ATTORNEY’S LAW OF THE REPUBLIC OF MACEDONIA

(Official gazette No. 59/02, Constitutional Court decisions Official gazettes No. 134/02 and 34/03)

GENERAL PROVISIONS

Article 1

This law regulates the manner in which the legal profession secures legal assistance to natural and legal entities for the purpose of realizing and securing their rights and legally based interests in proceedings in courts, before state bodies and other legal entities, the carrying out public mandates established by this and other laws, as well as the organization of the legal profession, the conditions under which is conducted, the regulation of its status, as well as the rights and obligations of attorneys.

Article 2

(1) The legal profession is the sole autonomous and independent public service that secures and provides legal assistance.

(2) Attorneys execute public mandates in accordance with this and other laws.

Article 3

Legal assistance consists of: providing legal advice; acting by proxy in conducting negotiations and rendering services in the sphere of business protocol; preparation of instruments in legal matters; writing up petitions in legal and other proceedings; acting on behalf of other person(s) in proceedings in courts, before state bodies and other legal persons; defending suspected and accused persons; and, performing other businesses of legal aid.

Article 4 (abolished)

(1) Public mandates consist of performing the following legal affairs:

1) the right to write up affidavits, except for pledged movables and rights and dead pledge, authentication of board meetings conclusions of companies, civic associations, foundations and other legal entities, and legalization of the power of attorney, and

2) the right to inquire, on the basis of client’s special permit, information from courts and other state bodies, agencies and legal entities which are obligated, without delay, to submit to the attorney required data on parties in dispute that pertain to: wages of employee, i.e. pensions of retired person; welfare benefits; disability pay, social or other proceeds; penal record and data from register-office, land-registry and tax-office; legal pledge and mortgage records; data on state of bank account of legal entities and natural persons, except information for savings deposit of private citizens; records of intellectual property, royalties and related rights and industrial property; dividend reports; data on capital stocks and shares of natural and legal entities.
II. EXECUTION OF THE LEGAL PROFESSION

1. Conditions for practicing the legal profession

Article 5

The autonomy and the independence of the legal profession as public service are being implemented by: free and independent execution of attorney's activities; free choice of the attorney; the organization of attorneys in a Bar Association and with its own financing; autonomous adoption of Rules of Procedure of the Bar Association of the Republic of Macedonia and its bodies; registration and removal from the Register of Attorneys, the Register of Associate Legal Professionals and the Register of Trainees-at-law; and, adoption of Code of Ethics of the Legal Profession.

Article 6

(1) The legal profession is conducted exclusively by attorneys at law.

(2) Attorneys carry out the legal profession as individuals or associated in a Law Firm.

(3) Individual attorneys or Law Firms are registered in the Register of Attorneys that is kept by the Bar Association of the Republic of Macedonia.

Article 7

(1) An individual attorney conducts the legal profession independently.

(2) An attorney may hire other attorneys, associate legal professionals, trainees-at-law and administrative and service staff in a manner and under conditions determined by law.

Article 8

(1) Two or more attorneys may set up a Law Firm.

(2) A Law Firm conducts the legal profession as an individual attorney.

(3) A Law Firm is established by a founding decision.

(4) A Law Firm founded by two attorneys may be joined by other attorneys as co-founders.

(5) A Law Firm is entered in the Register of Law Firms that is kept in the Bar Association of the Republic of Macedonia, thus acquiring the status of a legal entity as per this Law.

Article 9

(1) The seat of the office of the individual attorney is freely decided by the attorney, while in the case of a Law Firm this is decided by its founder.

(2) The individual attorney i.e. attorneys - co-founders of a Law Firm are required to report all changes of the office to the Bar Association of the Republic of Macedonia.
(3) The office of the individual attorney or Law Firm must meet the minimum hygienic and technical requirements provided for in the General Act of the Bar Association, which will facilitate rendering good quality legal assistance.

Article 10

(1) The right to execute the legal profession in accordance with this Law is gained by registration in the Register of Attorneys of the Bar Association of the Republic of Macedonia.

(2) Following the registration in the Register of Attorneys of the Bar Association of the Republic of Macedonia, the registered attorney is issued a practising certificate.

(3) The content and the procedure for issuing and requisition of the practising certificate is determined by the Statute of the Bar Association of the Republic of Macedonia.

Article 11

Prior to registration in the Register of Attorneys, the candidates swear in a solemn oath: “I hereby declare that I will execute the legal profession conscientiously, by adherence to the Constitution, the laws, the Statute of the Bar and the Code of Ethics of the Legal Profession, and that all my actions will advance the repute of the legal profession as a public service”.

Article 12

The Register of Attorneys is open to all citizens of the Republic of Macedonia that fulfill the conditions for working in state administration bodies, hold a degree in law and passed the bar exam, and have repute to carry out the legal profession.

Article 13

(1) Requests for registration in the Register of Attorneys are decided by the competent body of the Bar Association of the Republic of Macedonia, in accordance with the relevant act of the Bar Association of the Republic of Macedonia, in a manner and under the conditions set by this Law.

(2) Appeals against a Decision for Entry in the Register or refusal thereof are considered by the competent body of the Bar Association, in accordance with the relevant act of the Bar Association of the Republic of Macedonia, within a period of 15 days from the date of the receipt of the Decision at the latest.

(3) Final Decision can be counteracted by raising an administrative dispute.

Article 14

Attorneys from foreign countries can provide legal assistance and carry out the legal profession on the territory of the Republic of Macedonia under conditions of reciprocity that are established by the Bar Association of the Republic of Macedonia, in a manner and procedure determined in the Statute of the Bar Association.(abolished)

2. Rights and Responsibilities of Attorneys

Article 15

(1) Attorneys are free, independent and autonomous in their work and within the framework of the law, the acts of the Bar Association and their authorizations, they autonomously decide how to represent the rights and interests of their clients.
(2) The attorney is required to pay membership in the Bar Association of the Republic of Macedonia on a regular basis, from the day of registration in the Register of Attorneys.

Article 16

(1) Individual attorneys and law firms receive authorization to provide legal assistance and carry out public mandates (abolished) by a power of attorney received from the client, which attorney legalizes with his/her seal (abolished).

(2) Attorneys have the right to pass on the authorization received from clients to another attorney or to authorize another attorney to take over some procedural actions.

Article 17

(1) Attorneys provide legal assistance to the client conscientiously and professionally, in accordance with the law, the Code of Ethics of the Legal Profession and other acts of the Bar Association, and preserve the confidentiality of the information disclosed to them by their clients.

(2) It is possible to refuse or retract from providing legal assistance, for reasons defined by Law, the Code of Ethics of the Legal Profession and other acts of the Bar Association.

(3) Legal assistance on a particular matter cannot be extended when the attorney or another attorney from the same office of a Legal Firm has provided legal assistance to the opposite party in the dispute on the same case, or when the attorney has worked on that case as a judge, public prosecutor, public defender and/or public administration official from a state body or institution.

(4) In preparing bipartite legal matters, contracts and other, the attorney is required to protect consciously the interests of both parties, regardless of which party has requested and/or is paying for the assistance. In the case of a dispute between the parties about a contract written up by an attorney, that attorney cannot take part as authorized person of either contracting party.

Article 18

(1) The attorney puts his/her signature and seal on every document or petition prepared in his/her office.

(2) The form, size and contents of the seal of the attorney, as per Para 1 of this Article, are determined in the Statute of the Bar Association of the Republic of Macedonia.

Article 19

Attorneys have the right to remuneration and compensation of operational costs, in accordance with the Tariff List for Remuneration and Compensation of Expenses of Attorneys.
Article 20

The legal profession is incompatible with discharging of any public office or profession and any other public service.

Article 21

(1) Attorneys cannot be held accountable for opinions given when providing legal assistance or performing public mandates.

(2) In performing the legal profession, attorneys have immunity. (abolished)

(3) Attorneys cannot be detained or incarcerated for criminal acts committed when discharging the legal profession without prior consent from the Bar Association of the Republic of Macedonia.

(4) The offices of an individual attorney or a Law Firm can only be searched in the presence of the attorney and an authorized representative from the Bar Association of the Republic of Macedonia.

(5) The search of the offices of an individual attorney or a Law Firm can only be done on the matter expressly written in the search warrant, issued by the competent judge in a criminal proceeding, while authorized official persons have no access to other written materials, acts, files and archives.

Article 22

The offices of individual attorneys or Law Firm, being premises for executing activities of public interest, cannot be used for incarceration of the person that is requesting legal assistance.

Termination and moratorium on practicing legal profession

Article 23

(1) The right of practicing legal profession terminates under conditions and in a procedure set out in this Law.

(2) The right of practicing legal profession terminates if the attorney:

1) waives his/her right to carry out the legal profession;

2) takes up other employment;

3) loses the citizenship of the Republic of Macedonia;

4) is deprived of working ability or permanently loses his/her capability to carry out the legal profession, which is determined by the Bar Association of the Republic of Macedonia (abolished);
5) is legally convicted and sentenced for criminal offence to unconditional imprisonment of a minimum six months, or if he/she, as security measure, is legally banned to exercise legal profession;

6) does not pay membership fees;

7) is deprived of practising certificate.

(3) The Decision for termination of the right to carry out the legal profession as per Para. 1 of this Article can be appealed within a period of 15 days from the day of receipt of the Decision, to the competent body of the Bar Association of the Republic of Macedonia.

(4) Final Decision can be counteracted by raising an administrative dispute.

Article 24.

(1) For attorneys elected or appointed to public office, the right to practice legal profession remains inactive pending the termination of their term in office.

(2) On the request of the attorney, the right to carry out the legal profession can be inactive due to:

1) illnesses;

2) absence i.e. absence of spouse in the case of posting abroad by the Republic of Macedonia;

3) professional advancement.

(3) The manner and the procedure for approval of moratorium as per Para 2 of this Article is regulated in the Statute of the Bar Association of the Republic of Macedonia.

Trainees-at-law and Associate Legal Professionals

Article 25

(1) The Register of Trainees-at-law can be entered by any citizen of the Republic of Macedonia that fulfills the general conditions for employment in state bodies and has a degree in law.

The Register of Associate Law Professionals can be entered by any person who in addition to the conditions as per Para 1 of this Article, has also passed the Bar Exam.

Article 26

(1) A trainee-at-law is professionally trained to independently practise legal profession, and carries out matters pertaining to legal assistance and public mandates under the instruction of an attorney.

(2) After a supervised legal practice of two years, a trainee-at-law gains the right to take the Bar Exam.

Article 27

A trainee-at-law can obtain professional training to meet the qualification for taking the Bar Exam and independently carrying out the legal profession without being employed.
Article 28

After passing the Bar Exam, a trainee-at-law can work in the capacity of associate law professional.

Article 29

An associate law professional and a trainee-at-law carry out certain legal profession matters entrusted by the attorney and in his/her name.

Accountability for infringement of the legal obligations and reputation of the legal profession

Article 30

(1) Attorneys are accountable for the professional and conscientious discharging of the legal profession and for upholding the repute of the profession.

(2) The following are considered particularly serious infringements of the legal profession and its repute: nonperformance or obviously negligent performance of the affairs in the sphere of legal aid and carrying out the public mandates; failure of action according to powers and nonperformance of actions that the attorney is obliged to undertake in protecting the client’s rights and interests; and, breach of confidentiality.

(3) The Bar Association of the Republic of Macedonia determines more closely the breaches of the professional duties and reputation of the legal profession.

Article 31

(1) Attorneys that have violated their responsibilities or the repute of the legal profession, may receive the following disciplinary measures: official warning, a fine to the amount of a ten-fold annual Bar membership, and temporary work ban up to a year.

(2) Attorneys who are subjected to the procedure of being held accountable for violating their duty and/or the repute of the legal profession, can be issued a temporary work ban, pending the duration of the disciplinary measure, and not exceeding thirty days.

(3) The manner and the procedure for a temporary work ban are set out in an Act of the Bar Association of the Republic of Macedonia.

Article 32

(1) Within a period of eight days of receiving the Decision on issuing a disciplinary measure and on temporary work ban, the attorney can submit an appeal to the competent body of the Bar Association of the Republic of Macedonia.

(2) Final Decision on issued disciplinary measure can be counteracted by raising an administrative dispute.

6. Bar Association

Article 33

(1) The attorneys in the Republic of Macedonia are organized in a Bar Association of the Republic of Macedonia.
(2) In accordance with this Law, the Statute of the Bar Association of the Republic of Macedonia can foresee other forms of organization of attorneys.

(3) The Bar Association of the Republic of Macedonia has the status of a legal entity.

Article 34

(1) The work of the Bar Association of the Republic of Macedonia is autonomous and independent.

(2) The Bar Association of the Republic of Macedonia:

1) decides on the acquirement and termination of the right to practise legal profession, and on the entry and removal from the Register of Attorneys, Register of Associate Law Professionals and Register of Trainees-at-law.

2) registers and removes from the Register of Law Firms;

3) determines accountability in violations of the legal profession and its repute;

4) decides on a temporary work ban;

5) adopts a Tariff List for Remuneration and Compensation of Expenses;

6) adopts Acts of the Bar Association;

7) adopts a Code of Ethics of the Legal Profession;

8) cares for the professional training and advancement of associate law professionals and trainees-at-law.

(3) The Bar Association of the Republic of Macedonia may set up a company under conditions and in a manner determined by Law. (abolished)

(4) The Bar Association of the Republic of Macedonia collaborates with the Bar Associations of foreign countries, as well as with other international organizations of the legal professions.

Article 35

The Bar Association of the Republic of Macedonia has the following sources of financing:

1) membership fees;

2) registration fees;

3) gifts and donations;

4) rental fees;

5) proceed from the work of the company established by the Bar Association of the Republic of Macedonia; (abolished)

6) other proceeds in accordance with this Law.

Article 36
The rates for registration fees and membership fees are determined by a Decision of the Bar Association of the Republic of Macedonia and are published in the Official Gazette of the Republic of Macedonia.

Article 37

The Statute of the Bar Association of the Republic of Macedonia regulates in particular: the scope, organization and work of the Association bodies; the manner and procedure for entry in the Register of Attorneys, Register of Associate Law Professionals and Register of Trainees-at-law; the bodies that conduct the disciplinary action, the scope of their authority and the procedure for issuing disciplinary measures; the acts and procedures for their adoption; the maintaining of the Register of Attorneys, Register of Associate Law Professionals and Register of Trainees-at-law; and the rights and responsibilities of attorneys, associate law professionals and trainees-at-law.

III. PENAL PROVISIONS

Article 38 (abolished)

(1) Penal measures will be issued to:

1) a person who contrary to Article 6 Para 1 of this Law, appears as proxy or provides legal assistance to a legal entity without being employed by it, or to a natural person, with a fine of 25 000 000 to 50 000 000 denars;

2) a person who contrary to Article Para 1 of this Law, receives remuneration for appearing or acting as authorized person or provides legal assistance to legal entity without being employed by it, or to a natural person, with a fine of 25 000 000 to 50 000 000 denars.

3) authorized natural person, legally responsible or official person who, contrary to Article 4 Para 1, line 2 and Para 2 of the same Article of this Law, does not provide or provides with delay the information officially requested by the attorney, with a fine of 25 000 000 to 50 000 000 denars, and

4) authorized natural person, legally responsible or official person who, contrary to Article 4 Para 1, line 2 and Para 2 of the same Article of this Law, will impede attorney in executing his/her public mandates, with a fine of 25 000 000 to 50 000 000 denars, and a legal entity with a fine of 150 000, 00 to 300 000,00 denars.

(2) Property gained by way of a violation as per Para 1 of this Article is confiscated.

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 39

(1) The Statute and other general acts of the Bar Association of the Republic of Macedonia will be brought into line with the provisions of this Law within a period of 60 days from the date of its entry into force.

(2) Pending the adoption of the regulations and other acts specified by this Law, the regulations and other acts that have been in power prior to the entry into force of this law will apply.

Article 40
(1) The provisions of Articles 6, 7, 8, 9, 10 and 11 of this Law will apply for a period of six months, while provisions of Articles 12 and 13 of this Law for a period of one year, after the entry into force of this Law.

(2) Attorneys registered in the Register of the Bar Association of the Republic of Macedonia prior to the adoption of this Law will preserve their acquired rights, pending harmonization within one year period after the entry into force of this Law.

Article 41

The Law on the Legal Profession (Official Gazette of the Republic of Macedonia no.80/92) will be considered null and void upon entry into force of this Law.

Article 42 (abolished)

On the day of entry into force of this Law, the following provisions will be considered null and void:

- the provisions of Articles 6, 41, 41-a, 42, 43, 50, 56 and 138 of the Law on Practising Notarial Affairs, as well as all provisions that pertains to the right of notary public to write up documents, a notarial act, with the exception for pledged movables and rights and dead pledge and representation (Official Gazette of the Republic of Macedonia 59/96 and 25/98);

- Article 120 of the Law on Industrial Property (Official Gazette of the Republic of Macedonia 42/94);


Article 43 (abolished)

On the day of entry into force of this Law, the following article will no longer be valid:

- Article 83 Paras. 1 and 4 of the Law on Civil Proceedings (Official Gazette of the Republic of Macedonia 33/98), and

- Article 58 Para 1 of the Law on General Administrative Procedure (Official Gazette of the Republic of Macedonia 47/86).

Article 44

This Law enters into force on the eighth day of its publication in the Official Gazette of the Republic of Macedonia.