

**LAW OF UKRAINE**  
**On the Bar and Practice of Law**  
**(Bulletin of Verkhovna Rada (BVR), 2013, No. 27, p. 282)**

{With amendments introduced by the Law of Ukraine  
No 1702-VII dated 14 October 2014, BVR, 2014, No 50-51, 2057  
No 1404-VIII dated 2 June 2016, BVR, 2016, No 30, 542  
No 1791-VIII dated 20 December 2016, BVR, 2017, No 4, 42  
No 1798-VIII dated 21 December 2016, BVR, 2017, No 7-8, 50  
No 2671-VIII dated 17 January 2019, BVR, 2019, No 18, 73  
No 2704-VIII dated 25 April 2019, BVR, 2019, No 21, 81  
No 198-IX dated 17 October 2019, BVR, 2019, No 50, 356  
No 524-IX dated 04 March 2020, BVR, 2020, No 38, 279  
No 720-IX dated 17 June 2020, BVR, 2020, No 47, 408  
No 2571-IX dated 06.09.2022  
No 2849-IX dated 13.12.2022  
No 2970-IX dated 20.03.2023  
No 3022-IX dated 10.04.2023  
No 4017-IX dated 10.10.2024}

*{For recognition of certain provisions as constitutional, see Decision of the Constitutional Court No. 4-r(II)/2025 of 10 September 2025}*

*{In the text of the Law, the words "mass media" in all cases are replaced by the word "media" in accordance with Law No. 2849-IX dated 13.12.2022}*

NOTE: in Ukrainian text of the Law, the adjective in word combination "legal assistance" has been replaced by another one denoting the same meaning "legal, juridical". The original (правов-ий, -а) term pointed towards connection with the law itself, while the new term (правни-чий, -ча) points towards the professional (правник) licensed to provide the said assistance) in accordance with Law No. 3022-IX dated 04/10/2023.

This Law determines legal foundation of the organization and operation of the Bar of Ukraine and the legal practice in Ukraine.

**Section I.**  
**GENERAL PROVISIONS**

1. In this Law, the terms below shall be used in the following meaning:

**Article 1. Definition of basic terms**

- 1) advocate - an individual practicing law on the grounds and per the procedure provided for by this Law;
- 2) practice of law - independent professional activities of an advocate in the domain of provision of legal defense, representation and other types of legal assistance to a client;
- 3) advocates' self-governance - the right of advocates guaranteed by the State to independently resolve the issues of the organization and operation of the Bar of Ukraine per the procedure provided for by this Law;

- 4) contract on the provision of legal assistance - an arrangement under which one party (an advocate, a law office, or a law firm) undertakes to provide legal defense, representation or other types of legal assistance to the other party (client) in the manner and per the procedure stipulated by the contract, whereas the client undertakes to pay for the legal assistance and cover the actual expenses necessary to perform the contract;
- 5) defense - a type of advocate's practice of law, aimed at ensuring the protection of rights, freedoms and legitimate interests of the defendant, a suspected, accused, convicted or acquitted person, a person to whom compulsory medical or reformation measures are to be applied or with respect to whom the issue of application of the said measures in criminal proceedings is being under consideration, a person regarding whom the issue of transfer to a foreign State (extradition) is being considered, as well as a person brought to administrative liability in the course of administrative offence proceedings;
- 6) other types of legal assistance – types of advocate's practice of law in provision of legal information, assistance on and explanation of legal issues, legal support of a client's activities, drafting of applications, Statements, complaints, pleadings, procedural and other legal documents aimed at ensuring the exercise of rights, freedoms and legitimate interests of a client, preventing violation thereof, as well as at contributing to their restoration in the case of violation;
- 7) client – an individual or a legal entity, the State, a governmental body or a body of local self-government in whose interests the practice of law is carried out;
- 8) conflict of interest - the conflict between the personal interests of an advocate and his/her professional rights and duties, which may affect the advocate's objectivity or impartiality in the course of performance by the advocate of his/her professional duties, as well as may cause him/her to perform or not to perform certain actions in the process of practicing law;
- 9) representation - a type of advocate's practice of law aimed at ensuring exercise of rights and performance of obligations of a client in civil, commercial, administrative and constitutional courts, in other governmental bodies, and in relations with individuals and legal entities, of rights and obligations of a victim in the administrative offence proceedings as well as of the rights and obligations of a victim, a civil plaintiff, and a civil defendant in criminal proceedings.

## **Article 2. The Bar of Ukraine**

1. The Bar of Ukraine is a public, self-governing institution ensuring provision of legal defense, representation and other types of legal assistance on the professional basis and independently resolving issues of organization and operation of the Bar of Ukraine in accordance with the procedure provided for by this Law.
2. The Bar of Ukraine consists of all Ukrainian advocates who have the right to practice law.
3. For the purpose of ensuring proper practice of law, of complying with the guarantees of the practice of law, of protecting advocates' professional rights, of ensuring high level of professionalism of advocates and of resolving issues associated with disciplinary proceedings against advocates, in

### **Article 3. Legal basis for operation of the Bar of Ukraine**

1. The legal basis for the operation of the Bar of Ukraine comprised of the Constitution of Ukraine, this Law and other legislative acts of Ukraine.
2. Relations concerning the adoption, entry into force, administrative appeal, enforcement, and termination of administrative acts in the field of advocacy and legal practice are governed by the Law of Ukraine "On Administrative Procedure," taking into account the specific features defined by this Law.  
{Article 3 supplemented by part two in accordance with Law No. 4017-IX of 10.10.2024}

### **Article 4. Principles and foundations for practice of law**

1. The practice of law shall be based on the principles of the rule of law, legality, independence, confidentiality and avoidance of conflict of interest.
2. A Ukrainian advocate may practice law throughout the entire territory of Ukraine and abroad unless otherwise provided for by an international treaty ratified by Verkhovna Rada of Ukraine, or by the laws of a foreign State.
3. An advocate may practice law as an individual practitioner or in such legal forms of business as law office or law firm (organizational forms of the practice of law).
4. An advocate of a foreign State shall practice law in the entire territory of Ukraine in accordance with this Law unless otherwise provided for by an international treaty ratified by Verkhovna Rada of Ukraine.

### **Article 5. The Bar and the State**

1. The Bar of Ukraine shall be independent of the governmental bodies, local self-government, their officials and officers.
2. The State shall create proper conditions for the operation of the Bar of Ukraine and shall ensure compliance with the guarantees of the practice of law.

## **Section II.**

### **ACQUISITION OF RIGHT TO PRACTICE LAW ORGANIZATIONAL FORMS OF THE PRACTICE OF LAW**

### **Article 6. Advocate**

1. Any individual who has obtained complete higher legal education, has a command of the state language of the level defined in the Law of Ukraine 'On Ensuring Functioning of Ukrainian Language as the State One', has at least two-year experience in the field of law, has passed the Qualification Exam, has successfully completed traineeship (except in cases established by this Law), has taken the oath of advocate of Ukraine, and has obtained the certificate of right to practice law is eligible to be an advocate.

*{Part 1 of Article 6 as amended by the Law No 2704-VIII dated 25 April 2019}*

2. No person may be an advocate who:

- 1) has unspent or unexpunged per the legally established procedure conviction for the grave,

particularly grave crimes as well as non-grave crime with a sentence to the punishment of imprisonment;

*{Paragraph 1 of Part 2 of Article 6 as amended by the Law No 720-IX dated 17 June 2020}*

- 2) was found by court partially or fully incapable;
- 3) was disbarred from practicing law – in the subsequent two years as of the date of the decision on disbarment;
- 4) was dismissed from the position of a judge, prosecutor, investigator, notary, public service officer or local self-government public officer for violation of the oath or for a corruption offence – in the subsequent three years as of the date of such dismissal.

*{Paragraph 4 of Part 2 of Article 6 as amended by the Law No 720-IX dated 17 June 2020}*

3. For the purposes of this Article:

- 1) complete higher legal education means complete higher legal education obtained in Ukraine, as well as complete higher legal education obtained in foreign States and recognized in Ukraine per the procedure established by law;
- 2) working experience in the field of law means a person's working experience in the field of law after obtaining complete higher legal education.

#### **Article 7. Requirements as regards incompatibility**

1. The following activities shall be incompatible with the practice of law:

- 1) work on the positions of persons referred to in paragraph 1 part one Article 3 of the Law of Ukraine “On Preventing Corruption”;  
*{Paragraph 1 of Part 1 of Article 7 as amended by the Law No 524-IX dated 04 March 2020}*
- 2) military or alternative (non-military) service;
- 3) notary activities;
- 4) forensic expert activities.

Requirements as regards the incompatibility with the practice of law provided for in paragraph 1 of this part shall not apply to members of Verkhovna Rada of the Autonomous Republic of Crimea, members of local councils (except for those who exercise their powers in the respective council on a regular basis), members of the High Council of Justice (except for those who work in the High Council of Justice on a regular basis).

*{Paragraph 6 of Part 1 of Article 7 as amended by the Law No 1798-VIII 20 December 2016}*

2. Within three days of the occurrence of the circumstances of incompatibility set out in part 1 of this Article, an advocate shall submit an application for suspension of the practice of law to the regional Bar Council in the place of his/her work.

## **Article 8. Eligibility to take Qualification Exam**

1. A person who intends to become an advocate and meets the requirements of part one and part two of Article 6 of this Law shall have a right to submit to the Qualification and Disciplinary Commission of the Bar in the place of his/her residence an application for permission to take the Qualification Exam. Procedure for obtaining permission to take the Qualification Exam and the list of documents to be attached to the application shall be approved by the Bar Council of Ukraine.

2. Qualification and Disciplinary Commission of the Bar shall check whether the person meets the eligibility requirements set out in part one and part two of Article 6 of this Law. For the purpose of verifying the completeness and reliability of the information communicated by the person who intends to become an advocate, and upon written consent of that person, the respective Qualification and Disciplinary Commission of the Bar, Qualification Chamber or its designated Member may apply with a letter of enquiry to governmental bodies, bodies of local self-government, their officials and officers, enterprises, institutions and organizations regardless of the type of their ownership and subordination, and non-governmental organizations, all of which shall provide the requested information within ten working days of the receipt of the enquiry.

Refusal to provide information in response to the inquiry, untimely or partial disclosure of information or provision of false information shall entail liability established by law.

If a person who intends to become an advocate fails to give his/her written consent to verification of the completeness and reliability of the information communicated by him/her, the person shall not be permitted to take the Qualification Exam.

3. The application for permission to take the Qualification Exam shall be considered within thirty days of the date of receipt of the application.

Upon consideration of the application and the documents attached thereto, the Qualification and Disciplinary Commission of the Bar shall make a decision either:

- 1) to permit the person to take the Qualification Exam; or
- 2) to deny permission to take the Qualification Exam.

The person who has applied for permission to take the Qualification Exam shall be given written notice of the adopted decision within three days of the date of adoption thereof. In the event that the decision adopted is to deny the person permission to take the Qualification Exam, the Qualification and Disciplinary Commission of the Bar shall provide the reasons for such denial in its decision. The decision to refuse admission of a person to the qualification examination shall be made, provided that, where necessary, the person's right to participate in administrative proceedings is ensured in accordance with the Law of Ukraine "On Administrative Procedure." {Part three of Article 8 has been supplemented with a paragraph in accordance with Law No. 4017-IX of 10.10.2024}

4. The decision on denial in permission to the person to take the Qualification Exam may be appealed to the Higher Qualification and Disciplinary Commission of the Bar or to the court within thirty days of thereceipt thereof.

## **Article 9. Qualification Exam**

1. Qualification Exam is attestation of a person who intends to become an advocate.

2. Qualification Exam is testing theoretical knowledge of a person who intends to become an advocate in the field of law, history of the Bar, advocate's professional conduct, as well as testing the level of his/her practical skills and abilities in application of law.

The duty to organize and conduct the Qualification Exam is placed on the Qualification and Disciplinary Commission of the Bar.

The procedure for taking Qualification Exams, the assessment methods and the program of the Qualification Exams shall be approved by the Bar Council of Ukraine. The Bar Council of Ukraine may establish a fee for taking the Qualification Exam and the procedure for payment thereof.

Qualification Exams shall be conducted at least once in three months.

3. Within ten days of the date at which a person passed the Qualification Exam the Qualification and Disciplinary Commission of the Bar shall issue free certificate of completion of the Qualification Exam to the person.

The certificate of completion of the Qualification Exam shall be valid for three years from the date of taking the exam.

Sample certificate of completion of the Qualification Exam shall be approved by the Bar Council of Ukraine.

4. A person who failed to pass the Qualification Exam may be permitted to take another exam no earlier than six months thereafter. A person who failed to pass a second Qualification Exam may be permitted to take the next Qualification Exam no earlier than one year thereafter.

5. A person who failed to pass the Qualification Exam may, within thirty days from the receipt of the respective decision of the Qualification and Disciplinary Commission of the Bar, appeal the decision to the Higher Qualification and Disciplinary Commission of the Bar or to the court, any of which may either affirm the impugned decision or oblige the Qualification and Disciplinary Commission of the Bar to hold another Qualification Exam of that person at the nearest time of holding exams.

#### **Article 10. Advocate's trainee. Traineeship**

1. Traineeship is verification of readiness of a person who has obtained a certificate of completion of the Qualification Exam to independently practice law. Traineeship shall last six months and shall be under the supervision of an advocate designated by the regional Bar Council.

2. A person may be an advocate's trainee if he/she has a valid certificate of completion of the Qualification Exam on the date of commencement of the traineeship.

A trainee may undertake the traineeship during his/her off-duty time.

3. The traineeship may be supervised by an advocate of Ukraine who has been practicing law for at least five years. One advocate may supervise traineeship of not more than three trainees simultaneously. The regional Bar Council may appoint a traineeship supervisor from among advocates whose official workplace address is in the respective region.

4. The procedure for traineeship, the program and the traineeship assessment methods shall be approved by the Bar Council of Ukraine.

The rate of traineeship fee shall be determined taking into account the need to cover the cost of operation of regional Bar Councils, the Bar Council of Ukraine, as well as expenses of traineeship supervisor in connection therewith and cannot exceed the rate of three minimum monthly wages, as of day of filing application for traineeship.

Given the above, the traineeship fee shall be distributed as follows:

seventy per cent of the fee is payable by the trainee directly to the traineeship supervisor and shall be used solely for the purposes of ensuring proper training and compensating expenses of the traineeship supervisor in connection therewith;

thirty per cent is payable by the trainee to support activities of the relevant regional Bar Council, Bar Council of Ukraine.

*{Part 4 of Article 10 as amended by the Law No 1791-VIII dated 20 December 2016}*

5. The persons who have at least one year experience of working as an assistant advocate for two years preceding submission of the application for permission to take the Qualification Exam shall be exempt from the duty to take traineeship.

6. Based on traineeship results, the supervisor of the traineeship shall draft an assessment report and submit it to the regional Bar Council.

7. Traineeship results shall be assessed by the regional Bar Council within thirty days of the receipt of the report.

Based on the assessment of traineeship results, the regional Bar Council shall take a decision either to:

1) issue the certificate of right to practice law; or

2) extend the term of traineeship for a period of one to three months.

The decision to extend the traineeship shall be made, provided that, where necessary, the person's right to participate in administrative proceedings is ensured in accordance with the Law of Ukraine "On Administrative Procedure."

*{Part seven of Article 10 has been supplemented with a new paragraph in accordance with Law No. 4017-IX of 10.10.2024}*

The advocate's trainee and the traineeship supervisor shall be given written notice of the decision of the council within three days of the date of adoption of the decision.

The decision of the regional Bar Council on the extension of the term of traineeship may, within thirty days of the receipt thereof, be appealed by the advocate's trainee or the traineeship supervisor to the Bar Council of Ukraine or to the court, any of which may either affirm the impugned decision or oblige the regional Bar Council to issue the certificate of right to practice law.

9. In case where regional Bar Council decided to extend the term of traineeship, the amount of additional fee payable cannot exceed half of minimum wage, as of the day of passing such decision, for every additional month of traineeship.

*{Article 10 supplemented by Part 9 by the Law No 1791-VIII dated 20 December 2016}*

## **Article 11. Oath of advocate of Ukraine**

1. In the event that the regional Bar Council takes a decision to issue the certificate of right to practice law to a person, that person shall, within thirty days of the date of the decision, take before the regional Bar Council the oath of advocate of Ukraine of the text as follows:

*“I, (name and surname), hereby solemnly swear that in my practice of law, I will comply with the principles of the rule of law, legality, independence and confidentiality, Rules of Professional Conduct, I will honestly and faithfully support the right to defense and provide legal assistance in accordance with the Constitution of Ukraine and laws of Ukraine, and I will discharge my duties to the best of my knowledge and ability and will abide by the Oath.”*

2. The text of the Oath of advocate of Ukraine shall be signed by the advocate taking the Oath and deposited with the regional Bar Council, whereas a copy thereof shall be given to the advocate.

## **Article 12. Certificate of right to practice law, ID card of advocate of Ukraine**

1. On the day of taking the oath, the regional Bar Council shall issue a free certificate of right to practice law and an ID card of advocate of Ukraine to the person who has taken the oath of advocate of Ukraine.

2. The term of validity of the certificate of right to practice law and of the ID card of advocate of Ukraine shall not be limited by the person's age and shall be indefinite.

A sample certificate of right to practice law and a sample ID card of advocate of Ukraine shall be approved by the Bar Council of Ukraine.

## **Article 13. Individual practice of law by advocate**

1. An advocate who practices law as an individual practitioner is a self-employed person.

2. An advocate who practices law as an individual practitioner may open bank accounts, have a seal, stamps, letterheads (including warrants) indicating his/her name, surname and patronymic, the reference number and the date of issuance of the certificate of right to practice law.

## **Article 14. Law office**

1. Law office is a legal entity founded by one advocate and operating under the articles of association. The name of a law office must contain the surname of the advocate who founded it.

2. State registration of a law office shall be carried out in accordance with the procedure established by the Law of Ukraine “On State Registration of Legal Entities and Individuals-Private Entrepreneurs” subject to the specific provisions established in this Law.

3. A law office has its own balance sheet, may open bank accounts, have a seal, stamps and letterheads with its name.

4. The advocate – founder of a law office, shall give written notice of incorporation, reorganization or liquidation of the law office to the respective regional Bar Council within three days of the date at which the respective information was entered into the Single State Register of Legal Entities and Individuals-Private Entrepreneurs.

5. The respective law office shall be named as a party to the agreements on the provision of legal assistance.

6. The law office may enter into contracts with other advocates to involve them in the performance of the agreements on the provision of legal assistance to which it is a party. The law office shall ensure observance of the professional rights of advocates and of the guarantees of the practice of law.

#### **Article 15. Law firm**

1. The law firm is a legal entity founded through association of at least two advocates (Members) and operating under the articles of association.

2. State registration of the law firm shall be carried out in accordance with the procedure established by the Law of Ukraine “On State Registration of Legal Entities and Individuals-Private Entrepreneurs” subject to the specific provisions established in this Law.

3. The law firm has its own balance, may open bank accounts, have a seal, stamps and letterheads with its name.

4. The law firm shall give written notice to the respective regional Bar Council of incorporation, reorganization or liquidation of the law firm, and any change in its Membership within three days of the date at which the respective information was entered into the Single State Register of Legal Entities and Individuals-Private Entrepreneurs.

5. The respective law firm shall be named as a party to the agreements on the provision of legal assistance. On behalf of the law firm an agreement on the provision of legal assistance shall be signed by a Member of the law firm authorized by the power of advocate or the articles of association of the law firm.

6. The law firm may enter into contracts with other advocates to involve them in the performance of agreements on the provision of legal assistance concluded by the law firm. The law firm shall ensure the observance of the professional rights of advocates and of the guarantees of the practice of law.

#### **Article 16. Assistant advocate**

1. An advocate may have assistants from among the persons who have obtained complete higher education. The assistant advocate shall be employed on the basis of an employment agreement (contract) concluded with an advocate, law office, law firm in compliance with this Law and labor legislation.

2. The assistant advocate shall perform the advocate’s assignments relating to the cases handled by the advocate except for those within the exclusive procedural competence (rights and obligations) of

the advocate.

3. The regulation on assistant advocate shall be approved by the Bar Council of Ukraine.

4. The assistant advocate shall not be allowed to combine his/her work for the advocate with the activities incompatible with the activities of the advocate. The persons set out in part two of Article 6 of this Law may not be assistant advocates.

### **Article 17. Unified Register of Advocates of Ukraine**

1. The Bar Council of Ukraine shall maintain the Unified Register of Advocates of Ukraine for the purpose of collection, storage, recording and provision of reliable information on the number and names of advocates carrying out activities in Ukraine and of the advocates of foreign States who have acquired the right to practice law in Ukraine in accordance with this Law, and on the organizational forms of the practice of law selected by advocates. The respective regional Bar Councils and the Bar Council of Ukraine shall enter the relevant information into the Unified Register of Advocates of Ukraine.

2. The following information is entered into the Unified Register of Advocates of Ukraine:

- 1) surname, name and patronymic of the advocate;
- 2) the number and date of issuance of the certificate of the right to practice law, the number and date of the decision on the issuance of a certificate of the right to practice law (number and date of the decision to include an advocate of a foreign State in the Unified Register of Advocates of Ukraine);
- 3) name and location of the organizational form of advocacy, numbers of means of communication;
- 4) address of the advocate's workplace, numbers of means of communication;
- 5) information on the suspension or termination of the right to practice law;
- 6) other information provided for by this Law.

The address of the advocate's workplace is the location of the organizational form of advocacy chosen by the advocate or the address of the actual place of advocacy, if it is different from the location of the organizational form of advocacy chosen by the advocate. In case several addresses of the advocate's workplaces exist, only one address of the advocate's workplace is entered into the Unified Register of Advocates of Ukraine.

3. Within three days of the date of changes in his/her personal data that have been entered or are to be entered into the Unified Register of Advocates of Ukraine, the advocate shall give written notice of such changes to the regional Bar Council at the location of his/her workplace address, except when those changes are made on the basis of the decision of the Qualification and Disciplinary Commission of the Bar.

4. The information entered into the Unified Register of Advocates of Ukraine shall be available at the official website of Ukrainian National Bar Association. The Bar Council of Ukraine and the

respective regional Bar Councils shall provide excerpts from the Unified Register of Advocates of Ukraine upon request by an advocate or another person.

5. The information to be entered into the Unified Register of Advocates of Ukraine shall be entered into the Register no later than on the day following the date of receipt by the regional Bar Council of the relevant information, unless otherwise provided for by this Law.

6. The procedure for maintaining the Unified Register of Advocates of Ukraine shall be approved by the Bar Council of Ukraine.

7. For the purpose of maintaining the Unified Register of Advocates of Ukraine, the processing of the personal data of individuals in accordance with the legislation on personal data protection shall be permitted.

#### **Article 18. Unions of advocates**

1. Advocates shall have the right to found local, national and international unions in accordance with the procedure established by law.

2. Advocates and unions of advocates may become Members of international organizations of advocates and lawyers.

### **Section III.**

#### **TYPES OF PRACTICE OF LAW**

#### **ADVOCATE'S RIGHTS AND DUTIES. GUARANTEES OF PRACTICE OF LAW**

#### **Article 19. Types of practice of law**

1. The types of the practice of law are the following:

- 1) provision of legal information, assistance and explanations on legal issues, legal support to individuals and legal entities, governmental bodies, local self-government, and the State;
- 2) drafting of applications, statements, complaints, pleadings, procedural and other legal documents;
- 3) protection of rights, freedoms and legitimate interests of the defendant, a suspected, accused, convicted or acquitted person, a person to whom compulsory medical or reformation measures are to be applied or with respect to whom the issue of application of the said measures in criminal proceedings is being under consideration, a person regarding whom the issue of transfer to a foreign State (extradition) is being considered, as well as a person brought to administrative liability in the course of administrative offence proceedings;
- 4) provision of legal assistance to a witness in criminal proceedings;
- 5) representation of interests of a victim in the course of administrative offence proceedings, rights and obligations of a victim, civil plaintiff, and civil defendant in criminal proceedings;

- 6) representation of interests of individuals and legal entities in civil, commercial, administrative and constitutional courts, in other governmental bodies, in relations with other individuals and legal entities;
  - 7) representation of interests of individuals and legal entities, the State, governmental bodies and local self-government in foreign and international courts, unless otherwise provided for bylaws of the foreign States, statutory documents of international judicial bodies and other international organizations or by international treaties ratified by Verkhovna Rada of Ukraine;
  - 8) provision of legal assistance in the course of enforcement and serving of criminal sentences. An advocate may engage in other types of practice of law that are not prohibited by law.
  - 9) protection of rights, freedoms, legitimate interests of a whistleblower in connection with him reporting information about corruption or corruption-related offence.
- {Part 1 of Article 19 supplemented with Paragraph 9 by the Law No 198-IX 17 October 2019}*

Advocate may carry out other kinds of practice of law, not prohibited by law.

#### **Article 20. Professional rights of advocate**

1. While practicing law, an advocate shall have the right to perform any actions that are not prohibited by law, by the Rules of Professional Conduct and by the agreement on the provision of legal assistance and that are necessary for the proper performance of the agreement on provision of legal assistance, inter alia:

- 1) to submit advocate's letters of enquiry, including those for obtaining copies of documents, to governmental bodies, local self-government, their officials and officers, enterprises, institutions, organizations, non-governmental organizations, and individuals (subject to the consent of such individuals);
- 2) to represent and protect rights, freedoms and interests of individuals, rights and interests of legal entities in any court, governmental bodies, local self-government, enterprises, institutions, or organizations irrespective of their form of ownership, non-governmental organizations, in relations with citizens, officials and officers whose competence encompasses resolution of respective issues in Ukraine and beyond its borders;
- 3) on the premises of enterprises, institutions and organizations, to review documents and materials necessary for the practice of law, except for those containing classified information;
- 4) to draft applications, Statements, complaints, motions and other legal documents and to file them in the manner prescribed by law;
- 5) to report motions and complaints during audiences with officials and officers and to obtain, in accordance with law, motivated written responses to the said motions and complaints from the officials and officers;
- 6) to be present during consideration of his/her motions and complaints at the meetings of the

collegial bodies and to provide explanations regarding the motions and complaints;

- 7) to collect information about facts that can be produced in evidence, to request for, receive, and seize objects, documents and copies thereof, to inspect them and to interrogate persons subject to their consent in accordance with the procedure prescribed by law;
- 8) to apply technical means, including those used to copy materials of the case file, where the advocate provides legal defense, representation or other types of legal assistance, to record procedural actions in which he/she is involved and the process of the hearing in the manner prescribed by law;
- 9) to attest photocopies of documents in the cases he/she is in charge of, except when photocopies of documents are legally required to be attested in the specific manner established by law;
- 10) to obtain written opinions of specialists, experts on the issues requiring special knowledge;
- 11) to exercise other rights provided for by this Law and other laws.

#### **Article 21. Professional duties of advocate**

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

- 1) abide by the oath of advocate of Ukraine and the Rules of Professional Conduct;
- 2) give his/her client, upon the client's demand, a report on the performance of the agreement on the provision of legal assistance;
- 3) promptly notify his/her client of the occurrence of any conflict of interest;
- 4) improve his/her professional level;
- 5) comply with decisions taken by the bodies of advocates' self-government;
- 6) perform other duties provided for by law and the agreement on the provision of legal assistance.

2. The advocate may not:

- 1) exercise his/her rights contrary to the rights, freedoms and legitimate interests of a client;
- 2) disclose advocate-client privilege and use it in his/her own interests or in the interests of the third parties without the client's consent;
- 3) take a stand on the case contrary to the client's will, except when the advocate is confident of the client's self-incrimination;
- 4) refuse to provide legal assistance, except when otherwise established by law.

3. The advocate shall ensure protection of personal data of an individual in his/her possession in accordance with the legislation on personal data protection.

## **Article 22. Advocate-client privilege**

1. Advocate-client privilege includes any information about a client that an advocate, an assistant advocate, advocate's trainee or a person in employment relationship with an advocate became aware of, as well as the matters on which a client (a person who was denied conclusion of an agreement on the provision of legal assistance on the grounds established by this Law) applied to an advocate, law office or law firm, as well as the contents of the recommendations, assistance, or explanations provided by an advocate, documents drafted by an advocate, information stored electronically, and any other documents or information received by an advocate while practicing law.

2. Information or documents may be deprived of the status of advocate-client privilege only upon written request by the client (a person who was denied conclusion of an agreement on the provision of legal assistance on the grounds stipulated by this Law). Information or documents received from the third parties and containing data about them may be disclosed in compliance with the requirements of the legislation on personal data protection.

3. The obligation to maintain advocate-client privilege shall extend to an advocate, an assistant to advocate, advocate's trainee or persons in employment relationships with the advocate, law office, law firm and a person whose right to practice law was suspended or terminated. An advocate, law office, and law firm shall ensure conditions that preclude access of third persons to advocate-client privilege or disclosure thereof.

4. In the case of client's complaint against an advocate in connection with his/her practice of law, the advocate shall be released from the duty to maintain advocate-client privilege to the extent necessary to protect his/her own rights and interests. In that case, a court, a body in charge of disciplinary proceedings against the advocate, other bodies or public officials considering the client's complaint against the advocate or aware of the said complaint, shall take measures to preclude access of third persons to advocate-client privilege and disclosure thereof.

5. Persons guilty of providing third parties with an access to advocate-client privilege or disclosure thereof shall bear liability as established by law.

6. Submission by an advocate in the manner and in cases prescribed by the Law of Ukraine "On Preventing and Combating of Legalization (laundering) of Income Obtained in an Unlawful Way, Terrorism Financing and Financing of Proliferation of Weapons of Mass Destruction" of relevant information to the central body of executive power that is responsible for realization of State policy in the field of prevention and combating of legalization (laundering) of income obtained in an unlawful way, terrorism financing and financing of proliferation of weapons of mass destruction is not a violation of advocate-client privilege.

*{Article 22 supplemented by Part 8 in accordance with the Law of Ukraine No 1702-VII dated 14 October 2014; further amended by Law No 2571-IX dated 06 September 2022}*

7. The advocate does not bear disciplinary, administrative, civil and criminal liability for submission to the central body of executive power, which implements state policy in the field of prevention and

countermeasures against the legalization (laundering) of proceeds obtained through crime, the financing of terrorism and the financing of the proliferation of weapons of mass destruction, information about a financial transaction or to the administrator of the Unified State Register of Legal Entities, Individual Entrepreneurs and Civic Formations of information about the ultimate beneficial owner or the ownership structure of a legal entity, even if such actions caused damage to legal entities or individuals, as well as for other actions, if the advocate acted in within the limits of the Law of Ukraine "On Prevention and Countermeasures against the Legalization (laundering) of Proceeds Obtained through Crime, the Financing of Terrorism and the Financing of the Proliferation of Weapons of Mass Destruction".

*{Article 22 supplemented by part 7 in accordance with the Law of Ukraine No 1702-VII dated 14 October 2014; as amended by the Law No 2571-IX dated 06.09.2022}*

8. Within 10 working days, upon a justified written request of the tax authority sent in accordance with Article 44-2 of the Tax Code of Ukraine, the advocate provides information, and documents related to the trust, if the advocates manages activities, assets or property (is a trust owner) or performs duties of the administrator of such a trust. The list of documents that the advocate must provide at the request of the tax authority regarding the trust is defined by Article 44-2 of the Tax Code of Ukraine.

The advocate does not bear disciplinary, administrative, civil and criminal responsibility for providing the tax authority with information and documents about the trust, even if such actions caused damage to legal entities or individuals, and for other actions, if the advocate acted within the scope of fulfilling the requirements of Article 44-2 of the Tax Code of Ukraine.

*{Article 22 is supplemented by part eight in accordance with Law No. 2970-IX dated 20 March 2023}*

### **Article 23. Guarantees of practice of law**

1. Professional rights, honor and dignity of an advocate are guaranteed and protected by the Constitution of Ukraine, this Law and other laws, in a variety of ways, in particular:

- 1) it is prohibited to interfere with or impede practice of law;
- 2) it is prohibited to demand disclosure of data constituting advocate-client privilege from an advocate, an assistant advocate, advocate's trainee or a person in employment relationship with an advocate, law office, law firm, as well as from a person whose right to practice law was suspended or terminated. None of them may be interrogated about the information except where a person who communicated the respective information has exempted the said persons from the duty to maintain advocate-client privilege as prescribed by law;
- 3) search operations or investigative actions that require special court permission shall be conducted in relation to an advocate on the basis of the respective court decision made upon the motion of the Prosecutor General of Ukraine, his/her deputies, prosecutor of the Autonomous Republic of Crimea, the region or the cities of Kyiv and Sevastopol;
- 4) it is prohibited to examine, disclose, demand procurement of or seize documents relating to the practice of law;
- 5) an advocate is guaranteed equal rights with those of other parties to the proceedings and

compliance with the adversarial principle and freedom in the process of presenting evidence and proving its credibility;

- 6) life, health, honor and dignity of an advocate and of his/her family Members and their property are under protection of the State, and any encroachments thereupon shall entail liability established by law;
- 7) an advocate is guaranteed the right to the measures of safety and protection in respect of him/her while he/she is participating in criminal proceedings in the manner prescribed by law;
- 8) it is prohibited to involve an advocate in confidential collaboration during search operations or investigative actions if such collaboration relates or may lead to the disclosure of advocate-client privilege;
- 9) it is prohibited to interfere with private communication of an advocate and a client;
- 10) the investigator or prosecutor may not submit a motion concerning the legal stance of an advocate on a case; nor may a court pass a separate ruling to that effect;
- 11) it is prohibited to interfere with the legal stance of an advocate;
- 12) a body or officials which detained or imposed restrictive measures on an advocate must immediately give notice thereof to the respective regional Bar Council;
- 13) a report of a suspected criminal offense by an advocate may be made exclusively by the Prosecutor General of Ukraine, his/her deputy, the prosecutor of the Autonomous Republic of Crimea, the region and the cities of Kyiv and Sevastopol;
- 14) an advocate (a person whose right to practice law was suspended or terminated) may not be brought to or threatened with criminal or any other liability in connection with the practice of law where he/she acted in accordance with law;
- 15) none of the advocate's Statements made in the case including those reflecting the stand of the client, and none of his/her Statements in the media may serve the basis for bringing the advocate to liability, as long as his/her Statements are not in breach of the advocate's professional duties;
- 16) it is prohibited to identify an advocate as his/her client;
- 17) any disciplinary proceedings against an advocate shall be conducted under the specially established procedure.

Specifics of certain investigative actions and of injunctive measures in criminal proceedings against an advocate are determined in part two of this Article.

*{Part 1 of Article 23 as amended by the Law No 1798-VIII 21 December 2016}*

2. In the event of a search or inspection of an advocate's residence, other possessions or premises where he/she practices law, or in the event of a temporary access to the advocate's belongings and

documents, the investigating judge or the court shall always specify in their decision the list of items and documents to be found, discovered or seized in the course of conduct of the investigative action or of application of an injunction in the criminal proceedings, and shall also take into account the requirements of paragraphs 2-4, part one of this Article.

Presence of a representative of the regional Bar Council is required during a search or inspection of the advocate's residence, his/her other possessions or premises where he/she practices law, as well as during temporary access to the advocate's belongings and documents, except for the cases provided for by paragraph four of this part. In order to ensure participation of the said representative, the officer who is to conduct the respective investigative action or apply an injunction in the criminal proceedings shall give prior written notice thereof to the regional Bar Council at the location where such procedural action is to be conducted.

In order to ensure compliance with the requirements of this Law regarding non-disclosure of advocate- client privilege, the representative of the regional Bar Council shall be granted the right during the said procedural actions to put questions, submit his/her comments and objections as regards the manner of taking the procedural actions, which all must be recorded in the protocol.

Failure by the representative of the regional Bar Council to appear shall not prevent the respective procedural action from being conducted provided that the regional Bar Council was timely given prior notice thereof.

3. Governmental bodies, local self-government, their officials and officers shall adhere in their relations with advocates to the Constitution of Ukraine and laws of Ukraine, the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto ratified by Verkhovna Rada of Ukraine, and to the practice of the European Court of Human Rights.

#### **Article 24. Advocate's letter of enquiry**

1. Advocate's letter of enquiry is a written application by an advocate submitted to a governmental body, body of local self-government, their officials and officers, enterprises, institutions and organizations irrespective of the form of ownership and subordination, and non-governmental organizations for the provision of information, photocopies of documents necessary for the advocate to provide legal assistance to a client.

An advocate's letter of enquiry shall be accompanied by photocopies of his/her certificate of right to practice law attested by the advocate, warrants or mandates issued by a body (agency) authorized by law to provide free legal aid. It is prohibited to demand of an advocate to submit any other documents together with the advocate's letter of enquiry.

An advocate's letter of enquiry shall not ask for the provision of assistance and clarification of legislative provisions.

Information and photocopies of documents obtained in the course of criminal proceedings shall be provided to the advocate in accordance with the procedure established by the criminal procedure law.

2. A governmental body, a body of local self-government, their officials and officers, managers of enterprises, institutions, organizations and non-governmental organizations that received an

advocate's letter of enquiry shall, within five working days thereafter, provide the advocate with the respective information, photocopies of documents, except for classified information and photocopies of the documents containing classified information.

If an advocate's letter of enquiry asks for provision of a big volume of information or requires an extensive information search, the period for consideration of the advocate's letter of enquiry may be extended for up to twenty working days, in which case the reasons for such extension must be substantiated and a written notice thereof must be given to the advocate within five working days of the receipt of the advocate's letter of enquiry.

If compliance with an advocate's letter of enquiry calls for making photocopies of documents of more than ten pages, the advocate shall reimburse the actual costs of copying and printing. The amount of such costs may not exceed the maximum costs of copying and printing established by the Cabinet of Ministers of Ukraine in accordance with the Law of Ukraine "On Access to Public Information".

3. Refusal to provide information requested for in an advocate's letter of enquiry, untimely or partial disclosure of information, as well as provision of false information shall entail liability established by law, except for the cases of refusal to provide classified information.

#### **Article 25. Provision of free legal aid by advocate**

1. The procedure for and conditions of involving advocates in provision of free legal aid is established by law.

2. Assessment of the quality, completeness and timeliness of provision of free primary legal aid by advocates shall be carried out upon request of the local self-government, and in case of free secondary legal aid – upon request by a body (agency) authorized by law to provide free legal aid, and by the commissions formed by regional Bar Councils for that purpose.

### **Section IV.**

#### **LEGAL ASSISTANCE CONTACT**

#### **Article 26. Grounds for practice of law**

1. Practice of law is performed on the basis of the of legal assistance contract. The documents evidencing the advocate's authority to provide legal assistance shall be as follows:

- 1) legal assistance contract;
- 2) power of attorney;
- 3) warrant;
- 4) mandate from a body (agency) authorized by law to provide free legal aid.

2. Warrant is a written document evidencing, in the cases established by this Law and other laws of Ukraine, the advocate's authority to provide legal assistance. A warrant shall be issued by an advocate, law office or law firm and must have a signature of the advocate. The Bar Council of Ukraine shall approve the standard form of a warrant.

3. Authority of an advocate as of the counsel for the defendant or as of the representative in commercial, civil, administrative proceedings, criminal proceedings, administrative offence proceedings, as well as of the representative authorized by the assignment in constitutional proceedings shall be verified in the order prescribed by law.

4. An advocate shall act within the authority granted to him/her by a client subject to the restrictions on performance of certain procedural actions.

5. The content of the contract on the provision of legal assistance cannot contradict the Constitution of Ukraine and the laws of Ukraine, the interests of the State and society, its moral principles, the oath of an advocate of Ukraine and the Rules of Professional Conduct.

#### **Article 27. Form and contents of the legal assistance contract**

1. The legal assistance contract shall be executed in writing.

2. The legal assistance contract may be concluded in oral form in the following cases:

1) provision of oral and written assistance, explanations of legal issues with further entering of the respective information into the register and service upon the client of a document confirming the fact of payment of fee (remuneration);

2) where a client is in urgent need for legal assistance while conclusion of a written contract is impossible under particular circumstances, provided that such a contract will be duly executed in writing within three days thereafter, or, where such a duly execution is impossible for valid reasons, the contract must be executed in writing as soon as it becomes possible.

3. The legal assistance contract shall be subject to the general requirements of contract law.

4. The legal assistance contract may be made on behalf of a client by another person acting in the client's interests. Specifics of conclusion and the substance of contracts (agreements) with advocates who provide free legal aid shall be established by the law regulating the procedure for the provision of free legal aid.

5. The substance of the agreement on provision of legal assistance shall not be contrary to the Constitution of Ukraine and laws of Ukraine, interests of the State and of the society, good morals, the oath of advocate of Ukraine and the Rules of Professional Conduct.

#### **Article 28. Grounds for refusal to conclude a legal assistance contract**

1. An advocate, law office or law firm shall not enter into the legal assistance contract in the event of conflict of interest.

An advocate shall not enter into the legal assistance contract and shall be obliged to refuse to perform a contract entered into by an advocate, law office or law firm in the event that:

1) the actions authorized by an assignment go beyond the limits of the advocate's professional

rights and duties;

- 2) the result sought by the client or the means of achieving the result that the client insists on are illegal or contrary to good morals, the oath of advocate of Ukraine and the Rules of Professional Conduct;
  - 3) the advocate participated in certain proceedings, which is the reason for his recusal in accordance with the procedural law;
  - 4) the performance of the legal assistance contract may result in the disclosure of advocate-client privilege;
  - 5) the advocate is a family member or a close relative of an official who was or is involved in commercial, civil and administrative proceedings, criminal proceedings, or administrative offence proceedings in respect of which the advocate is addressed with a proposal to enter into the legal assistance contract;
  - 6) the performance of the contract may be contrary to the advocate's own interests or interests of his/her family members or close relatives, a law office or law firm of which the advocate is a founder (member), or is contrary to his/her professional duties, as well as in other circumstances that may result in the occurrence of conflict of interest;
  - 7) the advocate is providing legal assistance to another person whose interests may be in conflict with the interests of a person who applies for the conclusion of the legal assistance contract.
2. In the case of refusal to conclude the legal assistance contract, the advocate shall be obliged to maintain advocate-client privilege communicated to the advocate by the person who addressed him/her with the proposal to conclude such a contract.

#### **Article 29. Termination, rescission of legal assistance contract**

1. The legal assistance contract shall be terminated upon proper performance of obligations thereunder.
2. The legal assistance contract may be early terminated by mutual consent of the parties or at the request of either party thereto under the terms and conditions stipulated therein. The client shall pay the advocate (law office, law firm) a fee (remuneration) for all the work that has been done or prepared to be done, whereas the advocate (law office, law firm) shall notify the client of the possible implications and risks associated with early termination (rescission) of the contract.

#### **Article 30. Advocate's fee**

1. Advocate's fee is a form of remuneration to an advocate for provision of legal defense, representation and other types of legal assistance rendered to a client.
2. The procedure for calculation of the advocate's fee (fixed amount, hourly rate), grounds for changing the amount of the fee, the procedure for payment and reimbursement thereof shall be specified in the legal assistance contract.

3. The complexity of the case, the advocate's qualification and experience, the client's financial conditions and other essential circumstances shall be taken into account in determining the amount of the advocate's fee. The fee must be reasonable and based on the time spent by the advocate.

## **Section V.**

### **SUSPENSION AND TERMINATION OF RIGHT TO PRACTICE LAW**

#### **Article 31. Suspension of right to practice law**

1. The right of an advocate to practice law shall be suspended in the following cases:

- 1) submission by the advocate of an application for suspension of his/her practice of law;
- 2) a court verdict against the advocate for committing a crime becomes effective, except as provided for in paragraph 6, part one of Article 32 of this Law;  
*{Paragraph 2 of the first part of Article 31 as amended in accordance with Law No. 720-IX dated 17 June 2020}*
- 3) imposition of a disciplinary sanction on the advocate in the form of suspension of his/her right to practice law;
- 4) a court by its decision declares the advocate fully or partially incapable.

2. A disciplinary sanction in the form of suspension of the right to practice law may be imposed on the advocate only in the following cases:

- 1) re-occurrence of misconduct within a year;
- 2) failure by the advocate to comply with the requirements as regards incompatibility;
- 3) systematic or a single gross violation of the Rules of Professional Conduct.

3. The right to practice law shall be suspended:

- 1) on the grounds provided for in paragraph 1, part one of this Article, - as of the date of submission by the advocate of the respective application to the regional Bar Council at the location of the advocate's workplace address;
- 2) on the grounds provided for in paragraphs 2 and 4, part one of this Article, - as of the effective date of the respective court decision;
- 3) on the grounds provided for in paragraph 3, part one of this Article, - as of the date of adoption of the respective decision by the Qualification and Disciplinary Commission of the Bar.

A copy of the decision adopted by the Qualification and Disciplinary Commission of the Bar provided for by paragraph 3 of this part shall be sent to the advocate and the respective regional Bar

Council within three days from the date of adoption of the decision. The decision of the Qualification and Disciplinary Commission of the Bar to suspend the right to practice law may, within thirty days from the date of adoption of the decision, be appealed to the Higher Qualification and Disciplinary Commission of the Bar or to the court. The appeal of this decision shall not result in suspension of the decision.

4. The right to practice law shall be restored in the case of:

1) suspension of the right on the grounds provided for in paragraph 1, part one of this Article, - as of the date following the date of receipt by the regional Bar Council of the advocate's application for the restoration of the right to practice law;

2) suspension of the right on the grounds provided for in paragraph 2, part one of this Article, - as of the date following the date of receipt by the regional Bar Council of confirmation that the advocate's conviction has been spent or expunged in the order prescribed by law;

3) suspension of the right on the grounds provided for in paragraph 3, part one of this Article, - as of the date of the end of the period for which the right to practice law was suspended in accordance with the decision of the Qualification and Disciplinary Commission of the Bar;

4) suspension of the right on the grounds provided for in paragraph 4, part one of this Article, - as of the date following the date of the receipt by the regional Bar Council of the respective court decision.

In the event of suspension of the right to practice law on the grounds provided for in paragraph 3, part one of this Article, the said right shall also be restored as of the effective date of the respective court decision or as of the date at which the Higher Qualification and Disciplinary Commission of the Bar adopts the respective decision.

5. The advocate shall have no right to practice law during the period of suspension of the right to practice law, nor may the advocate take part in the work of bodies of advocates' self-government, except when such right was suspended in connection with the appointment of the person to the position in a governmental body by the Congress of Advocates of Ukraine.

6. Information on suspension of the right to practice law shall be entered into the Unified Register of Advocates of Ukraine.

#### **Article 32. Termination of right to practice law**

1. The right of an advocate to practice law shall be terminated by way of cancellation of the certificate of the right to practice law in the following cases:

1) submission by the advocate of an application for termination of the right to practice law;

2) declaring of the advocate missing or declaring of the advocate deceased;

3) the advocate's death;

4) imposition of a disciplinary sanction on the advocate in the form of disbarment;

5) finding of a fact of provision of false information for obtaining the certificate of the right to practice law and for taking the oath of advocate of Ukraine;

6) a court verdict against the advocate for committing a grave crime, a particularly grave crime, or a medium-gravity crime for which he/she is sentenced to imprisonment.

*{ Paragraph 6 of the first part of Article 32 as amended by Law No. 720-IX dated 17 June 2020 }*

2. A disciplinary sanction in the form of disbarment may be imposed on the advocate only in the following cases:

1) violation of the oath of advocate of Ukraine;

2) disclosure by the advocate of advocate-client privilege, use thereof in his/her own interests or in the interests of third parties;

3) infliction of substantial damage on the client as a result of the advocate's illegal actions relating to his/her practicing law, if the fact of such damage was found by a final court decision;

4) systematic or a single gross violation of the Rules of Professional Conduct, which undermines the credibility of the Bar of Ukraine.

3. The right to practice law shall be terminated:

1) on the grounds provided for in paragraph 1, part one of this Article, - as of the date of submission by the advocate of the respective application to the regional Bar Council at the location of the advocate's workplace address;

2) on the grounds provided for in paragraphs 2 and 6, part one of this Article, - as of the effective date of the respective court decision;

3) on the grounds provided for in paragraphs 4 and 5, part one of this Article, - as of the date of adoption of the respective decision by the Qualification and Disciplinary Commission of the Bar.

In the event of termination of the right to practice law on the grounds provided for in paragraphs 4 and 5, part one of this Article, a copy of the decision adopted by the Qualification and Disciplinary Commission of the Bar shall be sent to the advocate and the respective regional Bar Council within three days from the date of adoption of the decision. The decision of the Qualification and Disciplinary Commission of the Bar to terminate the right of an advocate to practice law may, within thirty days from the date of adoption of the decision, be appealed to the Higher Qualification and Disciplinary Commission of the Bar or to the court. The appeal of the decision shall not result in the suspension of the decision.

4. The right to practice law terminated on the grounds provided for in paragraphs 4 and 5, part one of this Article, shall be restored as of the effective date of the respective court decision or as of the date of adoption of the respective decision by the Higher Qualification and Disciplinary Commission of the Bar.

5. Termination of the right to practice law shall result in termination of such kind of activity and the right of the person to take part in the work of the bodies of advocates' self-government.

6. A person whose right to practice law was terminated on the grounds provided for in paragraphs 4 and 5, part one of this Article may apply to the Qualification and Disciplinary Commission of the Bar for the permission to take the Qualification Exam no earlier than two years from the date of adoption of the decision to terminate the right to practice law, and on the grounds provided for in paragraph 6, part one of this Article, - as of the date at which the advocate's conviction was spent or expunged in the order established by law, but no earlier than two years from the effective date of the court verdict against the advocate.

7. Information on termination of the right to practice law shall be entered into the Unified Register of Advocates of Ukraine.

## **Section VI.**

### **ADVOCATE'S DISCIPLINARY LIABILITY**

#### **Article 33. General conditions for advocate's disciplinary liability**

1. The advocate may be subjected to disciplinary liability in the course of disciplinary proceedings on the grounds provided for by this Law.
2. Disciplinary proceedings are the proceedings for the examination of a written complaint containing information on the existence of elements of misconduct in the advocate's actions.
3. Disciplinary proceedings against the advocate shall be conducted by the Qualification and Disciplinary Commission of the Bar at the location of the advocate's workplace address indicated in the Unified Register of Advocates of Ukraine.

#### **Article 34. Grounds for advocate's disciplinary liability**

1. Misconduct by the advocate shall be the ground for disciplinary liability of the advocate.
2. Misconduct of the advocate is:
  - 1) non-compliance with the requirements as regards incompatibility;
  - 2) violation of the oath of advocate of Ukraine;
  - 3) violation of the Rules of Professional Conduct;
  - 4) disclosure of advocate-client privilege or performance of actions that resulted in the disclosure thereof;
  - 5) failure to perform or to properly perform his/her professional duties;
  - 6) failure to comply with the decisions taken by the bodies of advocates' self-government;

7) violation of other advocate's duties provided for by law.

3. A judgment by a court or another body passed against a client of the advocate, or reversal or modification of a judgment by a court or another body passed in a case in which the advocate provided legal defense, representation or other types of legal assistance shall not be the grounds for disciplinary liability of the advocate provided that no misconduct was involved.

### **Article 35. Types of disciplinary sanctions, limitation period of imposition of disciplinary sanctions**

1. Any of the following disciplinary sanctions may be imposed on the advocate for misconduct:

- 1) warning;
- 2) suspension of the right to practice law for a period from one month to one year;
- 3) for Ukrainian advocates – disbarment with further exclusion from the Unified Register of Advocates of Ukraine, and for advocates of foreign States – exclusion from the Unified Register of Advocates of Ukraine.

2. The advocate may be brought to disciplinary liability within one year from the date of misconduct.

### **Article 36. Initiation of disciplinary liability of advocate**

1. Any person who has become aware of the advocate's misconduct which may serve the ground for disciplinary liability of the advocate shall have the right to submit an application (complaint) regarding such misconduct to the Qualification and Disciplinary Commission of the Bar.

2. It shall not be allowed to abuse the right to apply to the Qualification and Disciplinary Commission of the Bar, inter alia, to initiate disciplinary liability of the advocate without having sufficient ground therefor, or to use the said right as a means of pressure upon the advocate in connection with his/her practice of law.

No disciplinary action may be instituted against the advocate upon application (complaint) that does not contain information about the existence of elements of misconduct in the advocate's actions, as well as upon any anonymous application (complaint).

### **Article 37. Stages of disciplinary proceedings**

1. Disciplinary proceedings shall comprise the following stages:

- 1) investigation of the alleged misconduct of the advocate;
- 2) initiation of a disciplinary action;
- 3) examination of the disciplinary action;
- 4) adoption of a decision in the disciplinary action.

### **Article 38. Investigation of alleged misconduct of advocate**

1. An application (complaint) regarding the advocate's misconduct that may serve the ground for disciplinary liability of the advocate shall be registered by the Qualification and Disciplinary Commission of the Bar and, within three days from the date of receipt thereof, transmitted to the Disciplinary Chamber.

2. The staff Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar, authorized by the Chair of the Disciplinary Chamber, shall investigate the allegations of the application (complaint) and address the advocate for written explanations of the allegations.

During the process of investigation, the staff Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar may interrogate the persons who know the circumstances of the advocate's actions displaying elements of misconduct, to obtain, upon written inquiry to governmental bodies, local self-government, their officials and officers, managers of enterprises, institutions and organizations regardless of the form of ownership and subordination, non-governmental organizations and individuals, information necessary to carry out investigation, except for classified information.

The governmental body, body of local self-government, their officials and officers, managers of enterprises, institutions, organizations, non-governmental organizations and individuals to whom an inquiry is sent by the staff Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar shall provide the requested information and photocopies of documents no later than ten working days of the receipt of the inquiry.

Refusal to provide information upon the inquiry of the staff Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar, untimely or partial disclosure of information, as well as provision of false information shall entail liability provided for by law.

Based on the results of the investigation of the application (complaint) by the staff Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar the investigative report, which must contain an account of the facts revealed during the investigation, conclusions and proposals as to the presence of the grounds for instituting a disciplinary action, shall be prepared.

3. The application (complaint) about misconduct of the advocate, the investigative report and all materials of the investigation shall be submitted for examination to the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar.

### **Article 39. Initiation of disciplinary action**

1. Based on the results of investigation of the application (complaint) about the advocate's misconduct, the investigative report and the materials of the investigation, the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar shall pass a decision, by the majority of votes of the Members of the chamber attending the meeting, on the initiation of a disciplinary action or on the refusal to institute a disciplinary action against the advocate.

2. The decision on the initiation of a disciplinary action specifying the venue, date and time of the

examination or the decision on the refusal to institute a disciplinary action shall be sent to or served upon the advocate and the person who initiated the disciplinary action against the advocate against their signatures on the return of service within three days from the date of adoption of the decision. The decision on the initiation of a disciplinary action to be sent to or served on the advocate shall be accompanied by the investigative report made by the Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar based on the results of the investigation.

3. The decision on the initiation of a disciplinary action or the decision on refusal to initiate a disciplinary action may, within thirty days from the date of notification of such decision to the person, be appealed to the Higher Qualification and Disciplinary Commission of the Bar or to the court.

#### **Article 40. Examination of disciplinary action**

1. The disciplinary action against the advocate shall be examined by the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar within thirty days of the date of its initiation.

2. The examination of a disciplinary action shall be based on the adversarial principle. During the examination of the action, the Disciplinary Chamber shall hear the report of the Member of the Disciplinary Chamber who carried out investigation on the results of the investigation, explanations of the advocate subjected to the disciplinary action, of the person who initiated the disciplinary liability of the advocate, as well as of other persons concerned.

The advocate subjected to the disciplinary action and the person who initiated the disciplinary action against the advocate shall have the right to provide explanations, to put questions to other participants in the proceedings, to raise objections, to present evidence in support of their arguments, to file motions and requests for withdrawals, and to use legal assistance of an advocate.

If the advocate subjected to the disciplinary action is unable, for any good reason, to appear in person at the hearing held by the Qualification and Disciplinary Commission of the Bar, he/she may provide written explanations on the raised issues, which will be attached to the case file. The written explanations of the advocate shall be read out at the hearing held by the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar.

Failure by the advocate or by the person who initiated the disciplinary action against the advocate to appear at the hearing held by the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar without any good reason shall not prevent the examination of the action, provided that there is sufficient evidence of giving proper prior notifications of the venue, date and time of the hearing to the said persons. In the event of the repeated failure of the said persons to appear at the hearing of the chamber, the case shall be examined in their absence, regardless of the reasons for their failure to appear.

3. The examination of a disciplinary action against the advocate shall be public, except when public hearing may lead to disclosure of advocate-client privilege.

4. The hearing held by the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar must be recorded in writing in the minutes. The minutes of the hearing shall be signed by the Chair and the Secretary.

## **Article 41. Adoption of decision in disciplinary action**

1. Based on the results of the examination of a disciplinary action, the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar shall decide either to bring the advocate to disciplinary liability for the misconduct and impose a disciplinary sanction on him/her or to dismiss the disciplinary action. The decision of the Disciplinary Chamber shall be adopted by simple majority of votes of all its Members, except for the decision to disbar the advocate, which shall be adopted by two-thirds of votes of all its Members.

The decision on a disciplinary action must be reasoned. Circumstances of the misconduct, its consequences, the advocate's personality and other circumstances shall be taken into account in choosing the type of a disciplinary sanction.

2. The decision in a disciplinary action shall be adopted in the absence of the advocate subjected to the disciplinary action and of the person who initiated the disciplinary action against the advocate.

The Member of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar who conducted investigation of the allegations of the advocate's misconduct shall not participate in voting.

3. The decision shall be announced at the hearing of the Disciplinary Chamber of the Qualification and Disciplinary Commission of the Bar. A copy of the decision shall be sent to or served on the advocate and the person who initiated the disciplinary action against the advocate against their signatures on the return of service within three working days of the date of adoption of the decision.

## **Article 42. Appeals against the decisions in disciplinary actions**

1. The advocate or the person who initiated a disciplinary action against the advocate shall have the right to appeal against the decision in the disciplinary action within thirty days of the date of adoption of the decision to the Higher Qualification and Disciplinary Commission of the Bar or to the court. Appealing the decision shall not result in suspension thereof.

2. The Higher Qualification and Disciplinary Commission of the Bar shall, within ten days of the receipt of the application (complaint), demand the transfer of the documents in the disciplinary case file from the respective Qualification and Disciplinary Commission of the Bar and ensure consideration of the appeal of the decision in the disciplinary action within thirty days of the date of receipt of the disciplinary case file.

## **Section VII.**

### **ADVOCATES' SELF-GOVERNMENT**

## **Article 43. Principles of advocates' self-government**

1. Advocates' self-government is based on the principles of electiveness, transparency, binding decisions of the bodies of advocates' self-government on advocates, accountability, and prohibition against any form of interference by the bodies of advocates' self-government with the advocate's practice of law.

2. Only Ukrainian advocates may participate in the work of bodies of advocates' self-government and may be elected to be their Members.

#### **Article 44. Objectives of advocates' self-government**

1. Objectives of advocates' self-government are:

- 1) ensuring the advocates' independence, protection against interference with the practice of law;
- 2) maintaining high level of professionalism of advocates;
- 3) establishing and ensuring operation of Qualification and Disciplinary Commissions of the Bar;
- 4) creating favorable conditions for practice of law;
- 5) ensuring transparency of information on the Bar of Ukraine and practice of law;
- 6) ensuring maintenance of the Unified Register of Advocates of Ukraine;
- 7) participating in the formation of the High Council of Justice in the order prescribed by law.  
*{Paragraph 7 of Part 1 of Article 44 as amended by the Law No 1798-VIII 21 December 2016}*

#### **Article 45. Ukrainian National Bar Association**

1. Ukrainian National Bar Association is a non-governmental non-profit professional organization comprising all Ukrainian advocates and formed for the purpose of ensuring implementation of the objectives of advocates' self-government.

2. Ukrainian National Bar Association:

- 1) represents the Bar of Ukraine in its relations with governmental bodies, local self-government, their officials and officers, enterprises, institutions and organizations regardless of the form of ownership and subordination, non-governmental and international organizations, and delegates its representatives to governmental bodies;
- 2) protects the professional rights of advocates and provides guarantees of practice of law;
- 3) ensures high level of professionalism of Ukrainian advocates;
- 4) ensures accessibility and transparency of information about Ukrainian advocates;
- 5) performs other functions in accordance with this Law.

3. Ukrainian National Bar Association is a legal entity and operates in the organizational forms of practice of law provided for in this Law.

4. Ukrainian National Bar Association is formed by the Congress of Advocates of Ukraine and may

not be reorganized. Ukrainian National Bar Association may be liquidated only on the basis of the law.

5. The Statute of Ukrainian National Bar Association is approved by the Congress of Advocates of Ukraine and is the statutory document of the Association.

6. As of the moment of State registration of Ukrainian National Bar Association, all the persons who have obtained the certificate of the right to practice law shall become its Members. Other persons shall become Members of Ukrainian National Bar Association as of the moment of taking the oath of advocate of Ukraine.

#### **Article 46. Organizational forms of advocates' self-government**

1. Organizational forms of advocates' self-government are as follows: the Conference of advocates of the region (in the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol), the regional Bar Council (in the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol), the Bar Council of Ukraine, and the Congress of Advocates of Ukraine.

2. Advocates' self-government shall be accomplished through the operation of conferences of advocates of the region (of the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol), of regional Bar Councils (of the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol), of the Qualification and Disciplinary Commissions of the Bar (of the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol), of the Higher Qualification and Disciplinary Commission of the Bar, of regional Bar Audit Commissions (of the Autonomous Republic of Crimea, region, the cities of Kyiv and Sevastopol), of the Higher Audit Commission of the Bar, of the Bar Council of Ukraine, and of the Congress of Advocates of Ukraine.

#### **Article 47. Conference of advocates of the region**

1. The Conference of advocates of the region whose workplace addresses are located in the Autonomous Republic of Crimea, the region, the cities of Kyiv and Sevastopol, and who are entered into the Unified Register of Advocates of Ukraine, is the supreme body of advocates' self-government in the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol respectively.

The representational quota, the procedure for the nomination and election of delegates to the Conference of advocates of the region shall be approved by the Bar Council of Ukraine.

2. The Conference of advocates of the region shall be convened by the regional Bar Council no less than once a year. The Conference may also be convened upon the proposal of at least one-tenth of all the advocates of the region whose workplace addresses are located in the respective region, or upon the proposal of the Bar Council of Ukraine.

In the event of the failure by the regional Bar Council to convene the Conference within thirty days of the date of receipt of the proposal to convene the Conference, the advocates who signed the proposal or the Bar Council of Ukraine take a decision to form an organizational committee for convening the Conference of advocates of the region. The organizational committee shall have the rights of the regional Bar Council in respect of assembling and ensuring of holding of the Conference and shall determine a person to preside at the Conference.

3. The advocates shall be notified of the date, time and venue of the Conference of advocates of the region and of its agenda no later than fifteen days prior to the commencement of work of the Conference.

4. The Conference of advocates of the region shall be deemed competent if attended by more than half of its delegates.

5. The powers of the Conference of advocates of the region shall be as follows:

- 1) election of the Chair and of the Members of the regional Bar Council, their early recall from their positions;
- 2) election of delegates to the Congress of Advocates of Ukraine;
- 3) election of a representative of the advocates of the region to be a Member of the Bar Council of Ukraine and of the Higher Qualification and Disciplinary Commission of the Bar, their early recall;
- 4) determination of the number of Members of the qualification and Disciplinary Chambers of the Qualification and Disciplinary Commission of the Bar, election of the Chair and Members of the Qualification and Disciplinary Commission of the Bar, their early recall;
- 5) election of the Chair and Members of the regional Bar Audit Commission, their early recall;
- 6) approval of the manning table and the budget of the regional Bar Council and the Qualification and Disciplinary Commission of the Bar;
- 7) examination and approval of the report of the regional Bar Council, the Qualification and Disciplinary Commission of the Bar, conclusions of the regional Bar Audit Commission, representatives of advocates of the region who are Members of the Higher Qualification and Disciplinary Commission of the Bar and of the Bar Council of Ukraine;
- 8) adoption of other decisions in accordance with this Law.

6. The decisions of the Conference of advocates of the region shall be taken by simple majority of votes of the delegates attending the Conference.

#### **Article 48. Regional Bar Council**

1. The regional Bar Council shall perform the functions of advocates' self-government in the respective region during the period between the Conferences of advocates of the region.

The regional Bar Council shall be controlled by and accountable to the Conference of advocates of the region.

2. The Chair and the Members of the regional Bar Council shall be elected for a five-year term by the Conference of advocates of the region from among the advocates who have been practicing law for at least five years, whose workplace address is located in the Autonomous Republic of Crimea,

the region, the cities of Kyiv and Sevastopol respectively, and who are entered into the Unified Register of Advocates of Ukraine. The same person may not be the Chair or a Member of the regional Bar Council for more than two consecutive terms. The number of the Members of the regional Bar Council shall be determined by the Conference of advocates of the region.

3. At the first meeting, the Members of the regional Bar Council shall, upon a proposal by the Chair, elect from among themselves the Vice-Chair and the Secretary of the Bar Council.

The Chair, the Vice-Chair, the Secretary, or a Member of the regional Bar Council may not simultaneously be a Member of the Qualification and Disciplinary Commission of the Bar, of the Higher Qualification and Disciplinary Commission of the Bar, of the Higher Audit Commission of the Bar, of the Bar Council of Ukraine, and of the commission for assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

The Chair, the Vice-Chair, the Secretary, and a Member of the regional Bar Council may be early recalled by the decision of the body of advocates' self-government which elected the said persons to their positions.

4. The regional Bar Council shall:

- 1) represent advocates of the region;
- 2) draw up the agenda for, convene and provide holding of the Conference of advocates of the region;
- 3) ensure compliance with the decisions of the Conference of advocates of the region, and exercise control over compliance with them;
- 4) provide informational and methodological support for advocates of the region, promote enhancement of their professional skills;
- 5) administer the procedure of taking the oath of advocate of Ukraine;
- 6) determine the representatives of the Bar to be Members of the tender commission for selection of advocates for provision of free secondary legal aid;
- 7) promote the ensuring of the guarantees of practice of law, protection of professional and social rights of advocates;
- 8) administer funds and property pursuant to the approved budget;
- 9) ensure inclusion of information in the Unified Register of Advocates of Ukraine in the established order;
- 10) form a commission for the assessment of quality, completeness and timeliness of provision by advocates of free legal aid;
- 11) perform other functions in accordance with this Law, decisions of the Conference of

advocates of the region, the Bar Council of Ukraine, the Congress of Advocates of Ukraine.

5. The meeting of the regional Bar Council shall be competent if attended by more than half of its Members. Decisions of the regional Bar Council shall be adopted by simple majority of votes of all its Members.

6. The Chair, the Vice-Chair and the Secretary of the regional Bar Council may receive remuneration for their work in the council at the rate and in the order determined by the Conference of advocates of the region.

7. The regional Bar Council is a legal entity. Powers and procedure for operation of the regional Bar Council shall be determined by this Law and the regulation on the regional Bar Council.

8. The regulation on the regional Bar Council approved by the Bar Council of Ukraine is the statutory document of the regional Bar Council.

#### **Article 49. Chair of regional Bar Council**

1. The Chair of the regional Bar Council shall represent the council in governmental bodies, local self-government, enterprises, institutions, organizations, and in its relations with citizens.

2. The Chair of the regional Bar Council shall provide convocation and holding of meetings of the regional Bar Council, organize and ensure maintenance of business records of the regional Bar Council, and perform other actions provided for by the regulation on the regional Bar Council, decisions of the Conference of advocates of the region, the Bar Council of Ukraine and the Congress of Advocates of Ukraine.

3. The Chair of the regional Bar Council may receive remuneration for his/her work at the rate determined by the Conference of advocates of the region.

#### **Article 50. Qualification and Disciplinary Commission of the Bar**

1. The Qualification and Disciplinary Commission of the Bar shall be formed for the purpose of determining the level of professionalism of the persons who intend to obtain the right to practice law, and for resolving issues relative to the disciplinary liability of advocates.

The Qualification and Disciplinary Commission of the Bar shall be controlled by and accountable to the Conference of advocates of the region.

2. The Chair and the Members of the Qualification and Disciplinary Commission of the Bar shall be elected for a five-year term by the Conference of advocates of the region from among the advocates who have been practicing law for at least five years, whose workplace address is located in the Autonomous Republic of Crimea, the region, the cities of Kyiv and Sevastopol respectively, and who are entered into the Unified Register of Advocates of Ukraine. No person may be the Chair or a Member of the Qualification and Disciplinary Commission of the Bar for more than two consecutive tenures.

The Chair of the Qualification and Disciplinary Commission of the Bar shall organize and ensure maintenance of business records of the Qualification and Disciplinary Commission of the Bar.

The Chair, a Member of the Qualification and Disciplinary Commission of the Bar may be early recalled by the decision of the Conference of advocates of the region which elected the said person to his/her position.

3. The Qualification and Disciplinary Commission of the Bar shall be composed of the Qualification Chamber and the Disciplinary Chamber. The Qualification Chamber shall be composed of no more than nine Members; the Disciplinary Chamber shall be composed of no more than eleven Members.

The Qualification and Disciplinary Commission of the Bar shall be competent, provided the election of at least two-thirds of Members of each of its chambers, as approved by the Conference of advocates of the region.

At the first meeting, each chamber shall elect from among its Members the Chair and the Secretary of the chamber by simple majority of votes of all its Members. The Chair of any of the chambers shall be, ex officio, the Vice-Chair of the Qualification and Disciplinary Commission of the Bar.

The Chair, the Secretary of the chamber may be early recalled by a decision of the respective chamber.

4. The Chair, the Vice-Chair, the Secretary of any chamber, and a Member of the Qualification and Disciplinary Commission of the Bar may not simultaneously be a Member of the Higher Qualification and Disciplinary Commission of the Bar, of the Higher Audit Commission of the Bar, of the regional Bar Council, of the Bar Council of Ukraine, and of the commission for the assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

5. The powers of the Qualification and Disciplinary Commission of the Bar shall be as follows:

- 1) organization and conduct of Qualification Exams;
- 2) adoption of decisions as regards the issuance of a certificate of the completion of the Qualification Exam;
- 3) adoption of decisions regarding suspension or termination of the right to practice law;
- 4) initiation of disciplinary proceedings against advocates;
- 5) resolution of other matters assigned by this Law to the competence of the Qualification and Disciplinary Commission of the Bar, by the decisions of the Conference of advocates of the region, of the Higher Qualification and Disciplinary Commission of the Bar, of the Bar Council of Ukraine, and of the Congress of Advocates of Ukraine.

In the cases provided for by this Law, the powers of the Qualification and Disciplinary Commission of the Bar are performed by its Qualification Chamber or Disciplinary Chamber.

6. The meeting of the Qualification and Disciplinary Commission of the Bar shall be deemed competent if attended by more than half of the Members of its chambers. The meeting of any chamber shall be deemed competent if attended by more than half of its Members.

7. The decision of the Qualification and Disciplinary Commission of the Bar shall be adopted by

simple majority of votes of all Members of its chambers. The decision of any chamber shall be adopted by simple majority of votes of all its Members, except as otherwise provided for by this Law.

8. The decision of the Qualification and Disciplinary Commission of the Bar may be appealed against to the Higher Qualification and Disciplinary Commission of the Bar or to the court within thirty days from the date of notification of such decision to the person .

9. The Chair, the Vice-Chair, the Secretary of a chamber, and Members of the Qualification and Disciplinary Commission of the Bar may receive remuneration for their work at the rate and in the order determined by the Conference of advocates of the region.

10. The Qualification and Disciplinary Commission of the Bar is a legal entity and shall operate in accordance with this Law, other laws of Ukraine and the regulation on the Qualification and Disciplinary Commission of the Bar.

11. The regulation on the Qualification and Disciplinary Commission of the Bar approved by the Bar Council of Ukraine is the statutory document of the Qualification and Disciplinary Commission of the Bar.

#### **Article 51. Regional Bar Audit Commission**

1. The regional Bar Audit Commission shall be formed and shall operate for the purpose of exercising control over financial and economic activity of the regional Bar Council and over the Qualification and Disciplinary Commission of the Bar.

The regional Bar Audit Commission shall be controlled by, and accountable to, the Conference of advocates of the region.

2. The Chair and the Members of the regional Bar Audit Commission shall be elected for a five-year term by the Conference of advocates of the region from among the advocates who have been practicing law for at least five years, whose workplace address is located in the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol, and who are entered into the Unified Register of Advocates of Ukraine. The number of the Members of the regional Bar Audit Commission shall be determined by the Conference of advocates of the region.

The Chair or a Member of the regional Bar Audit Commission may be early recalled by the decision of the Conference of advocates of the region which elected the said persons to their positions.

The Chair or a Member of the regional Bar Audit Commission may not simultaneously be a Member of the Higher Audit Commission of the Bar, of the Qualification and Disciplinary Commission of the Bar, of the Higher Qualification and Disciplinary Commission of the Bar, of the regional Bar Council, of the Bar Council of Ukraine, and of the commission for assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

3. Based on audit results, the regional Bar Audit Commission shall draw up conclusions and submit them for consideration and approval by the Conference of advocates of the region. The regional Bar Audit Commission may submit audit results to the Bar Council of Ukraine and the Congress of Advocates of Ukraine.

## **Article 52. Higher Qualification and Disciplinary Commission of the Bar**

1. The Higher Qualification and Disciplinary Commission of the Bar is a collegial body whose task is to consider complaints against the decisions, actions or omissions of the Qualification and Disciplinary Commissions of the Bar.

The Higher Qualification and Disciplinary Commission of the Bar shall be controlled by, and accountable to, the Congress of Advocates of Ukraine and the Bar Council of Ukraine.

2. The Higher Qualification and Disciplinary Commission of the Bar shall consist of thirty Members who have been practicing law for at least five years: one representative from each region elected by the Conference of advocates of the region, the Chair and two Vice-Chairs elected by voting of the Congress of Advocates of Ukraine. The Secretary of the Higher Qualification and Disciplinary Commission of the Bar shall be elected by voting of the Members of the commission from among the Members of the Higher Qualification and Disciplinary Commission of the Bar.

The Higher Qualification and Disciplinary Commission of the Bar shall be competent, provided the election of at least two-thirds of its Members.

3. The Chair, Vice-Chairs, the Secretary and Members of the Higher Qualification and Disciplinary Commission of the Bar shall be elected for a five-year's tenure. A person may not be the Chair, a Vice-Chair, the Secretary or a Member of the Higher Qualification and Disciplinary Commission of the Bar for more than two consecutive tenures.

The Chair, a Vice-Chair, the Secretary and a Member of the Higher Qualification and Disciplinary Commission of the Bar may be early recalled by the decision of the body of advocates' self-government which elected the said persons to their positions.

The Chair, a Vice-Chair, the Secretary and a Member of the Higher Qualification and Disciplinary Commission of the Bar may not simultaneously be a Member of the Qualification and Disciplinary Commission of the Bar, of a regional Bar Audit Commission, of the Higher Audit Commission of the Bar, of a regional Bar Council, of the Bar Council of Ukraine, or of a commission for assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

4. The Higher Qualification and Disciplinary Commission of the Bar shall:

- 1) examine complaints against decisions, actions or omissions of the Qualification and Disciplinary Commissions of the Bar;
- 2) generalize the disciplinary practice of the Qualification and Disciplinary Commissions of the Bar;
- 3) perform other functions in accordance with this Law.

5. Based on the results of its examination of a complaint against the decisions, actions or omissions of the Qualification and Disciplinary Commission of the Bar, the Higher Qualification and Disciplinary Commission of the Bar shall have the right to:

- 1) dismiss the complaint and uphold the decision of the Qualification and Disciplinary Commission of the Bar;
  - 2) amend the decision of the Qualification and Disciplinary Commission of the Bar;
  - 3) reverse the decision of the Qualification and Disciplinary Commission of the Bar and adopt a new decision;
  - 4) send the case for a reconsideration to the respective Qualification and Disciplinary Commission of the Bar and oblige the Qualification and Disciplinary Commission of the Bar to perform certain actions.
6. The meeting of the Higher Qualification and Disciplinary Commission of the Bar shall be deemed competent if attended by more than half of all its Members. Decisions of the Higher Qualification and Disciplinary Commission of the Bar shall be adopted by simple majority of votes of all Members of the commission.
7. The decision of the Higher Qualification and Disciplinary Commission of the Bar may be appealed against to the court within thirty days of the date of the adoption of the decision.
8. The Chair of the Higher Qualification and Disciplinary Commission of the Bar shall represent the Higher Qualification and Disciplinary Commission of the Bar in governmental bodies, local self-government, enterprises, institutions, organizations, as well as in its relations with citizens.

The Chair of the Higher Qualification and Disciplinary Commission of the Bar shall ensure convocation and conduct of meetings of the Higher Qualification and Disciplinary Commission of the Bar, distribute duties among his/her deputies, organize and ensure maintenance of business records of the Higher Qualification and Disciplinary Commission of the Bar, administer funds and property of the Higher Qualification and Disciplinary Commission of the Bar pursuant to the approved budget, and perform other actions provided for by this Law, the regulation on the Higher Qualification and Disciplinary Commission of the Bar, decisions of the Bar Council of Ukraine and the Congress of Advocates of Ukraine.

The Chair of the Higher Qualification and Disciplinary Commission of the Bar may receive remuneration at the rate determined by the Congress of Advocates of Ukraine or by the Bar Council of Ukraine.

9. The Higher Qualification and Disciplinary Commission of the Bar is a legal entity and shall operate in accordance with this Law, other laws of Ukraine and the regulation on the Higher Qualification and Disciplinary Commission of the Bar.

10. The regulation on the Higher Qualification and Disciplinary Commission of the Bar approved by the Congress of Advocates of Ukraine is the statutory document of the Higher Qualification and Disciplinary Commission of the Bar.

### **Article 53. Higher Audit Commission of the Bar**

1. The Higher Audit Commission of the Bar shall be formed and shall operate for the purpose of exercising control over financial and economic activity of Ukrainian National Bar Association, its

bodies, regional Bar Councils, the Bar Council of Ukraine, Qualification and Disciplinary Commissions of the Bar, the Higher Qualification and Disciplinary Commission of the Bar, and over operation of regional Bar Audit Commissions.

The Higher Audit Commission of the Bar shall be controlled by, and accountable to, the Congress of Advocates of Ukraine.

2. The Chair and Members of the Higher Audit Commission of the Bar shall be elected by the Congress of Advocates of Ukraine for a five-year's tenure from among the advocates who have been practicing law for at least five years. The number of the Members of the Higher Audit Commission of the Bar shall be determined by the Congress of Advocates of Ukraine.

The Chair or a Member of the Higher Audit Commission of the Bar may be early recalled by the decision of the Congress of Advocates of Ukraine.

The Chair and a Member of the Higher Audit Commission of the Bar may not simultaneously be a Member of a regional Bar Audit Commission, a Qualification and Disciplinary Commission of the Bar, the Higher Qualification and Disciplinary Commission of the Bar, a regional Bar Council, the Bar Council of Ukraine, and a commission for the assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

The Chair and Members of the Higher Audit Commission of the Bar may receive remuneration for their work in the commission at the rate determined by the Congress of Advocates of Ukraine.

3. Based on the audit results, the Higher Audit Commission of the Bar shall draw up reports and submit them for consideration and approval by the Congress of Advocates of Ukraine. The Higher Audit Commission of the Bar may submit audit reports on the results of the audit to the Bar Council of Ukraine and the Higher Qualification and Disciplinary Commission of the Bar.

#### **Article 54. Congress of Advocates of Ukraine**

1. The Congress of Advocates of Ukraine is the supreme body of advocates' self-government of Ukraine.

2. The Congress of Advocates of Ukraine shall be composed of the delegates elected by the Conferences of advocates of the regions by a relative majority of votes of the delegates attending the Conference.

3. The representational quota, the procedure for the nomination and election of delegates to the Congress of Advocates of Ukraine shall be determined by the Bar Council of Ukraine.

4. The Congress of Advocates of Ukraine shall be convened by the Bar Council of Ukraine no less than once every three years. The Congress of Advocates of Ukraine shall be convened within sixty days upon the initiative of the Bar Council of Ukraine or upon the demand of no less than one tenth of the total number of the advocates included in the Unified Register of Advocates of Ukraine or of no less than one third of all regional Bar Councils.

In the event of the failure by the Bar Council of Ukraine to convene the Congress of Advocates of

Ukraine within sixty days of the receipt of the proposal to convene it, the advocates or the representatives of the regional Bar Councils who signed the proposal shall take a decision to form an organizational committee for convening the Congress of Advocates of Ukraine. The organizational committee shall have the right to convene and provide conduct of the Congress of Advocates of Ukraine, and to nominate a person to preside at the meeting of the congress.

5. Advocates shall be notified of the date, time and venue of the Congress of Advocates of Ukraine and its agenda no later than twenty days prior to the commencement of the work of the congress.

6. The Congress of Advocates of Ukraine shall be competent if attended by more than half of the elected delegates representing the majority of the Conferences of advocates of the regions.

7. The Congress of Advocates of Ukraine shall:

- 1) elect the Chair and Vice-Chairs of the Bar Council of Ukraine, the Chair and Vice-Chairs of the Higher Qualification and Disciplinary Commission of the Bar, the Chair and Vice-Chairs of the Higher Audit Commission of the Bar, and early recall them;
- 2) approve the Statute of Ukrainian National Bar Association and make amendments to it;
- 3) approve the Rules of Professional Conduct;
- 4) approve the regulation on the Bar Council of Ukraine, the regulation on the Higher Qualification and Disciplinary Commission of the Bar, the regulation on the Higher Audit Commission of the Bar;
- 5) consider and approve reports made by the Bar Council of Ukraine, the Higher Qualification and Disciplinary Commission of the Bar, as well as reports made by the Higher Audit Commission of the Bar;
- 6) appoint two Members of the High Council of Justice;  
*{Paragraph 6 of Part 7 of Article 54 as amended by the Law No 1798-VIII 21 December 2016}*
- 7) approve the budget of the Bar Council of Ukraine, the budget of the Higher Qualification and Disciplinary Commission of the Bar, and the report on the implementation thereof;
- 8) perform other duties in accordance with this Law.

The Congress of Advocates of Ukraine may take a decision on the payment by advocates of annual contributions in order to ensure the implementation of advocates' self-government and may determine the ways of using them and the liability for failure to pay the contributions.

8. The decisions of the Congress of Advocates of Ukraine shall be adopted by a simple majority of votes of the delegates attending the congress.

#### **Article 55. The Bar Council of Ukraine**

1. The Bar Council of Ukraine shall perform functions of advocates' self-government during the period between the congresses of advocates of Ukraine.

The powers of the Bar Council of Ukraine and the procedure for its work shall be determined by this Law and the regulation on the Bar Council of Ukraine approved by the Congress of Advocates of Ukraine.

The Bar Council of Ukraine shall be controlled by, and accountable to, the Congress of Advocates of Ukraine.

2. The Bar Council of Ukraine shall consist of thirty Members who have practiced law for at least five years: one representative from each region elected by the Conference of advocates of the region, the Chair and two Vice-Chairs elected by voting of the Congress of Advocates of Ukraine. The Secretary of the Bar Council of Ukraine shall be elected by the Bar Council of Ukraine from among the Members of the Bar Council of Ukraine. The Secretary of the Council may be early recalled by the Bar Council of Ukraine.

The Bar Council of Ukraine shall be deemed competent, provided the election of at least two-thirds of its Members.

3. The Chair, Vice-Chairs, the Secretary and Members of the Bar Council of Ukraine shall be elected for a five-year term. A person may not be the Chair, a Vice-Chair, the Secretary or a Member of the Bar Council of Ukraine for more than two consecutive tenures.

The Chair, a Vice-Chair, the Secretary and a Member of the Bar Council of Ukraine may be early recalled by the decision of the body of advocates' self-government, which elected the said persons to their positions.

The Chair, a Vice-Chair, the Secretary and a Member of the Bar Council of Ukraine may not simultaneously be Members of the regional Bar Council, the Qualification and Disciplinary Commission of the Bar, the Higher Qualification and Disciplinary Commission of the Bar, the regional Bar Audit Commission, the Higher Audit Commission of the Bar, and the commission for the assessment of quality, completeness and timeliness of provision by advocates of free legal aid.

4. The Bar Council of Ukraine shall:

- 1) draw up the agenda for, provide convocation and conduct of the Congress of Advocates of Ukraine;
- 2) determine the representational quota, the procedure for the appointment and election of delegates of the Conference of advocates of the region, the Congress of Advocates of Ukraine;
- 3) ensure compliance with the decisions of the Congress of Advocates of Ukraine;
- 4) provide organizational, methodological and informational support of the maintenance of the Unified Register of Advocates of Ukraine, exercise control over the activities of the regional Bar Councils as regards inclusion of information into the Unified Register of Advocates of Ukraine and provision of excerpts from it;
- 5) approve the rules of procedure of the Conference of advocates of the region, the regulation on the regional Bar Council, the provision on the Qualification and Disciplinary Commission of the Bar, the provision on the commission for the assessment of quality, completeness and

timeliness of provision by advocates of free legal aid;

- 6) determine the amount of, and procedure for, the payment of advocates' annual contributions foensuring the implementation of advocates' self-government, manage distribution and use of the contributions (provided that the Congress of Advocates of Ukraine adopted a decision on payment of advocates' annual contributions for ensuring the implementation of advocates' self-government, and determined the ways of using them);
- 7) determine the amount of deductions from the Qualification and Disciplinary Commissions of the Bar to provide operation of the Higher Qualification and Disciplinary Commission of the Bar;
- 8) promote operation of regional Bar Councils, coordinate their operation;
- 9) assist in ensuring guarantees of practice of law, protection of professional and social rights of advocates;
- 10) adopt decisions on the disposal of funds and property of Ukrainian National Bar Association in accordance with the intended use of the funds and property as determined by the Statute of Ukrainian National Bar Association and the decisions adopted by the Congress of Advocates of Ukraine;
- 11) examine complaints against the decisions, actions or omissions of the regional Bar Councils, their Chairs, reverse the decisions of the regional Bar Councils;
- 12) determine the official printed magazine of Ukrainian National Bar Association;
- 13) provide maintenance of the official website of Ukrainian National Bar Association;
- 14) perform other functions in accordance with this Law and decisions of the Congress of Advocates of Ukraine.

5. The meeting of the Bar Council of Ukraine shall be convened by the Chair of the Bar Council of Ukraine, and in the event of his/her absence, by a Vice-Chair, no less than once every two months. The meeting of the Bar Council of Ukraine may also be convened upon the proposal of no less than one- fifth of the total number of all Members of the Council.

In the event of failure by the Chair of the Bar Council of Ukraine or his/her deputy to convene the meeting of the Council within thirty days of the date of receipt of the proposal to convene it, the Members of the Bar Council of Ukraine who signed the proposal shall take a decision to form an organizational committee for convening the Bar Council of Ukraine. The organizational committee shall have the right to convene and provide conduct of meetings of the Council and to nominate a person to preside at the meeting of the Council.

6. The meeting of the Bar Council of Ukraine shall be competent if attended by more than half of the Members of the Council. The decisions of the Bar Council of Ukraine shall be adopted by simple majority of votes of all its Members. In case of a tied vote, the Chair of the meeting of the Council shall have the casting vote.

## **Article 56. President of the Bar Council of Ukraine**

1. The President of the Bar Council of Ukraine shall be, ex officio, the President of Ukrainian National Bar Association.
2. The President of the Bar Council of Ukraine shall represent the Bar Council of Ukraine and Ukrainian National Bar Association in the governmental bodies, local self-government, enterprises, institutions, organizations, as well as in its relations with citizens.
3. The President of the Bar Council of Ukraine shall ensure convocation and conduct of meetings of the Bar Council of Ukraine, distribute duties among his/her deputies, organize and ensure maintenance of business records of the Bar Council of Ukraine, administer funds and property of Ukrainian National Bar Association pursuant to the approved budget, organize and provide operation of the secretariat of Ukrainian National Bar Association, and perform other duties provided for by this Law, the resolution on the Bar Council of Ukraine, the Statute of Ukrainian National Bar Association, the decisions of the Bar Council of Ukraine and the Congress of Advocates of Ukraine.
4. The President of the Bar Council of Ukraine may receive remuneration at the rate determined by the Congress of Advocates of Ukraine.

## **Article 57. Binding decisions of bodies of advocates' self-government**

1. The decisions of the Congress of Advocates of Ukraine and the Bar Council of Ukraine shall be binding on all advocates.
2. The decisions of conferences of advocates of the region and regional Bar Councils shall be binding on advocates whose workplace address is located in the respective region, and who are entered into the Unified Register of Advocates of Ukraine.
3. The decisions of bodies of advocates' self-government shall become effective as of the date of their adoption, unless otherwise provided for in the decisions.
4. Decisions of Bar self-government bodies, which are administrative acts, shall enter into force in accordance with the procedure established by the Law of Ukraine "On Administrative Procedure."

## **Article 58. Financial support of bodies of advocates' self-government**

1. Bodies of advocates' self-government may be financed through:
  - 1) the fee paid for taking the Qualification Exam;
  - 2) the advocates' annual contributions for ensuring the implementation of advocates' self-government;
  - 3) deductions from the Qualification and Disciplinary Commissions of the Bar for ensuring the operation of the Higher Qualification and Disciplinary Commission of the Bar;
  - 4) voluntary contributions by advocates, law offices and law firms;

5) voluntary contributions by individuals and legal entities;

6) other sources not prohibited by law.

2. The rate of the fee paid for taking the Qualification Exam shall be determined taking into account the need to cover the cost of operation of Qualification and Disciplinary Commissions of the Bar and of the Higher Qualification and Disciplinary Commission of the Bar, and may not exceed three times the minimum wage set by law on the date of submission by a person of an application for permission to take the Qualification Examination.

*{Paragraph 1 of part 2 of Art. 58 as amended by Law No 1791-VIII dated 20 December 2016}*

The rate of advocates' annual contributions for ensuring implementation of advocates' self-government shall be determined taking into account the need to cover the cost of operation of regional Bar Councils, the Bar Council of Ukraine, the Higher Audit Commission of the Bar and the cost of maintenance of the Unified Register of Advocates of Ukraine and cannot exceed the rate of minimum subsistence level for employable persons, as of 1 January of relevant calendar year. The rate of advocates' annual contributions to be used for implementation of advocates' self-government shall be the same for all advocates. Advocates whose right to practice law has been suspended shall be exempted from the duty to pay advocates' annual contributions for ensuring implementation of advocates' self-government for the period of suspension of the said right.

*{Paragraph 1 of part 2 of Art. 58 as amended by Law No 1791-VIII dated 20 December 2016}*

The rate of deductions from the Qualification and Disciplinary Commissions of the Bar to be used to provide operation of the Higher Qualification and Disciplinary Commission of the Bar shall be determined taking into account the need to cover the cost of provision of operation of the Higher Qualification and Disciplinary Commission of the Bar.

3. Bodies of advocates' self-government shall be financed and their funds and property shall be administered in accordance with the budgets approved by conferences of advocates of the region and the Congress of Advocates of Ukraine.

4. Financial reports of bodies of advocates' self-government shall be made public annually per the procedure approved by the Bar Council of Ukraine.

### **Section VIII.**

#### **PRACTICE OF LAW IN UKRAINE BY ADVOCATES OF FOREIGN STATES. SPECIFICS OF STATUS OF ADVOCATE OF A FOREIGN STATE**

##### **Article 59. Obtaining by an advocate of a foreign State the right to practice law in Ukraine. Specifics of status of advocate of a foreign State**

1. The advocate of a foreign State may practice law in Ukraine taking into account specific provisions of this Law.

2. The advocate of a foreign State who intends to practice law in Ukraine shall submit to the Qualification and Disciplinary Commission of the Bar at the place of his/her residence or stay in Ukraine an application for his/her inclusion in the Unified Register of Advocates of Ukraine. The application shall be accompanied by the documents confirming the right of the said advocate to

practice law in the respective foreign State. The list of the said documents shall be approved by the Bar Council of Ukraine.

3. The Qualification Chamber of the Qualification and Disciplinary Commission of the Bar shall examine the application and documents submitted by the advocate within ten days of their receipt and, in the absence of any grounds specified in part four of this Article, shall decide on whether to include the advocate in the Unified Register of Advocates of Ukraine, which decision shall be communicated to the advocate of a foreign State and the respective regional Bar Council in writing within three days thereafter. The regional Bar Council shall ensure entering of information about the said advocate into the Unified Register of Advocates of Ukraine.

4. Grounds for the refusal to include the advocate of a foreign State in the Unified Register of Advocates of Ukraine shall be as follows:

- 1) the decision of the respective Qualification and Disciplinary Commission of the Bar on exclusion of the advocate from the Unified Register of Advocates of Ukraine - for two years of the date on which the said decision was adopted;
- 2) the decision of the respective Qualification and Disciplinary Commission of the Bar on termination of the right to practice law as a Ukrainian advocate - for two years of the date on which the said decision was adopted;
- 3) failure to submit documents provided for by part two of this Article or their non-compliance with the established requirements.

5. The decision on the refusal to include the advocate of a foreign State in the Unified Register of Advocates of Ukraine shall be sent to the advocate within three days of the date of its adoption and may be challenged before the Higher Qualification and Disciplinary Commission of the Bar or the court within thirty days of the receipt thereof.

6. The advocate's professional rights and duties, guarantees of practice of law and organizational forms of practice of law determined by this Law shall extend to the advocate of a foreign State during his/her practice of law in Ukraine.

#### **Article 60. Liability of advocate of a foreign State**

1. In the event of misconduct by the advocate of a foreign State included in the Unified Register of Advocates of Ukraine, he/she shall be brought to disciplinary liability per the procedure provided for by this Law for Ukrainian advocates, taking into account specific provisions established by part two of this Article.

2. The advocate of a foreign State included in the Unified Register of Advocates of Ukraine may be brought to disciplinary liability only by way of warning or exclusion from the Unified Register of Advocates of Ukraine.

3. The Qualification and Disciplinary Commission of the Bar shall inform the respective governmental body or a body of advocates' self-government of a foreign State where the advocate obtained the status of the advocate or the right to practice law that the advocate of a foreign State has

been brought to disciplinary liability.

## **Article 61. Relations of advocate of a foreign State with bodies of advocates' self-government**

1. The advocate of a foreign State may apply to bodies of advocates' self-government for the protection of his/her professional rights and duties; participate in educational and methodological events conducted by the Qualification and Disciplinary Commissions of the Bar, the Higher Qualification and Disciplinary Commission of the Bar, regional Bar Councils, the Bar Council of Ukraine and Ukrainian National Bar Association.

### **Section IX.**

#### **FINAL PROVISIONS**

1. This Law shall enter into force as of the date following the date of its official publication, except for:

- 1) the provisions of part one, Article 6 and Article 10 of this Law concerning the traineeship, which shall enter into force six months after the date on which this Law becomes effective;
- 2) Article 23, which shall enter into force simultaneously with the entry into force of the Criminal Procedure Code of Ukraine;
- 3) the provisions of Articles 24-27, 48, 50-55 of this Law concerning the provision by the advocate of free legal aid, which shall enter into force simultaneously with the entry into force of the respective provisions of the Law of Ukraine "On Free Legal Aid";
- 4) the provisions of Articles 14, 15, 17, 31-33, 35, 44, 47, 48, 50, 51, 54, 55, 57-60 of the Law concerning the Unified Register of Advocates of Ukraine, which shall enter into force as of the date of announcement by the Bar Council of Ukraine on the official website of Ukrainian National Bar Association of the beginning of operation of the Unified Register of Advocates of Ukraine, but no later than five months after the date on which this Law becomes effective.

2. The following shall be recognized as repealed:

- 1) the Law of Ukraine "On the Bar of Ukraine" (Bulletin of Verkhovna Rada of Ukraine, 1993, No. 9, p. 62; 2002, No. 16, p. 114, No. 29, p. 194; 2004, No. 8, p. 66; 2006, No. 1, p. 18; 2007, No. 2, p. 12; 2009, No. 13, p. 161; 2011, No. 6, p. 41, No. 51, p. 577, as amended by the Law of Ukraine dated April 13, 2011 No. 4652-VI), except for Article 10, which shall be repealed simultaneously with the entry into force of the Code of Criminal Procedure of Ukraine;
- 2) the Resolution of Verkhovna Rada of Ukraine "On the Procedure for the Entry into Force of the Law of Ukraine "On the Bar of Ukraine" (Bulletin of Verkhovna Rada of Ukraine, 1993, No. 9, p. 63).

3. The following legislative acts of Ukraine shall be amended as follows:

- 1) in the Code of Ukraine on Administrative Offences (Bulletin of Verkhovna Rada of the USSR, 1984, Supplement to No. 51, p. 1122):

a) paragraph one, part one, Article 212-3, shall be amended to include the words “or upon advocate’s letter of enquiry, or the enquiry of the Qualification and Disciplinary Commission of the Bar, its chamber or Member in accordance with the Law of Ukraine “On the Bar of Ukraine and Practice of Law””;

b) in part one, Article 255:

the following paragraph 9-1 shall be included:

“9-1) the Chair of the Bar Council of the Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol, or a Member of the Bar Council authorized by the council (Article 212-3 - in the part concerning violation of the right to information in accordance with the Law of Ukraine “On the Bar of Ukraine and Practice of Law”);

paragraph 11 after digits “212-3” shall be amended to include the words “(except for violations of the right to information in accordance with the Law of Ukraine “On the Bar of Ukraine and Practice of Law”);

c) part two, Article 269, after the words “file a motion” shall be amended to include the words “during the examination of the case, to seek legal assistance by an advocate, another expert in law who has the right granted by law to provide legal assistance as an individual practitioner or on behalf of a legal entity”;

d) in Article 270: the name shall be amended to include the words “and representatives”;

a new part of the following wording shall be included after the first part:

“The interests of the victim may be represented by a representative - the advocate, another specialist in law who has the right granted by law to provide legal assistance as an individual practitioner or on behalf of a legal entity”.

In this regard, part two shall be deemed to be part three;

part three after the words “legal representatives” shall be amended to include the words “and representatives”;

the following part four shall be included:

“The authority of an advocate as of a representative of the victim shall be evidenced by the documents specified in part two, Article 271 of this Code”;

e) part two, Article 271, shall be amended as follows:

“The authority of the advocate to participate in the examination of the case shall be evidenced by a power of advocate to conduct the case acknowledged by the notary or the officer authorized by law to acknowledge powers of advocate, or by a warrant or mandate from a body (agency) authorized by law to provide free legal aid, or by the agreement on provision of legal assistance. The warrant shall necessarily be accompanied by an excerpt from the contract stating the authority

of the advocate or limitation of his/her rights of the advocate for the defendant to perform certain actions. The extract shall be attested by the parties' signatures”;

- 2) in part six, Article 28 of the Code of Commercial Procedure of Ukraine (Bulletin of Verkhovna Rada of Ukraine, 1992, No. 6, p. 56):

in the first sentence, the words “issued by the respective law firm” shall be replaced with the words “upon mandate from a body (agency) authorized by law to provide free legal aid”;

in the second sentence, the words “warrant of the advocate” shall be replaced with the word “warrant”;

- 3) the third sentence, part three, Article 110 of the Penal Code of Ukraine (Bulletin of Verkhovna Rada of Ukraine, 2004, No. 3-4, p. 21) after the word “warrant” shall be amended to include the words “or the contract on provision of legal assistance”;

- 4) in part four, Article 42 of the Code of Civil Procedure of Ukraine (Bulletin of Verkhovna Rada of Ukraine, 2004, No. No. 40-42, p. 492):

in the first sentence, the words “which is issued by the respective law firm” shall be replaced with the words “upon mandate from a body (agency) authorized by law to provide free legal aid”;

in the second sentence, the words “warrant of the advocate” shall be replaced with the word “warrant”;

- 5) in part five, Article 58 of the Code of Administrative Procedure of Ukraine (Bulletin of Verkhovna Rada of Ukraine, 2005, No. No. 35-37, p. 446):

in the first sentence, the words “which is issued by the respective law firm” shall be replaced with the words “upon mandate from a body (agency) authorized by law to provide free legal aid”;

in the second sentence, the words “warrant of an advocate” shall be replaced with the word “warrant”;

- 6) in Article 500 of the Customs Code of Ukraine:

in part two, the words “persons who have a certificate of right to practice law in Ukraine and” shall be replaced with the words “advocates and”;

in part three:

paragraph 1 shall be restated as follows:

“1) the advocate - by a power of advocate to conduct the case, which is acknowledged by a notary or an officer authorized by law to acknowledge powers of advocate, or by a warrant or mandate from a body (agency) authorized by law to provide free legal aid, or by the legal assistance contract. The warrant shall necessarily be accompanied by an excerpt from the

contract stating the authority of the advocate or limitation of his/her rights to commit certain actions as the advocate for the defendant. The excerpt shall be attested by the parties to the contract”;

paragraph 2 shall be deleted;

- 7) part four, Article 189 of the Code of Criminal Procedure of Ukraine dated April 13, 2012, shall be restated as follows:

“4. The investigating judge and the court will refuse to grant permission to detain the suspect, the accused in order to oblige the latter to appear before the court, if the prosecutor fails to prove

that the circumstances specified in the motion for a preventive measure indicate the grounds for detention of the suspect, the accused, and there are reasonable grounds to believe that:

- 1) the suspect, the accused is absconding from the pre-trial investigation bodies or the court;
- 2) after being notified that the investigator, the prosecutor filed a motion for an preventive measure with the court, the suspect, the accused commits actions which serve as the basis for the application of the preventive measure and are specified in Article 177 of this Code, prior to consideration of the motion for the preventive measure”;

*{Subparagraph 8 of Paragraph 3 of Chapter IX repealed by the Law No 1798-VIII dated 21 December 2016}*

- 9) in part four, Article 3 of the Law of Ukraine “On the State Registration of Legal Entities and Individuals-Private Entrepreneurs” (Bulletin of Verkhovna Rada of Ukraine, 2003, No. 31-32, p. 263, 2006, No. 37, p. 310, 2009, No. 26, p. 322, No. 38, p. 534, 2011, No. 41, p. 413), the words “advocate companies” shall be deleted;

*{Subparagraph 10 of Paragraph 3 of Chapter IX repealed by the Law No 2671-VIII dated 17 January 2019}*

*{Subparagraph 11 of Paragraph 3 of Chapter IX repealed by the Law No 1404-VIII dated 02 June 2016}*

- 12) in the Law of Ukraine “On Free Legal Aid” (Bulletin of Verkhovna Rada of Ukraine, 2011, No. 51, p. 577):

in part two, Articles 25 and 26, the words “the Law of Ukraine “On the Bar of Ukraine” shall be replaced with the words “the Law of Ukraine “On the Bar and Practice of Law”;

part one, Article 27, shall be amended to include paragraph 5 of the following wording:

“5) shall fix the amount of and order of payment by entities for free secondary legal aid”;

- 13) paragraph one, part seven, Article 12 of the Law of Ukraine “On Refugees and Persons in Need of Additional or Temporary Protection” (Bulletin of Verkhovna Rada of Ukraine, 2012,

No. 16, p. 146) shall be amended to include the words “and in the territory of administrative and territorial units where bodies (agencies) authorized by law to provide free legal aid began to operate - through the said bodies (agencies) in accordance with the law governing provision of free legal aid”.

#### **Section X.**

#### **TRANSITIONAL PROVISIONS**

1. The decisions and other acts of the Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine and of Qualification and Disciplinary Commissions of the Bar, which are not contrary to this Law, shall remain in full force until bodies of advocates' self-government formed in accordance with this Law adopt the respective acts.

2. The right to practice law shall be reserved for persons who have acquired the said right prior to the date on which this Law enters into force. Certificates of the right to practice law and ID cards of Ukrainian advocate issued before the date on which this Law enters into force shall be valid and not subject to substitution or replacement.

3. Advocates who on the date on which this Law becomes effective are holding office or performing any activity which is incompatible with practice of law under part one, Article 7 of this Law, shall give a written notice of incompatibility circumstances to the Qualification and Disciplinary Commission of the Bar at the place of issuance of the certificate within ninety days of the date on which this Law enters into force.

Receipt of the said notice shall serve the basis for inclusion of an entry on suspension of the right to practice law due to incompatibility in the Unified Register of Advocates of Ukraine.

The advocate who gave notice of incompatibility circumstances in the manner and time set by subparagraph one of this paragraph, shall not be brought to disciplinary liability for the violation of requirements as regards incompatibility.

4. Consideration of applications for the issuance of a certificate of right to practice law filed in the prescribed manner prior to the date this Law becomes effective shall be carried out as per the procedure that has been in force before the date on which this Law enters into force.

Prior to the approval by the Bar Council of Ukraine of the procedure for the admission to taking the Qualification Exam and of the list of documents to be attached to the application for the admission to taking the exam, setting of fee for taking the said exam and determination of the procedure for payment thereof, the said applications shall be considered as under the rules for consideration of applications for the issuance of a certificate of right to practice law that have been in force before the date on which this Law enters into force.

Prior to the approval by the Bar Council of Ukraine of samples of a certificate of right to practice law and an ID card of Ukrainian advocate, the said documents shall be issued in the form that has been established before the date on which this Law enters into force.

5. Foundation conferences of advocates of a region shall be held in the Autonomous Republic of Crimea, regions, and the cities of Kyiv and Sevastopol not later than sixty days of the date on which

this Law enters into force.

Those advocates who have obtained a certificate of right to practice law under the decision of the Qualification and Disciplinary Commission of the Bar of the respective region, which commission has been formed before the date on which this Law enters into force, shall participate in the foundation conference of advocates of the region.

Organizational and technical support of foundation conferences of advocates of a region shall be entrusted to Qualification and Disciplinary Commissions of the Bar in the Autonomous Republic of Crimea, the regions, and the cities of Kyiv and Sevastopol, which commissions have been formed before the date on which this Law enters into force.

Qualification and disciplinary commissions of the Bar in the Autonomous Republic of Crimea, regions, and the cities of Kyiv and Sevastopol shall give notice to participants of the foundation conference of advocates of the region by mail (electronic mail), courier or fax, and shall place an announcement about the foundation conference of advocates of the region in the printed medium used for the promulgation of the decisions of Verkhovna Rada of the Autonomous Republic of Crimea, the regional council, and Kyiv and Sevastopol city councils respectively, no later than twenty days prior to the Conference. The notice and announcement shall necessarily indicate the date, time and venue of the foundation conference of advocates of the region. The Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine shall provide placement of the announcement about each foundation conference of advocates of the region on its official website.

The foundation conference of advocates of the region shall be opened by the oldest advocate participating in it. The Qualification and Disciplinary Commission of the Bar shall notify the said advocate of the number of participants of the Conference.

The foundation conference of advocates of the region shall elect from among its Members the Chair and the Secretary to conduct the Conference and keep the minutes, as well as the Chair and Members of the counting commission to conduct the voting and calculate the vote results.

The foundation conference of advocates of the region shall: fix the number and elect the Chair and Members of the regional Bar Council; elect delegates to the foundation Congress of Advocates of Ukraine as per quota of one delegate per one hundred advocates who have obtained a certificate of right to practice law under the decision of the Qualification and Disciplinary Commission of the Bar of the respective region, which commission has been formed before the date on which this Law enters into force, but no less than five delegates for each region; elect the representative of advocates of the region to the Bar Council of Ukraine; elect the representative of advocates of the region to the Higher Qualification and Disciplinary Commission of the Bar; elect the Chair and Members of the regional Bar Audit Commission. The foundation conference of advocates of the region may take decisions on other matters assigned by this Law to the competence of the Conference of advocates of the region.

The decisions of the foundation conference of advocates of the region shall be taken by simple majority of votes of those attending the Conference.

The results of the foundation conference of advocates of the region shall be recorded in writing in the form of minutes to be signed by the Chair and the Secretary of the Conference. Excerpt from the minutes of the foundation conference of advocates of the region stating the results of the election of

delegates to the foundation Congress of Advocates of Ukraine shall be signed by the Chair and the Secretary of the Conference and submitted to the Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine no later than three days after the Conference.

The foundation Congress of Advocates of Ukraine attended by the delegates elected by foundation conferences of advocates of the regions shall be held no later than within one hundred days of the date on which this Law enters into force.

Organizational and technical support of the foundation Congress of Advocates of Ukraine shall be entrusted to the Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine.

The Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine shall give notice to delegates of the foundation Congress of Advocates of Ukraine by mail (electronic mail), courier or fax, shall provide placement of an announcement about the foundation Congress of Advocates of Ukraine in the newspaper "Governmental Courier" and shall publish it on its official website no later than twenty days prior to the congress. The notice and announcement shall necessarily indicate the time, date and venue of the foundation Congress of Advocates of Ukraine.

The founding Congress of Advocates of Ukraine shall be opened by the oldest advocate of the delegates taking part in the congress. The Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine shall notify the said advocate of the number of the delegates taking part in the congress. Members of the Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine shall take part in the founding Congress of Advocates of Ukraine and shall enjoy the right to vote on the agenda issues.

The foundation Congress of Advocates of Ukraine shall elect from among its Members the Chair and the Secretary to conduct the congress and to keep the minutes, as well as the Chair and Members of the counting commission to conduct the voting and to calculate the vote results.

The foundation Congress of Advocates of Ukraine shall: elect the Chair and Vice-Chairs of the Bar Council of Ukraine; elect the Chair and Vice-Chairs of the Higher Qualification and Disciplinary Commission of the Bar; determine the number and elect the Chair and Members of the Higher Audit Commission of the Bar; approve the Statute of Ukrainian National Bar Association; approve the regulation on the Higher Qualification and Disciplinary Commission of the Bar; approve the regulation on the Higher Audit Commission of the Bar. The foundation Congress of Advocates of Ukraine may adopt decisions on other matters assigned by this Law to the competence of the Congress of Advocates of Ukraine.

The decisions of the foundation Congress of Advocates of Ukraine shall be taken by a majority of votes of the delegates attending the congress.

The results of the foundation Congress of Advocates of Ukraine shall be recorded in writing in the form of the minutes which shall be signed by the Chair and the Secretary of the congress and submitted to the Chair of the Bar Council of Ukraine elected in compliance with this Law.

6. Regional Bar Councils, the Bar Council of Ukraine, the Higher Qualification and Disciplinary Commission of the Bar, regional Qualification and Disciplinary Commissions of the Bar formed under this Law shall hold their first meetings within ten days of the date of their formation.

7. The Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine and Qualification and Disciplinary Commissions of the Bar formed before the date on which this Law enters into force shall report on the results of their activities carried out within the last three years preceding the date on which this law enters into force, to the foundation Congress of Advocates of Ukraine and foundation conferences of advocates of the regions respectively. The report shall include information on the main aspects of operation of the respective commission, as well as information about the funds received and expended by the commission, and indicate the sources of the funds and the commission's expenses.

The Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine and Qualification and Disciplinary Commissions of the Bar formed before the date on which this Law enters into force shall continue to operate until the first meeting of the Higher Qualification and Disciplinary Commission of the Bar and regional Qualification and Disciplinary Commissions of the Bar formed in accordance with this Law respectively.

The Higher Qualification and Disciplinary Commission of the Bar and Qualification and Disciplinary Commissions of the Bar formed in accordance with this Law shall be legal successors of the Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine and Qualification and Disciplinary Commissions of the Bar that have been formed before the date on which this Law enters into force. Data contained in the Single State Register of Legal Entities and Individuals-Private Entrepreneurs about the Higher Qualification Commission of the Bar of the Cabinet of Ministers of Ukraine and Qualification and Disciplinary Commissions of the Bar shall be amended in the order prescribed by the Law of Ukraine "On the State Registration of Legal Entities and Individuals-Private Entrepreneurs".

8. Registration of Ukrainian National Bar Association shall be carried out in accordance with the Law of Ukraine "On the State Registration of Legal Entities and Individuals-Private Entrepreneurs".

9. Advocate companies that have been registered before the date on which this Law enters into force shall bring their operation and statutory documents into conformity with this Law within one year.

10. The Cabinet of Ministers of Ukraine shall, within three months of the date on which this Law enters into force:

bring its normative and legislative acts into conformity with this Law;

ensure that ministries and other central bodies of executive power bring their normative and legislative acts into conformity with this Law.

11. The State Registration Service of Ukraine shall provide transfer of registration cases of registered advocate companies to State registrars at the location of the workplace address of advocate companies within one month of the date on which this Law enters into force.

**President of Ukraine**

**VIKTOR YANUKOVYCH**

**Kyiv,  
July 5, 2012,  
No 5076-VI**