraine can apply to self-government bodies of the bar for the protection of his/her professional rights and obligations; participate, on a paid basis, in educational and methodological events conducted by regional bar councils and by the Bar Council of Ukraine; and take part, in an advisory capacity, in meetings (conferences) of the bar members and in the Congress of Advocates of Ukraine.

Article 78. Registry of Advocates from Foreign States Having Permission to Provide Legal Assistance in Ukraine

1. The Registry of Advocates from Foreign States Having Permission to Provide Legal Assistance in Ukraine shall be included, as an independent component, in the Unified Registry of Advocates and Law Practice of Ukraine.

2. The Registry of Advocates from Foreign States must contain a clear indication of the limits to the matters in connection with which the advocates included in this Registry can provide legal assistance, information on the membership of an individual advocate in the advocates' chamber of a particular state, information on advocate's specialization, and other information which is required to be entered into the Unified Registry of Advocates and Law Practice of Ukraine.

3. At the point of receiving permission to provide legal assistance in Ukraine, an advocate from a foreign state must pay a registration fee.

Section XI. CONCLUDING AND TRANSITIONAL PROVISIONS

1. This Law shall come into force from the day of its official publication.

2. The Law of Ukraine "On the Bar" (*Vidomosti Verkhovnoi Rady*, 1993, No. 9, p. 63; 2002, No. 16, p. 114; 2002, No. 29, p. 194; 2004, No. 8, p. 66; 2006, No. 1, p. 18; 2007, No. 2, p. 12) shall be considered null and void in connection with the enactment of this Law.

3. The High Qualifications Commission of the Bar under the Cabinet of Ministers of Ukraine and the qualifications and disciplinary commissions of the bar shall continue to exercise their powers until the formation of the High Qualifications and Disciplinary Commission of the Bar and of the qualifications and disciplinary commissions of the bar pursuant to this Law.

4. To provide for the election of the higher bodies of self-government of the bar, the founding meetings of bar members shall be held in the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol not later than within three months from the coming into force of this Law. If the number of advocates in a region is more than 300 persons, a founding conference of bar members shall be held. The representational quota for a founding conference and the procedure for the election of delegates shall be determined by the qualifications and disciplinary commission of the bar, which [information] must necessarily be published on the official website of the High Qualifications Commission of the Bar under the Cabinet of Ministers of Ukraine. The Founding Congress of Advocates of Ukraine shall be held not later than six months from the coming into force of this Law.

The organization of the convocation of the founding meetings (conferences) of the bar members of the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol shall be entrusted to the qualifications and disciplinary commissions of the bar in the respective regions.

The organization of the convocation of the Founding Congress of Advocates of Ukraine shall be entrusted to the High Qualifications Commission of the Bar of Ukraine under the Cabinet of Ministers of Ukraine.

5. For the purpose of organizing the founding meetings (conferences) of the bar members, the qualifications and disciplinary commission of the bar shall:

1) determine the date and place for the holding of the founding meeting (conference) of the bar members;

2) determine the representational quota for the founding conference and the procedure for the election of delegates thereto;

3) place an announcement in mass media about the date and place of the holding of the founding meeting (conference) of the bar members, and also send written notifications to all registered bar associations operating in the territory of the respective region.

Information specified in subparagraphs 1 and 3 must be made public and known to advocates and advocates' associations not later than ten days before the holding of the founding meeting (conference) of the bar members.

6. The founding meeting (conference) of the bar members shall be deemed competent if attended by no less than one third of the advocates of the respective region (conference delegates). The advocate's certificate shall be regarded as appropriate credentials for participation in the founding meeting (conference).

If a founding meeting (conference) is incompetent for lack of delegates, a repeated meeting (conference) shall immediately be convened to which no quorum-related requirements shall apply.

The founding meeting (conference) shall be inaugurated by the oldest advocate taking part in it. To preside over the founding meeting (conference) of the bar members, a presidium consisting of five persons shall be elected. From among its members, the presidium shall elect its chair and a secretary to keep the minutes. To calculate the votes cast for issues on the agenda of the founding meeting (conference), a credentials commission shall be elected whose membership shall be specified by the founding meeting (conference). The presidium shall announce the agenda to be voted on after the credentials commission has announced that the founding meeting (conference) of the bar members is competent. If the credentials committee declares the founding meeting (conference) of the bar members incompetent, the qualifications and disciplinary commission of the bar shall provide, within ten days, for a repeated convocation of the founding meeting (conference) of the bar members in accordance with the procedure determined by this section of the Law.

Apart from the election of the presidium and the credentials committee, the agenda of the founding meeting (conference) of the bar members shall include the following issues:

1) election of delegates to the Founding Congress of Advocates of Ukraine;

- 2) election of the region's candidate [representative] to the Bar Council of Ukraine;
- 3) election of the region's candidate to the High Qualifications and Disciplinary Commission of the Bar.

The quota of delegates to the Founding Congress of Advocates of Ukraine shall be one representative per fifty advocates of the region, but no less than ten delegates from each region: the Autonomous Republic of Crimea, the oblasts, and the cities of Kyiv and Sevastopol.

The decisions of the founding meeting (conference) of the bar members shall be taken by a simple majority of the votes of the attending advocates, by secret ballot.

The results of the voting of the participants in the founding meeting (conference) of the bar members on all of the issues on the agenda shall be recorded in the minutes kept by the presidium. The minutes (every page) of the founding meeting (conference) of the bar members shall be signed by the chair and the secretary. The minutes shall, not later than the day following the holding of the founding meeting (conference) of the bar members, be sent by the chair of the qualifications and disciplinary commission of the bar to the High Qualifications Commission of the Bar under the Cabinet of Ministers of Ukraine.

7. For the purpose of convening the Founding Congress of Advocates of Ukraine, the High Qualifications Commission of the Bar under the Cabinet of Ministers of Ukraine shall:

- 1) determine the date and place of the holding of the Founding Congress of Advocates of Ukraine;
- 2) place an announcement in mass media about the date and place of the holding of the Founding Congress of Advocates of Ukraine, and also send a written notification to the qualifications and disciplinary commissions of the bar to inform the delegates elected by the founding meetings (conferences) of the bar members about the date and place of the holding of the Founding Congress of Advocates of Ukraine and about the preliminary agenda;
- 3) prepare the model regulations on the regional bar chamber, on the regional bar councils, on the qualifications and disciplinary commissions of the bar, and on the regional auditing commissions of the bar.

Information specified in subparagraph 2 shall be made known to the delegates of the Founding Congress of Advocates of Ukraine not later than ten days before its holding through registered mail with delivery confirmation.

8. The Founding Congress of Advocates of Ukraine shall be deemed competent if attended by no less than half of its delegates.

If the Founding Congress of Advocates of Ukraine is incompetent for lack of delegates, a repeated Founding Congress of Advocates of Ukraine shall immediately be convened, to which no quorum-related requirements shall apply.

The Founding Congress of Advocates of Ukraine shall be inaugurated by the oldest advocate taking part in it. To preside over the Founding Congress of Advocates of Ukraine, the delegates shall elect a presidium consisting of seven persons. To calculate the votes cast for issues on the agenda of the Founding Congress of Advocates of Ukraine, the delegates shall elect a credentials committee whose membership shall be specified by the Founding Congress of Advocates of Ukraine. The presidium shall announce the agenda to be voted on after the credentials commission has announced that the Founding Congress of Advocates of Ukraine is competent.

Apart from the election of the presidium and the credentials committee, the agenda of the Founding Congress of Advocates of Ukraine shall include the following issues:

- 1) endorsement of the members of the Bar Council of Ukraine elected by the founding meetings (conferences) of the bar members;
- 2) election of the Chair of the National Bar Chamber of Ukraine and his/her deputies;
- 3) approval of the staffing schedule of the Bar Council of Ukraine;
- 4) approval of the main areas of activity of the National Bar Chamber of Ukraine for the period of authority of the newly elected executive bodies;
- 5) endorsement of the members of the High Qualifications and Disciplinary Commission of the Bar;
- 6) approval of the Model Regulations on a Regional Association of Advocates, the Regulations on the Regional Bar Councils, the Regulations on the Qualifications and

Disciplinary Commissions of the Bar, and the Regulations on the Regional Auditing Commissions of the Bar.

Other issues proposed by delegates to the Founding Congress and related to support for the functioning of the National Bar Chamber of Ukraine can be put on the agenda, if they are supported by a majority of the attending delegates.

9. The chair of the National Bar Chamber of Ukraine shall, within ten days from the day of the closing of the Founding Congress of Advocates of Ukraine, submit the founding documents of the National Bar Chamber of Ukraine for state registration.

10. The chairs of the regional bar chambers shall submit the founding documents of the regional bar chambers for state registration within ten days from the day of the closing of the founding meeting (conference) of the bar members.

11. From the day of state registration of the National Bar Chamber of Ukraine, its membership shall be deemed to include [all] those persons who have the status of an advocate on the day of the state registration. Other persons shall become members of the National Bar Chamber of Ukraine from the day they acquire the status of an advocate.

12. The right to practice law shall be preserved by persons who by the moment of the coming into force of this Law have received a license to practice law and are currently practicing law.

A license to practice law and an advocate's certificate which are valid at the moment of the coming into force of this Law shall be deemed to remain valid and shall not need to be replaced.

Persons specified in part one of this paragraph shall be obliged to provide to the qualification commissions of the bar, within a month from the day of the coming into force of this Law, the information necessary for including them in the Unified Registry of Advocates and Law Practice of Ukraine.

Failure to fulfill the said obligation can be a ground for suspension of the right to practice law until the moment the said information is received by the qualifications and disciplinary commission of the bar (or by the regional bar council – from the moment of its formation).

13. To be entitled to acquire the status of an advocate without passing the qualification examination and undertaking a traineeship, one must have complete higher legal education, a length of service in the legal profession of no less than three years, and must by the moment of the coming into force of this Law:

1) have been holding for the past three years positions which require having complete higher legal education, in a bar association, for an [individual] advocate, or in an entrepreneurial company whose main area of activity is the provision of legal services; or

2) have been systematically providing, for the past three years, legal services as a natural person – subject of entrepreneurial activity, if this is his/her main area of activity.

Persons intending to acquire the status of an advocate in accordance with the requirements of this paragraph shall be obliged to submit, within three months from the coming into force of this Law, to the qualifications and disciplinary commission of the bar having jurisdiction over their place of residence:

1) an application for the granting of the status of an advocate;

2) documents confirming the facts specified in subparagraph 1 or 2 of part one of this paragraph;

3) documents specified by part 2 of Article 9 of this Law.

The review of the documents and the granting of the status of an advocate shall be performed in accordance with the procedure determined by Article 9 of this Law.

Persons who have acquired the status of an advocate in accordance with the requirements of this paragraph shall be obliged, within six months after receiving the license to practice law, to undergo advanced training in advocates' ethics.

The determination of the procedure for and the organization of the advanced training in advocates' ethics shall be provided by the qualifications and disciplinary commissions of the bar.

Failure to fulfill the obligation concerning the advanced training in advocates' ethics shall be a ground for taking disciplinary action against the advocate.

14. Unless otherwise provided by Ukraine's international agreement which has come into force in accordance with the established procedure, higher legal education shall, pursuant to this Law, shall be deemed to imply higher legal education obtained in an institute of education of Ukraine, as well as in an institute of education of the former USSR – before December 31, 1991.

15. For the purposes of this Law, the period of systematic provision of services in the legal sector by a natural person-entrepreneur shall, if this is the person's main area of activity, be included in the length of service in the legal profession.

Upon the expiry of the six-month term from the day of the coming into force of this Law, the performance of entrepreneurial activities consisting in the provision of services in the legal sector shall be prohibited.

16. The statutory documents and organizational and institutional forms of bar associations and subjects of economic activity providing services in the legal sphere which operate at the moment of the coming into force of this Law shall be brought into compliance with the provisions of this Law by way of their restructuring (transformation, division, detachment) into one or several bar associations whose organizational and institutional forms are provided for by this Law or of liquidation of the association concerned within six months from the moment of the coming into force of this Law.

During that same period, natural persons – subjects of entrepreneurial activity providing services in the legal sector (legal services) must terminate their entrepreneurial activities.

17. Bar associations created as a result of the restructuring of bar associations, subjects of entrepreneurial activity, or economic companies shall be the legal successors thereof.

18. Bar associations or other legal entities which at the moment of the coming into force of this Law have the words "panel" ["collegium"], "council," or "chamber" in their names must within six months from the coming into force of this Law exclude the said words from their names.

19. The following legislative acts of Ukraine shall be amended:
(amendments must be provided to all the procedural codes of Ukraine to ensure representation in courts exclusively by advocates).