

# LAW OF THE REPUBLIC OF ARMENIA ON THE PROFESSION OF ADVOCATE

Adopted on 14 December 2004

## CHAPTER 1

### GENERAL PROVISIONS

#### Article 1. Subject Matter of the Law

This Law shall establish the basics of practising the profession of advocate and of forming a professional association of advocates, as well as the manner of practising the profession of advocate in the Republic of Armenia.

#### Article 2. Legislation on the Profession of Advocate

Legislation on the profession of advocate shall comprise the Constitution of the Republic of Armenia, the Civil Procedure Code of the Republic of Armenia and the Criminal Procedure Code of the Republic of Armenia, this Law and other legal acts.

The procedure set forth in this Law shall be uniform and binding for all advocates.

#### Article 3. The Profession of Advocate and the State

The profession of advocate shall be a professional association of advocates which, as institution of civil society, shall not be a part of the system of state or local self-government bodies. The profession of advocate shall be based on the principles of independence, legality, self-government and legal equality of advocates.

#### Article 4. Restriction on the Use of the Concepts of this Law

Use of the concepts “advocate”, “chamber of advocates”, “collegium of advocates”, “union of advocates”, as well as of word combinations- containing any of their case forms or their semantic translations in foreign languages- in the titles of organisations and non governmental associations, shall be agreed upon with the Board of the Chamber of Advocates.

#### Article 5. Practice of the Profession of Advocate

Practice of the profession of advocate shall be a form of advocacy aimed at enforcing, through means and ways not prohibited by law, the legitimate interests of a person receiving legal assistance.

Practice of the profession of advocate shall include:

(1) advice, including advising clients on their rights and obligations, on activities of the judicial system with respect to the rights of the client, as well as examination of documents and drawing up of other documents of a legal nature;

- (2) representation, including court representation;
- (3) defence in criminal cases.

Court representation, or defence in criminal cases, referred to in this Article, shall, as an entrepreneurial activity, be carried out solely by an advocate.

Legal assistance provided by persons in an employment relationship and acting for the benefit of the employer shall not constitute practice of the profession of advocate.

This Law shall not cover persons who are not advocates, but who carry out representation, or defence in criminal cases, in the manner prescribed by law and not as an entrepreneurial activity.

## Article 6. The Paid Nature of Practice of the Profession of Advocate

Advocates shall be entitled to remuneration for his/her services.

The amount of and the manner of remuneration for the practice of the profession of advocate shall be determined by a written contract concluded between the advocate and the client in accordance with the Civil Code of the Republic of Armenia.

The State shall guarantee legal aid in criminal cases pursuant to the procedure and in cases provided for by the Code of Criminal Procedure of the Republic of Armenia, as well as pursuant to the procedure prescribed by the Code of Civil Procedure of the Republic of Armenia in the following cases:

- (1) in actions with regard to collecting maintenance payments;
- (2) compensation for losses incurred as a result of mayhem or other injury to the health, as well as the death of the bread-winner;

Legal aid shall be provided by the Chamber of Advocates on account of the State in accordance with Articles 41 and 42 of this Law.

Free legal assistance may also be provided at the initiative of the advocate.

## CHAPTER 2

### Arrangements for the Profession of Advocate

## Article 7. The Chamber of Advocates of the Republic of Armenia

The Chamber of Advocates of the Republic of Armenia (hereinafter “the Chamber of Advocates”) shall be a professional, independent, self-governed legal person, the peculiarities of which shall be defined by this Law. The Chamber of Advocates shall acquire the status of a legal person upon its registration in accordance with the law.

The Chamber of Advocates shall have the following tasks:

- (1) to create conditions for the exercise of professional practice by its members;
- (2) to protect the rights and lawful interests of its members in their interrelation with state and local self-government bodies and with organisations, as well as before court;
- (3) to arrange vocational education and training of its members;
- (4) to carry out supervision over the observance by its members of the requirements of the Code of Conduct for Advocates and the Charter of the Chamber of Advocates;
- (5) to take measures to strengthen the standing of the profession of advocate;

(6) to ensure, in cases prescribed by this Law, the provision of equally accessible and efficient legal aid for everyone.

The Chamber of Advocates may cooperate with foreign structures of advocates, international and other organisations.

#### Article 8. Bodies of the Chamber of Advocates

The bodies of the Chamber of Advocates shall be the following:

- (1) General Meeting of the Chamber of Advocates;
- (2) Board of the Chamber of Advocates;
- (3) Disciplinary Committee of the Chamber of Advocates;
- (4) Qualification Commission of the Chamber of Advocates.

Members of the bodies of the Chamber of Advocates shall work in those bodies without remuneration except for the Chairperson of the Chamber of Advocates.

Members of the bodies of the Chamber of Advocates may, in parallel with their work in those bodies, practise the profession of advocate.

Members of the Chamber of Advocates shall be eligible for only one body of the Chamber of Advocates.

The powers, the manner of formation, operation, tasks and functions of the bodies of the Chamber of Advocates shall be defined by this Law and the Charter of the Chamber of Advocates.

#### Article 9. General Meeting of the Chamber of Advocates

The General Meeting of the Chamber of Advocates shall be the general assembly of advocates which shall be authorised to discuss and settle issues relating to the profession of advocate and arising from this Law.

The General Meeting of Advocates shall be the supreme body of the Chamber of Advocates, which shall:

- (1) approve the Charter of the Chamber of Advocates and the Code of Conduct for Advocates and make amendments and additions thereto;
- (2) elect and recall members of the Board of the Chamber of Advocates and the Disciplinary Committee of the Chamber of Advocates;
- (3) elect and recall advocate members of the Qualification Commission of the Chamber of Advocates;
- (4) elect and recall the Chairperson of the Chamber of Advocates;
- (5) hear the report of the Board of the Chamber of Advocates on the activities of the Board of the Chamber of Advocates in the reporting period as well as the report of the Head of the Office of Public Defender on the activities of the Office of Public Defender in the reporting period;
- (6) hear the results of the audit;
- (7) (Point 7 repealed by LA-105-N of 1 June 2006).
- (8) exercise other powers provided for by this Law and the Charter of the Chamber of Advocates.

The General Meeting of the Chamber of Advocates shall be convened at least once every two years at the initiative of the Chairperson of the Chamber of Advocates. An extraordinary General

Meeting of Advocates may be convened at the initiative of one third of the members of the Chamber of Advocates, or the Board of the Chamber of Advocates.

The General Meeting of the Chamber of Advocates shall have a quorum when more than half of the members of the Chamber of Advocates are present at the meeting. The General Meeting of the Chamber of Advocates shall commence its activities upon the registration of advocates. Where the activities of the General Meeting of the Chamber of Advocates last more than one day, the registration of advocates shall be carried out on each of those days.

Decisions of the General Meeting of the Chamber of Advocates shall be taken by simple majority of the votes cast in an open voting except in cases provided for by this Law. The Charter of the Chamber of Advocates may provide for other cases of voting by secret ballot. The powers of the General Meeting of the Chamber of Advocates may not be transferred to other bodies.

With the purpose of attending the General Meeting of the Chamber of Advocates a member of the Chamber of Advocates may delegate his/her vote to another member of the Chamber of Advocates in accordance with the Charter of the Chamber of Advocates.

(Article 9 amended by LA-141-N of 8 July 2005, LA-105 of 1 June 2006)

#### Article 10. The Board of the Chamber of Advocates

The Board of the Chamber of Advocates shall be the executive body of the Chamber of Advocates.

Members of the Board of the Chamber of Advocates, other than the Chairperson of the Chamber of Advocates, shall be elected for a term of two years from among the advocates through preferential voting by secret ballot. The Board of the Chamber of Advocates shall consist of eleven members and the Chairperson of the Board.

The Board of the Chamber of Advocates shall:

- (1) form the Qualification Commission;
- (2) develop the Code of Conduct for Advocates and submit it to the General Meeting of the Chamber of Advocates for approval;
- (3) submit to relevant state bodies recommendations for the improvement of laws and other legal acts;
- (4) prepare and approve the annual budget of the Chamber of Advocates as well as prepare financial applications on remuneration for the provision of legal aid and submit it to the Ministry of Finance and Economy of the Republic of Armenia through the Ministry of Justice of the Republic of Armenia;
- (5) arrange vocational education and training of advocates;
- (6) decide, in accordance with Article 29 of this Law, on issuing an authorisation to practise the profession of advocate to a person claiming it (hereinafter “the applicant”);
- (7) decide on repealing the authorisation of an advocate pursuant to Article 36 of this Law;
- (8) decide on suspending or reinstating the authorisation of an advocate pursuant to Article 38 of this Law;
- (9) develop and approve the procedure for arranging and conducting the probation of interns;
- (10) prescribe the amount and the manner of payment of advocate membership fees, as well as membership access fees and other payments by the applicant;
- (11) approve the establishment plan of the Chamber of Advocates;

(12) open disciplinary proceedings against an advocate and decide on imposing a disciplinary penalty on an advocate;

(13) exercise other functions provided for by law and by the Charter of the Chamber of Advocates.

Meetings of the Board of the Chamber of Advocates shall be convened by the Chairperson of the Chamber of Advocates when necessary, but no less than four times a year. Meetings of the Board of the Chamber of Advocates may also be convened by one third of the members of the Board of the Chamber or at the initiative of 30 members of the Chamber of Advocates.

A meeting of the Board of the Chamber of Advocates shall have a quorum when at least seven members of the Board of the Chamber of Advocates are present at the meeting.

Members of the Board of the Chamber of Advocates shall vote in person at meetings of the Board of the Chamber of Advocates.

Decisions made at meetings of the Board of the Chamber of Advocates shall be adopted by the simple majority of votes of members present at the meeting.

(Article 10 amended by LA-141-N of 8 July 2005, LA-105-N of 1 June 2006)

#### Article 11. The Disciplinary Committee of the Chamber of Advocates

The Disciplinary Committee of the Chamber of Advocates shall be a body responsible for disciplinary proceedings.

The Disciplinary Committee of the Chamber of Advocates shall be elected for a term of two years from among the advocates, through preferential voting by secret ballot, and with a membership of nine. The Disciplinary Committee of the Chamber of Advocates shall:

(1) conduct disciplinary proceedings against an advocate;

(2) render an opinion on imposing a disciplinary penalty on an advocate in accordance with Article 40(1), (2) and (3) of this Law.

(3) render an opinion on repealing the authorisation of an advocate.

The Chairperson of the Disciplinary Committee of the Chamber of Advocates shall be elected from among the members of the Disciplinary Committee of the Chamber of Advocates.

The meetings of the Disciplinary Committee of the Chamber of Advocates shall be convened by the Chairperson of the Disciplinary Committee of the Chamber of Advocates.

A meeting of the Disciplinary Committee of the Chamber of Advocates shall have a quorum when more than two third of the members of the Chamber of Advocates is present at the meeting.

Decisions made at meetings of the Disciplinary Committee of the Chamber of Advocates shall be adopted by the simple majority of votes of the members present at the meeting.

(Article 11 supplemented by LA-141-N of 8 July 2005)

#### Article 12. The Qualification Commission of the Chamber of Advocates

The Qualification Commission of the Chamber of Advocates shall be formed with the purpose of organising and summarising the results of qualification examinations.

The Qualification Commission of the Chamber of Advocates shall be formed for a term of two years with the membership of nine and with the following proportion of representation:

- (1) six advocates elected through preferential voting by secret ballot from among advocates having at least five years experience as practising advocates;
- (2) one representative from the Ministry of Justice of the Republic of Armenia, upon submission by the Minister of Justice of the Republic of Armenia;
- (3) one academic lawyer from the Academy of Sciences of the Republic of Armenia, upon submission by the head of that institution;
- (4) one judge from the Court of Cassation of the Republic of Armenia (hereinafter referred to as “the Court of Cassation”) upon submission by the President of the Court of Cassation.

The Chairperson of the Qualification Commission of the Chamber of Advocates shall be elected from among the advocate members of the Qualification Commission.

Meetings of the Qualification Commission of the Chamber of Advocates shall be convened by the Chairperson of the Qualification Commission.

A meeting of the Qualification Commission of the Chamber of Advocates shall have a quorum when at least two third of its members are present at the meeting.

The decisions of the Qualification Commission on conducting qualification examinations of the applicant shall be adopted by the simple majority of votes of its members present at the meeting through voting with nominal ballots. The form of the ballot shall be approved by the Board of the Chamber of Advocates. The minutes of the meeting of the Qualification Commission shall be signed by all of its members, irrespective of the position of each during voting. Ballots and texts of written answers to the questions (tests) shall be attached to the minutes and kept in the files of the Chamber of Advocates for a period of three years. The decision of the Qualification Commission of the Chamber of Advocates shall be announced to the applicant immediately after the voting is concluded (Article 12 supplemented by LA-141-N of 8 July 2005).

### Article 13. Chairperson of the Chamber of Advocates

The Chairperson of the Chamber of Advocates shall be the highest official of the executive body of the Chamber of Advocates.

The Chairperson of the Chamber of Advocates shall be elected from among members having at least seven years experience as practising advocates through closed voting by secret ballot, for a term of four years, but for no more than two consecutive terms.

The candidate receiving more than half of the votes cast (votes of those who were given ballots) shall be deemed elected as Chairperson of the Chamber of Advocates.

When two or more candidates stand and none have received the required number of votes, a second round of voting shall be held and contested by the two candidates with the most votes from the first. In case of a tie vote, the second candidate to participate in the second round shall be determined by drawing lots.

The candidate receiving the majority of votes in the second round shall be deemed elected. In case of a tie vote, lots shall be drawn.

In case when only one candidate is voted for, he/she shall be deemed elected if he/she receives more than half of the votes cast.

In case where the Chairperson of the Chamber of Advocates is not elected, a new election shall be held within one month following the voting.

The Chairperson of the Chamber of Advocates shall:

- (1) represent the Chamber of Advocates;
- (2) take decisions on issues with regard to ensuring the smooth functioning of the Chamber of Advocates;
- (3) appoint and remove from office the head of staff and other staff members of the Chamber of Advocates;
- (4) determine terms of reference of the staff of the Chamber of Advocates;
- (5) enter the name of an advocate in the list of advocates;
- (6) issue certificates of advocate, and their assistants and interns;
- (7) exercise other powers defined by this Law and the Charter of the Chamber of Advocates.

The Chairperson of the Chamber of Advocates shall, for the purpose of exercising his/her powers, have a deputy who shall be appointed by the Chairperson of the Chamber of Advocates from among the members of the Board of the Chamber of Advocates. The Deputy Chairperson of the Chamber of Advocates shall replace the Chairperson of the Chamber of Advocates during his/her absence.

The Chairperson of the Chamber of Advocates shall be the ex officio Chairperson of the Board of the Chamber of Advocates.

The work of the Chairperson of the Board of the Chamber of Advocates in parallel with practice of the profession of advocate shall not hinder the exercise of the powers of the Chairperson.

(Article 13 supplemented by LA-141-N of 8 July 2005)

### Article 131. The Procedure for Conducting Preferential Voting by Secret Ballot

The name and surname of each candidate shall be followed by the words "I am for" and a blank box for marking.

The voter shall, when voting for a candidate, mark the box "I am for"; no marking shall be made when voting against.

The candidate receiving the majority of votes shall be deemed elected. In case of a tie vote, lots shall be drawn.

(Article 131 supplemented by LA-141-N of 8 July 2005)

#### Article 14. Supervision of Financial-Economic Activity of the Chamber of Advocates

Supervision of financial-economic activity of the Chamber of Advocates shall be conducted at least once every two years by an independent audit firm selected by the Board of the Chamber of Advocates.

#### Article 15. Property of the Chamber of Advocates

The property of the Chamber of Advocates shall be formed of membership fees of advocates and other resources not prohibited by law.

#### Article 16. Non-Governmental Associations of Advocates

Advocates shall have the right to establish non-governmental associations of advocates or become members thereof pursuant to the legislation of the Republic of Armenia.

Non-governmental associations of advocates shall not be entitled to exercise the powers of the Chamber of Advocates or their bodies as provided for by this Law except for the powers provided for in Article 10(3)(3) and (5) of this Law.

### CHAPTER 3

#### Advocates and their Activities

#### Article 17. The Advocate

An advocate shall be the person who has obtained an authorisation pursuant to this Law to practise the profession of advocate, is a member of the Chamber of Advocates, and has made an oath. An advocate shall be an independent adviser on legal issues.

Advocates shall promote the rule of law in society and preach legality in terms of respect for human rights and freedoms and strengthening adherence to international recognised norms. Advocates, while rendering legal assistance, shall:

- (1) provide both oral and written advice on legal issues;
- (2) prepare applications, complaints, claims, motions and other documents of a legal nature and drafts thereof;
- (3) participate, as a representative of the client, in civil proceedings and in the hearing of the case before the Constitutional Court of the Republic of Armenia;
- (4) participate in criminal proceedings or cases on administrative offences as a representative or defence counsel of the client;
- (5) participate, as a representative of the client, in hearings of cases before an arbitral tribunal or other dispute settlement bodies;



(6) represent the interests of the client in state and local self-government bodies, in non-governmental and other organisations, foreign government agencies, courts and bodies of preliminary investigation or inquest, international tribunals, and foreign non-governmental organisations unless otherwise provided for by the legislation of the relevant state, charter documents of international tribunals and other international organisations, or by international treaties of the Republic of Armenia.

An advocate shall have the right to render other types of legal assistance not prohibited by law. In civil proceedings and in proceedings on administrative offences, state and local self-government bodies may be represented by advocates except for cases when those functions are performed by members of staff of such bodies and unless otherwise prescribed by law.

Advocates shall conduct education of their interns.

Advocates shall pay membership fees in the amount and manner determined by the Chamber of Advocates for the general needs and other expenses related to practice of the profession of advocate.

Practice of the profession of advocate in the Republic of Armenia by a foreign advocate shall correspond to this Law, the Charter of the Chamber of Advocates and the Code of Conduct for Advocates unless otherwise prescribed by international treaties of the Republic of Armenia. Practice of foreign advocates in the Republic of Armenia shall be based on authorisation issued by the relevant organisation of advocates of their state, and on accreditation from the Chamber of Advocates.

Foreign advocates may not provide legal assistance on issues related to state or official secrets of the Republic of Armenia.

Foreign advocates may not be elected to the bodies of the Chamber of Advocates.

(Article 17 amended by LA-63-N of 25 December 2006)

#### Article 18. Basic Rights of Advocates

The basic rights of advocates participating in civil and criminal proceedings, and in proceedings on administrative offences as a representative or defence counsel of the client shall be defined by law.

In particular, advocates shall have the right to:

- (1) represent or defend the interests of natural or legal persons in accordance with the Code of Civil Procedure and the Code of Criminal Procedure of the Republic of Armenia as well as represent the interests of clients in state and local self-government bodies, non-governmental entities and organisations;
- (2) obtain and present evidence in the best interests of the client in the manner prescribed by law;
- (3) file requests with state and local self-government bodies or with organisations to obtain documents and information necessary for rendering legal assistance. The mentioned bodies and organisations must provide the originals or copies of the required documents to the advocate in the manner prescribed by law;
- (4) file written requests to people, with their consent, who allegedly possess information related to the case on which the advocate is providing legal assistance;
- (5) involve experts on a contractual basis to provide clarification on issues which require, in connection with rendering legal assistance, professional knowledge.

#### Article 19. Basic Duties of Advocates

Advocates shall be obliged to:

- (1) protect, honestly and in good faith, the rights and lawful interests of the client by all means and ways not prohibited by the legislation of the Republic of Armenia;
- (2) observe the requirements of this Law, the Code of Conduct for Advocates and the Charter of the Chamber of Advocates;
- (3) not disclose information covered by advocate-client privilege except for cases provided for by law;
- (4) improve their knowledge continually;
- (5) pay membership fees;
- (6) not to take any action prejudicing the interests of a client; not to take any position without the consent of the client except in cases when the advocate is certain of false self-incrimination by the defendant; and not to admit the client's connection to the incident of crime if this conflicts with the client's position;
- (7) fulfil the duties defined by the Law of the Republic of Armenia on Money Laundering and Terrorism Financing Control.

(Article 1 supplemented by LA-87-N of 26 May 2008)

#### Article 20. Peculiarities of Basic Rights and Duties of Advocates

Advocates shall not be authorised to accept the instructions of a person requesting legal assistance when:

- (1) it is apparently illegal;
- (2) they have their own interests with regard to the subject matter of the contract with the client which conflict with that of the client.

Advocates shall not be authorised to provide legal assistance where:

- (1) there is conflict with regard to the same issue between the interests of the advocate and the client or between the interests of his/her clients;
- (2) they have been involved in the relevant case as a judge, prosecutor, investigator, employee of the inquest body, expert, victim or witness, or where they have been officials authorised to make decisions favouring the client;
- (3) they have kinship, personal ties with, or dependency from an official who is or has been engaged in the examination of that person's case;
- (4) they are to represent a client in a case, and that person's interests prejudice the interests of a former client, unless the latter gives his/her written consent.

Advocates shall not be authorised to:

- (1) make statements about the client's guilt being proven if the latter denies it;
- (2) disclose, without the client's consent, information communicated by the latter to the advocate in connection with rendering legal assistance.

Advocates must cease rendering legal assistance to two or more persons when there is a conflict of their interests.

Advocates shall be authorised to renounce the obligations assumed as against the client only in cases prescribed by this Law and by the contract entered into with the client.

Clients shall have the right to refuse to receive services from the advocate at any time by remunerating for the service already provided. In case of refusing to represent the interests of the client, the advocate shall notify the client thereon in good time and provide sufficient time before leaving for the client to select a new advocate. The advocate shall transmit to the client all the documents in his/her possession relating to the case.

Advocates shall have other rights and duties prescribed by law.

#### Article 21. Guarantees for Practice of the Profession by Advocate

Advocates, when practising their profession, shall act independently and shall abide only by the Constitution of the Republic of Armenia, this Law, the Code of Conduct for Advocates and the Charter of the Chamber of Advocates.

Intervention by state or local self-government bodies, officials thereof, political parties, non-governmental organisations and mass media in the practice of the profession of advocate shall be prohibited.

Advocates shall be provided with an opportunity of individual, unhampered, confidential communication with their clients and provision of advice thereto.

Advocates shall not be prosecuted or subjected to liability for any action performed in accordance with the requirements prescribed by law, including expression, in the course of in good faith performance of their professional duties, of their opinion or position in court or in the bodies of inquest or preliminary investigation or in other authorities.

#### Article 22. Legal Protection of Advocates

Advocates, as well as members of their family, and their property, shall be under state protection. Authorised state bodies shall undertake the necessary measures prescribed by law to protect advocates when, in connection with the performance of their professional duties, they or members of their family have been threatened with physical violence, destruction of their property or any other unlawful act.

When arresting or detaining an advocate, the authority conducting the proceedings shall immediately inform thereon the Chairperson of the Chamber of Advocates.

#### Article 23. Assistants to Advocates

Advocates shall have the right to an assistant or assistants. Persons referred to in Article 33 of this Law may not become an assistant to advocate.

Assistants to advocates shall not be entitled to practise the profession of advocate.

Assistants to advocates shall not be allowed to disclose information covered by advocate-client privilege except for the information on grave or particularly grave anticipatory criminal offence provided for by the Criminal Code of the Republic of Armenia, which is certain to occur. Assistants to advocates shall be admitted to employment based on the employment contract concluded with the undertaking which employs the advocate, or the employment contract concluded with the advocate acting as a sole entrepreneur. Assistants to advocates shall establish their identity with the ID of the assistant to the advocate, the form and manner of issuance of which shall be approved by the Board of the Chamber of Advocates.

#### Article 24. Interns of Advocates

Advocates having five or more years experience as a practising advocate shall be entitled to have an intern or interns.

An intern shall be a person with higher legal education, except for persons referred to in Article 33, who passes an internship from one to two years in the bodies of the Chamber of Advocates,

in the undertaking which employs the advocate, or by entering into an employment contract with an advocate acting as a sole entrepreneur.

The manner and terms of passing an internship, as well as of its termination shall be determined by the Board of the Chamber of Advocates.

Interns of advocates shall carry out their activity under the supervision of the advocate, performing specific assignments related to practice of the profession by the advocate. Interns of advocates shall not be entitled to practise the profession of advocate independently. Interns of advocates shall not be allowed to disclose information covered by advocate-client privilege except for the information on grave or particularly grave anticipatory criminal offence provided for by the Criminal Code of the Republic of Armenia, which is certain to occur. Interns of advocates shall be admitted to employment by the undertaking which employs the advocate, or through concluding an employment contract with the advocate acting as a sole entrepreneur.

Interns of advocates shall establish their identity with the ID of the assistant to the advocate, the form and manner of issuance of which shall be approved by the Board of the Chamber of Advocates.

#### Article 25. Advocate-Client Privilege

Advocate-client privilege shall cover the information that clients provide to advocates, as well as the information and evidence not known to the public and obtained by advocates independently during the practice of their profession.

Interrogation of advocates on circumstances which became known to him/her in connection with the request to provide legal assistance or in connection with providing such assistance shall be prohibited.

Advocates shall disclose information covered by advocate-client privilege when:

- (1) the client gives his/her consent;
- (2) it is necessary in supporting claims made in a court dispute between the advocate and the client, or for the advocate's defence;
- (3) there exists information on grave or particularly grave anticipatory criminal offence provided for by the Criminal Code of the Republic of Armenia, which is certain to occur. The duty to observe advocate-client privilege shall have no time limit.

#### Article 26. Legal Forms of Activities of Advocates

Advocates may choose, in practising their profession, any of the legal forms provided for by the legislation of the Republic of Armenia.

#### Chapter 27. The Code of Conduct for Advocates

The Code of Conduct for Advocates shall determine the rules of conduct and the principles of ethics of advocates.

### CHAPTER 4

#### Authorisation of Practice of the Profession of Advocate

## Article 28. Requirements for Obtaining Authorisation to Practise the Profession of Advocate

Those persons shall be eligible to obtain authorisation to practise the profession of advocate who:

- (1) have a higher legal education or degree in law and at least two years experience of practising the legal profession;
- (2) have taken a qualification examination and been awarded a relevant certificate.

For the purpose of obtaining an authorisation to practise the profession of advocate the applicant shall take an examination with a programme determined by the Board of the Chamber of Advocates. The procedure for conducting and taking examination shall be determined by the Board of the Chamber of Advocates.

For the purpose of obtaining an authorisation to practise the profession of advocate the applicant shall submit to the Qualification Commission an application, a copy of an identification document, CV, a copy of an employment record book or other document certifying their experience of practising the legal profession, a copy of a document certifying that they have a higher legal education or law degree, as well as other documents required by the legislation on the profession of advocate.

In case of necessity, the Qualification Commission shall arrange the verification, within a two months period, of the authenticity of the documents and data submitted by the applicant.

The qualification examination shall consist of a written test and oral interview. The requirements for the qualification examination, the list of subjects to be tested on and the evaluation standards shall be determined by the Qualification Commission.

The results of the qualification examination may be appealed in court.

The applicant failing the qualification examination shall be allowed to retake it after one year. There shall be no limit on the number of attempts taken in order to pass the examination.

Examinations shall be held at least once a year.

The experience of practising the legal profession required for obtaining an authorisation to practise the profession of advocate shall include employment or activity:

- (1) as judge or prosecutor;
- (2) in a position requiring higher legal education in a non-governmental, state or local self-government body or organisation;
- (3) as an advocate or an advocate's intern;
- (4) as a notary or investigator;
- (5) as a law professor in secondary, university or post-graduate educational institutions.

A person may obtain an authorisation to practise the profession of advocate without taking a qualification examination and receiving a relevant certificate if he/she has at least 15 years working experience as a judge or advocate.

(Article 28 amended by LA-105-N of 1 June 2006)

## Article 29. The Procedure for Issuing Authorisation to Practise the Profession of Advocate

For the purpose of obtaining an authorisation to practise the profession of advocate the applicant shall submit to the Chamber of Advocates an application with a request to obtain membership of the Chamber of Advocates, accompanied by a copy of the certificate issued by the Qualification Commission.

The application of the applicant shall be examined and decided on by the Board of the Chamber of Advocates within one month.

Discrimination of any kind on the basis of national origin, nationality, race, sex, language, religion, political or other opinions, social origin, property or any other status shall be prohibited.

An application may be rejected, if the requirements provided for in Articles 28 and 33 of this Law have not been met.

Rejection of an application may be appealed in court within one month.

If the application is rejected, the applicant may submit a new application one year after the date of the decision on rejection.

A person receiving membership of the Chamber of Advocates shall receive, within five days, an authorisation endorsed with the seal of the Chamber of Advocates and the signature of the Chairperson.

The authorisation shall be issued without any time and age limitation.

Article 29.1. Advocates Accredited in the Court of Cassation of the Republic of Armenia

(Article 29.1 supplemented by LA-95-N of 21 February 2007)

*(Article 29.1 repealed by LA-236-N of 26 December 2008).*

Article 30. Special Authorisation and the Procedure for Issuance thereof

(Article 30 repealed by LA-105-N of 1 June 2006)

Article 31. Registration in the Court of Cassation of Advocates with Special Authorisation

(Article 31 repealed by LA-105-N of 1 June 2006).

Article 32. Oath of the Advocate

An advocate obtaining an authorisation to practise the profession of advocate for the first time shall take an oath with the following content in front of the Board of the Chamber of Advocates during a solemn ceremony:

"I solemnly swear to perform honestly and in good faith the duties of advocate, to observe advocate-client privilege and to protect clients' rights, freedoms and interests by abiding by the Constitution and laws of the Republic of Armenia, and the Code of Conduct for Advocates."

The oath shall be taken individually where each advocate reads the text of the oath.

Advocates shall sign the text of the oath.

Article 33. Limitations on Practice of the Profession of Advocate

A person shall not be eligible to become an advocate where he/she:

- (1) has been declared by court judgment as having no or limited legal capacity;
- (2) has been convicted of intentional criminal offence, and the conviction has not expired or been cancelled.

## Article 34. The List of Advocates and Enrolment Therein

To ensure the access of the public to the practice of the profession of advocate, the Board of the Chamber of Advocates shall keep and publish, at least twice a year, a list of advocates.

The list of advocates shall include the name and surname of the advocate, his/her contact information, specialisation of the advocate, as well as other information if the advocate wishes, which must be specified in detail in the advocate's application.

The Chairperson of the Chamber of Advocates shall, within 14 days of receipt of an application from an advocate holding an authorisation to practise the profession of advocate or a foreign advocate authorised to practice the profession of advocate, enrol them in the list of advocates.

Advocates shall be held liable pursuant to law for false information published in the list of advocates.

## Article 35. Removal from the List of Advocates

Advocates shall be removed from the list of advocates upon the decision of the Board of the Chamber of Advocates, when:

- (1) they submit a written application requesting to have their name removed from the list of advocates;
- (2) their authorisation is withdrawn on grounds provided for in Article 36 of this Law;
- (3) the authorisation of a foreign advocate to practise the profession of advocate in his/her home country has been withdrawn.

## CHAPTER 5

### Withdrawal and Suspension of Authorisation to Practise the Profession of Advocate

#### Article 36. Withdrawal of Authorisation

The authorisation of an advocate shall be withdrawn when:

- (1) the advocate files a written request with the Chairperson of the Chamber of Advocates to withdraw the authorisation;
- (2) the advocate obtained the authorisation in violation of the requirements of law;
- (3) circumstances referred to in Article 33 are present;
- (4) a disciplinary penalty for three or more times within a one year period has been imposed on the advocate;
- (5) the advocate has died, or a court decision declaring him/her as dead has become effective;
- (6) the advocate submitted false data to the Qualification Commission;
- (7) the period provided for in Article 38 of this Law for suspension of the authorisation has expired.

Authorisations shall be withdrawn by the Board of the Chamber of Advocates by repealing it. The Board of the Chamber of Advocates shall, in cases referred to in points 4 and 5 of part 1 of

this Article, repeal the authorisation based on the opinion of the Disciplinary Committee of the Chamber of Advocates.

The decision to withdraw an authorisation may be appealed in court within a period of one month.

Advocates shall be entitled to apply for a new authorisation two years after its withdrawal.

A foreign advocate, whose authorisation to practise the profession of advocate was withdrawn in the country where he/she had obtained the relevant authorisation, may not practise the profession of advocate in the Republic of Armenia.

#### Article 37. Withdrawal of the Special Authorisation

(Article 37 repealed by LA-105-N of 1 June 2006).

#### Article 38. Suspension of Authorisation

Authorisation shall be suspended for a period of up to five years when the advocate:

- (1) has been elected to an elective state body or to the position of head of the community, for his/her term of office;
- (2) has been drafted for active military service, until the expiry of the period of the service;
- (3) is unable to fulfil his/her professional duties due to health problems for a period exceeding one year, if relevant documents certifying the health condition may be provided;
- (4) has moved to state service, for the term of state service;
- (5) has been declared as missing pursuant to the procedure prescribed by law;
- (6) is charged with an intentional criminal offence connected with his/her practice of the profession;

Authorisation shall be suspended in other cases provided for by law.

The Board of the Chamber of Advocates may suspend advocate's authorisation when the court imposes medical enforcement measures on the advocate.

Suspension of the advocate's authorisation shall result in the suspension of guarantees for advocates provided for by this Law.

Authorisations shall be suspended by the Board of the Chamber of Advocates.

The advocate must notify the Chairperson of the Chamber of Advocates about circumstances referred to in points 1, 2, 3 or 4 of part 1 of this Article within ten days.

Advocate's authorisation shall, upon elimination of the grounds referred to in part 1 of this Article, be reinstated upon the decision of the Board of the Chamber of Advocates at the request of the advocate whose authorisation had been suspended.

Decisions rejecting reinstatement of advocate's authorisation may be appealed in court.

(Part 9 repealed by LA-105-N of 1 June 2006)

(Article 38 amended by LA-105-N of 1 June 2006)



## CHAPTER 6

### Liability of Advocates

#### Article 39. Disciplinary Liability of Advocates

Advocates shall be subject to disciplinary liability for violating the requirements of this Law, the Code of Conduct for Advocates, the Charter of the Chamber of Advocates, and for failing to perform or improperly performing their professional duties. Disciplinary proceedings shall be opened on the basis of written communications received by the Chamber of Advocates or of publications of mass media. Anonymous communications shall not be subject to verification.

Advocates shall have the right to participate in disciplinary proceedings opened against them, to have counsel, to familiarise themselves with the files of disciplinary proceedings, to present evidence, to summon witnesses, to ask questions and to file motions.

Disciplinary proceedings shall be opened in case of discovery of elements of a disciplinary violation, within ten days of receipt of the statement or communication concerning them.

The decision on opening a disciplinary proceeding shall be communicated to the advocate.

Disciplinary proceedings may not be opened against advocates, and opened proceedings shall be dismissed if six months have passed since the discovery of the violation.

Where a criminal case has been instituted or criminal prosecution is conducted against an advocate, and the institution of a criminal case is rejected or the criminal prosecution is terminated, the advocate shall be subject to disciplinary liability within two months from the date of issuance of the decision on rejecting the institution of a criminal case or termination of the criminal prosecution when elements of a disciplinary violation do exist in the actions of the offender.

Disciplinary proceedings shall be closed no later than within two months following the date of its opening, including the time necessary for decision making. The findings of the disciplinary proceedings shall be announced by the Disciplinary Committee of the Chamber of Advocates.

#### Article 40. Types of Disciplinary Penalties Applicable to Advocates

One of the following disciplinary penalties may be imposed on an advocate found guilty in disciplinary violation:

- (1) reprimand;
- (2) severe reprimand;
- (3) fine.

The amount of fine, which may not exceed 100-fold the minimal salary, shall be determined by the Board of the Chamber of Advocates. The fine shall be paid to the Chamber of Advocates.

When imposing disciplinary penalties, the personality of the person committing the disciplinary offence, the severity and recurrence of the act, as well as its consequences and the size of the damage caused, shall be taken into account.

The advocate may appeal in court the imposition of a disciplinary penalty within one month following the date of its imposition.

In case of a reprimand, a disciplinary penalty shall be effective for three months, in case of a severe reprimand for six months, and in case of a fine for nine months, starting from the date of the decision to impose the disciplinary penalty. After the end of the prescribed period of

effectiveness of disciplinary penalties the penalty imposed on an advocate shall be deemed expired.

## CHAPTER 7

### Public Defence and the Office of Public Defender

#### Article 41. Public Defence

Public defence shall be the legal aid in matters referred to in Article 6 of this Law.

#### Article 42. The Office of Public Defender

Public Defence shall be carried out through the Office of Public Defender.

The Office of Public Defender shall be a structural subdivision within the Chamber of Advocates and comprise the Head of the Office of Public Defender and Public Defenders.

#### Article 43. Head of the Office of Public Defender

The Head of the Office of Public Defender shall be elected through closed voting by secret ballot by the General Meeting of the Chamber of Advocates from among the members who have at least ten years experience as practising advocates, for a term of four years, but for no more than two consecutive terms.

The Head of the Office of Public Defender shall be elected pursuant to the procedure prescribed by Article 13 of this Law for the election of the Chairperson of the Chamber of Advocates.

The Head of the Office of Public Defender shall:

- (1) represent the Office of Public Defender;
- (2) arrange, in cases provided for by this Law, the provision of equally accessible and efficient legal aid for everyone;
- (3) divide work among public defenders;
- (4) take decisions to ensure the smooth functioning of the Office of Public Defender;
- (5) take a decision, at the request of the authority conducting criminal proceedings or, in cases provided for by Article 6 of this Law, at the request of a citizen, on awarding the request on public defence and assigning the case to a public defender, or on denying the request on public defence where public defence is not provided for by Article 6 of this Law;
- (6) supervise the quality and timeline of legal assistance rendered by public defenders;
- (7) file a motion on opening disciplinary proceedings against a public defender.

The Head of the Office of Public Defender shall participate in the meetings of the Board of the Chamber of Advocates with the right to a consultative vote.

The Head of the Office of Public Defender shall receive appropriate remuneration for his/her activity in the amount of 95 percent of the salary of the Chairperson of the Chamber of Advocates.

(Article 43 amended by LA-141-N of 8 July 2005)

#### Article 44. The Public Defender

Public Defender shall be an advocate employed in the Office of Public Defender and acting under an employment contract concluded with the Chairperson of the Chamber upon submission by the Head of the Office of Public Defender. A competition may be announced for the position of Public Defender in accordance with the procedure determined by the Board of the Chamber of Advocates.

#### Article 45. Remuneration of Public Defenders and Funding of the Office of Public Defender

Public Defenders shall be remunerated for their work from the State Budget. The amount of remuneration to be paid to the Chamber of Advocates from the State Budget shall be determined in the amount equivalent to remuneration for monthly work of public defender which shall be equal to remuneration prescribed by law for one working month of a Community Prosecutor of Yerevan.

The Office of Public Defender shall be financed from the State Budget of the Republic of Armenia. The funds allocated to the Office of Public Defender may not be spent for other purposes.

The Office of Public Defender may attract additional funds from sources not prohibited by law, which may be used for improving the functioning of the Office and for bonuses with the purpose of increasing the efficiency of Public Defenders' activity.

Funds of the Office of Public Defender shall be disposed of by the Head of the Office of Public Defender.

### CHAPTER 8

#### Transitional and Final Provisions

#### Article 46. Entry into Force of this Law

This Law shall enter into force on the day following its official publication.

The Law of the Republic of Armenia LA-234 of 18 June 1998 on the Practice of the Profession of Advocate shall be repealed upon entry into force of this Law.

#### Article 47. Formation of the Chamber of Advocates

The Chamber of Advocates shall be the successor of the advocate unions operating in the Republic of Armenia.

After the entry into force of this Law the powers of other advocate unions operating in the Republic of Armenia shall be maintained until the formation of the Chamber of Advocates.

The Chamber of Advocates shall be formed within two months after the entry into force of this Law, through reorganisation of the advocate unions operating in the Republic of Armenia pursuant to Article 63 of the Civil Code of the Republic of Armenia.

The founding General Meeting of the Chamber of Advocates shall be convened by the Minister of Justice of the Republic of Armenia who shall preside the meeting until the Chairperson of the Chamber of Advocates is elected.

The founding General Meeting of the Chamber of Advocates shall be entitled to start its work if two third of the total number of advocates of the existing union of advocates is present.

#### Article 48. Legal Status of Interns of Advocates Having Obtained Authorisations before the Entry into Force of this Law

The advocate unions operating in the Republic of Armenia shall be considered reorganised upon their registration pursuant to the procedure established by law.

The Chamber of Advocates shall replace the authorisations of the advocate-members of the advocate unions operating in the Republic of Armenia with the authorisations of the Chamber of Advocates. The authorisations issued by the advocate unions operating in the Republic of Armenia shall be valid for three months following the registration of the Chamber of Advocates.

Persons who, before the entry into force of this Law and during the period of effectiveness of the Law of the Republic of Armenia on Practice of the Profession of Advocate, have been providing representation in court in the territory of the Republic of Armenia as an entrepreneurial activity, and who meet the requirements set forth in Article 28(1) of this Law, may, within a month of the entry into force of this Law, receive authorisations to practise the profession of advocate without passing a qualification examination and obtaining a relevant certificate, by submitting relevant documents certifying the fact of exercise of court representation as an entrepreneurial activity, except for persons who had hold an authorisation to practise the profession of advocate which has been withdrawn.

Probationers of the advocate unions operating in the Republic of Armenia shall be recognised as interns of the Chamber of Advocates.

(Article 48 edited LA-105-N of 1 June 2006)

#### Article 49. Legal Status of Persons Authorised to Provide Representation in an Arbitration Tribunal or in Other Courts Prior to the Entry into Force of this Law

The limitation in Article 5(3) of this Law shall not apply to persons who have obtained authorisation to provide representation in an arbitral tribunal, or, prior to the entry into force of this Law, in other court.

(The title amended by LA-63-N, 25 December 2006)

(Article 49 amended by Law LA-63-N of 25 December 2006)

President of the Republic of Armenia

R. Kocharyan

13 January 2005

Yerevan

LA-29-N