LAW OF GEORGIA

ON LAWYERS

Chapter I - General Provisions

Article 1 - Lawyer

1. In Georgia the profession of lawyer is practised by lawyers.

2. A lawyer is a professional who answers only to the law and professional ethical norms, and who is a member of the Georgian Bar Association.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Article 2 - Practice of the profession of lawyer

The practice of the profession of lawyer involves: the provision of legal advice to persons who apply to a lawyer for assistance (clients); the representation of a client in constitutional disputes, in criminal, civil or administrative proceedings in a court, or in arbitration, detention or investigation bodies; the drafting of legal documents with respect to a third party and the submission of any documents on behalf of a client; and the provision of such legal assistance that is not related to representation before a third party.

Law of Georgia No 3619 of 24 September 2010 - LHG I, No 51, 29.9.2010, Art. 332

Article 3 - Principles of the practice of the profession of lawyer

The principles of the practice of the profession of lawyer shall be:

a) lawfulness;

b) the freedom and independence of the legal profession;

c) the equality and non-discrimination of lawyers;

d) non-interference in the practice of the profession of lawyer;

e) respect for and protection of the rights and freedoms of a client by a lawyer;

f) impermissibility on the part of a lawyer to refuse to provide defence, except for the cases provided for by this Law;

g) respect for professional secrecy by a lawyer;

h) observance of the principles of professional ethics by a lawyer.

Chapter II - General Rights and Obligations of Lawyers

Article 4 - Rights of a lawyer

1. A lawyer may:

a) represent and defend a client, protect their rights and freedoms in constitutional, supreme and common courts, in arbitration and investigative bodies, and before other natural or legal persons;

b) in order to protect the interests of a client, request and receive necessary documents, information and other factual data in the manner established by legislation;

c) at any time and without any obstacles and control, and in the manner established by criminal procedural legislation, meet and communicate in person with a detained or arrested person, or a person held in any other liberty restriction facility;

d) enjoy other rights provided for by the procedural legislation of Georgia.

2. The practice of the profession of lawyer may be restricted only by law.

Article 5 - Obligations of a lawyer

A lawyer shall:

a) perform professional functions in good faith;

b) precisely and strictly observe the principles of professional ethics;

c) not infringe on the rights of the court and of other participants in proceedings;

d) respect professional secrecy;

e) perform obligations imposed under the procedural legislation of Georgia and in the case of a conflict of interests, inform the client immediately;

f) participate in the mandatory continuous legal education programme approved by Executive Board of the Georgian Bar Association;

g) provide the Georgian Bar Association with information regarding transactions provided for by the Law of Georgia on the Facilitation of Prevention of Illicit Income Legalisation; the Georgian Bar Association shall ensure the submission of the relevant information to the Financial Monitoring Service of Georgia in the form and manner established by the said Law and the relevant normative act of the Financial Monitoring Service of Georgia.

Law of Georgia No 2040 of 17 November 2009 - LHG I, No 38, 1. 12 .2009, Art. 280

Law of Georgia No 1639 of 27 November 2013 - website, 10.12.2013

Article 6 - Protection of the interests of a client

1. A lawyer may, in order to defend the interests of a client, use all means that are not prohibited by law or by the principles of professional ethics.

2. A lawyer shall, in a timely manner, provide a client with all information and explain all possible financial liabilities related to the conduct of the client's case.

Article 7 - Professional secrecy

1. A lawyer shall:

a) respect professional secrecy, regardless of the time elapsed;

b) not disseminate, without the consent of the client, information that was obtained from the client in the course of the practice of the profession of lawyer.

1^1. A lawyer shall transmit a reporting form on a transaction subject to monitoring under the Law of Georgia on the Facilitation of Prevention of Illicit Income Legalisation, provided the transmission of the reporting form does not contravene the principle of professional secrecy provided for by legislation regulating the profession of lawyer.

2. The violation of professional secrecy by a lawyer shall incur liability as provided for by this Law and the Code of Professional Ethics for Lawyers.

Law of Georgia No 1639 of 27 November 2013 - website, 10.12.2013

Article 8 - Conflict of interests

1. A lawyer shall not carry out such activities or establish such relations that threaten the interests of a client, or the professional activity of the lawyer or his/her independence.

2. A lawyer may not perform his/her professional functions if he/she has already acted as a lawyer on the same case on behalf of the other party.

3. A lawyer may not perform his/her professional functions in a case where he/she has already acted in the capacity of a judge, prosecutor, investigator, person conducting initial inquiry, secretary of a court session, interpreter, attendee, witness, expert, specialist, public servant or notary or in any other capacity provided for by the procedural legislation.

Article 9 - Insurance for lawyers

A lawyer shall, for the purpose of compensating possible material damage to a client, insure their professional liability in the manner and in cases provided for by law.

Chapter III – Lawyers

Article 10 - Requirements with respect to lawyers

1. A lawyer may be a citizen of Georgia who:

a) has a higher legal education;

b) has passed a bar exam or a judicial qualification exam (for employees of the Prosecutor's Office);

c) has at least one year's experience of working as a legal professional or as an intern of a lawyer.

2. A lawyer may not be a person who has been convicted for an intentional grave crime, unless the conviction has been removed or expunged in the manner established by legislation.

3. A lawyer may not, at the same time, be an official provided for in Article 2 of the Law of Georgia on Conflict of Interests and Corruption in Public Service, or any other person who is prohibited by legislation from practising the profession of lawyer.

[3. A lawyer may not, at the same time, be an official provided for in Article 2 of the Law of Georgia on Conflict of Interests and Corruption in Public Institutions, or any other person who is prohibited by the legislation of Georgia from practising the profession of lawyer. ***(To become effective from 1 January 2017)***]

4. Paragraph 1(b) of this Article shall not apply to persons who have held the position of a member of the High Council of Justice of Georgia.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Law of Georgia No 5029 of 22 June 2007 - LHG I, No 26, 11.7.2007, Art. 236

Law of Georgia No 5036 of 13 September 2011 - website, 23.9.2011

Law of Georgia No 4347 of 27 October 2015 – website, 11.11. 2015

Article 11 - Bar exam

1. Any person with higher legal education has the right to take the bar exam.

2. The bar exam shall be conducted biannually. The Executive Board of the Georgian Bar Association shall approve the procedure for conducting the exam and the exam programme; it shall also set the date of the exam, and the General Meeting of the Georgian Bar Association shall approve the statute of the Qualification Commission of Lawyers.

3. The exam is either general or specialised.

4. Lawyers are specialised in civil or criminal law.

5. A general exam shall be conducted in the following subjects:

a) constitutional law;

b) international law on human rights;

c) administrative law;

d) administrative proceedings;

e) criminal law;

f) criminal proceedings;

g) civil law;

h) civil proceedings;

6. The exam for lawyers specialised in civil law shall be conducted in the following subjects:

a) constitutional law;

b) international law on human rights;

c) administrative law;

d) administrative proceedings;

e) civil law;

f) civil proceedings.

7. The exam for lawyers specialised in criminal law shall be conducted in the following subjects:

a) constitutional law;

b) international law on human rights;

c) administrative law;

d) administrative proceedings;

e) criminal law;

f) criminal proceedings.

8. A lawyer who has passed a specialisation exam shall be granted the right to practise the profession of lawyer in the relevant field. Any lawyer may participate as a lawyer in constitutional proceedings.

9. The exams shall be conducted in the official language.

10. In the case of successfully passing the exam, the person shall receive a certificate confirming the passing of the bar exam.

11. A certificate confirming the passing of the bar exam shall become void unless the person concerned commences practising the profession of lawyer within seven years after passing the bar exam.

Law of Georgia No 2155 of 25 November 2005 - LHG I, No 51. 6. 12 .2005, Art. 342

Article 12 - (Deleted)

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Article 13 - (Deleted)

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Article 14 - (Deleted)

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Article 15 - (Deleted)

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Chapter IV - Intern of a Lawyer; Assistant to a Lawyer

Article 16 - Intern of a lawyer

1. A person specified in Article 10(1)(b) of this Law, who is willing to do an internship with a lawyer or at a law firm, shall apply to the respective lawyer or law firm. A lawyer or a law firm shall make a decision on the appointment of a person as an intern
and shall inform the Georgian Bar Association of the decision not later than five days after making the decision.

2. The period of legal internship shall be counted towards the total length of service and professional experience.

3. An intern shall, in the cases and in the manner provided for by the legislation of Georgia, exercise the authority of a lawyer upon the instructions of the relevant lawyer.

4. An intern may not be interrogated as a witness on issues that have become known to him/her in the course of his/her professional activities. Interns shall be subject to obligations provided for in Article 7 of this Law.

Law of Georgia No 5029 of 22 June 2007 - LHG I, No 26, 11.7.2007, Art. 236

Article 17 - Assistant to a lawyer

1. In the course of practising the profession of lawyer, a lawyer may hire an assistant in order to receive technical or other kind of assistance. An assistant shall not enjoy the rights of a lawyer and shall not be admitted to proceedings, court, arbitration and investigative bodies, to other state bodies and organisations, public associations, except for the cases provided for in paragraph 2 of this article.

2. An assistant to a lawyer may, in the presence of the relevant lawyer or on his/her instructions, and on the basis of the signed and certified permission of the relevant lawyer, review the materials of the case conducted by the lawyer in a court, arbitration and investigative bodies, and other state bodies and organisations, as well as in public associations.

3. An assistant to a lawyer may not be interrogated as a witness on issues that have become known to him/her in the course of his/her professional activities. Assistants to a lawyer shall be subject to the obligations provided for in Article 7 of this Law.

Law of Georgia No 3619 of 24 September 2010 - LHG I, No 51, 29. 9.2010, Art. 332

Chapter V - Organisation of the Practice of the Profession of Lawyer

Article 18 - Organisational and legal form of practising the profession of lawyer

1. A lawyer may, in order to practise the profession of lawyer, set up a law firm individually, together with other lawyers or other persons, in the form of a partnership or an entrepreneurial legal entity as provided for by the Law of Georgia on Entrepreneurs.

2. The information on establishing a law firm shall be submitted to the Executive Board of the Georgian Bar Association within ten days after establishing the law firm. The information shall include the address of the law firm, contact phone number, name(s) of the lawyer(s) associated in the law firm and the field of law in which the lawyer(s) practise the profession of lawyer.

3. The rules for the organisation and operation of a law firm and its structure shall be determined by the law firm.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Article 19 - Basis for practising the profession of lawyer

1. A lawyer shall practise the profession of lawyer on the basis of an agreement.

2. In investigative bodies or in the course of reviewing a case in a court, a lawyer shall, together with a certificate evidencing the right to practise law, submit a power of attorney or an order duly issued to him/her by a client.

2^1. If a non-entrepreneurial (non-commercial) legal person, in order to achieve its statutory goals, carries out a free legal aid grant or state programme, it may issue an order on the basis of an agreement with a lawyer.

3. The Executive Board of the Georgian Bar Association shall develop and approve the sample of an order of a lawyer.

Law of Georgia No 4332 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 39

Law of Georgia No 3619 of 24 September 2010 – LHG I, No 51, 29.9.2010, Art. 332

Chapter VI – Georgian Bar Association

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Article 20 - Status of the Georgian Bar Association

1. The Georgian Bar Association (the 'Bar Association') is a legal entity under public law based on membership.

2. The main principles and areas of activities of the Bar Association shall be defined by the Charter of the Association.

3. The last sentence of Articles 8(2) and 11 of the Law of Georgia on Legal Entities Under Public Law shall not apply to the Bar Association.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No 38, 1.12.2009, Art. 280

Article 21 - Joining the Bar Association

1. In order to join the Bar Association, a person shall submit an application thereto. The Executive Board of the Bar Association shall, within one month after the submission of an application, make a decision, in the manner established by the Charter of the Association, to admit or to refuse to admit the applicant to the Bar Association.

2. An [interested] person shall submit the following data to the Bar Association:

a) the first name, surname and date of birth;

b) the addresses of a place of residence and of the law firm, and a contact phone number;

c) the specialisation, if they have passed an exam of specialisation.

2^1. Information on any changes in the data provided for in paragraph 2 of this article shall be submitted to the Bar Association within two weeks after the changes occur.

2^2. In the interests of organising a general list of members of the Bar Association, the rules and conditions for submitting additional data (including the data on changes) shall be determined by the Charter of the Association.

3. A person shall be denied membership of the Bar Association if:

a) they do not satisfy the requirements provided for in Article 10(1)(a) and (b) and Article 2 of this Law;

b) seven years have elapsed since they passed the bar exam;

c) their membership of the Bar Association has been terminated on the basis of Article 21^3(1)(b) and (f) of this Law and three years have not elapsed since the termination of membership.

3^1. In order to join the Bar Association, the requirements provided for in Article 10(1)(b) of this Law and paragraph 3(b) of this article shall not apply to persons who have held the position of a member of the High Council of Justice of Georgia.

4. A decision of the Executive Board of the Bar Association on the refusal of membership may be appealed to a court within one month after its receipt.

5. The Executive Board of the Bar Association shall publish the general list of members of the Bar Association in the manner established by the Charter of the Association. All the data provided for in paragraph 2 of this article shall be public for all interested persons.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Law of Georgia No5036 of 13 September 2011 - website, 23.9.2011

Article 21^1- Oath of a lawyer

1. A person shall take the following oath to join the Bar Association: 'I swear that I will be faithful to the ideas of justice, perform the duties of a lawyer properly and in good faith, observe the Constitution and laws of Georgia, the Code of Professional Ethics for Lawyers, and human rights and freedoms'.

2. If a person, due to their ideology, refuses to take an oath, they shall write a statement confirming that they will perform the duties of a lawyer established by this Law in good faith.

3. The text of the oath (or statement) shall be signed and kept in their personal records.

4. After taking the oath (or writing the statement) a person shall acquire the status of a lawyer and shall obtain a certificate confirming the right to practise the profession of lawyer, on the basis of which they may practise law.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Article 21^2- Suspension of membership of the Bar Association

1. A lawyer's membership of the Bar Association shall be suspended by a decision of the Executive Board of the Bar Association in the manner established in Article 21^3(2):

a) upon a personal application;

b) in the case provided for in Article 34(1)(b) this Law;

c) in the case provided for in Article 10(3) of this Law.

2. If membership is suspended in accordance with paragraph 1 of this article, a lawyer shall be exempted from payment of the Bar Association membership fees and may not participate in the activities of the Bar Association.

3. A lawyer's membership shall be restored after submitting a relevant application or after the expiration of the period provided for in Article 34(1)(b) of this Law, or after the elimination of the grounds provided for in Article 10(3) of this Law.

4. A person who cannot become a lawyer under Article 10(3) of this Law and who meets the requirements of Article 10(1) of this Law, may apply to the Executive Board of the Bar Association to join the Bar Association. Membership of such person shall be suspended upon his/her admission to the Bar Association.

5. A person may not practise the profession of lawyer if his/her membership of the Bar Association is suspended.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Article 21 [3]- Termination of membership of the Bar Association

1. A lawyer's membership of the Bar Association shall be terminated:

a) upon a personal application;

b) on the basis of a decision of the Ethics Commission of the Bar Association and/or a court decision;

c) if a court has recognised him/her as having limited legal capacity or as being legally incompetent, or has declared him/her as missing or deceased;

d) if a judgement of conviction has entered into legal force against him/her for an intentional grave crime;

e) (deleted);

f) if it has become known that they did not meet the requirements provided for in Article 10 of this Law, which, in the case of its identification in good time, would have been grounds for the refusal of membership of the Bar Association;

g) if they do not pay the membership fee;

h) in the case of death.

2. In the case of the circumstances provided for in paragraph 1(b), (f) and (g) of this article, the Executive Board of the Bar Association shall, by a majority of the members on the current nominal list, and by secret ballot, make a decision to terminate a lawyer's membership of the Bar Association, and the Executive Board of the Bar Association shall take account of the conditions provided for in sub-paragraphs (a), (c), (d) and (h) of paragraph 1.

3. The decision shall be substantiated and it shall be served upon the lawyer in person within five days after its announcement or shall be sent to him/her within the same time limit, except in the cases provided for in paragraph 1(c) and (h) of this article.

4. In the cases provided for in paragraph 1(b),(f) and (g), the decision of the Executive Board of the Bar Association on the termination of a lawyer's membership of the Bar Association shall be suspended until a court delivers the final judgement.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 5209 of 4 July 2007– LHG I, No 28, 18.7.2007, Article 294

Article 22 - Symbols of the Bar Association

The symbols of the Bar Association shall be approved by the General Meeting of the Bar Association upon the recommendation of the Executive Board.

Article 23 - Organisational structure of the Bar Association

1. In order to perform the functions provided for by this Law, the following units shall be established in the Bar Association:

a) the Executive Board;

b) the Ethics Commission;

c) the Audit Commission.

2. In order to perform its functions, the Bar Association may establish other structural units as well. The issues related to their activities shall be defined by the statutes of the respective units. Each unit is headed by one of the members of the Executive Board.

3. The Training Centre for Lawyers shall be established under the Bar Association, which shall carry out the professional training of lawyers. The rules of operation of the Training Centre for Lawyers shall be determined by the statute approved by the Executive Board of the Bar Association.

Law of Georgia No 2040 of 17 November 2009 - LGH I, No 38, 1.12.2009, Art. 280

Article 24 - General Meeting of the Bar Association

1. The supreme body of the Bar Association shall be the General Meeting of the Bar Association. The General Meeting shall be held at least once a year and it shall be duly constituted if attended by at least 800 members of the Bar Association. In the absence of a quorum, a second General Meeting shall be convened, which shall be duly constituted regardless of the number of the members present.

2. The General Meeting of the Bar Association shall make a decision by a simple majority of the members present and voting, unless otherwise provided for by the legislation of Georgia.

3. By a simple majority of the members present and voting, the General Meeting of the Bar Association shall:

a) approve the Charter of the Association, and make changes and addenda to it;

b) elect and dismiss the chairperson of the Bar Association, and members of the Executive Board, Ethics Commission and Audit Commission, in the manner established by the Charter of the Association;

c) approve the Code of Professional Ethics for Lawyers and the Regulations on Disciplinary Liabilities and Disciplinary Proceedings of Lawyers;

d) hear the activity reports of the heads of the Executive Committee, Ethics Commission and Audit Commission;

e) establish a fixed amount of membership fee.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2155 of 25 November 2005 – LHG I, No 51, 6.12.2005, Art. 342

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Article 25 - Procedure for making a decision at the General Meeting of the Bar Association and for convening an extraordinary meeting

The procedure for making a decision at the General Meeting of the Bar Association and for convening an extraordinary meeting shall be determined by the Charter of the Association.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Article 26 - Executive Board of the Bar Association

1. The Executive Board is an executive body of the Bar Association, whose sessions shall be held at least once a month.

2. It shall be mandatory for members of the Executive Board to attend its sessions.

3. The Executive Board shall consist of 12 members, out of which 11 members shall be elected by the General Meeting of the Bar Association, for 4 years, from among the members on the current nominal list of the Bar Association, in the manner established by the Charter of the Association.

4. The chairperson of the Bar Association shall, by virtue of his/her position, be a member of the Executive Board of the Bar Association.

5. Candidates who receive more votes than other candidates shall be deemed to be elected as members of the Executive Board.

6. The Executive Board shall be duly constituted if attended by more than half of its members. Decisions shall be made on the basis of a simple majority of members present and voting, unless otherwise provided for by the legislation of Georgia. In the case of equal votes, the chairperson of the meeting shall give the casting vote.

7. The Executive Board of the Bar Association shall:

a) administer the Bar Association collegially;

b) approve the budget of the Bar Association by a majority of the members on the current nominal list;

c) approve the statute of the Qualification Commission of Lawyers;

d) approve the rules of operation of the Training Centre for Lawyers;

e) define the programme of the mandatory continuous legal education for lawyers and the rules for its implementation;

f) approve the costs estimate of the Bar Association for the following year;

g) allocate funds for the Bar Association's needs, and establish the amounts of travel and other administrative expenses;

h) once a year, publish a report on activities performed;

i) on the basis of the existing data and in the manner established by this Law, organise the compilation, modification and publishing of the general list of members of the Bar Association;

j) coordinate the conduct of the bar exam across the entire territory of Georgia, approve the programme and the procedure for conducting the bar exam, and set the date of the bar exam;

k) organise the taking of the oath by lawyers;

l) execute the decisions of the General Meeting, Ethics Commission and Audit Commission of the Bar Association;

m) approve the staff list of the Bar Association, the amount of the remuneration of the chairperson of the Bar Association and other employees;

n) approve the samples of the certificate confirming the right to practise the profession of lawyer and of an order of a lawyer;

o) establish international relations and act as a representative of the Bar Association in such relations;

p) maintain personal records of lawyers and their interns;

q) on the basis of a bilateral request, act as an arbiter between the parties to a dispute, such as members of the Bar Association or between the members and their clients;

r) publish an information bulletin for lawyers or other periodicals;

s) where the chairperson of the Bar Association is unable to perform his/her duties, elect an acting chairperson from among its members in order to perform the duties of the chairperson temporarily;

s^1) in accordance with Article 10 of the Law of Georgia on Legal Aid, elect three members of the Legal Aid Council;

t) exercise other powers provided for by this Law and the Charter of the Association, which do not fall within the authority of other bodies of the Bar Association.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2155 of 25 November 2005 – LHG I, No 51, 6.12.2005, Art. 342

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Law of Georgia No 1780 of 13 December 2013 - website, 28.12.2013

Article 26^1 - Procedure for selecting members of the Legal Aid Council

1. Three members of the Legal Aid Council shall be elected by the Executive Board from among the members of the Bar Association. Any of the members attending the session of the Executive Board may nominate a candidate.

2. In order to nominate a member of the Bar Association to the Legal Aid Council, their prior consent is necessary.

3. If, as a result of the voting, the necessary number of votes has been obtained by fewer than the number of candidates to be elected, the candidates who have not obtained the necessary amount of votes shall be put to the vote again. The number of candidates with the best results necessary to occupy the vacancies shall be deemed to be elected. At the same time, the number of votes obtained by each candidate may not be less than 1/3 of the total votes in the voting.

4. If as a result of voting, the necessary number of votes has been obtained by more than the number of candidates to be elected, the number of candidates with best results necessary to occupy the vacancies shall be deemed elected.

Law of Georgia No 1780 of 13 December 2013 - website, 28.12.2013

Article 27 - Chairperson of the Bar Association

1. The General Meeting of the Bar Association shall elect a chairperson for four years from among the members of the Bar Association on the basis of the prior written consent of the candidate.

2. The chairperson of the Bar Association shall, at the same time, act as the chairperson of the Executive Board and represent the Bar Association.

3. The chairperson of the Bar Association shall receive remuneration from the funds of the Bar Association and may not practise the profession of lawyer during the period of his/her tenure.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Article 28 - Ethics Commission

1. The Ethics Commission shall be composed of 15 members, at least 12 of whom shall be lawyers. The General Meeting of the Bar Association shall elect the members of the Ethics Commission for four years in the manner established by the Charter of the Association.

2. Candidates who obtain more votes than the other candidates shall be deemed elected as members of the Ethics Commission.

3. A lawyer of the Ethics Commission shall be a person who has attained the age of 30, with at least 5 years professional experience.

4. The Ethics Commission shall be independent and perform its activities in accordance with this Law and on the basis of the principles of professional ethics.

5. A member of the Ethics Commission may be re-elected only once.

6. The Ethics Commission shall, from among its members, by secret ballot, for a term of 4 years, by majority of the members on the current nominal list, elect the chairperson of the Commission, who, at the same time, shall be a member of the Bar Association.

7. The Ethics Commission shall verify the information received about a lawyer, examine its validity and decide on the disciplinary liability of the lawyer.

8. Anonymous letters and notifications may not be the basis for examining the disciplinary liability of a lawyer.

9. The procedure for deciding on the disciplinary liability of lawyers and for conducting disciplinary proceedings shall be determined by a regulation approved by the General Meeting of the Bar Association.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Article 29 - Audit Commission

1. The Audit Commission shall be established for monitoring compliance with this Law and with the Charter of the Association and for monitoring the use of financial resources or other property in compliance with the statutory objectives by the chairperson of the Bar Association, by the Executive Board, the executive secretary and by persons appointed (approved) by them.

2. The Audit Commission shall consist of 5 members elected by the General Meeting of the Bar Association for four years.

3. Candidates who receive more votes than the other candidates shall be deemed elected as members of the Audit Commission.

4. The Audit Commission shall, from among its members, elect the chairperson for four years by a majority of the members on the current nominal list.

5. For the purpose of inspecting the financial activities provided for in paragraph 1 of this article, the Audit Commission shall select and invite an independent auditor every year through a competition.

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Article 30 - Restrictions with respect to the election of a lawyer as a member of the Executive Board, Ethics Commission and Audit Commission

1. A lawyer may not be elected as a member of the Executive Board, Ethics Commission or Audit Commission if he/she:

a) has not fulfilled the pecuniary liabilities imposed by a court;

b) has been charged with a criminal offence;

c) has been subject to a disciplinary measure for the previous three years or has been suspended from membership of the Bar Association for the previous three years.

2. The chairperson of the Bar Association or the Executive Board, or a member of the Ethics Commission or Audit Commission, may be re-elected only twice consecutively.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Article 31 - Termination of a lawyer's membership of the Executive Board, Ethics Commission and Audit Commission

1. A lawyer's membership of the Executive Board, Ethics Commission and Audit Commission shall be terminated:

a) upon a personal application;

b) in the case of the suspension of the right to practise the profession of lawyer;

c) after the expiry of the term of office, upon the election of a new member;

d) in the case of termination of membership of the Bar Association;

2. If a lawyer's term of membership of the Executive Board, Ethics Commission or Audit Commission is terminated prematurely, a new member shall be

elected at the nearest General Meeting for the remaining term of membership. If the number of the members of the Executive Board, Ethics Commission or Audit Commission turns out to be less than half of the total members, a General Meeting shall be convened immediately in order to elect new members.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 2040 of 17 November 2009 - LGH I, No38, 1.12.2009, Art. 280

Chapter VI - Liability of Lawyers

Article 32 - Grounds for imposing disciplinary liability on lawyers

1. Disciplinary liability shall be imposed on a lawyer for:

a) the non-performance of the duties provided for in Article 5-9 of this Law;

b) a violation of the Code of Professional Ethics for Lawyers.

2. Disciplinary liability shall not be imposed on a lawyer if five years have elapsed since the day of the commission of the disciplinary misconduct.

Law of Georgia No 2040 of 17 November 2009 - LGH I, No 38, 1.12.2009, Art. 280

Article 33 - Initiating disciplinary proceedings against a lawyer

Disciplinary proceedings against a lawyer may be initiated by the Ethics Commission of the Bar Association. The Ethics Commission shall, within one month after receiving the relevant information, make a decision to initiate disciplinary proceedings or to refuse to initiate proceedings.

Article 34 - Types of disciplinary sanctions and disciplinary measures applied against lawyers

1. The following shall be the types of disciplinary sanctions applied against lawyers:

a) a warning;

b) deprivation of the right to practise the profession of lawyer for a period of between six months up to three years;

c) termination of membership of the Bar Association.

2. The following shall be the disciplinary measures applied against lawyers:

a) the giving of a private recommendation letter;

b) termination of authority of a member of the Bar Association, Executive Board, Ethics Commission and Audit Commission.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Article 35 - Procedure for imposing disciplinary sanctions on lawyers

1. The imposition of a disciplinary sanction on a lawyer shall be considered collegially at a session of the Ethics Commission consisting of three members, and the decision shall be made by a majority of votes. A decision on the deprivation of the right to practise the profession of lawyer and on the termination of membership of the Bar Association shall be made by the Ethics Commission consisting of at least 12 members, and at least 10 votes of the members shall be necessary to make a decision on the mentioned issues. In the case of a dissenting opinion, it shall be attached to the decision.

2. Prior to the adoption of a decision by the Ethics Commission, a lawyer shall have the opportunity to express their opinion orally or in writing and present evidence, and to fully avail themselves of the right of defence.

3. The session of the Ethics Commission shall be closed, and the decision shall be announced publicly.

4. If a lawyer fails to appear at the session of the Ethics Commission, the consideration of the issue shall be postponed for 10 days. The repeated failure of the lawyer to appear without reasonable cause shall not preclude the consideration of the issue.

5. The decision of the Ethics Commission shall be substantiated and it shall be served upon the lawyer in person within five days after its announcement, and in the case of the failure of the lawyer to appear, the decision shall be sent to him/her within the same time limit.

6. A lawyer may appeal the decision to the Supreme Court within one month after the service of the decision.

Law of Georgia No 2040 of 17 November 2009 - LGH I, No 38, 1.12.2009, Art. 280

Article 35[1] - Disciplinary liability of lawyers appointed at the expense of the State

If a lawyer appointed at the expense of the State fails to appear in court without reasonable cause or refuses to provide defence services, the court may apply to the Bar Association with a recommendation to take disciplinary measures against the lawyer.

Law of Georgia No 4332 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 39

Article 36 - Liability of lawyers

If a lawyer commits an offence, he/she shall be held liable in accordance with the general procedure established by the legislation of Georgia.

Article 37 - Incentives for lawyers

The General Meeting of the Bar Association may, upon the recommendation of the Executive Board, establish certain forms and rules for providing incentives to lawyers for successful legal practice.

Chapter VIII - Legal Protection of Lawyers

Article 38 - Legal protection of lawyers

1. A lawyer shall practise the profession of lawyer independently and without interference.

2. Lawyers shall be equal before the law.

3. A lawyer may not be interrogated as a witness with respect to a case in which he/she has participated as a lawyer (as a defence counsel or representative).

4. A lawyer shall not be held liable for any statements made by him/her in the interests of his/her client, either orally or in writing, before a court or an administrative body.

5. (Deleted).

6. Any information received by a lawyer from a client or from another person seeking legal advice shall be confidential.

7. Any kind of eavesdropping and recording of conversations between a lawyer and a client shall be impermissible, and written communication between them shall be inviolable.

8. Criminal proceedings against a lawyer shall be reviewed by a district (city) court according to jurisdiction.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 1364 of 20 April 2005 – LHG I, No 19, 28.4.2005, Article 136

Chapter IX - Lawyer's Gown

Article 39 - Lawyer's gown

1. By decision of the General Meeting of the Bar Association, special clothes – a lawyer's gown, may be introduced during legal proceedings in Constitutional and common jurisdiction courts.

2. The form of lawyer's gown shall be approved by the General Meeting of the Bar Association upon the recommendation of the Executive Board.

Chapter X – Transitional and Final Provisions

Article 40 - Bar exams in a transitional period

1. The High Council of Justice of Georgia shall ensure the conduct of bar exams prior to the establishment of the Bar Association.

2. At least half of the members of the Qualification Commission of Lawyers shall be representatives of other associations of lawyers and legal

professionals (law firms, non-entrepreneurial (non-commercial) legal persons, etc.).

3. The President of Georgia shall, upon the recommendation of the High Council of Justice of Georgia, approve the procedure for establishing the Qualification Commission of Lawyers, the exam programme, and the the procedure and time limits for conducting the exam.

4. Persons who have not passed the bar exam and have not acquired certificates which confirm they have passed the exam, may not exercise the powers of a representative in courts of appeal and cassation, except for employees of state and local self-government bodies and organisations, and only with respect to the cases of these bodies and organisations.

Law of Georgia No 2303 of 2 June 2003- LHG I, No 13, 2.6.2003, Art. 86

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Law of Georgia No 3980 of 14 December 2006 - LHG I, No 48, 22.12.2006, Art. 348

Law of Georgia No 4332 of 29 December 2006 – LHG I, No 2, 4.1.2007, Art. 39

Article 41 - Joining the Georgian Bar Association before the establishment of the Bar Association

1. Prior to the establishment of the Bar Association, persons wishing to join the Georgian Bar Association shall apply the High Council of Justice of Georgia.

2. The High Council of Justice of Georgia shall compile a list of persons who have passed the exam.

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art.55

Article 42 - First General Meeting of the Bar Association and the Bar Exam

1. After conducting first two exams, but not later than 1 March 2005, the High Council of Justice of Georgia shall convene the constitutive meeting of the Bar Association. The right to participate in the constitutive meeting may be exercised by a person who:

a) requests in writing to join the Bar Association, and submits a relevant application to the High Council of Justice of Georgia not later than 31 January 2005;

a) meets the requirements of Article 10 of this Law.

2. The High Council of Justice of Georgia shall, on the basis of submitted applications, make and publish, before 15 February 2005, the list of persons who have the right to participate in the constitutive meeting. Applicants not included in the list of participants of the constitutive meeting may appeal the decision of the High Council of Justice of Georgia to a court within five days after its publication.

3. The constitutive meeting shall be duly constituted if attended by more than half of the persons who have the right to participate in the constitutive meeting and who have taken the oath of a lawyer in the manner determined by the law. Decisions at the constitutive meeting shall be made by a majority of the members present, except for the case provided for in paragraph 10 of this article. The number of the attending members shall be counted before each vote.

4. The Secretary of the High Council of Justice of Georgia shall open the constitutive meeting. Before the election of the chairperson, the oldest attending member shall preside over the constitutive meeting.

5. The oldest member shall read the oath of a lawyer. After the text has been read, the attending members shall pronounce 'I swear' and sign the text of the oath. A person who, due to their ideology refuses to take the oath, shall write a statement.

6. The constitutive meeting shall elect the vote counting commission composed of 11 members. The chairperson of the commission shall be elected by the commission from among its members. The vote counting commission shall ensure the entry in the ballot papers of the names of candidates nominated for leading positions and for the membership of bodies to be elected at the constitutive meeting,and distribute the ballot papers among the members of the General Meeting.

7. Any participant of the constitutive meeting may nominate a candidate for the chairperson of the Bar Association, and for the membership of the Executive Board, Ethics Commission and Audit Commission.

8. The same person may be nominated as a candidate for membership of the Executive Board, Ethics Commission and Audit Commission.

9. Before being put to the vote, each candidate nominated for the elective body shall announce their consent to run as a candidate. If a person has been simultaneously nominated as a candidate for membership in two or all three bodies, he/she shall announce their wish and consent to run as a member of only one body and, consequently, his/her candidacy shall be included only in one ballot paper.

10. A candidate shall be deemed elected if he/she obtains a majority of votes of the members participating in the vote, but not less than 35 votes. Candidates with an equal number of votes shall be put to repeat voting if the number of such candidates exceeds the number of the candidates to be elected. If as a result of the vote the number of the vacancies of the relevant bodies required by law has not been filled, a repeat vote shall be held among the candidates with the best results, but with less than 35 votes, and the number of the candidates shall be equal to the number of members to be elected. If more candidates than required obtain equal best results, or if several candidates following the one with the best results receive an equal number of votes, all the candidates shall be put to a repeat vote. If after two rounds of voting candidates fail to receive the minimum number of votes sufficient to fill the vacancies in the bodies provided for by law, a re-run vote shall be held.

11. The vote counting commission shall draw up the results of a vote in a protocol, which shall be signed by the chairperson and all members of the commission. The chairperson of the vote counting commission shall announce the final results at the General Meeting.

Law of Georgia No 2303 of 2 June 2003- LHG I, No 13, 2.6.2003, Art. 86

Law of Georgia No 304 of 1 July 2004 – LHG I, No 20, 16.7.2004, Article 102

Law of Georgia No 970 of 29 December 2004 - LHG I, No 6, 19.1.2005, Art. 55

Law of Georgia No 2155 of 25 November 2005 - LHG I, No 51, 6.12.2005 , Art. 342

Article 43 - Registration of law firms in a transitional period

1. Common courts shall, after 1 February 2005, register law firms established as entrepreneurial legal entities, in accordance with the requirements of Article 18(1) of this Law.

2. The registration documents of law firms established as entrepreneurial legal entities before 1 February 2005 shall be brought into compliance with the requirements of Article 18 of this Law before 1 June 2006.

Law of Georgia No 2303 of 2 June 2003- LHG I, No 13, 2.6.2003, Art. 86

Article 44 - Approval of the Code of Professional Ethics for Lawyers

The Bar Association shall, within three months after convening the first General Meeting, approve the Code of Professional Ethics for Lawyers.

Article 45 - Invalid normative acts and normative acts to be adopted in connection with the entry into force of this Law

1. The Regulation on the Bar of the Georgian SSR approved by the Law of the Georgian SSR of 12 November 1980 shall be deemed invalid upon the commencement of the operation the Bar Association in the manner established by this Law.

2. Before 1 June 2002, the Laws of Georgia on the Insurance of the Professional Liability of Lawyers and on Public (Treasury) Lawyers shall be adopted.

3. The Committee of the Parliament of Georgia for Legal Issues, Rule of Law and Administrative Reforms shall, within three months after the adoption of this Law, together with the relevant governmental institutions, formulate legislative proposals related to the special tax treatment of lawyers.

4. Before the adoption of the Law of Georgia on Public (Treasury) Lawyers, public (treasury) lawyer services shall be provided by the Office of the Public (Treasury) Lawyer, a legal entity under public law which shall be established by the Ministry of Justice of Georgia in accordance with the Law of Georgia on Legal Entities under Public Law.

Article 46 - Entry into force of the Law

1. This Law shall enter into force upon promulgation.

2. Articles 9 and 32(1)(a) of this Law, with respect to the insurance of professional liability, shall enter into force upon the entry into force of the Law of Georgia on the Insurance of Professional Liability of Lawyers.

President of Georgia **Eduard Shevardnadze**

Tbilisi

20 June 2001

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