

**LAW**  
**OF THE REPUBLIC OF ARMENIA**

Adopted on 14 December 2004

**ON THE PROFESSION OF ADVOCATE**

**CHAPTER 1**

***GENERAL PROVISIONS***

**Article 1. Subject matter of the Law**

1. This Law shall establish the fundamentals of organising and practising the profession of advocate and the procedure for carrying out that activity in the Republic of Armenia, the procedure for establishing and administering a professional association of advocates, the status of the advocates, including their rights and duties, organisation of the education and training of advocates, licensing the activity of the profession of advocate, as well as termination and suspension of the license, the grounds and procedure for the disciplinary liability of the advocates, the grounds and procedure for providing pro bono legal service, as well as other relations pertaining to the practice of the profession of advocate in the Republic of Armenia.

***(Article 1 edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 2. Legislation on the profession of advocate**

Legislation on the profession of advocate shall be comprised of the Constitution of the Republic of Armenia, the Civil Procedure Code of the Republic of Armenia, the Administrative 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 is comprehensive and binding for all advocates.

*(Article 2 supplemented by HO-366-N of 5 October 2022)*

*(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)*

## **Article 3. Profession of advocate and the State**

The profession of advocate shall be a professional association of advocates which, as an institution of civil society, shall not be a part of the system of state government and local self-government bodies.

The profession of advocate shall be based on the principles of independence, law-obedience, self-governance and equality of advocates before the law.

## **Article 4. Restriction on the use of concepts used in this Law**

1. Organisations other than the Chamber of Advocates, Academy of Advocates and any organisation established by an advocate for the purpose of practising the profession of advocate shall be prohibited to use the word "advocate", all the case forms thereof or word combinations containing that word, as well as the semantic translations in foreign languages of the word "advocate".

*(Article 4 edited by HO-339-N of 8 December 2011, amended by HO-366-N of 5 October 2022)*

*(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)*

## **Article 5. Advocacy**

1. Advocacy is a form of law enforcement activity, which is carried out by an advocate and is aimed at exercising and protecting, through means and ways not prohibited by law, the rights, freedoms and interests of a person receiving legal assistance.
2. An advocate may carry out the following activities:
  - (1) counselling, including advising clients on their rights and duties, as well as examination of documents, drawing up other legal documents (hereinafter referred to as "counselling");
  - (2) representation, including representation in court (hereinafter referred to as "court representation");
  - (3) defence in criminal proceedings;
  - (4) providing legal assistance to the witness in the cases and as provided for by law.
3. Court representation provided for by this Article or organising such activity — as a service provided regularly or for remuneration — may be carried out only by an advocate, except for:
  - (1) cases of providing free representation for a close relative, including for a parent, child, adoptive parent, adoptive child, full or half sibling (paternal or maternal), grandfather, grandmother, grandchild, as well as spouse or spouse's parent, son-in-law or daughter-in-law;
  - (2) cases when a person represents, for remuneration or free of charge, the interests of the legal person in the authorised capital of which he or she, or the persons referred to in point 1 of this part, hold at least twenty percent of shares or stock.

4. Defence in criminal proceedings provided for by this Article may be carried out only by an advocate.
5. Provision of legal service by an advocate to his or her employer under an employment contract shall not be considered as advocacy, except for the activity carried out by an advocate working for an advocate.
6. In civil proceedings, cases of court representation by a person not deemed to be an advocate shall be prescribed by the Civil Procedure Code of the Republic of Armenia.

***(Article 5 edited by HO-339-N of 8 December 2011, supplemented by HO-116-N of 9 February 2018, amended by HO-178-N of 9 June 2022, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 6. Remuneration for services of an advocate**

1. The advocate shall be entitled to remuneration for the services rendered thereby.
2. The fee for the services of advocate shall be determined by a written contract concluded between the advocate and the client in the procedure prescribed by the Civil Code of the Republic of Armenia (hereinafter referred to as "contract").
3. The advocate may provide pro bono services.
4. The State shall guarantee free legal assistance for persons referred to in Article 41 of this Law, in the cases and procedure provided for by this Article.
5. For the purpose of determining by courts the reasonable fees for services provided by an advocate for covering court costs (damages incurred), the Board

of the Chamber of Advocates may establish a price list of average fees for the services of an advocate. The mentioned price list may not be referred to for any other purpose.

6. Fees for the service of an advocate shall be paid as defined by the Law of the Republic of Armenia "On non-cash operations".

***(Article 6 edited by HO-339-N of 8 December 2011, edited, supplemented by HO-18-N of 18 January 2022)***

***(Law [HO-18-N](#) of 18 January 2022 has a transitional provision)***

## CHAPTER 2

### ***STRUCTURING THE ACTIVITY OF ADVOCATES***

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

1. The Chamber of Advocates of the Republic of Armenia (hereinafter referred to as "the Chamber of Advocates") is a professional, independent, self-governed non-commercial organisation established under this Law, the peculiarities whereof are prescribed by this Law. The Chamber of Advocates shall acquire the status of a legal person from the time of registration in the procedure prescribed by law.
2. The objectives pursued by the Chamber of Advocates are:
  - (1) to protect the rights and lawful interests of its members in the relationships with state and local self-government bodies and organisations, as well as in court;
  - (2) to arrange for licensing the advocates;

- (3) to organise professional training of attendees for the license of advocate and training of advocates;
  - (4) to exercise supervision over the observance by its members of the requirements of this Law, the Charter of the Chamber of Advocates and the Code of Conduct of the Advocate and the requirements of the Law of the Republic of Armenia "On combating money laundering and financing of terrorism";
  - (5) to take measures to raise the reputation of advocacy;
  - (6) to ensure for everyone equally the exercise of the right to have accessible and effective free legal assistance in cases provided for by this Law;
  - (7) to contribute to the increase of legal consciousness in the public and the legal culture.
3. The Chamber of Advocates may cooperate with advocacy associations in other countries, international and other organisations.
4. The Chamber of Advocates may be directly engaged in entrepreneurial activities only in cases when it serves the objectives provided for by this Article. The Chamber of Advocates shall have the right to be directly engaged only in types of entrepreneurial activities that are provided for by its Charter.

***(Article 7 edited by HO-339-N of 8 December 2011, supplemented by HO-121-N of 21 June 2014)***

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

1. The bodies of the Chamber of Advocates are:
- (1) the General Meeting of the Chamber of Advocates (hereinafter also referred to as "the General Meeting");

- (2) the Board of the Chamber of Advocates (hereinafter also referred to as "the Board");
  - (3) the Disciplinary Committee of the Chamber of Advocates (hereinafter also referred to as "the Disciplinary Committee");
  - (4) the Qualification Commission of the Chamber of Advocates (hereinafter also referred to as "the Qualification Commission").
- 2. Provisions on the bodies of the Chamber of Advocates prescribed by this Law shall not extend to the General Meeting, unless it is directly provided for by this Law.
  - 3. Members of the bodies of the Chamber of Advocates shall not be remunerated, except for cases provided for by this Law and the Charter of the Chamber of Advocates.
  - 4. Members of the bodies of the Chamber of Advocates may combine the work in those bodies with the professional practice.
  - 5. A member of the Chamber of Advocates may be elected only to one of the bodies of the Chamber of Advocates. The Chairperson of the Chamber of Advocates (except for case when he or she is the Chairperson of the Board ex officio), the deputies thereof, the Head of the Public Defender's Office, the deputies thereof, the members of the Management board of the Academy of Advocates may not be a member of any of the bodies of the Chamber of Advocates, and in case of being elected as a member to any of the bodies of the Chamber of Advocates their powers as the Chairperson of the Chamber of Advocates, the deputy thereof, the Head of the Public Defender's Office, the deputy thereof, a member of the Management board of the Academy of Advocates shall be terminated, where they fail to waive that status within a ten-day period from the day of being elected.

6. The powers of the bodies of the Chamber of Advocates, the procedure for their establishment, objectives and functions shall be prescribed by this Law and the Charter of the Chamber of Advocates.
7. Members of the Board of Chamber of Advocates and other bodies of the Chamber of Advocates, except for the members of the Qualification Commission, shall be elected by preferential order, but not more than twice in a row.
8. In case of early termination or ceasing the powers of a member of the bodies of the Chamber of Advocates elected by the General Meeting, the next person having been voted for during the last voting for the given body but not elected shall replace that member for the remaining period as envisaged by the Charter of the Chamber of Advocates.
9. Members of the bodies of the Chamber of Advocates shall elect a chairperson for the given body from their composition by majority of votes, except for the chairperson of the Board of the Chamber of Advocates. The Chairperson of the Qualification Commission shall be elected from among the advocate-members of the Qualification Commission.
10. Sessions of a body of the Chamber of Advocates shall be convened by the Chairperson of the given body, where necessary. Sessions of a body of the Chamber of Advocates may be convened at the initiative of one thirds of the members of the given body, whereas the sessions of the Board — also at the initiative of the Chairperson of the Board of the Chamber of Advocates or at least thirty members of the Chamber of Advocates.
11. The session of a body of the Chamber of Advocates shall be competent (have quorum) where at least half of the members of the given body participate therein. Members of the bodies of the Chamber of Advocates shall vote at the sessions of such bodies and exercise their other powers in person. In cases and as provided for by the Charter of the Chamber of Advocates, the sessions may be held also on-line or by making an inquiry.



12. Decisions of a body of the Chamber of Advocates shall be adopted by the simple majority of votes of persons present at the meeting of that body, unless greater number of votes is envisaged by this Law or the Charter of the Chamber of Advocates. In case of a tie, the person presiding over the session shall have the casting vote.
13. Decisions of a body of the Chamber of Advocates shall enter into force upon publication as provided for by the Charter of the Chamber of Advocates, unless otherwise is forest forth by this Law or the Charter of the Chamber of Advocates.
14. Powers of the members of the bodies of the Chamber of Advocates shall be terminated:
  - (1) in case of expiry of the term of office, from the moment the next composition of the relevant body assumes its powers;
  - (2) in case of submitting a letter of resignation;
  - (3) in case of withdrawal or suspension of the license of a member of the Chamber of Advocates;
  - (4) in case the members appointed by recommendation are recalled by the body (person) having recommended them.
15. Powers of the members of the bodies of the Chamber of Advocates shall be ceased in case of:
  - (1) failure to attend at least half of the sessions of the given body due to incapacity for work for a long period of time or due to other good reason during one year;
  - (2) failure to attend at least three sessions in a row or seven sessions in total of the given body for an inexcusable reason during one year;
  - (3) failure to fulfil or improper fulfilment of his or her official duties provided for by the law or the Charter of the Chamber of Advocates.

16. In cases provided for by part 15 of this Article, the powers of the members of the bodies of the Chamber of Advocates (except for the Chairperson of the Board of Chamber of Advocates) shall be terminated upon the decision adopted by at least two thirds of votes of the total number of members of the relevant body. The member of the body of the Chamber of Advocates, whose powers are considered for termination, shall not participate in the voting, but shall have the right to attend the given session of the relevant body in person or through a representative, submit evidence and explanations.
17. In case the chairperson of the relevant body fails to convene a session to decide on the issue of ceasing the powers of a member or the chairperson of the body of the Chamber of Advocates, it shall be convened by at least three members of the relevant body.
18. Powers of the chairperson of a body of the Chamber of Advocates shall be discontinued in case of termination or ceasing of powers thereof as a member of the Chamber of Advocates, as well as in case of submitting a letter of resignation thereby from the position of the chairperson of the given body. Failure by the chairperson of a body of the Chamber of Advocates to perform his or her duties shall serve as a ground for ceasing the powers thereof upon the decision adopted by at least two thirds of votes of the total number of members of the given body. Powers of the Chairperson of the Board of the Chamber of Advocates shall be automatically terminated in case his or her powers, as a Chairperson of the Chamber of Advocates, terminate.
19. In case of leave or secondment, the chairperson of a body of the Chamber of Advocates shall appoint one of the members of the given body as a substitute. Where no substitute is appointed, as well as in case of temporary incapacitation, termination or ceasing of powers of the chairperson of a body of the Chamber of Advocates, the chairperson of the relevant body shall be substituted by the eldest member of the given body until he or she returns from the leave or secondment, respectively or until the election of a new chairperson to that body.

20. In case of termination of powers of the member of a body of the Chamber of Advocates appointed by recommendation, the body (person) that had recommended that member shall recommend a new representative within 10 working days. In case of ceasing the powers of the member of a body of the Chamber of Advocates, who had been appointed by recommendation, the decision of the relevant body of the Chamber of Advocates shall be forwarded to the body (person) that had recommended that member and such body (person) shall, within 10 working days after receiving the decision, recommend a new representative.

***(Article 8 amended, supplemented by HO-339-N of 8 December 2011, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

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

1. The General Meeting of the Chamber of Advocates is the supreme body of the Chamber of Advocates, which shall:
  - (1) approve the Charter of the Chamber of Advocates and the Code of Conduct of the Advocate, or any amendments or changes thereto;
  - (2) elect the Chairperson of the Chamber of Advocates, the members of the Board and the Disciplinary Committee;
  - (3) decide on other issues envisaged by law or the Charter of the Chamber of Advocates.
2. The General Meeting of the Chamber of Advocates shall adopt decisions:
  - (1) by convening a general meeting, or

- (2) without convening a general meeting (hereinafter referred to as "remote procedure").
3. The General Meeting of the Chamber of Advocates shall comprise of all the advocates members of the Chamber of Advocates.
  4. The procedure for convening the General Meeting, as well as for organising and holding the meeting (including the procedure and time limits for the nomination and election campaign of candidates for the Chairperson of the Chamber of Advocates, members of the Board and members of the Disciplinary Committee,) through the remote procedure (including elections) shall be prescribed by the Charter of the Chamber of Advocates.
  5. The General Meeting of the Chamber of Advocates (by convening it or through remote procedure) shall be held upon the decision of the Board of the Chamber of Advocates not later than once in two years. Upon request of the one fifth of the total number of the members of the Chamber of Advocates having the right to participate in the General Meeting of the Chamber of Advocates, or of the Chairperson of the Chamber of Advocates, the Board of the Chamber of Advocates shall convene a General Meeting through the procedure and within the time limit prescribed by the Charter of the Chamber of Advocates. For the purpose of election of bodies of the Chamber of Advocates, the General Meeting shall be convened at least thirty days prior to termination of powers of the current composition of the relevant body.
  6. The General Meeting of the Chamber of Advocates shall be competent (have quorum), where:
    - (1) more than one thirds of the members of the Chamber of Advocates entitled to vote are present at the meeting convened; or
    - (2) more than one thirds of the members of the Chamber of Advocates entitled to vote take part in the General Meeting held through the remote procedure.

7. Decisions of the General Meeting of the Chamber of Advocates shall be taken using an open ballot by a simple majority of votes of persons having participated in the voting, except for cases provided for by this Law.
8. The competence of the General Meeting of the Chamber of Advocates may not be transferred to other bodies.
9. The decisions of the General Meeting of the Chamber of Advocates shall enter into force once they are published in the procedure provided for by the Charter of the Chamber of Advocates, unless otherwise envisaged by the Charter of the Chamber of Advocates.
10. The decision of the General Meeting of the Chamber of Advocates may be appealed against in court by the concerned advocate within one month after that decision enters into force.

***(Article 9 edited by HO-141-N of 8 July 2005, amended by HO-105-N of 1 June 2006, edited by HO-339-N of 8 December 2011, edited and amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 9.1. The Counting Commission of the Chamber of Advocates and summarising the voting results**

1. For the purpose of registering the candidates for the Chairperson of the Chamber of Advocates, members of the Board of the Chamber of Advocates and the members of the Disciplinary Committee, as well as organising the voting at the General Meeting of the Chamber of Advocates and summarising the voting (election) results, the Board of the Chamber of Advocates shall form the Counting Commission of the Chamber of Advocates (hereinafter referred to as

the "the Counting Commission") in the procedure provided for by the Charter of the Chamber of Advocates.

2. The term of office of the members of the Counting Commission and their number shall be established by the Charter of the Chamber of Advocates.
3. The Charter of the Chamber of Advocates shall define the rights of the proxies of candidates and observers and the procedure for exercising such rights.
4. After the end of voting at the General Meeting of the Chamber of Advocates, the Counting Commission shall summarise the voting results in the procedure established by the Board of the Chamber of Advocates.
5. The voting results shall be announced by the Chairperson of the Counting Commission or by another member upon the decision of the Counting Commission not later than on the day following the drawing up a protocol on the summary of results.
6. The decision of the General Meeting of the Chamber of Advocates shall be considered as adopted upon announcing the voting results.

***(Article 9.1 supplemented by HO-339-N of 8 December 2011, amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

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

1. The Board of the Chamber of Advocates is the executive body of the Chamber of Advocates, as well as the body entitled to review decisions rendered within the framework of disciplinary proceedings.

2. The Board of the Chamber of Advocates shall be formed for a term of four years from among the advocates (except for the Chairperson of the Board) elected by the General Meeting of the Chamber of Advocates, the number whereof may not be less than twelve, not counting the Chairperson of the Board. The Chairperson of the Chamber of Advocates is ex officio the Chairperson of the Board of the Chamber of Advocates.
3. A member of the Board of the Chamber of Advocates may not use his or her status to:
  - (1) make political statements and must demonstrate political restraint and neutrality while exercising his or her powers;
  - (2) have advantage during the professional activity of an advocate.
4. The Board of the Chamber of Advocates shall:
  - (1) develop the amended Charter, changes or supplements thereto, and submit them to the General Meeting of the Chamber of Advocates for approval;
  - (2) develop the amended Code of Conduct of the Advocate, changes or supplements thereto, and submit them to the General Meeting of the Chamber of Advocates for approval;
  - (3) approve the annual budget of the Chamber of Advocates upon proposal of the Chairperson of the Chamber of Advocates;
  - (4) approve and publish the annual reports on the activities of the bodies of the Chamber of Advocates and the Public Defender's Office, including reports on the annual budget performance of the Chamber of Advocates, as well as the independent audit conclusion on financial and economic activity of the Chamber of Advocates by the audit company selected by the Board;
  - (5) form the Counting Commission;

- (6) define the amounts and the procedures for paying the advocate membership fees, contender access fees and other payments, as well as fees for training of advocates;
- (7) adopt a decision on issuing an advocate's license to a contender for advocate's license (hereinafter referred to as "contender") in the procedure prescribed by Article 29 of this Law;
- (8) adopt a decision on declaring the license of an advocate as ineffective;
- (9) adopt a decision on suspending or resuming the license of an advocate;
- (10) upon request of advocates, provide non-binding clarifications regarding the application of the provisions prescribed by the Code of Conduct of the Advocate, as well as clarifications on application of provisions enshrined in the Charter of the Chamber of Advocates and the internal acts of the Chamber of Advocates;
- (11) approve the procedure for activities of the Board, other bodies of the Chamber of Advocates, and, where necessary, of the structural subdivisions of the Chamber of Advocates;
- (12) elect the members of the Qualification Commission of the Chamber of Advocates to represent the Chamber of Advocates and approve the composition of the Qualification Commission of the Chamber of Advocates;
- (13) appoint the head of the Public Defender's Office;
- (14) submit the estimate of expenditures (budget request) of the Public Defender's Office to the Government upon the recommendation of the Head of the Public Defender's Office in order to include it in the draft State Budget;
- (15) approve:
  - a. rules of procedure of the Public Defender's Office;



- b. quarterly and annual reports of the Public Defender's Office;
  - c. development programmes for the defence of public rights;
  - d. key annual performance indicators of the Public Defender's Office;
  - e. the procedure for verifying the reports on pro bono legal services;
- (16) verify the credibility of reports of the Public Defender's Office in cases and the procedure prescribed by the Charter of the Chamber of Advocates;
  - (17) verify and assess the activity of public defenders in the procedure and in line with the criteria established by the Board;
  - (18) initiate measures aimed at elimination of shortcomings revealed in the result of supervision over the financial and economic activity conducted in the Chamber of Advocates, and exercise supervision over implementation of such measures;
  - (19) approve the staff list of the Staff of the Chamber of Advocates;
  - (20) examine the appeals lodged against decisions rendered under disciplinary proceedings by the Disciplinary Committee of the Chamber of Advocates;
  - (21) exercise other powers prescribed by law and the Charter of the Chamber of Advocates.
5. The Chairperson of the Chamber of Advocates shall:
- (1) coordinate the activities of the Board and organise its regular functioning;
  - (2) approve the agenda for the session of the Board of the Chamber of Advocates;
  - (3) sign the decisions of the Board;
  - (4) sign the licenses of advocates;

- (5) exercise other powers prescribed by law and the Charter of the Chamber of Advocates.
6. Sessions of the Chamber of Advocates shall be convened not less than four times a year.
7. The specific provisions with regard to convening a session of the Board of the Chamber of Advocates for the review of decisions on subjecting an advocate to disciplinary proceedings shall be prescribed by Article 39.11 of this Law.

***(Article 10 edited by HO-141-N of 8 July 2005, amended by HO-105-N of 1 June 2006, edited by HO-339-N of 8 December 2011, HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

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

***(article repealed by HO-339-N of 8 December 2011)***

#### **Article 11.1. The Disciplinary Committee of the Chamber of Advocates**

1. The Disciplinary Committee of the Chamber of Advocates is established to consider and resolve the issues on subjecting advocates to disciplinary liability. The Disciplinary Committee of the Chamber of Advocates is the body examining on the merits the case on subjecting an advocate to disciplinary liability and rendering a decision.
2. The Disciplinary Committee of the Chamber of Advocates shall be formed for a term of four years, consisting of nine advocates elected by the General Meeting of the Chamber of Advocates.

3. The Disciplinary Committee of the Chamber of Advocates shall:
  - (1) discuss and decide on the issues on subjecting advocates to disciplinary liability;
  - (2) exercise other powers prescribed by this Law and the Charter of the Chamber of Advocates.
4. The specific provisions with regard to convening a session of the Disciplinary Committee of the Chamber of Advocates for discussing and deciding on the issues on subjecting an advocate to disciplinary liability shall be prescribed by Chapter 6 of this Law.

***(Article 11.1 supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

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

1. The Qualification Commission of the Chamber of Advocates is established for the purpose of organising qualification examinations and summarising the results.
2. The Qualification Commission of the Chamber of Advocates shall be formed for a term of two years with the composition of nine members, with the following proportion of representation:
  - (1) five advocates elected by the Board of the Chamber of Advocates;
  - (2) one representative from the Ministry of Justice of the Republic of Armenia, as proposed by the Minister of Justice of the Republic of Armenia;
  - (3) one judge from the Court of Cassation, as proposed by the Chairperson of the Court of Cassation;
  - (4) two legal scholars, in accordance with the procedure and conditions prescribed by this Law.

3. Members referred to in point 1 of part 2 of this Article shall be elected by the Board of the Chamber of Advocates, in accordance with the procedure established by Board.
4. A person with an academic degree in the field of law and lecturer of law for at least three years out of last six years at a higher education institution accredited in the Republic of Armenia or engaged in scientific work at a scientific institution may be nominated as a candidate member prescribed by point 4 of part 2 of this Article. For the purpose of involving candidates, the Board of the Chamber of Advocates shall — at least 50 day prior to the elections of the Qualification Commission of the Chamber of Advocates — announce a competition to call higher education institutions accredited in the Republic of Armenia for nomination by each of them, within the time limit defined by the Board, of a contender as a candidate member referred to in point 4 of part 2 of this Article. Documents to be submitted to the Board of the Chamber of Advocates by the contenders, the procedure for and conditions of submitting and examining thereof shall be defined by the Board of the Chamber of Advocates. After examining the prescribed documents, the Board of the Chamber of Advocates shall involve persons complying with the requirements of this part in the pool of candidate members as prescribed by point 4 of part 2 of this Article.
5. A member, as envisaged by point 4 of part 2 of this Article, shall be elected by the Board of the Chamber of Advocates from among the pool of candidates formed in accordance with part 4 of this Article. Prior to convening the session of the Board — during which the members of the Qualification Commission shall be elected — information on candidates shall be forwarded to the members of the Board of the Chamber of Advocates.

***(Article 12 supplemented by HO-141-N of 8 July 2005, amended, edited by HO-339-N of 8 December 2011, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

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

1. All issues pertaining to administering current activities of the Chamber of Advocates shall fall within the competence of the Chairperson of the Chamber of Advocates, except for the issues reserved under this Law or the Charter to the General Meeting or other bodies of the Chamber of Advocates.
2. The General Meeting shall elect the Chairperson of the Chamber of Advocates from among the members of the Chamber of Advocates by closed voting, for a term of four years, but not more than twice in a row.
3. The candidate having received more than half of the votes of the participants of voting (those having received ballot papers) shall be deemed elected as Chairperson of the Chamber of Advocates.
4. Where two or more candidates are voted for and none of them receives the required number of votes, a second round of voting shall be held involving the two candidates with the most number of votes. Where equal number of votes are cast, the participation of the second candidate in the second round shall be determined by drawing lots. The candidate having received greater number of votes shall be deemed elected in the second round. In the event of a tie vote, lots shall be drawn.
5. Where there is only one candidate, he or she shall be deemed elected if he or she receives more than half of the votes of participants. Where the Chairperson of the Chamber of Advocates is not elected, a new election shall be held within one month following the voting.
6. Powers of the Chairperson of the Chamber of Advocates shall terminate:
  - (1) in case the term of office expires, starting from the time when the next chairperson assumes his or her powers;
  - (2) in case of submitting a letter of resignation;

- (3) in case the license of an advocate is withdrawn or suspended;
  - (4) in cases prescribed by the Charter of the Chamber of Advocates, from the moment the Chairperson is recalled by the General Meeting through the procedure prescribed by this Law.
7. The process of recalling the Chairperson of the Chamber of Advocates may be initiated upon the request of the Board of the Chamber of Advocates, as well as based on the request of one fourth of the total number of members of the Chamber of Advocates.
8. Signing by advocates for the process of recalling the Chairperson of the Chamber of Advocates shall commence from the time of posting the draft decision of the General Meeting on recalling the Chairperson of the Chamber of Advocates with signatures of at least fifty advocates (initiating group). The publication is effected by posting an announcement on the official website for public notifications of the Republic of Armenia and on the official website of the Chamber of Advocates. An advocate may join the process of signing within one month once the announcement is posted on the websites referred to in this part, by sending to the initiating group the original of the signed copy of the announcement on joining the process of signing. Once the Board of the Chamber of Advocates receives signatures as mentioned in this part, it shall render a decision on convening an extraordinary session of the General Meeting within forty-five days following the expiry of the time period for joining the process of signing, provided that the process of signing has been effected within the time limit and in the procedure referred to in this Article.
9. Powers of the Chairperson of the Chamber of Advocates shall be considered to be ceased from the time the General Meeting renders a decision on recalling the Chairperson of the Chamber of Advocates.

10. In case of early termination of powers of the Chairperson of the Chamber of Advocates, his or her duties shall be performed by one of the deputies in the procedure prescribed by the Charter of the Chamber of Advocates, until new election of the Chairperson of the Chamber of Advocates takes place. In the event of early termination of the powers of the Chairperson of the Chamber of Advocates, time limits and the procedure for holding new elections shall be prescribed by the Charter of the Chamber of Advocates.
11. The Chairperson of the Chamber of Advocates shall:
- (1) represent the Chamber of Advocates in relationships with the state and local self-government bodies and commercial and non-commercial organisations;
  - (2) act on behalf of the Chamber of Advocates and represent the interests thereof within the scope of his or her powers, without a power of attorney;
  - (3) issue a letter of authorisation in regard to the matters reserved to the competence thereof;
  - (4) conclude transactions on behalf of the Chamber of Advocates in due procedure;
  - (5) dispose the property of the Chamber of Advocates in the procedure prescribed by this Law and the Charter of the Chamber of Advocates. Where the value of the property (service, work) acquired or alienated exceeds one-thousand-fold of the minimum salary defined, the Chairperson of the Chamber of Advocates must have the endorsement of the Board of the Chamber of Advocates prior to conclusion of such a transaction. The procedure for concluding a transaction exceeding one-thousand-fold of the minimum salary defined shall be prescribed by the Charter of the Chamber of Advocates;

- (6) adopt decisions on issues related to ensuring regular operation of the Chamber of Advocates;
- (7) appoint and dismiss the employees of the Staff of the Chamber of Advocates, apply incentive measures thereto and impose disciplinary penalties;
- (8) determine the scope of official powers of the employees of the Staff of the Chamber of Advocates;
- (9) see to fulfilment of decisions of the General Meeting and the Board of the Chamber of Advocates;
- (10) instigate disciplinary proceedings against an advocate;
- (11) within his or her competence, issue orders, directives, render decisions, give binding instructions and exercise supervision over their fulfilment;
- (12) involve an advocate in the list of advocates;
- (13) withdraw the license of a deceased advocate and remove from the list;
- (14) provide certificates and plastic cards of an advocate, as well as certificates of an assistant to the advocate;
- (15) exercise supervision over the activities of the Public Defender's Office;
- (16) organise and coordinate competent state bodies in submitting opinions with regard to the amendments, supplements to the laws and other legal acts, adoption thereof, as well as submitting opinions with regard to the draft legal acts to the bodies that have developed such legal acts;
- (17) exercise powers prescribed by law and the Charter of the Chamber of Advocates, as well as other powers not reserved to the competence of bodies of the Chamber of Advocates.

12. The Chairperson of the Chamber of Advocates may not use his or her status to:



- (1) make political statements and must demonstrate political restraint and neutrality while exercising his or her powers;
  - (2) have advantage during professional activity of an advocate.
13. To exercise his or her powers, the Chairperson of the Chamber of Advocates may appoint maximum two deputies from among the composition of advocates upon approval of the Board. The Deputy Chairperson of the Chamber of Advocates shall substitute the Chairperson of the Chamber of Advocates during the absence thereof.
  14. The Chairperson of the Chamber of Advocates shall be remunerated for exercising his or her powers in the procedure and in the amount prescribed by the Charter of the Chamber of Advocates.
  15. Combining the work of the Chairperson of the Chamber of Advocates with the practice of advocacy shall not hinder the exercise of the powers of the Chairperson of the Chamber of Advocates.

***(Article 13 supplemented by HO-141-N of 8 July 2005, amended, edited by HO-339-N of 8 December 2011, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

**Article 13<sup>1</sup>. The procedure for preferential voting**

***(title edited by HO-336-N of 5 October 2022)***

1. In the voting paper — after the name and surname of each candidate — the word "for" shall be inserted with a blank box for a “check” mark.
2. When voting for any candidate, the participant of the voting shall put a “check” mark in the box next to the word "for", and no mark shall be put when voting against.

3. Each participant of voting may vote for maximum as many candidates as half of the number of members of the body of the Chamber of Advocates being elected, where the number of such members is two or more.
4. The candidates having received maximum number of votes corresponding to the number of members of the relevant body being elected shall be considered as elected. In the event of a tie, where it is impossible to determine the candidate having received the greatest number of votes, lots shall be drawn between the candidates having received minimum number of equal votes.
5. Voting papers not complying with parts 2 and 3 of this Article shall be deemed invalid and shall not be considered when summarising the results of voting (elections).

***(Article 13<sup>l</sup> supplemented by HO-141-N of 8 July 2005, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 14. External audit of the Chamber of Advocates**

***(title edited by HO-366-N of 5 October 2022)***

1. For the purpose of checking the financial and economic activity of the Chamber of Advocates, every year the Chamber of Advocates must engage an independent audit entity entitled to provide audit services as prescribed by law and other legal acts, by concluding a relevant contract therewith. The entity carrying out external audit with the Chamber of Advocates shall be selected by the Board of the Chamber of Advocates under the procedure prescribed by the Charter of the Chamber of Advocates. The fee for the services of the person carrying out external audit shall be determined by the Board of the Chamber of Advocates.

2. In the contract concluded with the entity carrying out external audit, the Chamber of Advocates must envisage also the verification of the credibility of financial reports submitted to the Ministry of Justice of the Republic of Armenia.
3. The external audit opinion shall be posted on the official website of the Chamber of Advocates by 1 May of the year following that financial year.

***(Article 14 edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 15. Property and budget of the Chamber of Advocates**

***(title edited by HO-366-N of 5 October 2022)***

1. The property of the Chamber of Advocates shall be formed from the advocates' membership fees, contender access fees, as well as other sources not prohibited by law. The membership fees of the Chamber of Advocates shall be paid in the amount and the procedure established by the Board of the Chamber of Advocates, for the general needs of the Chamber of Advocates and other expenses related to implementation of the profession of advocate.
2. The Chairperson of the Chamber of Advocates shall draw up the budget of the Chamber of Advocates for the upcoming year (exclusive of the funds and costs for the Public Defender's Office) in the last quarter of the year preceding the reporting year.
3. In the event the Board of Chamber of Advocates fails to approve the budget for the upcoming year, the Chamber of Advocates shall act by the budget of the year preceding the reporting year until the new budget is approved.

***(Article 15 edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 16. Non-governmental associations of advocates**

Advocates shall have the right to establish non-governmental associations of advocates or be members of non-governmental associations of advocates in accordance with the legislation of the Republic of Armenia.

Non-governmental associations of advocates shall not exercise powers of the Chamber of Advocates or the bodies thereof as prescribed by this Law.

*(Article 16 amended by HO-366-N of 5 October 2022)*

*(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)*

### **Article 16.1. The procedure for notification in the Chamber of Advocates**

1. In mutual relationships with the Chamber of Advocates (including within the framework of disciplinary proceedings) an advocate shall be considered as properly notified on the process concerning thereto or as having received the relevant document, where the notification or the document has been:
  - (1) handed in person; or
  - (2) sent by a registered mail to the address provided to the Chamber of Advocates and with a notice on delivery; or
  - (3) sent via the e-mail provided to the Chamber of Advocates.
2. Where within a two-week period after sending the notice or the document by registered mail or to the e-mail address the Chamber receives no feedback notice, or there is no electronic confirmation on familiarising with the notice sent to the e-mail address or a feedback, then the notice or the document shall be posted on the official website of the Chamber of Advocates. Once the notice or the document is posted on the official website of the Chamber of Advocates, the

advocate shall be considered as duly notified or as having received the document from the 10<sup>th</sup> day following the publication.

***(Article 16.1 supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **CHAPTER 3**

### ***THE ADVOCATE AND THE ACTIVITY THEREOF***

#### **Article 17. The advocate**

1. An advocate is the person who has:
  - (1) obtained a Bachelor's or Master's qualification degree in law or qualification degree of a certified specialist in higher legal education in the Republic of Armenia, or has obtained a relevant degree in a foreign state, the recognition and approval of equivalence whereof have been carried out in the Republic of Armenia in the procedure prescribed by law; and
  - (2) received a license for practising the profession of advocate.
2. The status of the advocate, as well as the identity thereof, when participating as a representative of the client or defence counsel in the trial, shall be identified by the license, certificate or a plastic card replacing them, as issued by the Chamber of Advocates. The procedure of issuance of the referred shall be established upon the decision of the Board of the Chamber of Advocates.
3. While providing legal assistance, the advocate shall:

- (1) provide counselling on legal issues both orally and in written form;
  - (2) prepare applications, complaints, appeals, motions and other legal documents, as well as drafts thereof;
  - (3) as a representative of the client, participate in civil and administrative proceedings and during the examination of the case before the Constitutional Court of the Republic of Armenia;
  - (4) as a representative or defence counsel, participate in criminal proceedings and in proceedings on cases involving administrative offences;
  - (5) as a representative of the client, participate in the examination of cases before an arbitration tribunal or other dispute settlement bodies, as well as in the mediation procedure involving a mediator;
  - (6) represent the interests of the client before state and local self-government bodies, non-governmental associations and other organisations, foreign state authorities, courts, inquest bodies or bodies of preliminary investigation, international tribunals, foreign non-governmental authorities, unless otherwise provided for by the legislation of the given country, charter documents of international tribunals and other international organisations, or by international treaties of the Republic of Armenia.
4. The advocate shall have the right to provide other legal assistance not prohibited by law.

***(Article 17 amended by HO-63-N of 25 December 2006, edited, supplemented and amended by HO-339-N of 8 December 2011, amended by HO-178-N of 9 June 2022, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

### **Article 17.1. The advocate of another state**

1. The advocate of another State shall practise advocacy in the Republic of Armenia as prescribed by this Law, the Charter of the Chamber of Advocates and the Code of Conduct of the Advocate, unless otherwise provided for by international treaties of the Republic of Armenia.
2. The advocate of another State shall act in the Republic of Armenia on the basis of the license issued by the relevant institution of his or her State and must undergo accreditation with the Chamber of Advocates in the procedure prescribed by the Charter of the Chamber of Advocates. The procedure for accreditation and withdrawal of the accreditation shall be defined by the Board of the Chamber of Advocates. The Board of the Chamber of Advocates may withdraw the accreditation in case the advocate of another State violates the requirements of this Law, the Charter of the Chamber of Advocates and the Code of Conduct of the Advocate. The advocate of another State shall pay fees for accreditation in the amount determined by the Board of the Chamber of Advocates.

***(Article 17.1 supplemented by HO-339-N of 8 December 2011)***

### **Article 18. Basic rights of the advocate**

***(part repealed by HO-339-N of 8 December 2011)***

The advocate shall have the right to:

- (1) represent or protect the interests of natural and legal persons as prescribed by the Civil Procedure Code, the Administrative Procedure Code and the Criminal Procedure Code of the Republic of Armenia, as well as represent the interests of clients before state and local self-government bodies, non-governmental bodies and organisations;

- (2) obtain, deposition and submit pieces of evidence (information) for the interests of the client in a manner not prohibited by law, including by using technical means, such as video, audio, photo, copying or other equipment, unless otherwise provided for by law or if it does not violate the rights and lawful interests of other persons;
- (3) apply to state or local self-government bodies, individual entrepreneurs and legal entities (hereinafter referred to as “the economic entities”) with a request to receive documents (information) necessary for providing legal assistance. State and local self-government bodies shall be obliged to provide the advocate with the requested documents (information) or the carbon copies thereof within ten days, except when otherwise provided for by laws regulating the activities of such bodies or if the requested documents (information) contain secret protected by law. Rejection to provide documents (information) shall be provided in writing and be reasoned. In the case mentioned in this point a fee may be charged from an advocate for documents (information) or the carbon copies thereof, which shall not be more than the costs incurred for preparing them, unless other amount is stipulated by the legislation;
- (4) if agreed, interrogate in writing those persons who allegedly possess information related to the case or the proceedings within the scope of which the advocate provides legal assistance;
- (5) involve an expert or an interpreter on a contractual basis to provide clarification on issues requiring professional knowledge with regard to legal assistance or to provide translation service;
- (6) visit his or her defendant in private, confidentially and in an unimpeded way with no restrictions whatsoever regarding the number of visits and their duration, including by inviting a certified interpreter, unless otherwise provided for by law;



- (7) exercise other rights provided for by law.

While practising advocacy, the advocate shall be free to act in a manner not prohibited by law and in a way not infringing the rights and freedoms of others.

***(Article 18 amended, supplemented and edited by HO-339-N of 8 December 2011, amended, supplemented by HO-178-N of 9 June 2022, supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 19. Key responsibilities of the advocate**

The advocate shall:

- (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 of the Advocate and the Charter of the Chamber of Advocates;
- (3) not disclose advocate's secrets, except for cases provided for by law;
- (4) continually excel his or her knowledge;
- (4.1) attend the training courses in the procedure and for the number of hours prescribed by this Law, except for cases provided for by this Law or the Charter of the Chamber of Advocates;
- (5) pay membership fees, except for cases provided for by this Law or the Charter of the Chamber of Advocates;
- (6) not take any action adversely affecting the interests of the client, not take any position without agreeing it with the client, except for cases when the

advocate is certain of false self-incrimination by the defendant, and not admit the client's connection to the incident and the guilt thereof if this is in conflict with the defendant's position;

- (7) perform the obligations prescribed by the Law of the Republic of Armenia "On combating money laundering and financing of terrorism", unless it violates the confidentiality rule for the advocate as stipulated in this Law;
- (8) comply with the requirements of legal acts adopted by the General Meeting of the Chamber of Advocates, other bodies of the Chamber of Advocates and the Chairperson of the Chamber of Advocates within the scope of competences thereof;
- (9) perform other responsibilities as provided for by law.

***(Article 19 supplemented by HO-87-N of 26 May 2008, supplemented, edited by HO-339-N of 8 December 2011, supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 20. Rules of conduct of the advocate**

***(title edited by HO-366-N of 5 October 2022)***

- 1. The advocate shall be guided at least by the following rules of conduct:
  - (1) carry out his or her professional activity free from influences that may negatively affect the case of the client;
  - (2) keep the advocate's secret;
  - (3) in all cases protect the interests of the client and choose them over own personal interests and those of the advocate-partners;

- (4) not accept the commission of the person seeking legal assistance, where:
  - a. it is obviously illegal;
  - b. he or she pursues own interest with regard to the subject matter of the contract to be concluded with the client, which diverges from that of the given person;
- (5) not provide legal assistance, where:
  - a. there is a conflict between own interests and those of the clients with regard to the same issue;
  - b. he or she has participated in the given case as a judge, prosecutor, investigator, employee of the inquest body, expert, victim or witness, as well as where he or she has been an official having the competence to adopt a decision favourable for that person;
  - c. he or she has kinship, personal ties with, or dependency from an official who has taken part or takes part in the examination of the case of the given person;
  - d. he or she must represent the client's interests in a case, and the interests of that person conflict with the interests of the former client, except for cases, when the former client gives his or her written consent;
- (6) not make statements about the client's guilt being proven, if the latter denies it;
- (7) refrain from the obligation undertaken for the client only in cases prescribed by this Law and the Code of Conduct of the Advocate. In case of refraining from his or her obligations undertaken for the client, the advocate shall be obliged to notify the client thereon in due time and provide enough time for the client to engage a new advocate before leaving and pass to the client all the documents he or she has relating to the case;

- (8) not to avoid attending the General Meeting of the Chamber of Advocates without a valid reason.
2. A foreign citizen or a stateless person who is a member of the Chamber of Advocates, as well as the advocate of another State shall not provide legal assistance with regard to issues related to state or official secret of the Republic of Armenia.
  3. The details and peculiarities of the rules of conduct of the advocate prescribed by this Article, as well as other unified rules of conduct and the principles of ethics of the advocate shall be prescribed by this Law and the Code of Conduct of the Advocate.
  4. The rules of conduct of the advocate shall be binding for all advocates, as well as for their employees, including the support staff, to an extent they are applicable to the particular employee. The advocates shall include in the employment contracts concluded with their employees, including with the support staff, duty to observe the rules of conduct of the advocate and abide by such rules.
  5. The support staff of the advocate or the organisation practising advocacy shall include non-advocate employees thereof.

***(Article 20 supplemented by HO-339-N of 8 December 2011, supplemented, amended by HO-178-N of 9 June 2022, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 21. Guarantees for the activity of the advocate**

1. While practising, the advocate shall act independently and shall be guided only by the Constitution of the Republic of Armenia, international treaties of the

Republic of Armenia and laws, the Charter of the Chamber of Advocates and the Code of Conduct of the Advocate.

2. Intervention by state bodies, local self-government bodies, the officials thereof, natural and legal persons (including mass media) in the activity of the advocate shall be prohibited.
3. The advocate must be provided with an opportunity for individual, unimpeded, private communication with the client and consulting the client in state authorities and institutions, local self-government bodies, including courts. State authorities, courts and the officials thereof shall be obliged to take all necessary measures to ensure the right of the advocate to individual, unimpeded and private communication with the client.
4. The advocate may not be prosecuted, subjected to liability, arrested, detained or subjected to other restriction of rights with regard to performance of professional duties, including for expressing an opinion or position in the bodies administering proceedings or other bodies.
5. The advocate shall not be identified with the client due to performance of professional duties by the advocate.
6. The apartment, vehicle or the office of an advocate, as well as the organisation providing advocacy services may not be searched with regard to revealing the circumstances pertaining to the activity of the advocate. It shall not be allowed to search the advocate while performing professional duties.
7. Documents and information carriers (computers, video and audio recording devices, CDs, film strips, etc.) relating to legal assistance, which are with the advocate or at the organisation providing advocacy services shall be inviolable, may not be seized (taken) and used as evidence.

8. It shall be prohibited to interrogate the advocate as a witness in respect of circumstances which have become known to him or her with regard to providing legal assistance or requesting the advocate for such assistance. Within the meaning of this part, every person not being an advocate and working for the advocate shall be deemed as equal in status to the advocate.
9. An advocate shall not be prohibited to get familiar with all materials maintained with the court and relating to the client, as well as to take notes and make copies of any volume therefrom, except for the identification data of the defendant.

***(Article 21 edited by HO-339-N of 8 December 2011, amended by HO-178-N of 9 June 2022)***

#### **Article 22. Legal protection of the advocate**

The advocate, members of his or her family and the property thereof shall be under state protection.

State competent bodies shall be obliged to undertake the necessary measures prescribed by law to protect the advocate where he or she or the members of the family thereof have been threatened with physical violence, destruction of property or any other unlawful act in connection with the performance of the professional duties of the advocate.

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

#### **Article 23. Assistant to the advocate**

1. An advocate shall have the right to have assistants. Only a person having a higher education in law may be an assistant to the advocate. The person referred to in Article 33 of this Law may not be an assistant to the advocate.

2. The assistant to the advocate shall acquire his or her status in a simplified procedure through accreditation by the Board of the Chamber of Advocates in the procedure prescribed by the Board of the Chamber of Advocates.
3. For the purpose of this Law, an assistant to the advocate shall be deemed as equal in status to the advocate, who shall enjoy all the rights of the advocate with the following exceptions:
  - (1) the assistant to the advocate shall not have the right to participate in investigative or other procedural actions during preliminary investigation or in court without the supervising advocate;
  - (2) the assistant to the advocate shall not have the right to sign and submit statements of claim, motions, objections, statements, responses, recusals, appeals or cassation appeals, as well as to ask questions when participating in investigative or other procedural actions;
  - (3) the assistant to the advocate shall not have the right to participate in the General Meeting of the Chamber of Advocates, including the General Meeting held through the remote procedure, to elect and be elected in the bodies of the Chamber and for the position of a Chairperson of the Chamber, to participate in the voting of the Charter of the Chamber and the Code of Conduct.
4. Other restrictions of the rights of the assistant to the advocate may be provided for also by the Code of Conduct of the Advocate.
5. An assistant to the advocate shall bear all the duties that are reserved to the advocate by this Law, except for the duty to participate in the training courses.
6. Other cases of restriction of duties of the assistant to the advocate may be provided for by the Charter of the Chamber of Advocates.

7. The assistant to the advocate shall — in case of violation of the rules of the Code of Conduct of the Advocate — be subject to disciplinary liability in the procedure prescribed by Chapter 6 of this Law.
8. Withdrawal or suspension of the license of the assistant to the advocate shall be carried out in the procedure and in cases provided for by Articles 36 and 38 of this Law.
9. The assistant to the advocate shall identify himself or herself with the certificate of an assistant to the advocate, the form and procedure of issuance whereof shall be approved by the Board of the Chamber of Advocates.

***(Article 23 edited by HO-339-N of 8 December 2011, amended, supplemented by HO-178-N of 9 June 2022)***

#### **Article 24. Intern of the advocate**

***(article repealed by HO-339-N of 8 December 2011)***

#### **Article 25. The advocate's secret**

1. The information and evidences which the person seeking legal assistance has conferred to the advocate, the content and nature of the counselling provided by the advocate, as well as the information and evidences (materials, carriers) the advocate has independently obtained in the course of his or her activity shall be deemed as advocate's secret.
2. The advocate, a non-advocate employed by the advocate, as well as an employee of the Chamber of Advocates shall not disclose the advocate's secret, except for the cases provided for by this Article.
3. The advocate may make the advocate's secret public, where:



- (1) the client has consented to it;
  - (2) it is necessary for substantiating claims or for his or her defence in a court dispute between the advocate and the client or in disciplinary proceedings;
  - (3) it is necessary for providing the information envisaged in the Law of the Republic of Armenia "On combating money laundering and financing of terrorism", which constitutes the advocate's secret, to the authorised body in the cases and in the procedure prescribed by that law based on the suspicion of money laundering or terrorism financing being prepared, or on the basis of the request of the authorised body as prescribed by the referred Law, except for information received from the client and from other sources while performing the activities of the advocate defined by law with regard to the defence of the client or representing the interests thereof in judicial, administrative, arbitration or mediation proceedings, as well as while providing legal counselling, except for cases when the client receives counselling for the purpose of money laundering or terrorism financing.
4. The advocate shall make the advocate's secret public if information is available on grave or particularly grave crime provided for by the Criminal Code of the Republic of Armenia, which is definitely known to be in preparation.
  5. The obligation to keep the advocate's secret shall not be limited in time and shall extend beyond suspension or withdrawal of the license of the advocate.

***(Article 25 edited by HO-339-N of 8 December 2011, supplemented by HO-121-N of 21 June 2014)***

## **Article 26. Organisational and legal forms of activity of advocates**

The advocate may for his or her activity choose any organisational and legal form provided for by the legislation of the Republic of Armenia.

## **Article 27. The Code of Conduct of the Advocate**

1. The Code of Conduct of the Advocate shall enshrine uniform rules of conduct and principles of ethics for the advocates, which are binding for all advocates as well as for the staff employed by them.
2. In the employment contracts concluded with the support staff advocates shall see to defining their duties regarding adherence to the requirements of the Code of Conduct of the Advocate, and supervise over observance of such requirements.

*(Article 27 edited by HO-339-N of 8 December 2011)*

## **CHAPTER 4**

### ***LICENSING THE ACTIVITY OF THE ADVOCATE***

## **Article 28. Requirements for an advocate license**

*(article repealed from the moment the School of Advocates was established, by [HO-339-N](#) of 8 December 2011)*

## **Article 29. Procedure for issuing an advocate license**

To receive an advocate license, a contender shall submit an application to the Chamber of Advocates requesting to get a membership of the Chamber of Advocates

and a copy of the certificate issued by the Qualification Commission attached to it. The certificate issued by the Qualification Commission shall be valid until the next qualification examinations for an advocate license.

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

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

An application may be rejected if the requirements provided for by Articles 33 and 45.11 of this Law have not been met.

Rejection of an application may be appealed against in court within a one-month period.

***(part repealed by HO-339-N of 8 December 2011)***

A person who has become a member of the Chamber of Advocates shall receive a license ratified with the seal of the Chamber of Advocates and the signature of the Chairperson of the Board of the Chamber of Advocates within a five-day period.

The license shall be issued for an indefinite term, without age restrictions.

***(Article 29 edited, amended by HO-339-N of 8 December 2011, amended, supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

**Article 29<sup>1</sup>. Advocates accredited in the Court of Cassation of the  
Republic of Armenia**

***(article repealed by HO-236-N of 26 December 2008)***

**Article 30. Special license and the procedure for issuance thereof**

*(article repealed by HO-105-N of 1 June 2006)*

**Article 31. Registration with the Court of Cassation of advocates with a special license**

*(article repealed by HO-105-N of 1 June 2006)*

**Article 32. Oath of the advocate**

An advocate receiving an advocate license for the first time shall take an oath before the Board of the Chamber of Advocates during a solemn ceremony, which shall have the following text:

"I solemnly swear to perform honestly and in good faith the duties of advocate, to keep the advocate's secret, to protect the clients' rights, freedoms and interests by being guided by the Constitution and laws of the Republic of Armenia, and the Code of Conduct of the Advocate."

The oath shall be taken individually, and each advocate shall read the text of the oath.

The advocate shall sign the text of the oath.

**Article 33. Restrictions regarding the activity of the advocate**

A person may not be an advocate where he or she has been:

- (1) declared as having no active legal capacity or having limited active legal capacity upon a civil judgement of the court;
- (2) convicted of intentional criminal offence, and his or her conviction has not been cancelled or expired.

#### **Article 34. The list of advocates and enrolment therein**

The Chairperson of the Chamber of Advocates shall publish the list of advocates on website "www.azdarar.am" in the procedure prescribed by the Charter of the Chamber of Advocates.

The list of advocates shall include the name and surname of the advocate, all possible means of getting in contact with the advocate, specialisation of the advocate, as well as other information provided for by the Charter of the Chamber of Advocates.

The Chairperson of the Chamber of Advocates shall — within 14 days following the receipt of an application from the advocate having an advocate license or from a foreign advocate having the right to practise as an advocate — enrol them in the list of advocates and in the list of foreign advocates, respectively.

The advocate shall bear disciplinary liability prescribed by law for the false information included in the list of advocates.

***(Article 34 edited, amended and supplemented by HO-339-N of 8 December 2011)***

#### **Article 35. Removing from the list of advocates**

1. An advocate shall be removed from the list of advocates upon the decision of the Board of the Chamber of Advocates if:
  - (1) the advocate submits a written application to be removed from the list of advocates;
  - (2) the advocate's license is withdrawn on the grounds provided for by this Law.
2. Upon the decision of the Chairperson of the Chamber of Advocates, the advocate shall be temporarily removed from the list of advocates, where the license thereof has been suspended.

3. Upon the decision of the Board of the Chamber of Advocates, an advocate of another State shall be removed from the list of advocates of another State where his or her right to practise has been terminated in the country where that right has been granted or the accreditation has been rendered ineffective.

***(Article 35 edited by HO-339-N of 8 December 2011)***

## **CHAPTER 5**

### ***WITHDRAWAL AND SUSPENSION OF THE LICENSE***

#### **Article 36. Suspension of the license**

***(title edited by HO-366-N of 5 October 2022)***

1. The license of an advocate shall be suspended, where the advocate:
  - (1) has been elected into state elective bodies, to the position of a head or a Council of Elders of the community, for the entire term of office;
  - (2) has been called up for fixed-term mandatory military service, for the entire period of service;
  - (3) is not able to fulfil his or her professional duties for a period of more than one year due to a health condition, if relevant documents certify such condition, however this period not to exceed five years;
  - (4) has joined public service or has been appointed as a notary while holding public position, being in state service, community service or during the entire period of notarial activity;
  - (5) has been declared as missing in the procedure prescribed by law;

- (6) leaves the country for work or study for a term of more than three months, if documents certifying such work or study exist, however, this period not to exceed two years.
2. The license of the advocate may be suspended in case the court imposes medical coercive measures on the advocate.
  3. The advocate shall be obliged to inform the Board of the Chamber of Advocates about the grounds provided for by points 1-4 of part 1 of this Article within a ten-day period after such grounds come to existence.
  4. Where the grounds provided for by part 1 of this Article (except for point 6) or the grounds provided for by part 2 of this Article are revealed by the Board of the Chamber of Advocates, the Disciplinary Committee or the Chairperson of the Chamber of Advocates in the course of their activity, the Board may upon own initiative or the motion of the Disciplinary Committee or Chairperson of the Chamber of Advocates suspend the license of the advocate.
  5. The license of an advocate shall be suspended by the Board of the Chamber of Advocates. Within a three-day period after rendering the decision on suspending the license of the advocate, the Board of the Chamber of Advocates shall notify the advocate thereon.
  6. Suspension of the license of the advocate shall result in the suspension of guarantees for the advocate provided for by this Law.
  7. Members of the Chamber of Advocates, whose licenses have been suspended shall not have the right to participate in the General Meeting of the Chamber of Advocates and these members shall not be considered while determining the quorum of the General Meeting of the Chamber of Advocates or while requesting a session of the General Meeting by members of the Chamber of Advocates.

8. After the grounds provided for by part 1 or part 2 of this Article are eliminated, the license of an advocate shall be resumed upon the decision of the Board of the Chamber of Advocates, at the request of the advocate whose license had been suspended. The advocate shall submit the application provided for by this part to the Chamber of Advocates not later than within one month upon elimination of the relevant ground.
9. The decision on suspending or rejecting to resume the license of the advocate may be appealed against in court within a one-month period after receiving it.
10. The advocate whose license has been resumed shall be obliged to take training courses for the number of hours established by the Board of the Chamber of Advocates.

***(Article 36 edited by HO-339-N of 8 December 2011, HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 37. Withdrawal of the special license**

***(article repealed by HO-105-N of 1 June 2006)***

#### **Article 38. Withdrawal of the license**

***(title amended by HO-105-N of 1 June 2006, edited by HO-366-N of 5 October 2022)***

1. The license of an advocate shall be withdrawn where:
  - (1) the advocate files a written request to the Chairperson of the Chamber of Advocates to withdraw the license;
  - (2) the advocate she has received the license in violation of the requirements of law;



- (3) any of the circumstances provided for by Article 33 of this Law exists;
  - (4) the advocate has passed away, or a judicial act on declaring the advocate as deceased has entered into force;
  - (5) the judgment on declaring the advocate as missing has not been cancelled within five years after the suspension of the activities of the advocate on the grounds provided for by point 5 of part 1 of Article 36 of this Law;
  - (6) the advocate has submitted false data to receive an advocate license, including for participation in the qualification examinations;
  - (7) withdrawal of the license of an advocate has been applied as a disciplinary penalty;
  - (8) the advocate has failed to submit an application for resuming the license within the time period prescribed by part 8 of Article 36 of this Law once the grounds for suspending the license of the advocate have been eliminated, except for cases declared valid by the Board of the Chamber of Advocates.
- 2. The Board of the Chamber of Advocates shall withdraw the license by rendering a decision on declaring it ineffective, except for the case provided for by point 13 of part 11 of Article 13 of this Law.
  - 3. A person shall have the right to apply for a new license after one year following withdrawal of the license, unless otherwise prescribed by this Law.
  - 4. In case of withdrawal of the license based on the ground provided for by point 1 of part 1 of this Article, a person shall be entitled to apply for a new license any time after withdrawal of the former license.
  - 5. An advocate of another State may not practise in the Republic of Armenia, where his or her license has been withdrawn in the country where he or she received the relevant permit to practise.

6. In the case envisaged in point 8 of part 1 of this Law, the reasons for not submitting an application shall be considered valid upon the decision of the Board of the Chamber of Advocates, by way of cancelling the decision on declaring the license ineffective, in due procedure established by the Board of the Chamber of Advocates.
7. The decision on declaring the license ineffective or the decision on rejecting the application on cancelling such decision may be appealed against in court within a one-month period after receiving it.

***(Article 38 amended by HO-105-N of 1 June 2006, edited by HO-339-N of 8 December 2011, HO-27-N of 21 January 2020, HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **CHAPTER 6**

***(chapter edited by HO-339-N of 8 December 2011, HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

### ***DISCIPLINARY LIABILITY OF THE ADVOCATE***

***(title edited by HO-366-N of 5 October 2022)***

#### **Article 39. Subjecting the advocate to disciplinary liability**

1. The advocate shall be subjected to disciplinary liability for violating the requirements of this Law and the Code of Conduct of the Advocate, while for

violation of the requirements of the Law "On combating money laundering and financing of terrorism" or regulatory legal acts adopted on the basis thereof and the Law "On non-cash operations" or the regulatory legal acts adopted on the basis thereof the advocate shall be subjected to disciplinary liability, liability provided for by the Code on Administrative Offences of the Republic of Armenia and the Tax Code of the Republic of Armenia.

2. The disciplinary proceedings against an advocate shall be conducted on the basis of the principles of lawfulness, equality before the law and the Chamber of Advocates, competitiveness, adequacy of the disciplinary penalty imposed for disciplinary violation and the presumption of innocence.
3. Members of the Board and the Disciplinary Committee of the Chamber of Advocates or, within the meaning of part 1 of Article 39.5 of this Law, service staff employees shall, in the disciplinary proceedings against the advocate, be obliged to be guided by rules on the advocate's secret prescribed by this Law in regard to the information or evidence having become known or disclosed to them as advocate's secret.

#### **Article 39.1. Grounds for subjecting the advocate to disciplinary liability**

1. The following shall be the grounds for subjecting the advocate to disciplinary liability:
  - (1) violation of the requirements of this Law, which has been committed with intent or by gross negligence;
  - (2) violation of the requirements of the Code of Conduct of the Advocate, which has been committed with intent or by gross negligence;
  - (3) violation of the requirements of the Law "On combating money laundering and financing of terrorism" and regulatory legal acts adopted on the basis thereof, which has been committed with intent or by gross negligence;

- (4) violation of the requirements of the Law "On non-cash operations" and regulatory legal acts adopted on the basis thereof, which has been committed with intent or by gross negligence.
2. Within the meaning of this Article:
  - (1) an act shall be considered as having been committed with intent, where the advocate has acknowledged the unlawfulness of his or her conduct;
  - (2) an act shall be considered as having been committed by gross negligence, where the advocate has not acknowledged unlawfulness of his or her conduct, although he or she clearly could and must have acknowledged it in the given situation.
3. The act rendered not in favour of the client under the case where the advocate has had participation, shall not itself result in disciplinary liability for the advocate.
4. Subjecting the advocate to administrative, civil law or other liability provided for by law shall not exhaust the possibility of subjecting the advocate to disciplinary liability and ceasing his or her powers, and vice versa.
5. The advocate shall not be subjected to disciplinary liability if not guilty.
6. The advocate shall be presumed innocent unless his or her guilt for disciplinary violation is proven in the procedure prescribed by this Law, upon the decision of the Disciplinary Committee on imposing disciplinary liability, which has become effective. Any unresolved doubts as to the disciplinary violation committed by an advocate shall be interpreted in favour of the advocate.

#### **Article 39.2. Initiating disciplinary proceedings against the advocate**

1. The reasons for initiating disciplinary proceedings against the advocate shall be the following:

- (1) report of a person, state and local self-government bodies;
  - (2) mass media publications about the disciplinary violation;
  - (3) the court sanction on applying to the Chamber of Advocates with a request on subjecting to liability;
  - (4) the report of the bodies of the Chamber of Advocates on discovering an act containing elements of a violation — while exercising their powers — serving a basis for disciplinary liability;
  - (5) the statement of information submitted by the accountant of the Chamber of Advocates on failure by the advocate to pay the membership fee within the specified time period;
  - (6) the statement of information submitted by the Head of the Academy of Advocates on failure by the advocate to pass a training within the specified time period;
  - (7) the motion of the Head of the Public Defender's Office to initiate disciplinary proceedings against the Public Defender and the persons mentioned in points 1 and 2 of part 9 of Article 41 of this Law.
2. Anonymous reports shall not be considered.
  3. The disciplinary proceedings may be initiated against the advocate within a six-month period after learning of the incident for disciplinary liability, but not later than two years after such a ground has arisen. No disciplinary proceedings may be initiated after the elapse of the time period referred to in this part, whereas the proceedings initiated in violation of rules shall be dismissed. The statute of limitations provided for by this part shall be suspended from the day of initiating disciplinary proceedings.
  4. Before deciding on the issue of initiating disciplinary proceedings, the Chairperson of the Chamber of Advocates shall have the right to recommend the

person (body) having submitted a report (application, statement of information, motion) or the advocate to submit relevant materials in regard to the information for initiating disciplinary proceedings.

5. Based on the studies, the Chairperson of the Chamber of Advocates shall render a decision on initiating disciplinary proceedings or reject the initiation of disciplinary proceedings within one month from the time the event for initiating disciplinary proceedings has emerged.
6. The person having submitted a report may appeal against the decision of the Chairperson of the Chamber of Advocates on rejecting the initiation of disciplinary proceedings before the Board of the Chamber of Advocates or in court within a ten-day period from the day of receiving the decision.
7. The copy of the decision on initiating disciplinary proceedings shall — within five working days — be forwarded to the advocate against whom the decision on initiating disciplinary proceedings has been rendered, and in cases prescribed by points 1 or 3 of part 1 of this Article — to the persons referred in those points, as well as in the case prescribed by point 7 of part 1 of this Article it shall be reported to the Head of the Public Defender's Office.
8. The Chairperson of the Chamber of Advocates shall — within five days following the adoption of the decision on initiating disciplinary proceedings, for the purpose of preparing the case on subjecting the advocate to disciplinary liability in the procedure established by the Board of the Chamber of Advocates — forward it to the service staff employee as defined for the purposes of part 1 of Article 39.5 of this Law.

**Article 39.3. Rejecting the initiation of disciplinary proceedings against the advocate**

1. The initiation of disciplinary proceedings shall be rejected where:
  - (1) prima facie grounds for subjecting the advocate to disciplinary liability do not exist;
  - (2) there is a disciplinary proceedings initiated against the same advocate for the same act;
  - (3) there is a decision on not initiating disciplinary proceedings, dismissing the proceedings or on the issue regarding subjecting to disciplinary liability the same advocate for the same act;
  - (4) time limits prescribed by part 3 of Article 39.2 of this Law have expired;
  - (5) the license of the advocate has been withdrawn.
2. The Chairperson of the Chamber of Advocates shall render a decision on rejecting the initiation of disciplinary proceedings.
3. The copy of the decision on rejecting the initiation of disciplinary proceedings shall — within five working days — be forwarded to the advocate against whom the decision on rejecting the initiation of disciplinary proceedings has been rendered, as well as to persons referred to in point 1 or 3 of part 1 of Article 39.2 of this Law if the report or the application had been submitted by those persons.

**Article 39.4. Rights of the advocate in the disciplinary proceedings and the person (body) having submitted the report (application, statement of information, motion)**

1. The advocate and a person (body) having submitted a report (application, statement of information, motion) shall enjoy equal rights prescribed by this Law:

- (1) to participate in all stages of disciplinary proceedings in person as well as through a representative;
- (2) to familiarise with all materials of the disciplinary case from the time of initiating disciplinary proceedings, make copies and write out from the case any information of any volume;
- (3) provide explanations or refuse to provide explanations;
- (4) provide evidences for attaching them to the disciplinary case and for examining them;
- (5) submit recusals for the members of the Disciplinary Committee or the Board of the Chamber of Advocates and the service staff employees as defined for the purposes of part 1 of Article 39.5 of this Law;
- (6) file motions;
- (7) summon witnesses, ask questions to witnesses summoned both thereby and by the other party or by the Board of Chamber of Advocates;
- (8) ask questions to the speaker;
- (9) deliver a final speech;
- (10) receive the decisions of the Disciplinary Committee and the Board of the Chamber of Advocates;
- (11) appeal against the decision of the Disciplinary Committee of the Chamber of Advocates before the Board of the Chamber of Advocates or in court, and against the decision of the Board of the Chamber of Advocates — in court.



**Article 39.5. Preparing the disciplinary case for examination by the  
Disciplinary Committee of the Chamber of Advocates**

1. The disciplinary case shall be prepared for examination by the Disciplinary Committee of the Chamber of Advocates by the employee of the service staff (hereinafter referred to in this Chapter as "service staff") having been formed in the Chamber of Advocates for the purpose of preparing the disciplinary case for examination by the Disciplinary Committee of the Chamber of Advocates.
2. The service staff shall be formed under the procedure established by the Board of the Chamber of Advocates.
3. The employee of the service staff shall be obliged to collect evidences to ensure the lawfulness of disciplinary proceedings and reveal the circumstances considered significant for the fair settlement of the case.
4. The employee of the service staff shall have the right to request from the advocate or the person (body) having submitted a report (application, statement of information, motion) on the disciplinary violation to present evidence necessary for disciplinary proceedings, which are or are alleged to be maintained of the given persons (bodies). The request for submitting evidences shall be acted upon within a one-week period from the moment of receiving it.
5. In case of impossibility to act upon the request within the period prescribed by part 4 of this Article, the requested entity shall apply to the Chairperson of the Chamber of Advocates in writing by asking for a new period of execution or informing about the impossibility of execution of the decision, specifying the reasons for such unfeasibility. The Chairperson of the Chamber of Advocates may, by a decision, define a new time period or declare the reasons for not submitting evidence as valid.
6. In case of failure to submit the required evidence within the period prescribed by part 4 of this Article, or failure to define a new time period for submitting the

evidence, or failure to declare the reasons for not submitting the evidence as valid, it may be interpreted to the detriment of the requested entity if the fact to be proven, regarding which the required evidence was needed, remains unproven.

7. The employee of the service staff shall complete the process of evidence collection and submit the case to the Disciplinary Committee of the Chamber of Advocates within reasonable time, but not later than within two months after receiving the case.

#### **Article 39.6. The procedure for examination of a disciplinary case**

1. Within 10 days after the disciplinary case is submitted to the Disciplinary Committee of the Chamber of Advocates, the Chairperson of the Disciplinary Committee of the Chamber of Advocates shall appoint a member of the Disciplinary Committee to report the case as established by the Board, as well as to schedule a session of the Disciplinary Committee and to properly notify about the place and time of the session the advocate against whom the disciplinary proceedings has been initiated, the applying party, witnesses and other persons participating in the disciplinary case.
2. The session of the Disciplinary Committee of the Chamber of Advocates convened to examine the case on subjecting the advocate to disciplinary liability shall be competent (have quorum), where at least half of the total number of members of the Disciplinary Committee, including the reporter, participates therein.
3. Examination of a disciplinary case in the Disciplinary Committee of the Chamber of Advocates shall begin with the presentation of the disciplinary case by the reporter.

4. After hearing the reporter, the Disciplinary Committee of the Chamber of Advocates shall hear the advocate against whom the disciplinary proceedings has been initiated. Members of the Disciplinary Committee of the Chamber of Advocates may ask questions to the advocate and the advocate may choose to answer them or refuse to answer. After listening to the advocate, the Disciplinary Committee of the Chamber of Advocates shall proceed to the examination of the materials of the case.
5. After announcing the examination of the disciplinary case completed, the Disciplinary Committee of the Chamber of Advocates shall proceed to rendering a decision.
6. The Disciplinary Committee of the Chamber of Advocates shall examine the case on subjecting the advocate to disciplinary liability within reasonable terms, but not to exceed three months after the case has been received.
7. In exceptional cases the time period for examining the issue of subjecting the advocate to disciplinary liability may — upon substantiated decision of the Disciplinary Committee of the Chamber of Advocates — be extended for not more than three months, and in case of assigning an expert examination — for the period necessary for conducting the expert examination.

**Article 39.7. Decision of the Disciplinary Committee of the Chamber of Advocates on the issue of subjecting the advocate to disciplinary liability**

1. The Disciplinary Committee shall render only one decision under one disciplinary proceedings, even if the advocate has committed several disciplinary violations.
2. The Disciplinary Committee shall render the decision in a deliberation room. Only the members of the Disciplinary Committee examining the case may be present in the deliberation room.

3. In the deliberation room, the decision shall be taken by members of the Disciplinary Committee by open voting, by at least half of the votes of the total number of members of the Disciplinary Committee. In case of a tie, the decision which is more favourable for the advocate shall be considered as rendered.
4. Issues discussed by the Disciplinary Committee in the deliberation room, positions of members of the Disciplinary Committee and the voting results shall not be made public both during the session and after completing examination of the case.
5. After the examination of the case on subjecting the advocate to disciplinary liability, the Disciplinary Committee may render one of the following decisions:
  - (1) on imposing disciplinary penalty on the advocate as provided for by this Law;
  - (2) on dismissing the disciplinary proceedings.
6. The decision of the Disciplinary Committee on the issue of subjecting the advocate to disciplinary liability shall be drawn up and the final part thereof shall be published at the session of the Disciplinary Committee within 15 days after announcing on completion of the examination of the issue.
7. Within five working days following the publication of the decision, it shall be sent to the advocate, with regard whereto the decision has been rendered and to the person (body) having submitted the report (application, statement of information, motion) on the disciplinary violation.
8. The decision of the Disciplinary Committee on the issue of subjecting the advocate to disciplinary liability shall enter into force from the day following the receipt thereof by the advocate with regard whereto the decision has been rendered. The decision of the Disciplinary Committee on withdrawal of the license of the advocate shall enter into force after one month following its

publication, provided that no appeal is filed against it. In case the decision of the Disciplinary Committee on withdrawal of the license of the advocate is appealed and the Board of the Chamber of Advocates leaves the decision of the Disciplinary Committee unchanged or the court rejects the claim in the relevant part, it shall enter into force from the time the relevant decision of the Board or the court enters into force.

9. The parties may appeal against the decision of the Disciplinary Committee on the issue of subjecting the advocate to disciplinary liability before the Board of the Chamber of Advocates or in court within a one-month period following the date of receiving it.

**Article 39.8. Applying written procedure for examination of a disciplinary case**

1. Examination of the disciplinary case shall be carried out in a written procedure under the general rules prescribed by this Chapter, by observing the special rules prescribed by this Article.
2. In the event of disciplinary proceedings initiated with regard to failure on the side of the advocate to pay a membership fee within the term prescribed, failure to pass a training, as well as submitting unreliable and incomplete data in the report on pro bono legal assistance, the case on subjecting the advocate to disciplinary liability shall be examined in written procedure.
3. The Chairperson of the Disciplinary Committee shall resolve the issue of examining the case in written procedure with the decision prescribed by part 4 of this Article.
4. Within 10 days after the disciplinary case is submitted to the Disciplinary Committee of the Chamber of Advocates, the Chairperson of the Disciplinary

Committee of the Chamber of Advocates shall be obliged to appoint a member of the Disciplinary Committee to report on the case, as established by the Board, by mentioning the date of publication of the decision on the issue of subjecting the advocate to disciplinary liability.

5. In case the examination of the disciplinary case is carried out in written procedure, the member of the Disciplinary Committee of the Chamber of Advocates, who acts as a reporter, shall draw up the draft decision of the Disciplinary Committee within a reasonable time, but not later than within one month after receiving the case. The draft decision of the Disciplinary Committee shall be provided to other members of the Disciplinary Committee of the Chamber of Advocates, together with the materials of the case.
6. Members of the Disciplinary Committee of the Chamber of Advocates may submit comments and recommendations on the draft decision, based on which the reporter of the case shall revise the draft decision.
7. In the event the members of the Disciplinary Committee of the Chamber of Advocates make no comments and recommendations on the draft decision of the Disciplinary Committee of the Chamber of Advocates, or after revising the draft based on comments and recommendations, or in case of failure to accept submitted comments and recommendations, the reporter shall put it to vote.
8. If the draft submitted by the reporter of the case is not adopted in the result of voting, a new draft decision with regard to the given case shall be drawn up by a member selected by those members of the Disciplinary Committee of the Chamber of Advocates, who had voted against.
9. The Disciplinary Committee of the Chamber of Advocates shall examine the case on subjecting the advocate to disciplinary liability in written procedure and shall render and publish the decision on the issue of subjecting the advocate to disciplinary liability within a reasonable period of time, but not later than within one month after the reporter presents the case.

10. While conducting the examination of the disciplinary case in written procedure, in exceptional cases, the time period for examination of the issue of subjecting the advocate to disciplinary liability may — based on the reasoned decision of the Disciplinary Committee of the Chamber of Advocates — be extended for not more than one month, and in case of assigning an expert examination — for the period necessary for conducting the expert examination.

**Article 39.9. Grounds for dismissing the case on subjecting an advocate to disciplinary liability by the Disciplinary Committee of the Chamber of Advocates**

1. The Disciplinary Committee of the Chamber of Advocates shall dismiss the proceedings on subjecting an advocate to disciplinary liability if:
  - (1) no grounds are available for subjecting to disciplinary liability;
  - (2) after committing the disciplinary violation the person started to suffer from incurable mental disease or has been declared as having no active legal capacity upon a court judgment which entered into legal force;
  - (3) after committing a disciplinary violation the license of the advocate has been withdrawn in the procedure prescribed by this Law;
  - (4) there exists a decision which has not been cancelled on initiating disciplinary proceedings on the same grounds and on the same incident, on rejecting the initiation of disciplinary proceedings or on dismissing the disciplinary proceedings;
  - (5) the time limits provided for by part 3 of Article 39.2 of this Law have expired, where the advocate agrees with the dismissal of the proceedings on the mentioned ground.

### **Article 39.10. Disciplinary penalties applied to the advocate**

1. After examining the issue of disciplinary liability of the advocate, the Disciplinary Committee of the Chamber of Advocates may impose one of the following types of disciplinary penalties on the advocate, except for the case provided for by part 3 of this Article:
  - (1) reprimand;
  - (2) severe reprimand;
  - (3) taking additional training courses;
  - (4) fine;
  - (5) withdrawal of the license of the advocate.
2. The disciplinary penalty imposed on an advocate must be adequate to the violation committed. When imposing a disciplinary penalty, the Disciplinary Committee of the Chamber of Advocates shall also take into account the consequences of the violation, the personality of the advocate, the gravity of the guilt, existing penalties and other circumstances characterising the advocate, which are noteworthy.
3. The Disciplinary Committee of the Chamber of Advocates shall determine the number of hours for attending the additional training courses. The attendance of additional training courses may also be imposed as an additional penalty together with one of the penalties provided for by points 1, 2 and 4 of part 1 of this Article.
4. The Disciplinary Committee of the Chamber of Advocates shall determine the amount of the fine which may not exceed the two hundred-fold of the defined minimum salary. The advocate shall pay the fine to the budget of the Chamber of Advocates.



5. The Disciplinary Committee of the Chamber of Advocates may impose the penalty of advocate's license withdrawal:
  - (1) for deliberate violation of duties (including the rules of conduct provided for by part 1 of Article 20 of this Law) provided for by this Law, which is incompatible with the status of the advocate due to the circumstances of committing such act or the consequences caused;
  - (2) in case the advocate who has been subjected to disciplinary liability twice in one year is again subjected to disciplinary liability, except for cases of being subjected to disciplinary liability for the failure to pay the membership fee;
  - (3) in case the advocate who has a membership fee debt for at least eighteen months, fails to pay the membership fee for any subsequent month, except for when the advocate fully pays off the debt before the decision on subjecting to disciplinary liability is rendered, and has no any debt for membership fee before the Chamber of Advocates as of the day when the Disciplinary Committee of the Chamber of Advocates renders a decision.
6. The advocate shall be considered as not subjected to disciplinary penalty:
  - (1) in case of applying reprimand, after six months following the entry into legal force of the decision on imposing the disciplinary penalty;
  - (2) in case of applying severe reprimand, after one year following the entry into legal force of the decision on imposing the disciplinary penalty;
  - (3) in case of taking additional training courses as a main penalty, after six months upon taking the training;
  - (4) in case of a fine, after nine months from the time of fully repaying the penalty;
  - (5) in case of taking additional training courses as an additional penalty, after three months upon passing the training, but not earlier than elapse of the time limit prescribed for the main penalty by this part.

7. The person on whom the disciplinary penalty of withdrawal of the license of the advocate has been imposed, shall have the right to apply for a license under the general procedure after two years from the time when the decision on imposing a penalty enters into legal force.
8. The term of the statute of limitations shall be interrupted where the person commits a new disciplinary violation prior to the elapse of the mentioned time limits. In this case, the term of the statute of limitations shall restart from the day of committing the new disciplinary violation.
9. The decision of the Disciplinary Committee or the Board on the issue of subjecting the advocate to disciplinary liability shall be posted on the official website of the Chamber of Advocates. In case the issue of subjecting the advocate to disciplinary liability is examined in the closed door session, information on the nature of the disciplinary violation, the type of disciplinary penalty imposed and on the person of the advocate having committed the disciplinary violation shall be posted on the official website of the Chamber of Advocates.

**Article 39.11. Appealing against the decision of the Disciplinary Committee of the Chamber of Advocates on the issue of subjecting the advocate to disciplinary liability and the decision of the Chairperson of the Chamber of Advocates on rejecting the initiation of disciplinary proceedings**

1. After receiving the appeal (hereinafter referred to in this Article as "the appeal") against the decision of the Disciplinary Committee of the Chamber of Advocates on the issue of subjecting the advocate to disciplinary liability, the Board of the Chamber of Advocates shall immediately send it to the other party which may submit a response to the appeal to the Board of the Chamber of Advocates within ten days upon the receipt thereof.

2. The Board of the Chamber of Advocates shall examine the appeal, or the appeal against the decision of the Chairperson of the Chamber of Advocates on rejecting the initiation of the disciplinary proceedings, and render a decision within a one-month period upon the receipt thereof.
3. The Board of the Chamber of Advocates shall examine the appeal and render the decision thereon in the written procedure, except for the cases when it comes to the conclusion that it is necessary to conduct the examination of the appeal through a session. The Board shall render a decision on conducting the examination of the appeal through a session. The Board shall examine the appeal against the decision of the Chairperson of the Chamber of Advocates on rejecting the initiation of the disciplinary proceedings and render the decision thereon in a written procedure.
4. The Chairperson of the Chamber of Advocates shall not participate in the examination of the appeal by the Board of the Chamber of Advocates or of the appeal against the decision of the Chairperson of the Chamber of Advocates on rejecting the initiation of the disciplinary proceedings. In the cases indicated in this part, the session of the Board shall be presided by the member of the Board assigned in accordance with the rules of procedure as established by the Board.
5. In case a decision is rendered on conducting the examination of the appeal through a session, the parties shall be notified about the time and the place of the session. Failure to appear thereby shall be no hindrance to the examination of the appeal. The examination of the appeal shall start with the reporting about the issue by the reporting person, who shall represent the appeal and the arguments brought in the response to the appeal. The members of the Board of the Chamber of Advocates shall have the right to address questions to the reporter and the parties having appeared at the session, after which the examination of the appeal shall be declared as completed.

6. In case the appeal is examined in a session, the rules prescribed by parts 2-4 of Article 39.7 of this Law shall apply to the process of rendering a decision by the Board of the Chamber of Advocates.
7. During the examination of the appeal, the Board shall review the disputed decision only within the scope of the grounds and justifications provided with regard to the appeal.
8. After examination of the appeal, the Board may render one of the following decisions:
  - (1) on leaving the decision of the Disciplinary Committee unchanged;
  - (2) on cancelling the decision of the Disciplinary Committee fully or partially.
9. After examination of the appeal against the decision of the Chairperson of the Chamber of Advocates on rejecting initiation of disciplinary proceedings, the Board may render one of the following decisions:
  - (1) on leaving the decision of the Chairperson of the Chamber of Advocates unchanged;
  - (2) on cancelling the decision of the Chairperson of the Chamber of Advocates.
10. In case the Board of the Chamber of Advocates cancels the decision of the Chairperson of the Chamber of Advocates, the Chairperson of the Chamber of Advocates shall, within a five-day period, render a decision on initiating disciplinary proceedings.
11. The decision of the Board rendered in the result of examination of the appeal shall enter into force from the day following the receipt thereof by the advocate with regard whereto the decision has been rendered. The decision of the Board rendered in the result of examination of the appeal against the decision of the Disciplinary Committee on withdrawal of the license of the advocate shall enter into force after one month following its publication, if no appeal is filed against it.

In case the decision of the Board rendered in the result of examination of the appeal against the decision of the Disciplinary Committee on withdrawal of the license of the advocate is appealed against and the court rejects the claim in the relevant part, it shall enter into force from the time the relevant decision of the court enters into force.

12. The decision of the Board rendered in the result of examination of the appeal against the decision of the Chairperson of the Chamber of Advocates on rejecting the initiation of disciplinary proceedings shall enter into force from the day following its publication.
13. The parties may file an appeal in court against the decision of the Board of the Chamber of Advocates rendered in the result of examination of the appeal within a one-month period after receipt thereof.

**Article 39.12. Reviewing the decisions on the issue of subjecting an advocate to disciplinary liability on the basis of newly emerged or new circumstances**

1. The Disciplinary Committee of the Chamber of Advocates shall have the right to review the decision on the issue of subjecting an advocate to disciplinary liability, and the Board of the Chamber of Advocates shall be entitled to review the decision rendered in the result of examination of the appeal against the decision of the Disciplinary Committee on the same issue, on the basis of newly emerged or new circumstances.
2. Parties shall have the right to submit an application for reviewing the decisions provided for by part 1 of this Article.
3. Newly emerged circumstance shall be basis for reviewing the decisions referred to in part 1 of this Article, where:

- (1) the person having filed an application to review it proves that such circumstances existed in the course of disciplinary proceedings, they were not known and could not be known to the person having filed the application and to the Disciplinary Committee or the Board of the Chamber of Advocates, and that those circumstances are of essential importance for the disciplinary proceedings;
  - (2) false testimonies of a witness or a victim, a manifestly false opinion of an expert, manifestly incorrect translation by a translator, fabricated written or material evidence, protocols of investigative or judicial actions and other documents as confirmed by a court's criminal judgment having entered into force, have resulted in delivering an erroneous decision on the disciplinary proceedings;
  - (3) it has been confirmed by a court's criminal judgment having entered into force that persons or representatives of persons participating in the disciplinary proceedings have committed a criminal act with regard to the disciplinary proceedings, which has resulted in delivering an erroneous or ungrounded decision, or a criminal act with regard to the examination of the disciplinary proceedings has been committed by a member of the Disciplinary Committee or the Board of the Chamber of Advocates.
4. New circumstances shall be basis for reviewing the decisions provided for by part 1 of this Article, where:
- (1) the Constitutional Court of the Republic of Armenia has declared the provision of the law or another regulatory legal act applied in the disciplinary proceedings as contradicting the Constitution and invalid, or although the provision has been declared as complying with the Constitution, however the Court has found that wrong interpretation thereof has been applied in regard to the person;

- (2) it has been confirmed by an effective judicial act of an international court to which the Republic of Armenia is a member, that the advocate's right enshrined in the international treaty of the Republic of Armenia has been violated;
  - (3) the Administrative Court has declared the relevant regulatory legal act applied while rendering the relevant decision, as invalid from the time of its entry into force.
- 5. An application for review based on newly emerged or new circumstances may be filed within three months from the time of emergence of the grounds prescribed by parts 3 and 4 of this Article, unless 20 years have elapsed since the entry into force of the decision provided for by part 1 of this Article.
- 6. In regard to circumstances that serve as a ground to review the decisions provided for by part 1 of this Article on subjecting an advocate to disciplinary liability, the burden of proof shall rest with the person having submitted the application.
- 7. The body of the Chamber of Advocates that has rendered the relevant decision in the result of examination of the application shall take one of the following decisions:
  - (1) on not reviewing the relevant decision, where the grounds for reviewing the decisions provided for by part 1 of this Article on the basis of newly emerged or new circumstances are missing;
  - (2) on cancelling the relevant decision and rendering a new decision, provided that there are grounds for reviewing on the basis of newly emerged or new circumstances.
- 8. If the body of the Chamber of Advocates having rendered the relevant decision cancels the decision on withdrawal of the license of the advocate as a disciplinary

liability on the basis of newly emerged or new circumstances, the Board of the Chamber of Advocates shall render a decision on resuming the license of that advocate.

9. The body of the Chamber of Advocates having rendered the relevant decision shall examine the case under review proceedings within three months after the receipt of the application on reviewing the decisions provided for by part 1 of this Article.

**Article 40. Independence of a member of the Disciplinary Committee, member of the Board and an employee of the service staff, grounds and procedure for recusal**

1. A member of the Disciplinary Committee and an employee of the service staff — while initiating disciplinary proceedings, conducting the disciplinary proceedings and subjecting to disciplinary proceedings, and a member of the Board — while reviewing the disciplinary case — shall be independent and be guided solely by this Law, the Charter of the Chamber of Advocates and the Code of Conduct of the Advocate.
2. An advocate or a person (body) having submitted a report (application, statement of information, motion) on the disciplinary violation shall have the right to recuse a member of the Disciplinary Committee, an employee of the service staff or a member of the Board, where:
  - (1) he or she has relevance to the issue put on the agenda for deliberation and is considered as an interested person in that regard;
  - (2) he or she has provided counselling to one of the parties involved in the relevant case, has participated or participates as a party or as a representative thereof;



- (3) he or she is the close relative of one of the parties;
  - (4) he or she is in personal or other employment-based dependence from the party;
  - (5) there are other circumstances which serve as a basis for considering that he or she is directly or indirectly interested in the outcome of the given case.
- 3. From the moment of learning of the grounds for recusal mentioned above, the member of the Disciplinary Committee, the employee of the service staff or the member of the Board shall be obliged to recuse themselves.
  - 4. The recusal shall be submitted in writing, indicating the specific factual circumstances that exclude participation of the person subject to recusal in the disciplinary proceedings.
  - 5. The person subject to recusal shall have the right to submit, in writing or orally, explanations on the recusal.
  - 6. The recusal of the member of the Disciplinary Committee or the member of the Board shall be decided on by the Disciplinary Committee or the Board respectively, in the absence of the recused member. The recusal of the employee of the service staff shall be decided on by the Chairperson of the Chamber of Advocates.
  - 7. The issue of the recusal shall not be discussed, where the member of the Disciplinary Committee, the employee of the service staff or the member of the Board have recused themselves in writing or orally.

## CHAPTER 7

*(chapter edited by HO-339-N of 8 December 2011)*

### **PUBLIC DEFENCE AND PRO BONO LEGAL ASSISTANCE**

*(title edited by HO-366-N of 5 October 2022)*

*(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)*

#### **Article 41. Public Defence**

1. Public defence shall be deemed to be free legal assistance rendered in the cases referred to in this Article.
2. Free legal assistance includes:
  - (1) counselling — drawing up of statements of claims, applications, appeals and other legal procedural documents, including provision of legal information;
  - (2) representation or defence in criminal proceedings, civil, administrative and constitutional cases.
3. Within the meaning of this Article, the representation or defence shall be exercised during the preliminary investigation in criminal proceedings, in the courts of first instance, courts of appeal and the Court of Cassation of the Republic of Armenia, as well as in the Constitutional Court of the Republic of Armenia.
4. The body conducting the criminal proceedings shall ensure free legal assistance through the Public Defender's Office in cases provided for by the legislation or international treaties of the Republic of Armenia or if so required by the purposes of justice.

5. The Public Defender's Office shall — except for the cases when legal assistance is provided to a person arrested within the framework of the criminal proceedings or to the accused, as well as for cases referred to in part 6 of this Article — provide free legal assistance defined by this Article to the following persons:
- (1) members of the family of a military serviceman deceased in relation to the military duty, as confirmed in due manner prescribed by law;
  - (2) people with disabilities of 1<sup>st</sup> and 2<sup>nd</sup> groups;
  - (3) convicts;
  - (4) family members registered with the household vulnerability assessment system and assigned a vulnerability score higher than "zero";
  - (5) participants of the Great Patriotic War and of combat operations during the protection of the borders of the Republic of Armenia;
  - (6) unemployed persons;
  - (7) pensioners living alone;
  - (8) children without parental care, as well as persons falling under the category of children without parental care;
  - (9) refugees;
  - (10) those enjoying temporary protection in the Republic of Armenia;
  - (11) insolvent natural persons submitting authentic data certifying the insolvency thereof. Within the meaning of this point, a natural person shall be considered as insolvent, where his or her monthly income does not exceed the two-fold of the amount prescribed by Article 1 of the Law "On minimum monthly salary", he or she does not have jointly residing and employed family member, as well as does not own an immovable property other than

the personal apartment or a vehicle exceeding in value one-thousand-fold of the minimum salary;

- (12) persons having mental health issues and put in a psychiatric organisation;
- (13) persons recognised as victims or as special category victims by the Commission for Identification of Victims Subjected to Trafficking in and Exploitation of Human Beings, as prescribed by law;
- (14) those seeking asylum in the Republic of Armenia;
- (15) victims of torture, for the purpose of receiving compensation in the procedure prescribed by Article 1087.3 of the Civil Code of the Republic of Armenia;
- (16) persons subjected to domestic violence as prescribed by the Law of the Republic of Armenia "On prevention of domestic violence, protection of persons subjected to domestic violence and restoration of solidarity in family";
- (17) respondents in civil cases initiated on the basis of the Law of the Republic of Armenia "On civil forfeiture of illegal assets";
- (18) foreigners, for appealing against the decision on expulsion;
- (19) persons with regard to whom proceedings are pending under cases on declaring as having no active legal capacity or having limited active legal capacity, declaring the citizen who had been recognised as having no active legal capacity as having active legal capacity or lifting the restrictions of active legal capacity of the citizen;
- (20) victims if they are compulsory fixed-term military servicemen or children under the age of 16.

6. Free legal assistance may not be provided to persons mentioned in part 5 of this Article:

- (1) under the cases involving entrepreneurial activity (including corporate disputes);
  - (2) under the cases on property (money) claims exceeding one-thousand-fold of the minimum salary, except for the cases where the person acts as a respondent or a third person on the part of the respondent;
  - (3) where the insolvency criteria provided for by point 11 of part 5 of this Article are not substantiated;
  - (4) where the requirements of the applicant are obviously ungrounded;
  - (5) where the person receives legal assistance from other advocate for the same issue for which he or she has applied to the Public Defender's Office.
7. When deciding on the issue of levying the costs incurred by the State with regard to legal assistance provided to the accused or the victim within the framework of criminal proceedings, a person who has a monthly income exceeding two-fold of the minimum monthly salary or, in addition to a private apartment, owns other real estate or a vehicle or other valuable property exceeding in value one-thousand-fold of the minimum salary, shall be deemed as obviously solvent.
8. When applying to the Public Defender's Office for free legal assistance in cases provided for by part 5 of this Article, the person shall submit a written declaration on compliance with the requirements prescribed by the same part and shall be warned of criminal liability in that regard. The form and the procedure for filing the declaration provided for by this part shall be approved by the Board of the Chamber of Advocates.
9. Taking into account the legislative restrictions for the provision of legal assistance, the Public Defender's Office may organise the public defence of persons referred to in part 5 of this Article also:

- (1) via advocates not serving as public defenders, who have been voluntarily included in the list of persons providing free legal assistance, as maintained by the Public Defender's Office;
  - (2) via the advocates having applied to the Public Defender's Office for the purpose of providing pro bono legal assistance;
  - (3) by the support of the students (attendees) of legal clinics organised by higher education institutions accredited in the Republic of Armenia and the Academy of Advocates.
10. The procedure for enrolment in the list of persons providing free legal assistance as referred to in point 1 of part 9 of this Article, maintaining that list, remuneration of advocates who are not public defenders and provision of free legal assistance thereby shall be established by the Board of the Chamber of Advocates. Fees for provision of free legal assistance by advocates who are not public defenders shall be paid from the funds prescribed by Article 45 of this Law and from the reserve fund.
11. The Board of the Chamber of Advocates shall define the procedures for applying to the Public Defender's Office for the purpose of providing pro bono legal assistance as stipulated in point 2 of part 9 of this Article, maintaining the lists of persons having applied for that purpose and assigning cases thereto.
12. The lists of advocates who are not public defenders but are willing to provide free legal assistance as stipulated in points 1 and 2 of part 9 of this Article and of advocates providing pro bono legal assistance, shall be maintained by the Head of the Public Defender's Office. The Head of the Public Defender's Office may assign cases to the persons enrolled in the mentioned lists for the purpose of providing free or pro bono legal assistance only upon their consent.
13. Attendees of the Academy of Advocates shall be enrolled in the process of providing free legal assistance by the Public Defender in accordance with the

procedure established jointly by the Head of the Public Defender's Office and the Management Board of the Academy of Advocates, and the students of higher education institutions shall be involved upon mutual agreement of the relevant higher education institution and the Public Defender's Office.

14. Pursuant to point 2 of part 9 of this Article, the total number of cases assigned by the Public Defender's Office may not be more than 30 percent of the cases involving free legal assistance during the previous year.
15. The Head of the Public Defender's Office may, in the procedure established by the Board of the Chamber of Advocates, exercise supervision over the process of providing free legal assistance by other persons in the cases referred to in part 9 of this Article.

***(Article 41 edited by HO-339-N of 8 December 2011, supplemented by HO-29-N of 30 April 2013, HO-215-N of 17 December 2014, amended, supplemented by HO-157-N of 17 October 2016, supplemented by HO-242-N of 16 December 2016, HO-327-N of 13 December 2017, HO-251-N of 16 April 2020, amended by HO-350-N of 18 June 2020, edited by HO-426-N of 17 September 2020, supplemented, amended by HO-178-N of 9 June 2022, supplemented, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 42. The Public Defender's Office**

1. Public defence shall be ensured by the Public Defender's Office.
2. The Public Defender's Office is a structural sub-division operating under the Chamber of Advocates, comprised of the Head of the Public Defender's Office, two deputies, public defenders and the support staff.

3. The number of advocates in the Public Defender's Office shall be determined by the Board of the Chamber of Advocates within the scope of financing from the State Budget.

#### **Article 43. The Head of the Public Defender's Office**

1. The Board of the Chamber of Advocates shall appoint the Head of the Public Defender's Office from among the advocates having at least five years of work experience as an advocate, for a term of four years, but not more than for two consecutive terms.
2. Each member of the Board of the Chamber of Advocates shall have the right to nominate a candidate for the Head of the Public Defender's Office upon consent thereof.
3. Powers of the Head of the Public Defender's Office shall terminate:
  - (1) in case the term of office thereof expires, from the time the next head assumes his or her powers;
  - (2) in case of submitting a letter of resignation;
  - (3) in case of withdrawal or suspension of the license thereof.
4. Powers of the Head of the Public Defender's Office shall be early terminated by the Board of the Chamber of Advocates by at least two thirds of votes of the total number of the members of the Board:
  - (1) where he or she has failed to attend work for more than two months during one year due to temporary incapacity for work;
  - (2) where he or she fails to properly fulfil his or her duties provided for by law or the Charter of the Chamber of Advocates and has failed to eliminate the shortcomings or violations within one month after receiving the written warning of the Chairperson of the Chamber of Advocates;



- (3) where he or she has rendered a decision on providing public defence in violation of the requirements of Article 41 of this Law, when it has been obvious that the person is not a beneficiary of public defence in compliance with Article 41 of this Law, and the Head of the Public Defender's Office had known of the absence of grounds for rendering a decision on providing public defence;
  - (4) where he or she has regularly rendered decisions on providing public defence in violation of the requirements of Article 41 of this Law;
  - (5) in other cases provided for by the Labour Code of the Republic of Armenia.
5. In cases prescribed by this Article, any member of the Board of the Chamber of Advocates may come up with a recommendation to early terminate the powers of the Head of the Public Defender's Office. The employment contract concluded with the Head of the Public Defender's Office shall be considered rescinded from the date the decision of the Board of the Chamber of Advocates on early termination of powers of the Head of the Public Defender's Office enters into force.
6. The Head of the Public Defender's Office shall:
- (1) represent the Public Defender's Office;
  - (2) organise, in the cases provided for by this Law, equally accessible and efficient legal assistance for everyone;
  - (3) conduct distribution of work among public defenders;
  - (4) take decisions to ensure regular functioning of the Public Defender's Office;
  - (5) in cases provided for by Article 41 of this Law and based on an application of a citizen, render a decision on providing public defence and on assigning the case to a public defender or an advocate who is not a public defender, or on rejecting the application for public defence if the grounds provided

for by part 5 of Article 41 of this Law are absent or if provision of free legal assistance contradicts the grounds provided for by part 6 of Article 41 of this Law. The decision of the Head of the Public Defender's Office on rejecting provision of public defence must be substantiated;

- (6) render a decision on providing public defence and on assigning the case to a public defender or an advocate who is not a public defender, based on the application or decision of the body conducting criminal proceedings. In cases referred to in this point, where no information is available on the data or grounds necessary for rendering a decision on providing public defence, the Head of the Public Defender's Office may return the application or the decision to the body conducting criminal proceedings and request to submit the necessary information, meanwhile ensuring public defence of the person. In case of such a request, the body conducting criminal proceedings shall be obliged to provide the requested information free of charge in a three-day period;
- (7) exercise control over the process of provision of legal assistance by public defenders and persons indicated in part 9 of Article 41 of this Law;
- (8) file a motion for initiating disciplinary proceedings against a public defender, persons indicated in points 1 and 2 of part 9 of Article 41 of this Law or for encouraging them;
- (9) be entitled to apply to state or local self-government bodies or economic entities for the purpose of checking the fact of insolvency of insolvent persons, as well as for receiving information necessary for providing free legal assistance. The indicated bodies and economic entities shall be obliged to provide the requested documents (information) or their copies free of charge within a five-day period, except when the requested documents contain secret protected by law;

- (10) support the exercise of powers of the bodies of the Chamber in the cases provided for by this Law;
  - (11) in compliance with the procedure established by the Board of the Chamber of Advocates, ensure the following:
    - a. recording and consideration of the application addressed to the Public Defender's Office;
    - b. recording the decision on providing or rejecting the provision of legal assistance;
    - c. supervision over the accurate drawing up of the cases managed by the advocate by public defenders and persons referred to in point 1 of part 9 of Article 41 of this Law;
    - d. timely archivation of completed proceedings;
    - e. submission of reports or statistics to the Board of the Chamber of Advocates in cases provided for by this Law.
7. The Head of the Public Defender's Office shall participate in the sessions of the Board of the Chamber of Advocates with the right to a consultative vote.

***(Article 43 edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 44. The Public Defender**

1. The Public Defender is an advocate employed by the Public Defender's Office, who acts under an employment contract concluded with the Chairperson of the Chamber, as recommended by the Head of the Public Defender's Office.

2. A competition may be announced for the position of Public Defender in the procedure established by the Board of the Chamber of Advocates.
3. The employment contract shall be concluded with the Public Defender for a term of one year. Each time the one-year term of the employment contract concluded with the Public Defender may be extended for another year without holding a competition if the Public Defender gains passing scores in the procedure established by the Board of the Chamber of Advocates and in the result of verification and assessment of public defenders' activity against the criteria.

***(Article 44 supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 44.1. Pro bono legal assistance**

1. Pro bono legal assistance is gratuitous provision of legal assistance on voluntary basis to persons envisaged by part 5 of Article 41 of this Law, except for cases provided for by part 3 of Article 5 of this Law.
2. Pro bono legal assistance may be provided by the advocates, as well as other persons, taking into account the legislative restrictions for the provision of legal assistance.
3. Organisations, including those organisations providing advocacy services and legal clinics organised by higher education institutions accredited in the Republic of Armenia, may organise programmes for provision of pro bono legal assistance.
4. An advocate providing pro bono legal assistance may apply to state or local self-government bodies or economic entities to check the fact of insolvency of insolvent persons, as well as to receive information necessary for providing free

legal assistance. The mentioned bodies and economic entities shall be obliged to provide the requested documents (information) or their copies free of charge within a five-day period, except when the requested documents contain secret protected by law.

5. For the purpose of encouraging provision of pro bono legal assistance the Board of the Chamber of Advocates:
  - (1) shall define the annual minimum number of hours for encouraging provision of pro bono legal assistance and other criteria, including the criterion of programmes for the provision of pro bono legal assistance by organisations providing advocacy services;
  - (2) each year shall define the procedure for drawing up and maintaining the list of advocates and organisations providing advocacy services that have provided pro bono legal assistance (have implemented programmes) for the number of hours prescribed by the decision of the Board of the Chamber of Advocates and in line with other criteria. The list prescribed by this point shall include the data prescribed only by points 1-3 of part 2 of article 44.2 of this Law;
  - (3) may envisage other incentives for advocates and organisations providing advocacy services that have provided pro bono legal assistance (organised programmes) for the number of hours prescribed by the decision of the Board of the Chamber of Advocates and complying with other standards.
6. Advocates having provided pro bono legal assistance for the number of hours prescribed by the decision of the Board of the Chamber of Advocates for each year and in line with other criteria shall be relieved from taking training courses. The rule prescribed by this part shall not apply to the cases of taking training courses by an advocate who has resumed the license and taking training courses as a disciplinary penalty.

7. For each year, the Chamber of Advocates shall draw up the list referred to in point 2 of part 5 of this Article by 1 May following the reporting year, and submit it to the Ministry of Justice of the Republic of Armenia within 10 days after drawing it up.
8. The list provided for by point 2 of part 5 of this Article shall be posted on the official website of the Chamber of Advocates, in the procedure established by the Board of the Chamber of Advocates, as well as on the official website of the Ministry of Justice of the Republic of Armenia.

***(Article 44.1 supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 44.2. Report on provision of pro bono legal assistance**

1. Each year, by 1 March following the reporting year the advocate may submit a report to the Chairperson of the Chamber of Advocates on the cases of provision of pro bono legal assistance thereby during the preceding year (hereinafter also referred to in this Article as "the report").
2. The procedure, conditions for the submission of and the form of the report shall be defined upon the decision of the Board of the Chamber of Advocates. The report shall contain at least the following information:
  - (1) the total number of hours for provision of pro bono legal assistance;
  - (2) the number of cases when pro bono legal assistance has been provided;
  - (3) types of activities carried out within the scope of provision of pro bono legal assistance under each case;

- (4) information on persons (name, surname, ID data, phone number or on other contact information) having received pro bono legal assistance;
  - (5) information confirming that the client is the person provided for by part 5 of Article 41 of this Law.
- 3. The advocate shall be obliged to provide accurate and complete information in the reports.
  - 4. Failure by the advocate to provide pro bono legal assistance shall not be a ground for subjecting the advocate to disciplinary liability.
  - 5. The provisions of this Article shall not apply to the advocates whose license has been suspended, for the entire period of suspension of the license of the advocate.
  - 6. The privileges provided for by Article 44.1 of this Law shall be granted on the basis of reports submitted in compliance with this Article.

***(Article 44.2 supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

**Article 45. Funding of the Public Defender's Office, compensation for expenses incurred for the activities of the Public Defender**

- 1. The Public Defender's Office shall be financed from the State Budget to ensure regular operation of the Public Defender's Office.
- 2. Taking into account the statistical data on applications of citizens having requested free legal assistance and on cases of actual provision of legal assistance, the Board of the Chamber of Advocates shall — upon the recommendation of the Head of the Public Defender's Office — submit, within

the time period prescribed by law, the estimate of expenditures (budget request) for the Public Defender's Office to the Government of the Republic of Armenia in order to include it in the draft State Budget.

3. If the Government of the Republic of Armenia accepts the budget request of the Public Defender's Office, it shall be included in the draft State Budget, whereas in case of an objection it shall be submitted to the National Assembly of the Republic of Armenia together with the draft State Budget. The Government of the Republic of Armenia shall submit to the National Assembly of the Republic of Armenia and to the Chamber of Advocates a justification for the objection to the budget request.
4. Funds of the Public Defender's Office shall be managed by the Chairperson of the Chamber of Advocates, upon recommendation of the Head of the Public Defender's Office.
5. Expenditures for the operation of the Public Defender's Office shall be compensated from the State Budget, which shall include the official pay rates of the Head of the Public Defender's Office, deputies and public defenders, as well as other expenditures related to the operation of the Public Defender's Office. Funds allocated to the Public Defender's Office may not be spent for other purposes.
6. The official pay rate of the Public Defender and the Deputy Head of the Public Defender's Office shall be defined in the amount equal to the official pay rate prescribed by law for a senior prosecutor of the Prosecutor's Office of the city of Yerevan. In cases prescribed by point 1 of part 9 of Article 41 of this Law, the Chairperson of the Chamber of Advocates may conclude service contracts with advocates not included in the Public Defender's Office. In that case, the amount of remuneration shall be defined in the procedure established by the Board of the Chamber of Advocates.



7. For his or her activities the Head of the Public Defender's Office shall receive remuneration equal to the official pay rate of a public defender plus 25%.
8. The sum for compensation of other expenses pertaining to the activities of public defenders shall be calculated in the amount of thirty percent of remuneration for the Head of the Public Defender's Office, deputies and public defenders, regardless of actual costs incurred by public defenders.
9. Financing of the Public Defender's Office shall be made in equal proportions each month, as a prepayment for each month.
10. Where the Chamber of Advocates has reasonable suspicions that the Public Defender's Office has provided free legal assistance to persons not envisaged by part 5 of Article 41 of this Law by including in the written declaration false data or by concealing the data subject to submission by the applicant, it shall take actions to subject such person to liability and to demand the reasonable fee related to the legal assistance provided by the advocate, within a six-month period after such circumstances have become known; the amount of fee shall be determined based on the price list specified in part 5 of Article 6 of this Law.
11. The Board of the Chamber of Advocates shall create a reserve fund of the Public Defender's Office for the purpose of making payments to the persons provided for by point 1 of part 9 of Article 41 of this Law. Means of the reserve fund may not be used for other purposes.
12. Means of the reserve fund shall be generated from the following:
  - (1) payments prescribed by part 10 of this Article;
  - (2) other sources not prohibited by law.

***(Article 45 amended by HO-186-N of 12 December 2013, supplemented, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## CHAPTER 7.1

*(chapter supplemented by HO-339-N of 8 December 2011)*

### **ACADEMY OF ADVOCATES, QUALIFICATION EXAMINATIONS AND TRAINING**

*(title edited by HO-366-N of 5 October 2022)*

*(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)*

#### **Article 45.1. Objective and the legal status of the Academy**

*(title amended by HO-366-N of 5 October 2022)*

1. The Academy of Advocates is a non-commercial organisation with a status of a foundation.
2. Issues pertaining to the legal status, establishment, management bodies, the Charter, liquidation, use of property of the Academy of Advocates, as well as other issues shall be regulated by the Law of the Republic of Armenia "On foundations", taking into account the peculiarities prescribed by this Law.
3. The founder of the Academy of Advocates is the Chamber of Advocates as represented by the Board of the Chamber of Advocates.
4. The Board of the Chamber of Advocates shall approve the Charter of the Academy of Advocates, as well as make amendments or supplements to the Charter.
5. While implementing education programmes provided for by this Law, the provisions of the Law of the Republic of Armenia "On education" shall not apply to the Academy of Advocates. Concepts used in this Chapter shall have the same

meaning and purpose as the concepts used in the Law "On education", unless otherwise prescribed by this Law.

***(Article 45.1 amended, supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 45.2. Functions of the Academy of Advocates**

***(title amended by HO-366-N of 5 October 2022)***

1. Pursuant to this Law and the objectives of the Charter of the Academy of Advocates, the Academy of Advocates shall:
  - (1) organise and conduct the professional education of the attendees of the Academy of Advocates;
  - (2) (point repealed by HO-366-N of 5 October 2022)***
  - (3) organise and conduct the professional training of advocates;
  - (4) carry out other activities provided for by the Charter of the Academy of Advocates.

***(Article 45.2 amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

**Article 45.3. Management bodies of the Academy of Advocates**

*(title amended by HO-366-N of 5 October 2022)*

1. The Management Board of the Academy of Advocates and the Head of the Academy of Advocates shall administer the Academy of Advocates.

*(Article 45.3 amended by HO-366-N of 5 October 2022)*

*(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)*

**Article 45.4. Management Board of the Academy of Advocates**

*(title edited by HO-366-N of 5 October 2022)*

1. The Management Board of the Academy of Advocates (hereinafter referred to in this Article as "the Management Board") shall carry out the general management of and supervision over the current activities of the Academy of Advocates.
2. The powers, procedure of operation, procedure for formation, tasks and functions of the Management Board shall be prescribed by this Law and the Charter of the Chamber of Advocates.
3. The Management Board shall be formed for a term of three years with a composition of seven members, with the following proportion of representation:
  - (1) the Chairperson of the Chamber of Advocates, ex officio;
  - (2) three advocates elected by the Chamber of Advocates;
  - (3) one representative from the Ministry of Justice of the Republic of Armenia, upon recommendation by the Minister of Justice of the Republic of Armenia;
  - (4) two legal scholars, in accordance with the procedure and conditions prescribed by this Law.

4. Persons provided for by point 2 of part 3 of this Article may not be elected as a member of the Management Board for more than two consecutive terms.
5. A legal scholar who is a professor of law at a higher education institution accredited in the Republic of Armenia or is engaged in scientific work, may be nominated as a candidate for the member prescribed by point 4 of part 3 of this Article. For the purpose of engaging candidates, the Board of the Chamber of Advocates shall — at least 50 day prior to the elections of the Management Board of the Academy of Advocates — announce a competition within the framework whereof the higher education institutions accredited in the Republic of Armenia may nominate one contender each for the candidate for the member prescribed by point 4 of part 3 of this Article. Documents to be submitted to the Board of the Chamber of Advocates by the contenders, the procedure for and conditions of submitting and examination thereof shall be defined by the Board of the Chamber of Advocates. After examining the prescribed documents, the Board of the Chamber of Advocates shall involve persons complying with the requirements of this part into the roll of candidates for the member prescribed by point 4 of part 3 of this Article.
6. The member prescribed by point 4 of part 3 of this Article shall be elected by the Board of the Chamber of Advocates from among the roll of candidates formed in accordance with part 5 of this Article, but not more than for two consecutive terms.
7. Each member of the Board of the Chamber of Advocates shall have the right to nominate a candidate for the member of the Management Board provided for by point 2 of part 3 of this Article, upon the consent of the latter. Each member of the Board of the Chamber of Advocates may vote not more than in favour of two participants. Candidates having received the maximum number of votes shall be deemed to be elected.

8. The Chairperson of the Chamber of Advocates shall be elected by the members of the Management Board from among themselves.
9. The sessions of the Management Board shall be convened by the Chairperson of the Management Board when necessary, but not less than four times a year. The sessions of the Management Board may be convened if initiated by one thirds of the members of the given body or at the initiative of the Board of the Chamber of Advocates.
10. The session of the Management Board shall be competent (have quorum) where at least half of the members of the Management Board participate therein. The session of the Management Board shall be held in the presence of the members thereof. The session of the Management Board may also be remote or by inquiry procedure, as prescribed by the Charter. The members of the Management Board shall vote at the sessions and exercise their other powers in person.
11. Decisions of the Management Board shall be taken by the simple majority of votes of persons present at the session, unless greater number of votes is envisaged by this Law. In case of a tie, the Chairperson of the Management Board shall have the casting vote.
12. The Management Board shall:
  - (1) approve the amount of tuition fee of the attendees, the procedure for the payment thereof;
  - (2) approve the internal rules, structure and the staff list of the Academy of Advocates;
  - (3) approve the annual budget of the Academy of Advocates upon recommendation of the Head of the Academy of Advocates;
  - (4) hear the reports of the Head of the Academy of Advocates in the periodicity prescribed by the Charter of the Academy of Advocates;

- (5) approve the plan for the training of advocates, as well as the educational plan for the attendees, in compliance with the guidelines approved by the Board of the Chamber of Advocates;
  - (6) consider and resolve the issue of dismissal of an attendee upon recommendation of the Head of the Academy of Advocates;
  - (7) declare as invalid, cancel or suspend the individual or internal legal acts adopted by the Head of the Academy of Advocates;
  - (8) select an entity to conduct auditing with the Academy of Advocates;
  - (9) exercise other powers provided for by this Law, Law "On foundations" and the Charter of the Academy of Advocates.
13. Powers of the members or the Chairperson of the Management Board shall terminate:
- (1) in case the term of office thereof expires, starting from the time when the next composition or new chairperson of the relevant body assumes powers;
  - (2) in case of submitting a letter of resignation;
  - (3) in case of withdrawal or suspension of the license thereof;
  - (4) in case the member prescribed by point 3 of part 3 of this Article is called back by the Minister of Justice of the Republic of Armenia.
14. Powers of the members or the Chairperson of the Management Board shall be ceased:
- (1) in case of failure to attend at least half of the sessions of the Management Board due to long-term incapacity for work or other good reason during one year;
  - (2) in case of failure to attend at least three sessions in a row or seven sessions in total of the Management Board due to an inexcusable reason during one year;

- (3) in case of failure to fulfil or improper fulfilment of his or her duties provided for by the law or the Charter of the Academy of Advocates.
15. In case of early termination of powers of the member prescribed by point 1 of part 3 of this Article or where his or her powers are ceased, the Board of the Chamber of Advocates shall elect a new member to replace that member for the remaining period of the former member's term of office.
16. In case of termination of powers of the member prescribed by point 3 of part 3 of this Article, the Minister of Justice of the Republic of Armenia shall, within 10 working days, recommend a new representative, whereas in case the powers of that person are ceased, the decision of the Management Board shall be sent to the Board of the Chamber of Advocates and to the Minister of Justice of the Republic of Armenia, and within 10 working days upon receipt of the decision the latter shall recommend a new representative to the Board of the Chamber of Advocates.
17. In case of early termination of powers of the member of the Management Board prescribed by point 4 of part 3 of this Article or where his or her powers are ceased, the next candidate having received greater number of votes during the last voting but not elected shall replace that member for the remaining period of the former member's term of office, as prescribed by the Charter of the Academy of Advocates.
18. In case the Chairperson of the Management Board fails to convene a session to decide on the issue of ceasing the powers of the member or the Chairperson of the Management Board, it shall be convened by at least two members thereof.

***(Article 45.4 edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***



## **Article 45.5. Head of the Academy of Advocates**

***(title amended by HO-366-N of 5 October 2022)***

1. The management of the current activities of the Academy of Advocates shall be carried out by the Head of the Academy of Advocates who shall be appointed from among the members having at least five years of professional experience as an advocate and dismissed from office by the Management Board of the Academy of Advocate in the procedure prescribed by the Charter of the Academy of Advocates, for a term of four years, but not more than for two consecutive terms. Each member of the Management Board of the Academy of Advocate shall have the right to nominate a candidate for the Head of the Academy of Advocate, upon consent thereof.
2. The Head of the Academy of Advocates shall:
  - (1) manage the process of education and professional training of advocates;
  - (2) see to execution of decisions of the Management Board;
  - (3) dispose the property of the Academy of Advocates, including the funds, enter into transactions on behalf of the Academy of Advocates in the procedure prescribed by the Charter of the Academy of Advocates;
  - (4) represent the Academy of Advocates in the Republic of Armenia as well as in foreign states;
  - (5) submit the internal rules and the staff list of the Academy of Advocates for approval by the Management Board of the Academy of Advocates;
  - (6) submit the educational programmes of the Academy of Advocates to the Management Board of the Academy of Advocates for approval;
  - (7) issue orders, directives within the scope of competences thereof, give binding instructions and supervise over fulfilment thereof;

- (8) subject the attendee to disciplinary liability in the procedure prescribed by the Charter of the Academy of Advocates;
- (9) exercise other powers provided for by this Law and the Charter of the Academy of Advocates.

***(Article 45.5 amended, supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 45.6. The status of the attendee of the Academy of Advocates**

***(title amended by HO-366-N of 5 October 2022)***

1. A natural person having active legal capacity, possessing a Bachelor's or Master's qualification degree in law or qualification degree of a certified specialist of higher legal education, may be an attendee of the Academy of Advocates, except where he or she has been convicted of a crime committed intentionally and the conviction has not been expired or cancelled.
2. The person shall acquire the status of the attendee of the Academy of Advocates from the date of admission to the Academy of Advocates in the procedure prescribed by the Charter of the Academy of Advocates.

***(Article 45.6 amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

***(provision declared as contradicting the Constitution by Decision SDVo-1148 of 18 April 2014 has been brought into line with the Constitution by the amendment to Article 37 of Law [HO-366-N](#) of 5 October 2022)***

**Article 45.7. Disciplinary penalties applied to the attendees of the Academy of Advocates**

***(title amended by HO-366-N of 5 October 2022)***

1. An attendee may be subjected to disciplinary liability in the cases and in the procedure prescribed by the Charter of the Academy of Advocates.
2. The types of disciplinary penalties shall be as follows:
  - (1) reprimand;
  - (2) severe reprimand;
  - (3) dismissal from the Academy.
3. The attendee dismissed from the Academy of Advocates in the result of applying disciplinary penalty shall be deprived of the right to be re-admitted to the Academy of Advocates during one year.
4. The attendee may appeal against the decision on imposing a disciplinary penalty thereon in court within one month following the receipt of the decision.

***(Article 45.7 amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

**Article 45.8. Education in the Academy of Advocates**

***(title amended by HO-366-N of 5 October 2022)***

1. The education of the attendee in the Academy of Advocates shall be carried out under the procedure and within terms prescribed by the Charter of the Academy of Advocates. Training shall involve two stages — theoretical training and practical training (probation). The total duration of training may not be less than six months.

2. Training of the attendee having at least three years of professional term of service as a lawyer, shall be carried out by a simplified procedure, as stipulated by the Charter of the Academy of Advocates.
3. The educational programmes of the Academy of Advocates shall be approved by the Management Board of the Academy of Advocates upon recommendation of the Head of the Academy of Advocates.
4. For the purposes of this Chapter, the professional term of service shall mean the professional activity carried out in the field of law after obtaining a Bachelor's or Master's qualification degree in law or qualification degree of a certified specialist of higher legal education.

***(Article 45.8 amended, supplemented by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 45.9. Probation period of an attendee**

1. The attendee may spend the probation period with an advocate as well as at other establishments defined by the Management Board of the Academy of Advocates.
2. The procedure for the probation period shall be prescribed by the Charter of the Academy of Advocates.

***(Article 45.9 amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 45.10. Completion of the training in the Academy of Advocates**

***(title amended by HO-366-N of 5 October 2022)***

1. The Head of the Academy of Advocates shall, within 10 days, issue a certificate to the attendees having graduated from the Academy of Advocates, with a validity period of two years. The certificate shall entitle the attendee to participate in the qualification examinations for an advocate within the period of validity of the certificate.

***(Article 45.10 amended, edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **Article 45.11. Qualification examination**

***(title edited by HO-366-N of 5 October 2022)***

1. The qualification examination is a unified examination for obtaining an advocate's license; the following persons shall have the right to participate in the examination:
  - (1) an attendee having graduated from the Academy of Advocates;
  - (2) a person having simultaneously a Bachelor's and Master's qualification degree in law or qualification degree of a certified specialist of higher legal education and at least seven years of professional term of service as a lawyer, except where he or she has been convicted for a crime committed intentionally and his or her conviction has not been cancelled or expired;
  - (3) a person having at least five years of professional term of service as an advocate, as well as at least five years of professional term of service as an investigator, prosecutor or judge, or having academic degrees of doctor of

philosophy in law or post-doctor of philosophy in law, except where he or she has been convicted for a crime committed intentionally and his or her conviction has not been cancelled or expired, or his or her right to practise as an advocate, judge or prosecutor has not been withdrawn due to applying disciplinary liability or violating the incompatibility requirements.

2. Qualification examinations shall be held not less than once a year. The Qualification Commission of the Chamber of Advocates shall organise, take and summarise the results of qualification examinations.
3. The procedure for organising, taking, holding and passing the qualification examinations shall be prescribed by this Law and established by the Board of the Chamber of Advocates.
4. Qualification examinations shall be held by:
  - (1) completing a written assignment, which may contain legal problems with the requirement to analyse and apply the norms of law to the presented factual circumstances, or be composed of test assignments with brief legal hypothetical problems with the requirement for the participant to choose the correct solutions thereof, as well as may also contain requirements for drafting procedural documents; and
  - (2) participating in an interview, during which the necessary skills and qualities of a person to practise advocacy are tested, including professional work experience, personal characteristics, awareness of the requirements of the fundamental legal acts related to the status of an advocate, as well as a hypothetical problem shall be posed regarding the rules of conduct of an advocate and the person shall provide an analysis and express a position orally.
5. In order to pass the qualification examination a person shall submit an application to the Qualification Commission, attaching the documents established

by the Board of the Chamber of Advocates. Where necessary, the Qualification Commission shall organise the verification of the authenticity of the submitted documents and data within two months.

6. The person having not participated in the qualification examinations or having failed to pass the qualification examinations may re-take the qualification examination after one year, except for the cases when the person has missed the qualification examination due to a valid reason and when re-taking the qualification examination within the time limit provided for by part 1 of Article 45.10 of this Law.
7. The results of the qualification examination may be appealed to the Board of the Chamber of Advocates within one month after the publication of the results of the qualification examination, and the decision of the Board of the Chamber of Advocates may be appealed in court within a one-month period from the date of receiving the decision of the Board of the Chamber of Advocates. The Board of the Chamber of Advocates shall examine the appeal provided for by this part and render a decision within a one-month period upon receipt thereof. The decision of the Board of the Chamber of Advocates shall enter into legal force after the time limit for appealing against those decisions, as prescribed by this Article, has elapsed.

***(Article 45.11 edited by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

#### **Article 45.12. Organising the training of advocates**

1. An advocate may undergo training at the Academy of Advocates or another establishment accredited by the Board of the Chamber of Advocates.

2. An advocate shall be obliged to undergo training courses in the procedure and for the number of hours established by the Board of the Chamber of Advocates; the training courses may not be less than forty eight hours during two years.
3. Failure by an advocate to participate in pre-trial proceedings and (or) trial during the period of training shall be considered as a valid excuse, if the advocate has informed the relevant body about that.

***(Article 45.12 amended by HO-366-N of 5 October 2022)***

***(Law [HO-366-N](#) of 5 October 2022 has a final part and transitional provisions)***

## **CHAPTER 8**

### ***TRANSITIONAL AND FINAL PROVISIONS***

#### **Article 46. Entry into force of this Law**

This Law shall enter into force from the day following the official promulgation.

Entry into force of part 3 of Article 45 of this Law may not entail reduction of the salary of the person holding the position of the Head of the Public Defender's Office.

Law of the Republic of Armenia HO-234 of 18 June 1998 "On the profession of advocate" shall be repealed upon entry into force of this Law.

***(Article 46 supplemented by HO-33-N of 25 December 2006)***



#### **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 establishing the Chamber of Advocates.

The Chamber of Advocates shall be established within a two-month period after the entry into force of this Law, by way of reorganisation of the advocate unions operating in the Republic of Armenia in the procedure prescribed by 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 over 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 in case the two thirds of the total number of advocates included in the operating advocate unions are present.

***(Article 47 edited, amended by HO-141-N of 8 July 2005)***

#### **Article 48. Legal status of advocates having obtained a license and of probationers before the entry into force of this Law**

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

The Chamber of Advocates shall replace the licenses of the advocates, who are members of the advocate unions operating in the Republic of Armenia, with the licenses of the Chamber of Advocates. The licenses issued by the advocate unions operating in the Republic of Armenia shall be valid for three months upon registration of the Chamber of Advocates.

Persons having provided court representation in the territory of the Republic of Armenia as an entrepreneurial activity before the entry into force of this Law and during the period of effectiveness of the Law of the Republic of Armenia "On the profession of advocate" and having met the requirements of part 1 of Article 28 of this Law may, within a one-month period upon the entry into force of this Law, obtain an advocate's license 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 an advocate's license and it 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 by HO-105-N of 1 June 2006)***

**Article 49. Legal status of persons acting upon a power of attorney to provide representation in an arbitration tribunal or in other court prior to the entry into force of this Law**

***(title amended by HO-63-N of 25 December 2006)***

Restriction of part 3 of Article 5 of this Law shall not apply to persons acting upon a power of attorney to provide representation in an arbitration tribunal or in other court prior to the entry into force of this Law.

***(Article 49 amended by HO-63-N of 25 December 2006)***

**President  
of the Republic of Armenia**

**R. Kocharyan**

13 January 2005

Yerevan

HO-29-N