

LAW OF UKRAINE

On the Bar and Practice of Law

(Bulletin of the Verkhovna Rada (BVR), 2013, No. 27, p. 282)

This Law determines legal principles of the organization and operation of the bar of Ukraine and of the practice of law in Ukraine.

Section I GENERAL PROVISIONS

Article 1. Definition of basic terms

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

1) attorney - 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 attorney in the domain of provision of legal defense, representation and other types of legal assistance to a client;

3) attorneys' self-governance - the right of attorneys 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 services - an arrangement under which one party (an attorney, an attorney bureau, or an attorney company) undertakes to provide legal defense, representation or other types of legal services to the other party (client) in the manner and per the procedure stipulated by the agreement, whereas the client undertakes to pay for the legal services and cover the actual expenses necessary to perform the agreement;

5) legal defense - a type of attorney's activity 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 services – types of attorney's activities in provision of legal information, advice 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 attorney and his/her professional rights and duties, which may affect the attorney's objectivity or impartiality in the

course of performance by the attorney 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 attorney's activity 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 services 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 attorneys who have a 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 attorneys' professional rights, of ensuring high level of professionalism of attorneys and of resolving issues associated with the discipline of attorneys, in Ukraine there shall operate the attorneys' self-government.

Article 3. Legal basis for operation of the bar of Ukraine

1. The legal basis for the operation of the bar of Ukraine is formed of the Constitution of Ukraine, this Law and other legislative acts of Ukraine.

Article 4. Principles of and standards 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 attorney may practice law in the entire territory of Ukraine and abroad unless otherwise provided for by an international treaty ratified by the Verkhovna Rada of Ukraine, or by the laws of a foreign state.

3. An attorney may practice law as an individual practitioner or in such legal forms of business as attorney bureau or attorney company (organizational forms of the practice of law).

4. An attorney 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 the Verkhovna Rada of Ukraine.

Article 5. The bar and the state

1. The bar of Ukraine shall be independent of the governmental bodies, bodies of 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 PRACTICE OF LAW

Article 6. Attorney

1. Any individual who has obtained complete higher legal education, has a command of the official language and at least two-year experience in the field of law, has passed the qualification exam, has successfully completed traineeship (except in the cases established by this Law), has taken the oath of attorney of Ukraine, and has obtained the certificate of right to practice law is eligible to be an attorney.

2. No person may be an attorney if he/she:

1) has unspent or unexpunged per the legally established procedure conviction for the grave, particularly grave crimes as well as medium-gravity crimes for which he/she has been sentenced to the punishment of imprisonment;

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.

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 law after his/her 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 4 of the Law of Ukraine "On Preventing and Combating Corruption";

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 deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of local councils (except for those who perform 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).

2. Within three days of the occurrence of the circumstances of incompatibility set out in part 1 of this Article an attorney shall submit an application for termination of the practice of law to the regional bar council in the place of his/her work.

Article 9. Eligibility to take qualification exam

1. A person who intends to become an attorney 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 attorney, 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 attorney 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.

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 the receipt thereof.

Article 9. Qualification exam

1. Qualification exam is attestation of a person who intends to become an attorney.
2. Qualification exam is testing theoretical knowledge of a person who intends to become an attorney in the field of law, history of the bar, attorney's professional conduct, as well as testing the level of his/her practical skills of 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.

4. 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 passage of the qualification exam to the person.

The certificate of passage of the qualification exam shall be valid for three years from the date of taking the exam.

Sample certificate of passage 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. Attorney's trainee. Traineeship

1. Traineeship is verification of readiness of a person who has obtained a certificate of passage of the qualification exam to independently practice law. Traineeship shall last six months and shall be under the supervision of an attorney designated by the regional bar council.
2. A person may be an attorney's trainee, if he/she has a valid certificate of passage of the qualification exam on the date of commencement of the traineeship.

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

3. The traineeship may be supervised by an attorney of Ukraine who has been practicing law for at least five years. One attorney may supervise traineeship of not more than three trainees

simultaneously. The regional bar council may appoint a traineeship supervisor from among attorneys whose official work place 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.

5. The persons who have at least one year experience of working as an assistant to an attorney during 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 attorney'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.

8. 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 attorney'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.

Article 11. Oath of attorney 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 attorney of Ukraine of the text as follows:

“I, (name and surname), hereby solemnly declare that in my practice of law, I will comply with the principles of the rule of law, legality, independence and confidentiality, professional conduct rules, I will honestly and faithfully support the right to defense and provide legal services 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 attorney of Ukraine shall be signed by the attorney taking the oath and deposited with the regional bar council, whereas a copy thereof shall be given to the attorney.

Article 12. Certificate of right to practice law, ID card of attorney 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 attorney of Ukraine to the person who has taken the oath of attorney of Ukraine.

2. The term of validity of the certificate of right to practice law and of the ID card of attorney 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 attorney of Ukraine shall be approved by the Bar Council of Ukraine.

Article 13. Individual practice of law by attorney

1. An attorney who practices law as an individual practitioner is a self-employed person.
2. An attorney 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. Attorney bureau

1. Attorney bureau is a legal entity founded by one attorney and operating under the articles of association. The name of an attorney bureau must contain the surname of the attorney who founded it.
2. State registration of an attorney bureau 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. An attorney bureau has its own balance sheet, may open bank accounts, have a seal, stamps and letterheads with its name.
4. The attorney – founder of an attorney bureau, shall give written notice of incorporation, reorganization or liquidation of the attorney bureau 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 attorney bureau shall be named as a party to the agreements on the provision of legal services.
6. The attorney bureau may enter into contracts with other attorneys to involve them in the performance of the agreements on the provision of legal services to which it is a party. The attorney bureau shall ensure observance of the professional rights of attorneys and of the guarantees of the practice of law.

Article 15. Attorney company

1. The attorney company is a legal entity founded through association of at least two attorneys (members) and operating under the articles of association.
2. State registration of the attorney company 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 attorney company has its own balance, may open bank accounts, have a seal, stamps and letterheads with its name.

4. The attorney company shall give written notice to the respective regional bar council of incorporation, reorganization or liquidation of the attorney company, 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 attorney company shall be named as a party to the agreements on the provision of legal services. On behalf of the attorney company an agreement on the provision of legal services shall be signed by a member of the attorney company authorized by the power of attorney or the articles of association of the attorney company.

6. The attorney company may enter into contracts with other attorneys to involve them in the performance of agreements on the provision of legal services concluded by the attorney company. The attorney association shall ensure the observance of the professional rights of attorneys and of the guarantees of the practice of law.

Article 16. Assistant to attorney

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

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

3. The Regulation on the assistant to attorney shall be approved by the Bar Council of Ukraine.

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

Article 17. Single Register of Attorneys of Ukraine

1. The Bar Council of Ukraine shall maintain the Single Register of Attorneys of Ukraine for the purpose of collection, storage, recording and provision of reliable information on the number and names of attorneys carrying out activities in Ukraine and of the attorneys 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 attorneys. The respective regional bar councils and the Bar Council of Ukraine shall enter the relevant information into the Single Register of Attorneys of Ukraine.

2. The following data shall be entered into the Single Register of Attorneys of Ukraine:

1) the attorney's surname, name and patronymic;

2) the reference number and the date of issuance of the certificate of right to practice law, the reference number and the date of the decision on the issuance of the certificate of right to practice law (the reference number and the date of the decision on the inclusion of an attorney of a foreign state in the Single Register of Attorneys of Ukraine);

- 3) the name and the place of practicing law, the organizational form of the practice of law and contact details;
- 4) the attorney's work place address and contact details;
- 5) information on suspension or termination of the right to practice law;
- 6) other data provided for by this Law.

The attorney's work place address is the location of the organizational form of the practice of law selected by the attorney or the address of the actual place of practicing law if it is different from the location of the organizational form of the practice of law selected by the attorney. If there are multiple attorney's work place addresses, only one attorney's work place address shall be entered into the Single Register of Attorneys 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 Single Register of Attorneys of Ukraine, the attorney shall give written notice of such changes to the regional bar council at the location of his/her work place 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 Single Register of Attorneys of Ukraine shall be available on the official website of the Ukrainian National Bar Association. The Bar Council of Ukraine and the respective regional bar councils shall provide excerpts from the Single Register of Attorneys of Ukraine upon request by an attorney or another person.
5. The information to be entered into the Single Register of Attorneys 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 Single Register of Attorneys of Ukraine shall be approved by the Bar Council of Ukraine.
7. For the purpose of maintaining the Single Register of Attorneys 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 attorneys

1. Attorneys shall have the right to found local, national and international unions in accordance with the procedure established by law.
2. Attorneys and unions of attorneys may become members of international organizations of attorneys and lawyers.

Section III TYPES OF PRACTICE OF LAW. ATTORNEY'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 as follows:

- 1) provision of legal information, advice and explanations on legal issues, legal support to individuals and legal entities, governmental bodies, bodies of 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 services 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 bodies of local self-government in foreign and international courts, unless otherwise provided for by law of the foreign states, statutory documents of international judicial bodies and other international organizations or by international treaties ratified by the Verkhovna Rada of Ukraine;
- 8) provision of legal services in the course of enforcement and serving of criminal sentences.

An attorney may engage in other types of practice of law that are not prohibited by law.

Article 20. Professional rights of attorney

1. While practicing law, an attorney shall have the right to perform any actions that are not prohibited by law, by the professional conduct rules and by the agreement on the provision of legal services and that are necessary for the proper performance of the agreement on provision of legal services, inter alia:

- 1) to submit attorney's letters of enquiry, including those for obtaining copies of documents, to governmental bodies, bodies of 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, bodies of 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 attorney provides legal defense, representation or other types of legal services, 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 attorney

1. While practicing law, the attorney shall be obliged to:
 - 1) abide by the oath of attorney of Ukraine and the professional conduct rules;
 - 2) give his/her client, upon the client's demand, a report on the performance of the agreement on the provision of legal services;
 - 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 attorneys' self-government;
 - 6) perform other duties provided for by law and the agreement on the provision of legal services.
2. The attorney may not:
 - 1) exercise his/her rights contrary to the rights, freedoms and legitimate interests of a client;

- 2) disclose attorney-client confidential information 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 attorney is confident of the client's self-incrimination;
 - 4) refuse to provide legal services, except when otherwise established by law.
3. The attorney shall ensure protection of personal data of an individual in his/her possession in accordance with the legislation on personal data protection.

Article 22. Attorney-client confidential information

1. Attorney-client confidential information includes any information about a client that an attorney, an assistant to attorney, attorney's trainee or a person in employment relationship with an attorney 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 services on the grounds established by this Law) applied to an attorney, attorney bureau or attorney company, as well as the contents of the recommendations, advice, or explanations provided by an attorney, documents drafted by an attorney, information stored on electronic media, and any other documents or information received by an attorney while practicing law.
2. Information or documents may be deprived of the status of attorney-client confidential information only upon written request by the client (a person who was denied conclusion of an agreement on the provision of legal services 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 keep attorney-client information confidential shall extend to an attorney, an assistants to attorney, attorney's trainee or persons in employment relationships with the attorney, attorney bureau, attorney company and a person whose right to practice law was suspended or terminated. An attorney, attorney bureau, and attorney company shall ensure conditions that preclude access of third persons to attorney-client confidential information or disclosure thereof.
4. In the case of client's complaint against an attorney in connection with his/her practice of law, the attorney shall be released from the duty to keep attorney-client information confidential 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 attorney, other bodies or public officials considering the client's complaint against the attorney or aware of the said complaint, shall take measures to preclude access of third persons to attorney-client confidential information or disclosure thereof.
5. Persons guilty of providing third parties with an access to attorney-client confidential information or disclosure thereof shall bear liability as established by law.

Article 23. Guarantees of practice of law

1. Professional rights, honor and dignity of an attorney 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 attorney-client confidential information from an attorney, an assistant to attorney, attorney's trainee or a person in employment relationship with an attorney, attorney bureau, attorney company, 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 keep attorney-client information confidential as prescribed by law;
- 3) search operations or investigative actions that require special court permission shall be conducted in relation to an attorney 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 production of or seize documents relating to the practice of law;
- 5) an attorney 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 attorney 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 attorney is guaranteed the right to the measures of safety and protection in respect of him while he/she is participating in criminal proceedings in the manner prescribed by law;
- 8) it is prohibited to involve an attorney in confidential collaboration during search operations or investigative actions if such collaboration relates or may lead to the disclosure of attorney-client confidential information;
- 9) it is prohibited to interfere with private communication of an attorney and a client;
- 10) the investigator or prosecutor may not submit a motion concerning the legal stand of an attorney on a case; nor may a court pass a separate ruling to that effect;
- 11) it is prohibited to interfere with the legal stand of an attorney;
- 12) a body or officials which detained or imposed restrictive measures on an attorney must immediately give notice thereof to the respective regional bar council;
- 13) a report of a suspected criminal offense by an attorney 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 attorney (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 an attorney's statements made in the case including those reflecting the stand of the client, and none of his/her statements in mass media may serve the basis for bringing the attorney to liability, as long as his/her statements are not in breach of the attorney's professional duties;

16) it is prohibited to identify an attorney as his/her client;

17) any disciplinary proceedings against an attorney shall be conducted under the specially established procedure

Specific features of certain investigative actions and of injunctive measures in criminal proceedings against an attorney are determined in part two of this Article.

2. In the event of a search or inspection of an attorney's residence, other possessions or premises where he/she practices law, or in the event of a temporary access to the attorney'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 attorney's residence, his/her other possessions or premises where he/she practices law, as well as during temporary access to the attorney'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 attorney-client confidential information, 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, bodies of local self-government, their officials and officers shall adhere in their relations with attorneys 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 the Verkhovna Rada of Ukraine, and to the practice of the European Court of Human Rights.

Article 24. Attorney's letter of enquiry

1. Attorney's letter of enquiry is a written application by an attorney 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 attorney to provide legal services to a client.

An attorney's letter of enquiry shall be accompanied by photocopies of his/her certificate of right to practice law attested by the attorney, warrants or assignment issued by a body (agency)

authorized by law to provide free legal aid. It is prohibited to demand of an attorney to submit any other documents together with the attorney's letter of enquiry.

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

Information and photocopies of documents obtained in the course of criminal proceedings shall be provided to the attorney 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 attorney's letter of enquiry shall, within five working days thereafter, provide the attorney with the respective information, photocopies of documents, except for classified information and photocopies of the documents containing classified information.

If an attorney'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 attorney'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 attorney within five working days of the receipt of the attorney's letter of enquiry.

If compliance with an attorney's letter of enquiry calls for making photocopies of documents of more than ten pages, the attorney 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 attorney'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 by attorney of free legal aid

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

2. Assessment of the quality, completeness and timeliness of provision by attorneys of free primary legal aid shall be made upon request by bodies of local self-government, and in the 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 CONTRACT ON PROVISION OF LEGAL SERVICES

Article 26. Grounds for practice of law

1. Practice of law is performed on the basis of the contract on provision of legal services.

The documents evidencing the attorney's authority to provide legal services shall be as follows:

- 1) contract on provision of legal services;
 - 2) power of attorney;
 - 3) warrant;
 - 4) assignment by 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 attorney's authority to provide legal services. A warrant shall be issued by an attorney, attorney bureau or attorney company and must have a signature of the attorney. The Bar Council of Ukraine shall approve the standard form of a warrant.
3. Authority of an attorney 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 attorney shall act within the authority granted to him/her by a client subject to the restrictions on performance of certain procedural actions.

Article 27. Form and contents of contract on provision of legal services

1. The contract on provision of legal services shall be made in writing.
2. The contract on provision of legal services may be concluded in oral form in the following cases:
 - 1) provision of oral and written advice, 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 services 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 contract on provision of legal services shall be subject to the general requirements of contract law.
4. The contract on provision of legal services may be made on behalf of a client by another person acting in the client's interests. Specific features of conclusion and the substance of contracts (agreements) with attorneys 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 services 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 attorney of Ukraine and the professional conduct rules.

Article 28. Grounds for refusal to conclude a contract on provision of legal services

1. An attorney, attorney bureau or attorney company shall not enter into the contract on provision of legal services in the event of conflict of interest.

An attorney shall not enter into the contract on provision of legal services and shall be obliged to refuse to perform a contract entered into by an attorney, attorney bureau or attorney company in the event that:

- 1) the actions authorized by an assignment go beyond the limits of the attorney'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 attorney of Ukraine and the professional conduct rules;
- 3) the attorney participated in certain proceedings, which is the reason for his withdrawal in accordance with the procedural law;
- 4) the performance of the contract on provision of legal services may result in the disclosure of attorney-client confidential information;
- 5) the attorney 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 attorney is addressed with a proposal to enter into the contract on provision of legal services;
- 6) the performance of the agreement may be contrary to the attorney's own interests or interests of his/her family members or close relatives, an attorney bureau or attorney company of which the attorney 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 attorney is providing legal services to another person whose interests may be in conflict with the interests of a person who applies for the conclusion of the contract on provision of legal services.

2. In the case of refusal to conclude the contract on provision of legal services, the attorney shall be obliged to keep confidential the attorney-client information communicated to the attorney by the person who addressed him/her with the proposal to conclude such a contract.

Article 29. Termination, rescission of contract on provision of legal services

1. The contract on provision of legal services shall be terminated upon proper performance of obligations under it.
2. The contract on provision of legal services 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 attorney (attorney bureau, attorney company) a fee (remuneration) for all the work that has been done or prepared to be done, whereas the attorney (attorney bureau, attorney company) shall notify the client of the possible implications and risks associated with early termination (rescission) of the agreement.

Article 30. Attorney's fee

1. Attorney's fee is a form of remuneration to an attorney for provision of legal defense, representation and other types of legal services rendered to a client.

2. The procedure for calculation of the attorney's fee (fixed amount, per hour rate), grounds for changing the amount of the fee, the procedure for payment and recovery thereof shall be specified in the contract on provision of legal services.

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

Section V. SUSPENSION AND TERMINATION OF RIGHT TO PRACTICE LAW

Article 31. Suspension of right to practice law

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

- 1) submission by the attorney of an application for suspension of his/her practice of law;
- 2) a court verdict against the attorney for committing a crime becomes effective, except as provided for in paragraph 6, part one of Article 32 of this Law;
- 3) imposition of a disciplinary sanction on the attorney in the form of suspension of his/her right to practice law;
- 4) a court by its decision declares the attorney fully or partially incapable.

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

- 1) re-occurrence of misconduct within a year;
- 2) failure by the attorney to comply with the requirements as regards incompatibility;
- 3) systematic or a single gross violation of the professional conduct rules.

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 attorney of the respective application to the regional bar council at the location of the attorney's work place 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 attorney 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 attorney'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 attorney'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 attorney shall have no right to practice law during the period of suspension of the right to practice law, nor may the attorney take part in the work of bodies of attorneys' 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 attorneys of Ukraine.

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

Article 32. Termination of right to practice law

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

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

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

3) the attorney's death;

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

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

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

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

- 1) violation of the oath of attorney of Ukraine;
- 2) disclosure by the attorney of attorney-client confidential information, 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 attorney'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 professional conduct rules, 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 attorney of the respective application to the regional bar council at the location of the attorney's work place 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 attorney 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 attorney 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 attorneys' 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 attorney'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 attorney.

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

Section VI ATTORNEY'S DISCIPLINE

Article 33. General conditions for attorney's discipline

1. The attorney may be subjected to discipline 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 appearance of elements of misconduct in the attorney's actions.
3. Disciplinary proceedings against the attorney shall be administered by the qualification and disciplinary commission of the bar at the location of the attorney's work place address indicated in the Single Register of Attorneys of Ukraine.

Article 34. Grounds for discipline of attorney

1. Misconduct by the attorney shall be the ground for discipline of the attorney.
2. Misconduct of the attorney is:
 - 1) non-compliance with the requirements as regards incompatibility;
 - 2) violation of the oath of attorney of Ukraine;
 - 3) violation of the professional conduct rules;
 - 4) disclosure of attorney-client confidential information 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 attorneys' self-government;
 - 7) violation of other attorney's duties provided for by law.
3. A judgment by a court or another body passed against a client of the attorney, or quashing or modification of a judgment by a court or another body passed in a case in which the attorney provided legal defense, representation or other types of legal services shall not be the grounds for discipline of the attorney 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 attorney for misconduct:
 - 1) warning;

- 2) suspension of the right to practice law for a period from one month to one year;
 - 3) for Ukrainian attorneys – disbarment with further exclusion from the Single Register of Attorneys of Ukraine, and for attorneys of foreign states – exclusion from the Single Register of Attorneys of Ukraine.
2. The attorney may be disciplined within one year from the date of misconduct.

Article 36. Initiation of discipline of attorney

1. Any person who has become aware of the attorney's misconduct which may serve the ground for discipline of the attorney 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 discipline of the attorney without having sufficient ground therefor, or to use the said right as a means of pressure upon the attorney in connection with his/her practice of law.

No disciplinary action may be instituted against the attorney upon application (complaint) that does not contain information about the appearance of elements of misconduct in the attorney'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 attorney;
 - 2) institution 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 attorney

1. An application (complaint) regarding the attorney's misconduct that may serve the ground for discipline of the attorney 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 chairman of the disciplinary chamber, shall investigate the allegations of the application (complaint) and address the attorney 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 attorney's actions displaying elements of misconduct, to obtain, upon

written inquiry to governmental bodies, bodies of 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 attorney, 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. Institution of disciplinary action

1. Based on the results of investigation of the application (complaint) about the attorney'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 institution of a disciplinary action or on the refusal to institute a disciplinary action against the attorney.

2. The decision on the institution 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 attorney and the person who initiated the disciplinary action against the attorney against their signatures on the return of service within three days from the date of adoption of the decision. The decision on the institution of a disciplinary action to be sent to or served on the attorney 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 institution of a disciplinary action or the decision on refusal to institute a disciplinary action may, within thirty days of the date of its adoption, 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 attorney shall be examined by the disciplinary chamber of the qualification and disciplinary commission of the bar within thirty days of the date of its institution.

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 attorney subjected to the disciplinary action, of the person who initiated the discipline of the attorney, as well as of other persons concerned.

The attorney subjected to the disciplinary action and the person who initiated the disciplinary action against the attorney 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 services of an attorney.

If the attorney 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 attorney shall be read out at the hearing held by the disciplinary chamber of the qualification and disciplinary commission of the bar.

Failure by the attorney or by the person who initiated the disciplinary action against the attorney 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 attorney shall be public, except when public hearing may lead to disclosure of attorney-client confidential information.

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 chairman 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 discipline the attorney 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 attorney, 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 attorney'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 attorney subjected to the disciplinary action and of the person who initiated the disciplinary action against the attorney.

The member of the disciplinary chamber of the qualification and disciplinary commission of the bar who conducted investigation of the allegations of the attorney'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 attorney and the person who initiated the disciplinary action against the attorney 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 attorney or the person who initiated a disciplinary action against the attorney 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. Lodging of the appeal against the decision shall not result in suspension of the decision.

2. The Higher Qualification and Disciplinary Commission of the Bar shall, within ten days of the receipt of the application (complaint), demand production of the documents in the disciplinary case file from the respective qualification and disciplinary commission of the bar and ensures 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 ATTORNEYS' SELF-GOVERNMENT

Article 43. Principles of attorneys' self-government

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

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

Article 44. Objectives of attorneys' self-government

1. Objectives of attorneys' self-government are:

- 1) ensuring the attorneys' independence, protection against interference with the practice of law;
- 2) maintaining high level of professionalism of attorneys;
- 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 Single Register of Attorneys of Ukraine;
- 7) participating in the formation of the High Council of Justice in the order prescribed by law.

Article 45. Ukrainian National Bar Association

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

2. The Ukrainian National Bar Association:

1) represents the bar of Ukraine in its relations with governmental bodies, bodies of local self-government, their officials and officers, enterprises, institutions and organizations regardless of the form of ownership and subordination, non-governmental organizations and international organizations, and delegates its representatives to governmental bodies;

2) protects the professional rights of attorneys and provides guarantees of practice of law;

3) ensures high level of professionalism of Ukrainian attorneys;

4) ensures accessibility and transparency of information about Ukrainian attorneys;

5) performs other functions in accordance with this Law.

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

4. The Ukrainian National Bar Association is formed by the congress of attorneys of Ukraine and may not be reorganized. The Ukrainian National Bar Association may be liquidated only on the basis of the law.

5. The statute of the Ukrainian National Bar Association is approved by the congress of attorneys of Ukraine and is the statutory document of the Association.

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

Article 46. Organizational forms of attorneys' self-government

1. Organizational forms of attorneys' self-government are as follows: the conference of attorneys 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 attorneys of Ukraine.

2. Attorneys' self-government shall be accomplished through the operation of conferences of attorneys 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 attorneys of Ukraine.

Article 47. Conference of attorneys of the region

1. The conference of attorneys of the region whose work place addresses are located in the Autonomous Republic of Crimea, the region, the cities of Kyiv and Sevastopol, and who are entered into the Single Register of Attorneys of Ukraine, is the supreme body of attorneys' 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 attorneys of the region shall be approved by the Bar Council of Ukraine.

2. The conference of attorneys 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 attorneys of the region whose work place 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 attorneys who signed the proposal or the Bar Council of Ukraine take a decision to form an organizational office for convening the conference of attorneys of the region. The organizational office shall have the rights of the regional bar council in respect of convention and ensuring of holding of the conference and shall determine a person to preside at the meeting of the conference.

3. The attorneys shall be notified of the date, time and venue of the conference of attorneys 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 attorneys of the region shall be deemed competent if attended by more than half of its delegates.

5. The powers of the conference of attorneys of the region shall be as follows:

1) election of the chairman and of the members of the regional bar council, their early recall from their positions;

2) election of delegates to the congress of attorneys of Ukraine;

3) election of a representative of the attorneys 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 chairman and members of the qualification and disciplinary commission of the bar, their early recall;

5) election of the chairman 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 attorneys 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 attorneys 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 attorneys' self-government in the respective region during the period between the conferences of attorneys of the region.

The regional bar council shall be controlled by and accountable to the conference of attorneys of the region.

2. The chairman and the members of the regional bar council shall be elected for a five-year term by the conference of attorneys of the region from among the attorneys who have been practicing law for at least five years, whose work place address is located in the Autonomous Republic of Crimea, the region, the cities of Kyiv and Sevastopol respectively, and who are entered into the Single Register of Attorneys of Ukraine. The same person may not be the chairman 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 attorneys of the region.

3. At the first meeting, the members of the regional bar council shall, upon a proposal by the chairman, elect from among themselves the deputy chairman and the secretary of the bar council.

The chairman, the deputy chairman, 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 attorneys of free legal aid.

The chairman, the deputy chairman, the secretary, and a member of the regional bar council may be early recalled by the decision of the body of attorneys' self-government which elected the said persons to their positions.

4. The regional bar council shall:

1) represent attorneys of the region;

2) draw up the agenda for, convene and provide holding of the conference of attorneys of the region;

3) ensure compliance with the decisions of the conference of attorneys of the region, and exercise control over compliance with them;

4) provide informational and methodological support for attorneys of the region, promote enhancement of their professional skills;

- 5) administer the procedure of taking the oath of attorney of Ukraine;
 - 6) determine the representatives of the bar to be members of the tender commission for selection of attorneys 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 attorneys;
 - 8) administer funds and property pursuant to the approved budget;
 - 9) ensure inclusion of information in the Single Register of Attorneys of Ukraine in the established order;
 - 10) form a commission for the assessment of quality, completeness and timeliness of provision by attorneys of free legal aid;
 - 11) perform other functions in accordance with this Law, decisions of the conference of attorneys of the region, the Bar Council of Ukraine, the congress of attorneys 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 chairman, the deputy chairman 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 attorneys 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. Chairman of regional bar council

1. The chairman of the regional bar council shall represent the council in governmental bodies, bodies of local self-government, enterprises, institutions, organizations, and in its relations with citizens.
2. The chairman 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 attorneys of the region, the Bar Council of Ukraine and the congress of attorneys of Ukraine.
3. The chairman of the regional bar council may receive remuneration for his/her work at the rate determined by the conference of attorneys 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 discipline of attorneys.

The qualification and disciplinary commission of the bar shall be controlled by and accountable to the conference of attorneys of the region.

2. The chairman and the members of the qualification and disciplinary commission of the bar shall be elected for a five-year term by the conference of attorneys of the region from among the attorneys who have been practicing law for at least five years, whose work place address is located in the Autonomous Republic of Crimea, the region, the cities of Kyiv and Sevastopol respectively, and who are entered into the Single Register of Attorneys of Ukraine. No person may be the chairman or a member of the qualification and disciplinary commission of the bar for more than two consecutive tenures.

The chairman 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 chairman, a member of the qualification and disciplinary commission of the bar may be early recalled by the decision of the conference of attorneys 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 attorneys of the region.

At the first meeting, each chamber shall elect from among its members the chairman and the secretary of the chamber by simple majority of votes of all its members. The chairman of any of the chambers shall be, *ex officio*, the deputy chairman of the qualification and disciplinary commission of the bar.

The chairman, the secretary of the chamber may be early recalled by a decision of the respective chamber.

4. The chairman, the deputy chairman, 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 attorneys 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 passage of the qualification exam;
- 3) adoption of decisions regarding suspension or termination of the right to practice law;
- 4) institution of disciplinary proceedings against attorneys;
- 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 attorneys of the region, of the Higher Qualification and Disciplinary Commission of the Bar, of the Bar Council of Ukraine, and of the congress of attorneys 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 of the date of its adoption.
9. The chairman, the deputy chairman, 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 attorneys 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 attorneys of the region.

2. The chairman and the members of the regional bar audit commission shall be elected for a five-year term by the conference of attorneys of the region from among the attorneys who have been practicing law for at least five years, whose work place address is located in the

Autonomous Republic of Crimea, regions, the cities of Kyiv and Sevastopol, and who are entered into the Single Register of Attorneys of Ukraine. The number of the members of the regional bar audit commission shall be determined by the conference of attorneys of the region.

The chairman or a member of the regional bar audit commission may be early recalled by the decision of the conference of attorneys of the region which elected the said persons to their positions.

The chairman 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 attorneys 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 attorneys of the region. The regional bar audit commission may submit audit results to the Bar Council of Ukraine and the congress of attorneys 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 attorneys 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 attorneys of the region, the chairman and two deputy chairmen elected by voting of the congress of attorneys 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 chairman, deputy chairmen, 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 chairman, a deputy chairman, the secretary or a member of the Higher Qualification and Disciplinary Commission of the Bar for more than two consecutive tenures.

The chairman, a deputy chairman, 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 attorneys' self-government which elected the said persons to their positions.

The chairman, a deputy chairman, 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 attorneys 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) quash the decision of the qualification and disciplinary commission of the bar and adopt a new decision;
- 4) send the case for a fresh examination 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 chairman of the Higher Qualification and Disciplinary Commission of the Bar shall represent the Higher Qualification and Disciplinary Commission of the Bar in governmental bodies, bodies of local self-government, enterprises, institutions, organizations, as well as in its relations with citizens.

The chairman 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 attorneys of Ukraine.

The chairman of the Higher Qualification and Disciplinary Commission of the Bar may receive remuneration at the rate determined by the congress of attorneys 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 attorneys 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 the 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 attorneys of Ukraine.

2. The chairman and members of the Higher Audit Commission of the Bar shall be elected by the congress of attorneys of Ukraine for a five-year's tenure from among the attorneys 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 attorneys of Ukraine.

The chairman or a member of the Higher Audit Commission of the Bar may be early recalled by the decision of the congress of attorneys of Ukraine.

The chairman 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 attorneys of free legal aid.

The chairman 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 attorneys 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 attorneys 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 attorneys of Ukraine

1. The congress of attorneys of Ukraine is the supreme body of attorneys' self-government of Ukraine.

2. The congress of attorneys of Ukraine shall be composed of the delegates elected by the conferences of attorneys 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 attorneys of Ukraine shall be determined by the Bar Council of Ukraine.

4. The congress of attorneys of Ukraine shall be convened by the Bar Council of Ukraine no less than once every three years. The congress of attorneys 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 attorneys included in the Single Register of Attorneys 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 attorneys of Ukraine within sixty days of the receipt of the proposal to convene it, the attorneys or the representatives of the regional bar councils who signed the proposal shall take a decision to form an organizational office for convening the congress of attorneys of Ukraine. The organizational office shall have the right to convene and provide conduct of the congress of attorneys of Ukraine, and to nominate a person to preside at the meeting of the congress.

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

6. The congress of attorneys of Ukraine shall be competent if attended by more than half of the elected delegates representing the majority of the conferences of attorneys of the regions.

7. The congress of attorneys of Ukraine shall:

1) elect the chairman and deputy chairmen of the Bar Council of Ukraine, the chairman and deputy chairmen of the Higher Qualification and Disciplinary Commission of the Bar, the chairman and deputy chairmen of the Higher Audit Commission of the Bar, and early recall them;

2) approve the statute of the Ukrainian National Bar Association and make amendments in 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 three members of the High Council of Justice;

7) approve the budget of the Bar Chamber 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 attorneys of Ukraine may take a decision on the payment by attorneys of annual contributions in order to ensure the implementation of attorneys' 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 attorneys of Ukraine shall be taken 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 attorneys' self-government during the period between the congresses of attorneys 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 attorneys of Ukraine.

The Bar Council of Ukraine shall be controlled by, and accountable to, the congress of attorneys 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 attorneys of the region, the chairman and two deputy chairmen elected by voting of the congress of attorneys 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 chairman, deputy chairmen, the secretary and members of the Bar Council of Ukraine shall be elected for a five-year term. A person may not be the chairman, a deputy chairman, the secretary or a member of the Bar Council of Ukraine for more than two consecutive tenures.

The chairman, a deputy chairman, the secretary and a member of the Bar Council of Ukraine may be early recalled by the decision of the body of attorneys' self-government, which elected the said persons to their positions.

The chairman, a deputy chairman, 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 attorneys 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 attorneys of Ukraine;

2) determine the representational quota, the procedure for the appointment and election of delegates of the conference of attorneys of the region, the congress of attorneys of Ukraine;

- 3) ensure compliance with the decisions of the congress of attorneys of Ukraine;
- 4) provide organizational, methodological and informational support of the maintenance of the Single Register of Attorneys of Ukraine, exercise control over the activities of the regional bar councils as regards inclusion of information into the Single Register of Attorneys of Ukraine and provision of extracts from it;
- 5) approve the rules of procedure of the conference of attorneys 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 attorneys of free legal aid;
- 6) determine the amount of, and procedure for, the payment of attorneys' annual contributions for ensuring the implementation of attorneys' self-government, manage distribution and use of the contributions (provided that the congress of attorneys of Ukraine adopted a decision on payment of attorneys' annual contributions for ensuring the implementation of attorneys' 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 attorneys;
- 10) adopt decisions on the disposal of funds and property of the Ukrainian National Bar Association in accordance with the intended use of the funds and property as determined by the statute of the Ukrainian National Bar Association and the decisions adopted by the congress of attorneys of Ukraine;
- 11) examine complaints against the decisions, actions or omissions of the regional bar councils, their chairmen, quash the decisions of the regional bar councils;
- 12) determine the official printed medium of the Ukrainian National Bar Association;
- 13) provide maintenance of the official website of the Ukrainian National Bar Association;
- 14) perform other functions in accordance with this Law and decisions of the congress of attorneys of Ukraine.

5. The meeting of the Bar Council of Ukraine shall be convened by the chairman of the Bar Council of Ukraine, and in the event of his/her absence, by a deputy chairman, no less than once in 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 chairman 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 office for convening the Bar Council of Ukraine. The

organizational office 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 chairman of the meeting of the Council shall have the casting vote.

Article 56. Chairman of the Bar Council of Ukraine

1. The chairman of the Bar Council of Ukraine shall be, *ex officio*, the chairman of the Ukrainian National Bar Association.

2. The chairman of the Bar Council of Ukraine shall represent the Bar Council of Ukraine and the Ukrainian National Bar Association in the governmental bodies, bodies of local self-government, enterprises, institutions, organizations, as well as in its relations with citizens.

3. The chairman 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 the Ukrainian National Bar Association pursuant to the approved budget, organize and provide operation of the secretariat of the Ukrainian National Bar Association, and perform other duties provided for by this Law, the resolution on the Bar Council of Ukraine, the statute charter of the Ukrainian National Bar Association, the decisions of the Bar Council of Ukraine and the congress of attorneys of Ukraine.

4. The chairman of the Bar Council of Ukraine may receive remuneration at the rate determined by the congress of attorneys of Ukraine.

Article 57. Binding decisions of bodies of attorneys' self-government

1. The decisions of the congress of attorneys of Ukraine and the Bar Council of Ukraine shall be binding on all attorneys.

2. The decisions of conferences of attorneys of the region and regional bar councils shall be binding on attorneys whose work place address is located in the respective region, and who are entered into the Single Register of Attorneys of Ukraine.

3. The decisions of bodies of attorneys' self-government shall become effective as of the date of their adoption, unless otherwise provided for in the decisions.

Article 58. Financial support of bodies of attorneys' self-government

1. Bodies of attorneys' self-government may be financed through:

1) the fee paid for taking the qualification exam;

2) the attorneys' annual contributions for ensuring the implementation of attorneys' 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 attorneys, attorney bureaus and attorney companies;
- 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.

The rate of attorneys' annual contributions for ensuring implementation of attorneys' 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 Single Register of Attorneys of Ukraine. The rate of attorneys' annual contributions to be used for implementation of attorneys' self-government shall be the same for all attorneys. Attorneys whose right to practice law has been suspended shall be exempted from the duty to pay attorneys' annual contributions for ensuring implementation of attorneys' self-government for the period of suspension of the said right.

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 attorneys' self-government shall be financed and their funds and property shall be administered in accordance with the budgets approved by conferences of attorneys of the region and the congress of attorneys of Ukraine.

4. Financial reports of bodies of attorneys' 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 ATTORNEYS OF FOREIGN STATES. SPECIFIC FEATURES OF STATUS OF ATTORNEY OF A FOREIGN STATE

Article 59. Obtaining by attorney of a foreign state of right to practice law in Ukraine. Specific features of status of attorney of a foreign state

1. The attorney of a foreign state may practice law in Ukraine taking into account specific provisions of this Law.
2. The attorney 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 Single Register of Attorneys of Ukraine. The application shall be accompanied by the documents confirming the right of the said attorney 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 attorney 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 attorney in the Single Register of Attorneys of Ukraine, which decision shall be communicated to the attorney 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 attorney into the Single Register of Attorneys of Ukraine.

4. Grounds for the refusal to include the attorney of a foreign state in the Single Register of Attorneys of Ukraine shall be as follows:

1) the decision of the respective qualification and disciplinary commission of the bar on exclusion of the attorney from the Single Register of Attorneys 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 attorney - 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 attorney of a foreign state in the Single Register of Attorneys of Ukraine shall be sent to the attorney 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 attorney'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 attorney of a foreign state during his/her practice of law in Ukraine.

Article 60. Liability of attorney of a foreign state

1. In the event of misconduct by the attorney of a foreign state included in the Single Register of Attorneys of Ukraine, he/she shall be disciplined per the procedure provided for by this Law for Ukrainian attorneys, taking into account specific provisions established by part two of this Article.

2. The attorney of a foreign state included in the Single Register of Attorneys of Ukraine may be disciplined only by way of warning or exclusion from the Single Register of Attorneys of Ukraine.

3. The qualification and disciplinary commission of the bar shall inform the respective governmental body or a body of attorneys' self-government of a foreign state where the attorney obtained the status of the attorney or the right to practice law that the attorney of a foreign state has been disciplined.

Article 61. Relations of attorney of a foreign state with bodies of attorneys' self-government

1. The attorney of a foreign state may apply to bodies of attorneys' 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 the 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 Code of Criminal Procedure of Ukraine;

3) the provisions of Articles 24-27, 48, 50-55 of this Law concerning the provision by the attorney 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 Single Register of Attorneys of Ukraine, which shall enter into force as of the date of announcement by the Bar Council of Ukraine on the official website of the Ukrainian National Bar Association of the beginning of operation of the Single Register of Attorneys 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 the 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 the Verkhovna Rada of Ukraine “On the Procedure for the Entry into Force of the Law of Ukraine “On the Bar of Ukraine” (Bulletin of the 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 the 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 attorney’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 chairman 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 of an attorney, another expert in law who has the right granted by law to provide legal services 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 attorney, another specialist in law who has the right granted by law to provide legal services 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 attorney 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 attorney to participate in the examination of the case shall be evidenced by a power of attorney to conduct the case acknowledged by the notary or the officer authorized by law to acknowledge powers of attorney, or by a warrant or assignment by a body (agency) authorized by law to provide free legal aid, or by the agreement on provision of legal services. The warrant shall necessarily be accompanied by an excerpt from the contract stating the authority of the attorney or limitation of his/her rights of the attorney 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 the Verkhovna Rada of Ukraine, 1992, No. 6, p. 56):

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

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

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

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

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

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

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

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

in the second sentence, the words “warrant of an attorney” 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 “attorneys and”;

in part three:

paragraph 1 shall be restated as follows:

“1) the attorney - by a power of attorney to conduct the case, which is acknowledged by a notary or an officer authorized by law to acknowledge powers of attorney, or by a warrant or assignment by a body (agency) authorized by law to provide free legal aid, or by the contract on provision of legal services. The warrant shall necessarily be accompanied by an excerpt from the contract stating the authority of the attorney or limitation of his/her rights to commit certain actions as the attorney 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”;

8) in Article 11 of the Law of Ukraine “On the High Council of Justice” (Bulletin of the Verkhovna Rada of Ukraine, 1998, No. 25, p. 146, 2010, No. No. 31-45, p. 529):

part three shall be restated as follows:

“Procedure for convening and conducting the congress of attorneys of Ukraine shall be determined by the Law of Ukraine “On the Bar of Ukraine and Practice of Law”;

part four shall be deleted;

9) in part four, Article 3 of the Law of Ukraine “On the State Registration of Legal Entities and Individuals-Private Entrepreneurs” (Bulletin of the 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 “attorney companies” shall be deleted;

10) in paragraph seven, part four, Article 5 of the Law of Ukraine “On Social Services” (Bulletin of the Verkhovna Rada of Ukraine, 2003, No. 45, p. 358, as amended by the Law of Ukraine dated March 15, 2012 No. 4523-VI), the words “legal services, protection of the rights and interests of a person, etc.” shall be replaced with the words “protection of the rights and interests of a person, other legal services, etc.”;

11) part five, Article 9 of the Law of Ukraine “On Enforcement Proceedings” (Bulletin of the Verkhovna Rada of Ukraine, 2011, No. 19-20, p. 142) shall be amended to include paragraph two in the following wording:

“The authority of the attorney as of the representative may also be evidenced by a warrant, assignment by a body (agency) authorized by law to provide free legal aid, or by the contract on provision of legal services. The warrant shall necessarily be accompanied by an excerpt from the contract stating the powers of the attorney as the representative or limitation of his/her rights to commit certain actions as the representative of the party to enforcement proceedings. The excerpt shall be attested by the parties to the contract”;

12) in the Law of Ukraine “On Free Legal Aid” (Bulletin of the 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 of Ukraine 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 the 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 attorneys’ 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 the Ukrainian attorney issued before the date on which this Law enters into force shall be valid and not subject to substitution or replacement.

3. Attorneys 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 Single Register of Attorneys of Ukraine.

The attorney who gave notice of incompatibility circumstances in the manner and time set by sub-paragraph one of this paragraph, shall not be disciplined 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 the Ukrainian attorney, 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 attorneys 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 attorneys 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 attorneys of the region.

Organizational and technical support of foundation conferences of attorneys 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 attorneys of the region by mail (electronic mail), courier or fax, and shall place an announcement about the foundation conference of attorneys of the region in the printed medium used for the promulgation of the decisions of the 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 attorneys 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 attorneys of the region on its official website.

The foundation conference of attorneys of the region shall be opened by the oldest attorney participating in it. The qualification and disciplinary commission of the bar shall notify the said attorney of the number of participants of the conference.

The foundation conference of attorneys of the region shall elect from among its members the chairman and the secretary to conduct the conference and keep the minutes, as well as the chairman and members of the counting commission to conduct the voting and calculate the vote results.

The foundation conference of attorneys of the region shall: fix the number and elect the chairman and members of the regional bar council; elect delegates to the foundation congress of attorneys of Ukraine as per quota of one delegate per one hundred attorneys 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 attorneys of the region to the Bar Council of Ukraine; elect the representative of attorneys of the region to the Higher Qualification and Disciplinary Commission of the Bar; elect the chairman and members of the regional bar audit commission. The foundation conference of attorneys of the region may take decisions on other matters assigned by this Law to the competence of the conference of attorneys of the region.

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

The results of the foundation conference of attorneys of the region shall be recorded in writing in the form of minutes to be signed by the chairman and the secretary of the conference. Excerpt from the minutes of the foundation conference of attorneys of the region stating the results of the election of delegates to the foundation congress of attorneys of Ukraine shall be signed by the chairman 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 attorneys of Ukraine attended by the delegates elected by foundation conferences of attorneys 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 attorneys 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 attorneys of Ukraine by mail (electronic mail), courier or fax, shall provide placement of an announcement about the foundation congress of attorneys 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 attorneys of Ukraine.

The founding congress of attorneys of Ukraine shall be opened by the oldest attorney 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 attorney 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 attorneys of Ukraine and shall enjoy the right to vote on the agenda issues.

The foundation congress of attorneys of Ukraine shall elect from among its members the chairman and the secretary to conduct the congress and to keep the minutes, as well as the chairman and members of the counting commission to conduct the voting and to calculate the vote results.

The foundation congress of attorneys of Ukraine shall: elect the chairman and deputy chairmen of the Bar Council of Ukraine; elect the chairman and deputy chairmen of the Higher Qualification and Disciplinary Commission of the Bar; determine the number and elect the chairman and members of the Higher Audit Commission of the Bar; approve the statute of the 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 attorneys of Ukraine may adopt decisions on other matters assigned by this Law to the competence of the congress of attorneys of Ukraine.

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

The results of the foundation congress of attorneys of Ukraine shall be recorded in writing in the form of the minutes which shall be signed by the chairman and the secretary of the congress and submitted to the chairman 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 attorneys of Ukraine and foundation conferences of attorneys 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 the 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. Attorney 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 attorney companies to state registrars at the location of the work place address of attorney companies within one month of the date on which this Law enters into force.

The President of Ukraine
VIKTOR YANUKOVYCH

the city of Kyiv
July 5, 2012
No. 5076 -VI