
SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

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AUSTRIA	
Disciplinary bodies:	<p><u>First Instance</u> :</p> <p>In Austria the nine regional Bars are self-governing bodies. In this capacity, they are also responsible for professional supervision and the pursuit of professional misconduct by lawyers and trainee lawyers. The self-regulatory disciplinary body is the Disciplinary Board ("Disziplinarrat") of the respective regional Bar, which sits in senates of five members. A 'Kammeranwalt' acts as prosecuting attorney.</p> <p><u>Appeal</u> :</p> <p>Decisions of the Disciplinary Board can be appealed against the Supreme Court. In disciplinary matters the Supreme Court sits in a senate of four members. The senate consists of two lawyers of the Bar ("Anwaltsrichter") and two judges of the Supreme Court.</p> <p>No external disciplinary tribunal exists.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>Anybody may complain – even anonymously – about a lawyer. The time limit for lodging a complaint is five years after the disciplinary offence. The complaints have to be sent to the Disciplinary Board of the regional Bar.</p> <p><u>Procedure</u> :</p> <p>The procedure is characterized by the principle of <i>ex officio</i> judicial investigations. The Disciplinary Board starts its proceedings <i>ex officio</i> as soon as it receives information about a disciplinary offence. An oral – not public – hearing is provided. The accused may be represented by a lawyer. The sentence has to be intimated to the lawyer concerned, to the <i>Kammeranwalt</i>, to the person disadvantaged by the accused lawyer, to the senior public prosecutor and to the Board of Bar.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Written reprimand. - Fine up to 45 000,- Euro. A fine may be imposed together with the prohibition to practise. - Suspension of the right to practise as a lawyer. The suspension from practise must not exceed one year. The prohibition applies to all fields of law, it is thus absolute. If a lawyer fails to inform the Bar about his indemnity insurance, a provisional prohibition to practise is imposed. - Deprivation of the right to practise as a lawyer. After having been struck off the list, a lawyer may reapply for admission after 3 years. If a lawyer has obtained admission to the Bar surreptitiously or if he continues to practise as a lawyer after having been forbidden to do so, he is automatically struck off the list. - Temporary sanctions: <ul style="list-style-type: none"> ▪ the lawyer may be put under supervision, ▪ his right to appear before certain courts and authorities may be withdrawn, ▪ temporary prohibition to employ trainee lawyers, so-called "Rechtsanwaltsanwärter", for vocational training, ▪ a lawyer may be temporarily forbidden to practise.
Enforcement:	<p>By the Board of the Bar: the board has the rights to issue a request for payment, which is the enforceable title. In the case that a lawyer is forbidden to practise or struck off the list, an interim representative is appointed and the highest courts are informed.</p> <p>Sanctions are applicable in the entire state of Austria, only temporary measures may be restricted to a certain geographical area.</p>
Communication/ Publicity:	<p><u>Communication</u> :</p> <p>All provisional measures are communicated to the criminal authorities.</p> <p>The highest courts are informed about lawyers who have been struck off the list.</p> <p><u>Publicity</u>: None.</p> <p>All final disciplinary sanctions are recorded in the register of the competent Bar where they are kept confidential.</p>
Contact details of the disciplinary bodies or contact points:	<p><u>First instance</u></p> <p><i>Disciplinary Board of the "Rechtsanwaltskammer Burgenland"</i></p> <p>Disziplinarrat der Rechtsanwaltskammer Burgenland Präsident Dr. Michael Franz Sauerzopf</p> <p>Marktstrasse 3 A – 7000 Eisenstadt Tel: 0043 2682 70 45 30 Fax: 0043 2682 70 45 31</p> <p><i>Disciplinary Board of the Rechtsanwaltskammer für Kärnten"</i></p> <p>Disziplinarrat der Rechtsanwaltskammer für Kärnten</p>

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	<p>Präsident Dr. Rudolf Denzel</p> <p>Theatergasse 4/I A – 9020 Klagenfurt Tel: 0043 463 51 24 25 Fax: 0043 463 51 24 25 15</p> <p><i>Disciplinary Board of the „Rechtsanwaltskammer Niederösterreich“</i></p> <p>Disziplinarrat der Rechtsanwaltskammer Niederösterreich Präsident Dr. Alois Autherith</p> <p>Andreas-Hofer-Strasse 6 A – 3100 St. Pölten Tel: 0043 2742 71 65 00 Fax: 0043 2742 76 5 88</p> <p><i>Disciplinary Board of the “Oberösterreichische Rechtsanwaltskammer“</i></p> <p>Disziplinarrat der Oberösterreichischen Rechtsanwaltskammer Präsident Dr. Christian Slana</p> <p>Gruberstrasse 21 A – 4020 Linz Tel: 0043 732 77 17 30 Fax: 0043 732 77 90 67 85</p> <p><i>Disciplinary Board of the „Salzburger Rechtsanwaltskammer“</i></p> <p>Disziplinarrat der Salzburger Rechtsanwaltskammer Präsident Dr. Walter Aichinger</p> <p>Imbergstrasse 31 C A – 5020 Salzburg Tel: 0043 662 64 00 42 Fax: 0043 662 64 04 28</p> <p><i>Disciplinary Board of the „Steiermärkische Rechtsanwaltskammer“</i></p> <p>Disziplinarrat der Steiermärkischen Rechtsanwaltskammer Präsident Dr. Peter Primus</p> <p>Salzamtsgasse 3/IV A – 8010 Graz Tel: 0043 316 83 02 90 Fax: 0043 316 82 97 30</p> <p><i>Disciplinary Board of the „Tiroler Rechtsanwaltskammer“</i></p> <p>Disziplinarrat der Tiroler Rechtsanwaltskammer Präsident Dr. Andreas König</p> <p>Meraner Strasse 3/III A – 6020 Innsbruck Tel: 0043 512 58 70 67 Fax: 0043 512 57 13 84</p> <p><i>Disciplinary Board of the „Vorarlberger Rechtsanwaltskammer“</i></p> <p>Disziplinarrat der Vorarlberger- Rechtsanwaltskammer Präsident Dr. Armin Bonner</p> <p>Marktplatz 11 A – 6800 Feldkirch Tel: 0043 5522 711 22 Fax: 0043 5522 711 22 11</p>
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	<p><i>Disciplinary Board of the „Rechtsanwaltskammer in Wien“</i></p> <p>Disziplinarrat der Rechtsanwaltskammer in Wien Präsident Dr. Herbert Gartner</p> <p>Ertlgasse 2/Ecke Rotenturmstrasse A – 1010 Wien Tel: 0043 1 533 27 18 Fax: 0043 1 533 27 18 44</p> <p><u>Appeal</u></p> <p><i>Supreme Court</i></p> <p>Oberster Gerichtshof (OGH) Präsident des OGH Hon.-Prof. Dr. Eckart Ratz Schmerlingplatz 11 A – 1011 Wien Tel: 0043 1 521 52 0 Fax: 0043 1 521 52 3710</p>
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BELGIUM	
Disciplinary bodies:	<p><u>First instance :</u> Since the new law of June 21st of 2006 there are in the Flemish speaking part of Belgium three disciplinary bodies and in the French and German speaking part of Belgium, three disciplinary bodies too. In each city of a Court of Appeal there is a disciplinary body for the lawyers having their practice in the circumscription of the Court of Appeal.</p> <p><u>Appeal :</u> There is one Council of Appeal for the whole Flemish territory and one in the French and German speaking part of Belgium. Both Councils of Appeal are located in Brussels. The Disciplinary Council of Appeal is presided over by the Senior President of the Court of Appeal and has four assessors, all lawyers. The President is designated by the Senior President of the Court of Appeal for a period of three years. The assessors are designated by the Flemish Bar Association (OVb) or by the French and German speaking Bar Association (OBFG) out of a list presented by the local councils of the Bar ("Conseil de l'Ordre"/"Raad van de Orde"). The <i>procureur général</i> takes the place of the public prosecutor and prosecutes.</p>
Proceedings:	<p><u>Launch of a complaint :</u> Disciplinary matters are investigated by the <i>bâtonnier/stafhouder</i>, in terms of his office; or by a complaint, or by written notice from the <i>procureur général</i>, always made through the <i>bâtonnier</i>. The initial complaint should be lodged with the <i>bâtonnier</i> of the Bar of the district of which the lawyer is a member. Only the <i>bâtonnier</i> himself is competent to decide whether or not to bring the matter before the Council. If the <i>Bâtonnier</i> decides not to prosecute, an appeal can be lodged by the President of the disciplinary Board. There is no time limit for lodging a complaint but after having received a complaint, the <i>bâtonnier</i> has to make a decision within 6 months to prosecute or to dismiss. When the <i>bâtonnier</i> doesn't take any decision within 6 months, an appeal can also be lodged by the President of the disciplinary Board.</p> <p><u>Procedure :</u> The procedure before the Disciplinary Council of Appeal is conducted in the language in which the disciplinary ruling of the Disciplinary Council is made. All assessors sitting must know the language of the procedure. Debates before the Disciplinary Council and Disciplinary Council of Appeal do usually take place in public unless the lawyer charged with the offences requires the doors to be closed or reasons of public decency or professional secrecy require otherwise. The lawyer is notified of the findings of the Disciplinary Council of Appeal by registered post. Opposition by the lawyer to a sentence passed in his absence by the Disciplinary Council of Appeal is made in the same form and time schedule as a normal appeal in disciplinary matters (within fifteen days of the notification). It is investigated and judged in accordance with the rules applicable to a first instance hearing. When someone (the lawyer/the <i>bâtonnier</i> or the <i>procureur général</i>) appeals to the sentence, the other two parties have the possibility to appeal "against the (first) appeal"; this has to be done within 1 month after the notification of 1st appeal. The lawyer, the Bar or the <i>procureur général</i> may, within 2 months of notification, submit the finding of the Disciplinary Council of Appeal to the Supreme Court (<i>Cour de cassation/Hof van Cassatie</i>) in accordance with the civil procedure. (Law of 10th of April 2014, published in the <i>Moniteur Belge</i> of 15th of May 2014). Unless the sentence states otherwise this remedy is suspensive. If the sentence is quashed, the Supreme Court sends the case back to the Disciplinary Council of Appeal composed of other members.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Censure / reprimande - Suspension (The lawyer who is for the second time punished with the sanction of suspension may in the same decision be disbarred) - Disbarment: The lawyer who has been disbarred or struck off the roll of lawyers may not be inscribed on a roll as an lawyer or on a list as a stagiaire for a period of 10 years from the date of disbarment onwards and there are exceptional circumstances that apply for the re-inscription after this kind of disbarment. After ten years he may be re-inscribed: 1.) if the Bar Council of the Bar of which he wants to be a member allows it; 2.) and if the Bar Council of the Bar of which the lawyer was a member when he got the sanction of disbarment gives a positive advice concerning the re-inscription. The lawyer who is suspended or disbarred is not allowed to carry out any professional business nor to advise clients, give consultations or in any way make representation that he is an lawyer. (But there is no monopoly of legal advice for the Bar. So a disbarred lawyer may give consultations, but not using the title of lawyer and not under the guarantees offered by the legal profession) - In case of infringement on the money laundering legislation the disciplinary judges can impose a fine on the lawyer going from 250 to 1.250.000 EURO.

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Enforcement:	The public prosecutor (<i>procureur-général</i>) is responsible for enforcement of the sanctions of the suspension and disbarment.
Communication/ Publicity:	<p><u>Communication</u> :</p> <p>The bâtonnier (or the president of the disciplinary board) decides if and what he wants to communicate to the plaintive.</p> <p><u>Publicity</u> :</p> <p>In case of the sanctions of suspension and disbarment: in the register held at the local bar and at the OVB; in case of the sanctions of suspension and disbarment : by a letter/email from the <i>procureur-général</i> to the jurisdictions of Belgium.</p>
Contact detail of the disciplinary bodies or contact points:	<p>Ordre des barreaux francophones et germanophones</p> <p>Maison de l'Avocat Avenue de la Toison D'Or, 65 B-1060 BRUXELLES Président: Jean-Pierre BUYLE Tel.: +32.(0)2.648.20.98 Fax.: +32.(0)2.648.11.67 E-mail: info@avocats.be Website: www.avocats.be</p> <p>Orde van Vlaamse Balies</p> <p>Staatsbladsstraat 8 B-1000 BRUSSEL Voorzitter: Dominique MATTHYS Tel.: +32.(0)2.227 54 70 Fax.: +32.(0)2.227 54 79 E-mail: info@advocaat.be Website: www.advocaat.be</p>

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BULGARIA	
Disciplinary bodies:	<p><u>First Instance</u> :</p> <p>The Disciplinary Tribunal within the local Attorney's College. The Supreme Disciplinary Tribunal is the first instance over the disciplinary cases against members of the Bar Councils, Control Boards and Disciplinary Tribunals, members of the Supreme Bar Council, the Supreme Control Board and the Supreme Disciplinary Tribunal.</p> <p><u>Appeal</u> :</p> <p>The Supreme Disciplinary Tribunal. The Supreme Court of Cassation examines cases for deprivation of the right to exercise the attorney's profession.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>Anybody may complain. The time limit for lodging a complaint is one year after the disciplinary offence. The complaints have to be sent to the local Bar Association.</p> <p><u>Procedure</u> :</p> <p>The local Bar Council decides over presence of the offence and submits an accusation in the Disciplinary Tribunal, after written explanation of the accused attorney and other written evidence were collected. An oral hearing is provided. The accused may be represented by a lawyer. The sentence has to be intimated to the lawyer concerned, to the Bar Council and to the person disadvantaged by the accused lawyer.</p>
Types of sanctions:	<ol style="list-style-type: none"> 1. Censure; 2. Fine between one and eight minimum salaries; 3. Deprivation of the right to hold elected office in bodies of the Bar for a period between one and three years; 4. Deprivation of the right to exercise the legal profession for a period of 3 to 18 months; 5. Deprivation of the right to exercise the legal profession for a period up to 5 years in the event of repeated offence.
Enforcement:	<p>The decision of the Disciplinary Tribunal enters into force automatically after it was appealed or not. In case of deprivation of right to exercise the legal profession after publication in the State Gazette made by the President of the Supreme Bar Council.</p>
Communication/ Publicity:	

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CROATIA

No information available in 2016 and in the previous update (2011)

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CYPRUS	
Disciplinary bodies:	<p><u>First instance</u> : The Cyprus Bar Association is a self-regulatory disciplinary body and has its own Disciplinary Board of Advocates. There is no separate Disciplinary Tribunal Operating outside and independently from the Cyprus Bar Association</p> <p><u>Appeal</u> : The Advocates Law Ch2, Article 17(4)</p> <p>The Attorney-General of the Republic, the convicted advocate or the complainant may, within two months from the making of the decision by the Disciplinary Board, appeal to the Supreme Court in accordance with the procedure provided for by a Procedure Rule issued by the Supreme Court, which, by virtue of the aforementioned Procedure Rule, proceeds to a hearing of the appeal and shall have the power either to confirm or cancel or amend the decision of the Disciplinary Board or make such other order as it may think fit.</p>
Proceedings:	<p><u>Launch of a complaint</u> : Complaints are to be lodged with the Disciplinary Board of Advocates through the Attorney General of the Republic of Cyprus by the client or may be made also by the local Bar Association. There is no time limit for lodging of complaints.</p> <p><u>Procedure</u> : The Advocates Law Ch2, Article 17(7)(a),(b),(d)</p> <p>In case of commencement of proceedings, the Disciplinary Board shall immediately see to, if so justified, the conduct of an enquiry in accordance with the procedure set by Regulations issued by the Council of Ministers and inform the advocate under investigation accordingly. When, from the enquiry conducted, it arises that the advocate under investigation may be guilty of disgraceful, fraudulent or unprofessional conduct or has acted or behaved in a manner contravening or conflicting with the provisions of the Advocates' Code of Conduct Regulations, this advocate shall be informed in writing for the case against him and shall be given the opportunity to be heard. Any natural person including an advocate who, provided he has been evidently summoned before the Board, fails to appear at the time and place mentioned in the summons or during the hearing of the case, shall be guilty of a criminal offence and, in case he is convicted, shall be subject to a fine</p>
Types of sanctions:	<ul style="list-style-type: none"> - reprimand - fine - temporal suspension - disbarment
Enforcement:	<p>The Advocates Law Ch2, Article 17(8)</p> <p>Any decision of the Disciplinary Board shall be deemed to be an order of a Court of summary jurisdiction and shall be enforced in the same manner as an order of such Court is enforced.</p> <p>Article 17(2)</p> <p>Proceedings to enforce any of the penalties may be commenced –</p> <ul style="list-style-type: none"> (a) by the Disciplinary Board of its own motion; (b) by the Attorney-General of the Republic; (c) on a report made to the Disciplinary Board by any Court or the Bar Council or a Local Bar Committee; (d) by an application, with the permission of the Disciplinary Board, of any person aggrieved by the conduct of the advocate.
Communication/ Publicity:	<p><u>Communication</u> : The Advocates Law Ch2, Article 17(3)</p> <p>The Disciplinary Board shall send to the Chief Registrar a copy of its decision in the enquiry and the Chief Registrar shall, after lapse of the legal appeal deadline if such appeal has not been made or subject to any decision by the Supreme Court with regard to the appeal made, make the necessary entries in the Register of Advocates.</p> <p><u>Publicity</u> : The Advocates Law Ch2, Article 17(6)</p> <p>The Disciplinary Board may, if it thinks fit, at any time after the expiration of five years from the date of an order striking the name of an advocate off the Register of Advocates, order the restoration of the name of</p>

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	such advocate to the Register and the Chief Registrar shall see without delay to the restoration of such name to the Register and the publication of a relevant notice to the Official Gazette of the Republic.
Contact details of the disciplinary bodies or contact points:	Chrystala Tsiali Secretary of Disciplinary Body Law Office of the Republic 1 Apelli Street, 1403 Nicosia Cyprus Tel.: 22889206 Fax.: 22662310 Email: ctsiali@papd.mof.gov.cy

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CZECH REPUBLIC	
Disciplinary bodies:	<p>The disciplinary bodies and disciplinary procedure is governed by the Act No. 85/1996 Coll., as amended, on the Legal Profession (English version is available on the following website: http://www.cak.cz/scripts/detail.php?id=1993) and the Disciplinary Code (English translation is not available).</p> <p>The disciplinary bodies of the Czech Bar Association are the Supervisory Council (consisting of 54 members from which the President and Vice-presidents are elected), the Disciplinary Commission (consisting of 83 members from which the President and Vice-presidents are elected) and the Appellate Disciplinary Panel (consisting of 11 members from which the President and Vice-presidents are elected). Members of disciplinary bodies of the Czech Bar Association are only lawyers.</p> <p><u>First instance :</u> The Disciplinary Commission is the disciplinary body of the Czech Bar Association which sits in chambers of three members (lawyers), deciding over the disciplinary petition in the first instance. The President of the Supervisory Council acts as a disciplinary petitioner. Besides the President of the Supervisory Council, the Minister of Justice can also act as a disciplinary petitioner.</p> <p><u>Appeal :</u> The Appellate Disciplinary Panel is the appellate body of the Czech Bar Association and an appeal is decided over by the chamber consisting of three members.</p> <p>A lawyer who is at least 40 years old and who was a member of the Board of Directors, the Supervisory Board or the Disciplinary Commission for at least 3 years shall be qualified for the position of a member of the Appellate Disciplinary Panel.</p>
Proceedings:	<p>Title Four of the Act on the Legal Profession deals with Disciplinary Liability and Disciplinary Proceedings. Section 32 of the Act states that Lawyers and Trainee lawyers shall be subject to disciplinary liability for a disciplinary transgression. A disciplinary transgression shall be a serious or repeated culpable breach of duties imposed upon lawyers or trainee lawyers by the Act or by special legislation or by professional rules.</p> <p><u>Launch of a complaint:</u> In the first instance, a complaint should be made to the Supervisory Department of the Czech Bar Association which sorts submitted complaints and passes them on to the Supervisory Council of the Czech Bar Association. If it is found out that the complaint is justified, a <i>disciplinary petition</i> is drawn up.</p> <p><u>Procedure:</u> The President of the Control Council is entitled to act as the disciplinary petitioner in disciplinary proceedings. The disciplinary action must be filed within six months from the day when the disciplinary petitioner learnt of disciplinary misconduct, yet not later than two years after the day when the disciplinary misconduct occurred. The six-month period does not include the time when preliminary measures were conducted in order to determine whether disciplinary misconduct occurred, however, this time period must not exceed two months.</p> <p>The Disciplinary Commission which sits in chambers of three members – lawyers is deciding over the disciplinary petition submitted by the disciplinary petitioner in the first instance.</p> <p>The lawyer concerned may act in the proceedings himself or may appoint a lawyer to represent him.</p> <p>A decision, in writing, closing the disciplinary proceedings must contain the statement, reasoning and notice of an available legal remedy and must be delivered to all participants.</p> <p>Both the lawyer and the representative of the Bar, who is prosecuting the case, have the right to appeal against the decision within fifteen days of intimation of that decision. The appeal has got a suspensive effect.</p> <p>The appeal is heard by the three-member chamber of the Appellate Disciplinary Panel.</p> <p>The decision of the Appellate Disciplinary Panel may be challenged before administrative courts in an administrative proceeding.</p> <p>The disciplinary proceeding may be reopened if new facts or evidence which may have resulted in a more favourable decision appear. An application for new disciplinary proceedings shall be decided upon by a disciplinary panel especially established for this purpose; the disciplinary panel shall either dismiss the application, or permit new proceedings. When a decision permitting new disciplinary proceedings has become legally effective, all earlier decisions issued in the original disciplinary proceedings shall be quashed and the disciplinary panel which has permitted new proceedings to be held shall hear the disciplinary case again.</p>

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<p>Types of sanctions:</p>	<p>A <u>lawyer</u> may be subject, as a result of his disciplinary breach of, any of the following disciplinary measures imposed upon him:</p> <ul style="list-style-type: none"> a) an admonition, b) a public admonition, c) a fine of up to one hundred times the monthly minimum wage set by special legislation, d) a temporary ban on practising the legal profession imposed for a period of six months up to three years, e) a termination of his membership in the Bar by striking his name off the Register of Lawyers. <p>A <u>trainee lawyer</u> may be subject, as a result of his disciplinary transgression, of any of the following disciplinary measures imposed upon him:</p> <ul style="list-style-type: none"> a) an admonition, b) a public admonition, c) a fine of up to twenty times the monthly minimum wage set by special legislation, d) striking his name off the Register of Trainee lawyers. <p>If there has been a less serious breach of duties the imposition of a disciplinary measure on a lawyer or trainee lawyer may be waived should the hearing itself of the disciplinary transgression be considered to be sufficient.</p>
<p>Enforcement:</p>	<p>A decision to impose the disciplinary measure of an admonition, or the termination of membership in the Bar by the striking-off from the Register of Lawyers, and the striking-off from the Register of Trainee lawyers, shall be executed on the date of its legal effect.</p> <p>A decision to impose the disciplinary measure of a public admonition shall be executed by the President of the Bar by its publication in the Official Gazette of the Czech Bar; it shall be executed on the date stated in the respective issue of the Official Gazette as the date of its distribution. The decision may not be executed after a period longer than six months has lapsed from the date of its legal effect.</p> <p>A decision to impose the disciplinary measure of a temporary ban on practising the legal profession shall be executed on the date of expiry of the time of the ban stated in the decision. The time shall start to run on the date of the legal effect of the decision; if the legal effect has been deferred the running of time shall be suspended.</p> <p>A decision to impose the disciplinary measure of a fine shall be executed on the date of its payment to the Bar in the amount stated in the decision; if the fine should be paid in instalments the decision shall be executed on the date of the payment of the last instalment. The legally effective decision on the imposition of a fine shall be the basis for the enforcement of the decision and the enforcement order under special legislation (Czech Code of Civil Procedure). Should the fine be paid in instalments the Bar shall be entitled to file a petition for the execution of the decision if any of the instalments are not paid in time; in such a case the execution of the decision shall apply to the whole unpaid amount of the fine. Such entitlement may be used by the Bar not later than by the due date of the next instalment.</p>
<p>Communication/ Publicity:</p>	<p><u>Communication</u> :</p> <p>The decision about the sanction is notified to the parties to the disciplinary proceedings.</p> <p>The Bar shall inform, without delay and to the extent necessary, the competent body of a foreign state of the commencement and result of disciplinary proceedings against a lawyer recorded in the Register of Lawyers under s. 5a (a lawyer who is entitled to provide legal services in the area of law of the country in which he obtained his entitlement to provide legal services, and in the area of international law).</p> <p>The Bar shall inform, to the extent necessary, the competent home-country body of the fact that the Chair of the Supervisory Council intends to commence disciplinary proceedings against a European lawyer. Should it be impossible to fulfil this duty due to the risk of delay, or should disciplinary proceedings have already been commenced by the Minister of Justice, the Bar shall be obliged to inform, without delay and to the extent necessary, the competent home-country body of the commencement of disciplinary proceedings against a European lawyer.</p> <p>The disciplinary panel, or the appellate panel, in the course of disciplinary proceedings but before the issuance of a decision on the merits, shall ordinarily request the opinion of the competent home-country body.</p> <p>The Bar shall inform, without delay and to the extent necessary, the competent home-country body of the result of the disciplinary proceedings against the European lawyer.</p>

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	<p><u>Publicity :</u> The sanction of the public admonition is published in the Official Gazette of the Czech Bar Association available to all lawyers.</p>
<p><i>Contact details of the disciplinary bodies or contact points:</i></p>	<p>Dr. Petr Čáp, Chair of the Disciplinary Commission</p> <p>Czech Bar Association Národní 16 110 00 Praha 1 Czech Republic E-mail: pcap@akcap.cz</p> <p>or contact point:</p> <p>Dr. Eva Indruchová, Head of International Department</p> <p>Czech Bar Association Národní 16 110 00 Praha 1 Czech Republic Tel: 00420 221 729 026 E-mail: indruchova@cak.cz</p>

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DENMARK	
Disciplinary bodies:	<p>The disciplinary system in Denmark is a self-regulatory system. The Disciplinary Board ("Advokatnævnet") is a part of the Danish Bar and Law Society. The Disciplinary Board handles complaints against lawyers. The Disciplinary Board is wholly independent from the Council of the Bar and Law Society.</p> <p>The Disciplinary Board is composed by 21 members. The chairman and the two co-chairmen are judges appointed by the president of The Supreme Court. Nine members are lay members, appointed by the Ministry of Justice, and finally nine members are lawyers, elected by the members of the Danish Bar and Law Society. Members of the Council of the Bar and Law Society cannot be members of the Disciplinary Board.</p> <p>When deciding on a case the Disciplinary Board is composed by one or more of the chairmen and a number of lawyers equal to the number of laymen. In case of a tied vote, the vote of the chairman is decisive.</p>
Proceedings:	<p>Complaints against a lawyer may be lodged by the Council of the Bar and Law Society or anyone with a cause of action.</p> <p>The complaint must be lodged within twelve months from the discovery of the matter to which the complaint pertains.</p> <p>Only the lawyer in question may bring a decision by the Disciplinary Board before the courts, i.e. the High Court.</p> <p>In cases, where the claim is suspension of the lawyer, the Disciplinary Board will always appoint a counsel for the defence, i.e. for the lawyer in question. In other cases the Disciplinary Board may appoint a counsel for the defence. In all cases the Bar & Law Society may appoint a counsel for the prosecution.</p>
Types of sanctions:	<ul style="list-style-type: none"> • Reprimand • Fine up to about 40,000 EUR • Removal of a case • Suspension of the lawyer's right to practice in specific areas • Suspension of the lawyer's right to practice <p>The suspension mentioned may be for a period of six months to five years, or until further notice. If suspension is until further notice, the lawyer has the right to take the decision to court every five years.</p> <p>As mentioned only the lawyer may bring sanctions to the courts. But in case of suspension the lawyer does not have to start proceedings before the courts himself, as the Ministry of Justice is obliged to bring the case before the courts, if the lawyer so wishes.</p>
Enforcement:	<p>Fines are included in the rules on statutory debt collection covering the tax area and may e.g. be withheld in wages.</p>
Communication/ Publicity:	<p>All decisions concerning suspension are published in an official journal and on the home page. Other sanctions may be published by the Disciplinary Board.</p>
Contact details of the disciplinary bodies or contact points:	<p>www.advokatsamfundet.dk</p> <p>Advokatnævnets sekretariat Kronprinsessegade 28, 4. sal 1306 København K +45 33 96 97 98</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

ESTONIA	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The self-regulatory disciplinary body is the Court of Ethics (Court of Honour) of the Estonian Bar Association. The Court of Ethics has seven members and four substitute members. Five members and three substitute members must be sworn advocates (the highest level of qualification within the Bar) with professional experience as sworn advocates for at least ten years. , Two professional judges are elected by general assembly of judges and an expert in law appointed by Council of Department of Law of the University of Tartu. Changes in law increasing the number of non-advocates (professional judges and legal scholars) are anticipated.</p> <p><u>Appeal</u> :</p> <p>An appeal against the decisions of the Court of Ethics may be filed with the Administrative Court.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>Any person may file a complaint against an advocate to the Court of Ethics or to the Board of the Bar Association which will convey the matter to the Court of Ethics. As the Court of Ethics must take into consideration general procedural norms and since the privileged data is involved, a legitimate interest of any claimant must be found out. The procedure is commenced if there are characteristics of disciplinary offence in the activities of the advocate. The decision whether to commence the procedure or to dismiss is to be made within two months from the moment of receipt of information about possible violation.</p> <p><u>Procedure</u> :</p> <p>At least three members of the Court must participate at the proceedings. The advocate, whose alleged offence is discussed, must participate at the proceeding. Upon necessity, the Court of Ethics has a right to suspend the activities of the advocate for the time period of the disciplinary hearings.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Reprimand. - Fine in favour of the Bar Association in the extent of 64 -16 000 EUR - Prohibition to practise as a lawyer (maximum one year) The prohibition is absolute, i.e. it cannot be limited to individual fields of law. A prohibition to practise as a lawyer applies to activities within entire Estonia. - Disbarment. <p>The individual sanctions cannot be imposed simultaneously. Sanctions may not be endorsed in case if the disciplinary offence has taken place more than a year ago. Thus, a Statute of limitation is one year (changes of law prolonging this term are expected).</p> <ul style="list-style-type: none"> - revocation of the right to act as trustee in bankruptcy for up to five years.
Enforcement:	<p>Disbarment is enforced by the Board of the Bar Association; other sanctions are valid from the moment of resolution of the Court of Ethics.</p>
Communication/ Publicity:	<p><u>Communication</u> :</p> <p>There is no specific regulation. All courts and some penal authorities are informed in cases of prohibition of practice or disbarment.</p> <p><u>Publicity</u> :</p> <p>Disbarment is made known in official electronic state announcements database.</p>
Contact details of the disciplinary bodies or contact points:	<p>Court of Ethics of Estonian Bar Rävala 3, Tallinn 10143, Estonia Ms. Annika Kruuse, Lawyer Tel. +372 662 0665, Fax +372 662 0677 e-mail: annika.kruuse@advokatuur.ee</p> <p>Mr. Andres Aavik, Chairman of the Court of Honor Tuukri 19 Tallinn 10152 Estonia</p> <p>Tel. +372 668 8647 Fax +372 668 8646</p>

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FINLAND	
Disciplinary bodies:	<p><u>First instance :</u> <u>The Finnish Bar Association is a self-regulatory disciplinary body. Disciplinary matters are dealt with by the Disciplinary Board of the Finnish Bar Association.</u></p> <p><u>There is no separate Disciplinary Tribunal operating outside, and independently from the Finnish Bar Association.</u></p> <p><u>Appeal :</u> <u>The complainant is not in a position of a party and has not therefore right to appeal. The advocate in question can appeal. The disciplinary sanctions are disbarment, monetary penalty, caution and reprimand. The Chancellor of Justice has the right to appeal on any of the Disciplinary Boards decisions. The Court of Appeal is in Helsinki.</u></p>
Proceedings:	<p><u>Launch of a complaint :</u> Anybody can make a complaint directly to the Disciplinary Board. The Disciplinary Board is not obliged to consider complaints against a member that relate to events more than five years in the past.</p> <p><u>Procedure :</u> The office of the Bar Association requires an explanation from the advocate to the complaint. After receiving the written reply the rapporteur drafts a memorandum of the case for the Board's handling. In the next phase a member of the Disciplinary Board makes a written draft resolution for the meeting of the Board where she/he presents the case. The proceedings are written (oral hearing can be organised if needed) with the exception that monetary penalty or disbarment cannot be imposed without an oral hearing.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Caution, - Reprimand, - Disbarment: dishonesty and the deliberate perpetration of a wrongful deed necessarily lead to disbarment, There are no provisional sanctions. <p>Disciplinary measures can not be imposed in combination.</p>
Enforcement:	<p>The prohibition to represent clients is enforced by the competent court. Disbarment is enforced by the Disciplinary Board.</p>
Communication/ Publicity:	<p><u>Communication :</u> The penal authorities are not informed about sanctions. There is no central register.</p> <p><u>Publicity :</u> A public diary shall be kept on the supervision matters and fee disputes dealt with in the Bar Association, containing information on the complainant or applicant, the advocate, the firm where applicable, the type of case, the date of issue of the decision and the result of the case. The diary shall also indicate the status of pending cases. The public diary shall also contain an indication of whether the advocate has complied with the recommendation issued by the Disciplinary Board in a fee dispute. A public summary shall be drawn up of the decisions in supervision matters and fee disputes. The Bar Association shall keep the public summary available to the public for as long as the entry on the decision is maintained in the public diary.</p>
Contact details of disciplinary bodies or contact points:	<p><u>Valvontalautakunta (Disciplinary Board)</u> <u>PL 13 (Simonkatu 12 B)</u> <u>FIN-00101 Helsinki</u> Phone: (+358 9) 6866 1240 Fax: (+358 9) 6866 1299 <u>info@valvontalautakunta.fi</u></p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

FRANCE	
Disciplinary bodies:	<p>In order to satisfy the requirements set in Article 6 of the European Convention of Human Rights and in case-law of the Court of Cassation, the National Council of the Bars proposed to reform the disciplinary procedure which has been approved by the Parliament. The law was voted at the end of January 2004. The new disciplinary proceedings have been implemented after amending the law of 31 December 1971¹, by the law of 11 February 2004².the relevant provisions concerning disciplinary proceedings are article 22 to 25-1 of Chapter of the law. On 24 May 2005, the decree of application of the law of 2004 has been adopted, detailing the new mechanisms of the disciplinary proceedings³. The decree of application is amending the decree of 27 November 1991⁴ and is following the final report of the National Council of the Bars⁵.</p> <p>The aim of the reform is to properly separate disciplinary functions, i.e. the authority in charge of disciplinary actions who is the President of a Bar, the pre-trial investigation of a case and the judgement. The pre-trial investigations are now carried out by members of the Council of the Bar Association.</p> <p>On the contrary, the disciplinary council is now regional. Each disciplinary council will be gathering with at least 5 members. Their decisions are only valid when an uneven number of its members is sitting in deliberations</p> <p>It is located in every Court of Appeal (35 Courts of Appeal in France and France's overseas departments and territories). There is one specificity for the Paris Bar. Indeed, for lawyers registered to the Paris Bar, there is no disciplinary council, but it is the Council of the Paris Bar which is the disciplinary authority. Therefore, it is the Council of the Paris Bar which is entitled to take disciplinary sanctions against lawyers from the Paris Bar. Moreover, the disciplinary councils as the Council of the Paris Bar, can sit in a restricted or plenary sessions. In addition, any restricted sessions can refer a case to a plenary session. Disciplinary council's members elect their president, as for the Council of the Paris Bar, when sitting as a disciplinary authority, the President will be either the former President of the Paris Bar or the most longstanding member of the Paris Bar (articles 22-1 and 22-2 of the law of 1971).</p> <p>The disciplinary council's members are nominated by the Councils of the Bar Associations from the jurisdiction of the Court of Appeal.</p> <p>Their numbers depend on the number of members of the Bar. Bars are not allowed to have more than 50 % of their members in a disciplinary council and each Bar will have at least one of its members in the disciplinary council.</p> <p>It is now possible to submit the decision taken by a disciplinary council to the Court of Appeal censure, either through the concerned lawyer or through the public prosecutor.</p> <p>At the level of the second degree, the disciplinary jurisdiction is exclusively composed of professional judges. Finally, the Court of Appeal decisions can be submitted to the Court of Cassation following the civil procedure. The disciplinary law, if it has a repressive function, is civil, and is therefore not submitted to criminal courts.</p>
Proceedings:	<p>Any claim regarding a lawyer is addressed to the President of the Bar or to the Public Prosecutor who can refer the matter to the disciplinary council.</p> <p>In principle, the President of the Bar first expedites a deontological investigation before deciding whether a disciplinary pre-trial investigation is necessary.</p> <p>If he considers that it is necessary to launch a disciplinary pre-trial investigation, the President can nominate a member of the Council of the Bar Association to conduct investigations concerning the claim. In simple cases, he directly summons the concerned lawyer to appear before the disciplinary council.</p> <p>If the President does not react or if he decides to close the case, the Public Prosecutor can decide to refer the case to the disciplinary council.</p> <p>The plaintiff does not take part in the disciplinary procedure, but he must be informed about the procedure developments and the taken decisions.</p> <p>When the President of the Bar decides, due to the complexity of the case, that it is necessary to hear witnesses or to order evaluation (chartered accountancy or medical examination), the investigation is thus led by a member of the Council of the Bar Association which must write a report.</p> <p>Further to this report, the President decides to suit the concerned lawyer before the disciplinary council. When the lawyer who was subject to a complaint is directly summoned to appear before the disciplinary council, the latter then launches an investigation in court.</p> <p>As soon as he is informed of the opening of a disciplinary investigation or a direct summons to appear before the disciplinary council, the lawyer can be assisted by a lawyer and receive a free copy of evidence from the disciplinary file, as well as the precise legislative and/or regulation references violated.</p> <p>As from the beginning of the investigation or the summons to appear, the lawyer is, of course, informed of the charges against him.</p>

¹ Law of 31 December 1971, n°71-1130 reforming legal professions.

² Law of 11 February 2004, n°2004-1130, reforming the status of legal or judiciary professions, court-experts, industrial property counsels and public auctions experts.

³ Part IV, articles 180 to 199.

⁴ Decree of 27 November 1991, n°91-1197 organizing the profession of lawyers.

⁵ Final Report of 18/19 January 2013 of the National Council of the Bars.

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

	<p>In court, the lawyer is questioned by the President of the disciplinary council which sits as a bench of five members. When the number of lawyers in the jurisdiction of a Court of Appeal exceeds 500, the disciplinary council can sit as several restricted benches. The former President of the Bar, who due to his earlier mandate has launched the suit (authority in charge of disciplinary actions), can not be part of the bench. In case of urgency and to protect the public, the Council of the Bar Association can, further to a request by the General Prosecutor or the President of the Bar, suspend temporarily the lawyer who is registered with its roll, when the latter is subject to criminal or disciplinary suit. This suspension is four-month long and can be repeated. This is a security measure in the interest of thirds. It is not a disciplinary sentence. The lawyer appears before the disciplinary court as well as the Court of Appeal in gown. Of course, he can be assisted at each stage of the procedure by a lawyer. It is ordered to publish the debates if requested by the lawyer who appears before the disciplinary council. It is also the case before the Court of Appeal. As far as the Court of Appeal is concerned, the general prosecutor is present and makes his submissions. The plaintiff does not participate in the procedure neither before the Court of Appeal nor the disciplinary council.</p>
<p>Types of sanctions:</p>	<p>Article 183 of the decree of 1991, amended by the decree of 2005, specifies the offences and breaches for which disciplinary actions can be taken. Therefore, any misconduct can lead to disciplinary proceedings, which includes: failures regarding duties related to the oath and violations of any professional rules. However, the scope of disciplinary sanctions is wider than the professional conduct of the lawyer. Indeed, any infringement to a law or regulation can also lead to disciplinary proceedings. It is thus indifferent that the lawyer's misconduct has been committed towards client, peers, a professional body or any other person the lawyer has been in contact with. Sanctions are: Warning - Reprimand - Temporary ban which cannot exceed three years, - Disbarment from the roll of lawyers or withdrawal of the honorary title. Warning, reprimand, temporary ban can comprise deprivation, through the decision pronouncing the disciplinary sentence, of the right to be part of the Council of the Bar Association for a period no longer than 10 years (in regard to article 184 of the decree of 1991). As an additional penalty, a disciplinary council can make disciplinary sentences public. The temporary ban punishment can be suspended. However, no suspension of the punishment can be granted to additional punishments sentenced, either with the publication of the sanctions or, with punishments leading, for the lawyer, to the ban of membership to the Council of the Bar Association, the National Council of the Bars, the professional bodies. It can also deprive the concerned lawyer from any possibility to be elected as President of the bar. All the above mentioned punishments are however sentenced for a maximum period of 10 years. Furthermore, in 2008, the Court of cassation ruled that even an admonition of the President of the Bar, which is not a disciplinary sanction within the meaning of Article 184 of the Decree n°91-1197, can be appealed before a Court of appeal when it is recorded (Cass, 1ère Civ., 7 mai 2008, pourvoi n°07-10864). Indeed, according to the Supreme Court, in the silence of the texts, the President of the Bar is not entitled to impose an admonition recorded in the lawyer folder. Such kind of decision is a real penalty which gives rise to complaints and, therefore, may be appealed.</p>
<p>Enforcement:</p>	<p>The Council of the Bar Association is in charge of making the sentence enforced. The sentence is notified to the interested lawyer and the Public Prosecutor. The latter, in any case, guarantees and controls the enforcement of disciplinary sentences and temporary suspension.</p>
<p>Communication/ Publicity:</p>	<p><u>Communication:</u> Any definitive sentence imposed to a lawyer can be notified to all the heads of Courts in France by administrative way. <u>Publicity:</u> The publication of sentence can be ordered by the disciplinary council. In that extent, the disciplinary council of Bordeaux is currently, the only French Bar which has taken the commitment to make all the disciplinary decisions and punishments, public. It can be limited to local professionals ("locaux de l'Ordre") or published in the professional or general press. It can intervene only when the disciplinary decision constitutes res judicata, i.e. when all remedies have been used.</p>

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<i>Contact details of the disciplinary bodies or contact points:</i>	<p><u>Conseil National des Barreaux (CNB)</u> 23, Rue de la Paix 75002 PARIS Tél. : 01 53 30 85 60 Fax : 01 53 30 85 61 / 62 Email: cnb@cnb.avocat.fr URL: www.cnb.avocat.fr</p> <p>From January 1st, 2005, the reform of the disciplinary procedure applies. Therefore, around 35 local disciplinary councils are in charge of the judgement stage. However, the Presidents of Bars will remain the authority in charge of action and the investigation will be ensured by members of the Bar Association Council. Therefore, there is no centralisation of the practice of the discipline of lawyers at national level. In order to favour communication between the various Bars, members of the CCBE, with the French Bars, the National Council of the Bars proposes, without any role in the practice of discipline, to act as the point of contact with all the European Bars. It will be in charge of forwarding all the requests for information or communications to the concerned local Bars or disciplinary councils. The National Council of the Bars will admit, for security reasons, to receive requests for information or communications only by regular mail, fax or e-mail.</p>
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SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

GERMANY	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The <i>Bundesrechtsanwaltskammer</i> (German Federal Bar) has no disciplinary jurisdiction. Disciplinary matters are dealt with in the first instance by the <i>Rechtsanwaltskammern</i> (regional Bars), which are self-regulatory bodies supervised by the Ministry of Justice of the particular state (<i>Land</i>) to which they belong. The individual regional Bars are responsible for the professional supervision of their members, i.e. the regional Bars ensure that the lawyers observe their professional obligations as they are stipulated in the <u>The Federal Lawyers' Act (BRAO)</u> as well as the <u>Rules of Professional Practice (BORA)</u>. They have the power to enforce certain sanctions if a lawyer violates his professional duties. The legislator has also provided for a formal complaint procedure and proceedings before special disciplinary courts.</p> <p><u>Appeal</u> :</p> <p>All decisions relating to the conduct or discipline of lawyers may be referred to the special disciplinary courts. Lawyers, against whom charges are brought, may appeal to these courts.</p> <p>The disciplinary courts are part of a special jurisdiction hearing lawyers' cases (disciplinary matters as well as questions of admission). This jurisdiction consists of the <i>Anwaltsgericht</i> (Lawyers' Disciplinary Court), the <i>Anwaltsgerichtshof</i> (Higher Lawyers' Court) and the <i>Senat für Anwaltssachen beim Bundesgerichtshof</i> (Senate for matters concerning the Legal Profession at the Federal Supreme Court). The panels of these courts consist of either practising lawyers (Lawyers' Disciplinary Court) or practising lawyers as well as professional judges (Higher Lawyers' Court <i>and</i> Senate for matters concerning the Legal Profession at the Federal Supreme Court). Only at the Senate for matters concerning the Legal Profession at the Federal Supreme Court the majority of the judges are professional judges.</p>
Proceedings:	<p><u>Lodging of a complaint</u> :</p> <p>A client may complain directly to the regional Bar or to the Public Prosecutor's Office. There is no time limit for lodging a complaint. However, the regional Bar may not issue a reprimand if more than three years have passed since the breach of the duty.</p> <p>The complaint should be made in writing to the President of the respective regional Bar. The Council of the Bar (composed of minimum seven lawyers elected by the members of the Bar) then has to decide whether the level of the lawyer's negligence can be considered as minor, in which case it can issue a reprimand. The lawyer must be heard before a reprimand is issued. If the Council deems the initiation of disciplinary proceedings necessary, it can refer the case to the disciplinary courts.</p> <p>The issuance of a reprimand does not exclude the possibility of the Public Prosecutor's Office at the respective <i>Oberlandesgericht</i> (Higher Regional Court) to initiate proceedings at the disciplinary courts on the basis of the same facts.</p> <p>The lawyer can avoid the issuance of a reprimand by making an application to the Public Prosecutor's Office for the initiation of proceedings at the disciplinary courts, so that he can clear himself of the suspicion of a breach of his professional duties.</p> <p>Proceedings before the disciplinary courts are initiated on the basis of the submission of written charges by the Public Prosecutor's Office. The following three applicants can make a request to the Public Prosecutor's Office to initiate main proceedings:</p> <ul style="list-style-type: none"> - the Public Prosecutor's Office on its own initiative, - the Council of the relevant regional Bar, - the affected lawyer. <p><u>Procedure</u> :</p> <p>The lawyer has the right to appeal against the decisions of the disciplinary authority. He may object to the issuance of a reprimand to the Council within one month after the notice of reprimand has been served (<i>Einspruch</i>). If the objection is dismissed by the Council of the Bar, the lawyer may appeal to the Lawyers' Disciplinary Court within one month after the service of Council's decision (<i>Beschwerde</i>). In case of a reprimand that has been issued by the Bar, the decision of the Lawyers' Disciplinary Court is final. All other decisions of the Lawyer's Disciplinary Court may be challenged by means of an appeal to the Higher Lawyers' Court (<i>Berufung</i>).</p> <p>There is a further possibility to appeal against the judgments of the Higher Lawyers' Court to the Senate for matters concerning the Legal Profession at the Federal Supreme Court (<i>Revision</i>). However, this appeal procedure is limited to questions on points of law and cases where certain sanctions have been issued (prohibition to represent and advise or the disbarment of the lawyer), or where the Higher Lawyers' Court has allowed the appeal against its judgment. The Higher Lawyers' Court may only allow an appeal to its judgment if it concerns questions of fundamental importance regarding the law or the lawyers' professional duties.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Fine up to € 25,000

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	<p>- Prohibition to represent and advise in certain fields of law for a period between one and five years. A violation of the prohibition shall lead to disbarment unless a more moderate measure seems to be adequate due to particular circumstances.</p> <p>- Disbarment</p> <p>As an additional measure, a reprimand and a fine may be imposed together. All other sanctions may only be imposed separately.</p> <p>A reprimand can be issued either by the regional Bar or by the disciplinary courts. All other sanctions may only be imposed by the disciplinary courts.</p> <p>As for provisional sanctions, a temporary prohibition to practise or to represent can be issued against the lawyer. However, this sanction may only be imposed if the court has every reason to believe that the final disciplinary measure will be the disbarment of the lawyer and that the prohibition is necessary to avert a concrete danger for the general public.</p>
Enforcement:	<p>In order to enforce a fine, the chairman of the competent division of the disciplinary court issues a copy of the final clause of the judgement. The sanction is enforced by the Bar in accordance with the German Code of Civil Procedure. The prohibition to represent and advise as well as the exclusion from the profession become effective as soon as the judgement becomes final. A prohibition to practise applies to the entire federal territory.</p>
Communication/ Publicity:	<p><u>Communication:</u></p> <p>The prohibitions to represent and advise as well as the exclusion from the profession are registered in the Bundeszentralregister (Federal Central Register). Entries must be deleted from the authorities' files after five years in cases where a lawyer has received a warning, and after ten years where he has been reprimanded or fined. Entries containing information on criminal convictions which have neither led to punishment by the disciplinary court nor to an admonition by the Bar, have to be deleted after five years upon request by the respective lawyer.</p> <p><u>Publicity:</u> None. Disciplinary proceedings are not open to the public. However, upon application the trial can be made public.</p>
Contact details of the disciplinary body or/contact points:	<p>- <u>Regional Bars:</u> a list of the 27 Regional Bars as well as the Bar at the Federal Supreme Court and their contact details is available under the following link: http://www.brak.de/die-brak/regionale-kammern/adressen-der-regionalen-rechtsanwaltskammern</p> <p>- <u>Bundesrechtsanwaltskammer</u> Littenstraße 9 D-10179 BERLIN Tel.: +49.30.28.49.39-0 Fax.: +49.30.28.49.39-11 E-mail: zentrale@brak.de Website: http://www.brak.de</p> <p>Avenue des Nerviens 85, bte 9 B - 1040 Brüssel Tel.: +32 (2) 7 43 86 46 Fax: +32 (2) 7 43 86 56 E-Mail: Brak.bxl@brak.eu</p>

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GREECE	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The disciplinary boards are convened at the headquarters of any civil appeal court which try disciplinary offenses at first instance.</p> <p>The disciplinary councils can decide to convene at the headquarters of the Bar Association of the defendant if they consider that this facilitates the parties.</p> <p><u>Appeal</u> :</p> <p>The lawyer upon whom disciplinary sanctions have been imposed, apart from recommendation and reprimand, is entitled to appeal to the Supreme Disciplinary Board within 30 days from the decision's communication to him. The Supreme Disciplinary Board delivers a judgment within 2 months from the lodge of the appeal.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>There are two procedures available in respect of complaints against lawyers.</p> <p>The client may make a complaint himself directly to the Disciplinary Board of the Local Bar.</p> <p>Complaints may also be instigated by the Public Attorney.</p> <p>The time limit for lodging a complaint is five years. The limitation period is suspended from the launch of the complaint. The time of such suspension shall not exceed three years.</p> <p><u>Procedure</u> :</p> <p>Once the President of the Bar Association receives a complaint with which a lawyer's disciplinary blameworthy deeds are reported or becomes in any way aware, from judicial notice or generally public authority, of the commitment of those deeds, he orders the conduct of disciplinary preliminary examination, entrusting it to a member of the Disciplinary Board. With this order the Bar becomes a party to any lawsuits arising on disciplinary decisions. The preliminary examination should not last more than 30 days. The member of the Disciplinary Board who conducts the preliminary examination may examine witnesses and investigate any other appropriate legal evidence. During the conduct of the preliminary examination he takes care in order not to insult the honor and the reputation of the lawyer, whose behavior is investigated. Anonymous complaints are not taken into account and filed immediately. If the complaint is not based on law or is obviously unfounded on the merits or insusceptible of any assessment, the President of the Bar Association files it with a brief justification, and announces to the President of the Disciplinary Council the filing act. A preliminary examination is not conducted for actions, for which the lawyer has been prosecuted for a felony or a misdemeanor. The competent prosecutor has the obligation to inform the relevant Bar Association in case a lawyer is prosecuted. He has the same obligation in case a referral or an exculpatory decree is delivered or a final acquittal or conviction is adjudicated against a lawyer, by sending complete copies of the judgment, within 10 days from their issue.</p>
Types of sanctions:	<p>Recommendation Reprimand Fine from 500 to 200.000 € Temporary suspension of the right to practice up to 2 years Disbarment</p>
Enforcement:	<p>The final decisions of the disciplinary councils are enforced diligently by the President of the Bar Association, whose member is the suspended lawyer, unless otherwise is specified in the Code.</p>
Communication/ Publicity:	<p><u>Communication</u> :</p> <p>Decisions imposing temporary suspension or disbarment must be communicated to the court's public prosecutors and secretaries in which the suspended lawyer serves.</p> <p><u>Publicity</u> :</p> <p>The decisions with which penalties of disbarment or temporary suspension of at least one month are imposed, are published in legal periodicals at the expense of the punished lawyer and the fee is collected in the same procedure as the one followed for the collection of the fines, and it is also posted in the Bar's premises.</p>
Contact details of the disciplinary bodies or contact points:	<p>- Disciplinary Boards of Greek Local Bars</p> <p>- <u>Dikiqorikos Sylogos Athinon (Athens Bar Association)</u> Akadimias Street 60 GR-106 79 ATHINAI Tel.: +30.210.339.82.70/339.82.71/339.81.11 / 339.82.20 Fax.: +30.210.361.05.37 E-mail: dsarel@ath.forthnet.gr Website: http://www.dsa.gr</p>

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HUNGARY	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>In disciplinary proceedings the disciplinary committee of the bar association where the lawyer was registered at the time of the disciplinary offence is competent to proceed at first instance. A disciplinary tribunal is formed from the competent local bar association's disciplinary committee. The disciplinary tribunal consist of three members who are appointed by the head of the disciplinary committee.</p> <p><u>Appeal</u> :</p> <p>The disciplinary committee of the Hungarian Bar Association is competent to make a decision on the appeal against the decision of the local bar association's disciplinary committee.</p> <p>The tribunal consist of three members unless the disciplinary tribunal of the first instance imposed a penalty of disbarment or if the president of the bar association appeals the first decision by calling for disbarment. In these latter cases the tribunal has five members.</p> <p>In disciplinary cases involving a president, vice president, secretary general, secretary or disciplinary commissioner of a bar association, a tribunal appointed by the presidency of the Hungarian Bar Association proceeds.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>A complaint against a lawyer should be addressed to the president of the bar association in a written form.</p> <p><u>Procedure</u> :</p> <p>The president of the bar association has the power to order a preliminary investigation conducted by the disciplinary commissioner who acts on his instructions.</p> <p>The disciplinary commissioner clarifies the necessary conditions for establishing the state of affairs.</p> <p>The president of the bar association takes the following decisions or actions after the preliminary investigation:</p> <ol style="list-style-type: none"> a) terminate the preliminary investigation, b) for disciplinary infractions of lesser severity, he issues a written admonition in addition to terminating the preliminary investigation, c) order disciplinary proceedings. <p>Disciplinary proceedings may not be started if the president of the bar association does not initiate them within six months of the time at which he learns of the disciplinary infraction or if three years have passed since the given action ended. A disciplinary infraction that achieves the legal status of a crime shall lapse together with the crime.</p> <p>In case the president of the bar association orders disciplinary proceedings, the president of the disciplinary committee appoints a disciplinary tribunal of the first instance and its president who then conduct the procedure.</p> <p>The disciplinary tribunal passes its decisions by a majority vote. In its decision, the disciplinary tribunal</p> <ol style="list-style-type: none"> a) concludes the proceedings, b) takes disciplinary action, c) states the infraction of the attorney who is the subject of the proceedings and impose a penalty, d) decides who shall bear the costs of the proceedings. <p><u>Appeal:</u></p> <p>The attorney who is the subject of the proceedings, his representative and the president of the bar association may appeal the decision of the disciplinary tribunal of the first instance to the disciplinary tribunal of the second instance. The appeal must be submitted to within 15 days of receipt of the decision of the first instance. The appeal has a suspensory effect on the execution of the decision.</p> <p>If the decision of the first instance is unfounded, the disciplinary tribunal of the second instance overturns the decision of the first instance and directs the disciplinary tribunal of the first instance to launch new proceedings. The disciplinary tribunal of the second instance can also decide on the merits of the case as presented in the appeal, and its decision is final and executable.</p> <p>The attorney who is the subject of the proceedings, his representative and the president of the bar association may seek legal remedy against a decision of the second instance in the Budapest Metropolitan Court. The final disciplinary decision must be sent to the person who filed the complaint.</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

<p>Types of sanctions:</p>	<p>- Censure - Fine - Expulsion from the Bar: The expulsion may be suspended once for three years. If any new disciplinary penalties have been definitively imposed on an attorney as a result of a new disciplinary infraction committed during the period of suspension, the suspended penalty must be enforced.</p>		
<p>Enforcement:</p>	<p>The sanctions are enforced by the Bar. The expulsion from the Bar is enforced by way of withdrawal of the lawyer's identity card, a card that has to be presented when a lawyer represents clients before courts and authorities.</p>		
<p>Communication/ Publicity:</p>	<p><u>Communication/ Publicity</u> : Sanctions are not published or communicated to the authorities. Certain important decisions – without name - are published in the official paper of lawyers, just to give information.</p>		
<p>Contact details of the disciplinary bodies or contact points:</p>	<p align="center">FIRST INSTANCE DISCIPLINARY BODIES</p> <p>BUDAPESTI ÜGYVÉDI KAMARA 1055 Budapest, Szalay u. 7. 1363 Bp., Pf.: 61. T.: 1/353-0155, 353-0810 Fax: 332-1385 e-mail: ugyfel@bpbar.hu</p> <p>BÁCS-KISKUN MEGYEI ÜGYVÉDI KAMARA 6000 Kecskemét, Bercsényi u. 15. T/fax: 76/484-909 e-mail: bacskiskunugyvedikamara@t-online.hu</p> <p>BÉKÉS MEGYEI ÜGYVÉDI KAMARA 5700 Gyula, Béke sgt. 47. T.: 66/463-805 e-mail: gyula@bmuugyvedikamara.hu</p> <p>BORSOD-ABAÚJ-ZEMPLÉN MEGYEI ÜGYVÉDI KAMARA 3530 Miskolc, Erzsébet tér 5. I/1. T/fax: 46/451-791 e-mail: miskolci.ugyvedi.kamara@chello.hu</p> <p>DEBRECENI ÜGYVÉDI KAMARA 4026 Debrecen, Péterfia u. 46. 52/533-266, fax: 52/533-265 e-mail: duk@tvnetwork.hu</p> <p>FEJÉR MEGYEI ÜGYVÉDI KAMARA 8000 Székesfehérvár, Várkörút 34. T/fax: 22/341-330 e-mail: kamara@fmuk.hu</p>	<p align="center">FIRST INSTANCE DISCIPLINARY BODIES</p> <p>BUDAPESTI ÜGYVÉDI KAMARA 1055 Budapest, Szalay u. 7. 1363 Bp., Pf.: 61. T.: 1/353-0155, 353-0810 Fax: 332-1385 e-mail: ugyfel@bpbar.hu</p> <p>BÁCS-KISKUN MEGYEI ÜGYVÉDI KAMARA 6000 Kecskemét, Bercsényi u. 15. T/fax: 76/484-909 e-mail: bacskiskunugyvedikamara@t-online.hu</p> <p>BÉKÉS MEGYEI ÜGYVÉDI KAMARA 5700 Gyula, Béke sgt. 47. T.: 66/463-805 e-mail: gyula@bmuugyvedikamara.hu</p> <p>BORSOD-ABAÚJ-ZEMPLÉN MEGYEI ÜGYVÉDI KAMARA 3530 Miskolc, Erzsébet tér 5. I/1. T/fax: 46/451-791 e-mail: miskolci.ugyvedi.kamara@chello.hu</p> <p>DEBRECENI ÜGYVÉDI KAMARA 4026 Debrecen, Péterfia u. 46. 52/533-266, fax: 52/533-265 e-mail: duk@tvnetwork.hu</p> <p>FEJÉR MEGYEI ÜGYVÉDI KAMARA 8000 Székesfehérvár, Várkörút 34. T/fax: 22/341-330 e-mail: kamara@fmuk.hu</p>	<p align="center">FIRST INSTANCE DISCIPLINARY BODIES</p> <p>BUDAPESTI ÜGYVÉDI KAMARA 1055 Budapest, Szalay u. 7. 1363 Bp., Pf.: 61. T.: 1/353-0155, 353-0810 Fax: 332-1385 e-mail: ugyfel@bpbar.hu</p> <p>BÁCS-KISKUN MEGYEI ÜGYVÉDI KAMARA 6000 Kecskemét, Bercsényi u. 15. T/fax: 76/484-909 e-mail: bacskiskunugyvedikamara@t-online.hu</p> <p>BÉKÉS MEGYEI ÜGYVÉDI KAMARA 5700 Gyula, Béke sgt. 47. T.: 66/463-805 e-mail: gyula@bmuugyvedikamara.hu</p> <p>BORSOD-ABAÚJ-ZEMPLÉN MEGYEI ÜGYVÉDI KAMARA 3530 Miskolc, Erzsébet tér 5. I/1. T/fax: 46/451-791 e-mail: miskolci.ugyvedi.kamara@chello.hu</p> <p>DEBRECENI ÜGYVÉDI KAMARA 4026 Debrecen, Péterfia u. 46. 52/533-266, fax: 52/533-265 e-mail: duk@tvnetwork.hu</p> <p>FEJÉR MEGYEI ÜGYVÉDI KAMARA 8000 Székesfehérvár, Várkörút 34. T/fax: 22/341-330 e-mail: kamara@fmuk.hu</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

ICELAND	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The Icelandic Bar Association is a self-regulatory disciplinary body with an elected council and chairman. The disciplinary functions of the Association are exercised by the Disciplinary Committee</p> <p>There is no independent disciplinary tribunal</p> <p>A Disciplinary committee is active under the auspices of the Icelandic Bar Association, with the role of resolving disputes that may arise on account of alleged violations by attorneys of law or the attorneys' Code of Ethics. The committee is empowered to criticise, in its resolutions, the procedures or conduct of attorneys, and to warn or admonish attorneys. In case of grave misconduct the committee may recommend to the Minister of Interior (Minister of Justice), in a reasoned opinion, that a attorney's right of representation be suspended provisionally or indefinitely. The committee is also entrusted with the role of resolving disputes between an attorney and a client concerning a right to payment for services rendered, or the amount of such payment. A resolution of this committee may be appealed against to the courts.</p> <p>The Disciplinary committee is composed of three members, with three alternates. Each member serves for a term of three years, subject to the rule that the seat of one member shall become vacant each year. One member is elected by the Icelandic Bar Association, one is nominated by the Minister of Interior, and one, who shall be qualified for the office of a Supreme Court judge, is nominated by the Supreme Court.</p> <p><u>Appeal</u> :</p> <p>A party to a Case may before Court seek invalidation or amendments to the Committee's Decree or Settlement effected before the Committee.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>The client may make a complaint directly to the Disciplinary committee</p> <p>The board of the Icelandic Bar Association may of its account initiate proceedings against a member or members.</p> <p>There is no time limit for lodging a complaint. The effect of a delay in filing a complaint is decided on a case by case basis.</p> <p>Article 4, in the Act on Professional Lawyers No.77/1999, states the following:</p> <p>On the basis of Act on Professional Lawyers No.77/1999 the procedure within the Disciplinary committee of Professional Lawyers shall be governed by the Administrative Practices Act, unless a different arrangement follows from the provisions of Chapter 5. Within this framework, the Committee shall lay down rules in further detail concerning procedure within particular categories of cases</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Censure - Fine <p><i>In case the Committee comes to the conclusion that a lawyer has not conducted himself in conformity with Laws and good lawyers' professionalism the Committee may criticize his mode of work or conduct or admonish him.</i></p> <p><i>In case of gross violence or if a lawyer has repeatedly been subject to admonition the Committee may in a substantiated Opinion propose to the Minister of Justice that the lawyer's licence to practice be suspended temporarily or during an unspecified period of time.</i></p> <p><i>The Committee are authorized to obligate a party to a Case to pay costs of the Case to his opposing party on account of the proceedings before the Committee. The Committee are authorized under special circumstances to determine that parties to a Case pay costs resulting from the Committee's work on their Case.</i></p>
Enforcement:	<p>The Committee's Decree or Settlement may be satisfied by means of execution, such as a Court Decree or Settlement.</p> <p>The Committee's decisions will neither be subject to Administrative Charge nor reference within the LMFI.</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

Communication/ Publicity:	<u>Communication / Publicity</u> : The Committee will have their Decrees and Opinions published in print or in another manner. Names shall generally be confidential. It is, however, permissible to reveal in a Decree or Opinion the name of the lawyer concerned in accordance with the provisions of the LMFI's Codex Ethicus. Website: http://www.lmfi.is/urskurdarnefnd/urskurdir/
Contact details of the disciplinary bodies or contact points:	Address of the Icelandic Bar Association is: Áltamýri 9, 108 Reykjavík, Iceland, Tel: + 354 568 5620, email: lmfi@lmfi.is

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

IRELAND	
Disciplinary bodies:	<p><u>First instance</u> : Law Society of Ireland represents and regulates the legal profession of solicitors.</p> <p>The Departments' Complaints and Client Relations section of the Law Society deals with all complaints against solicitors arising from clients, members of the public and the profession. These complaints are either resolved by the secretariat or are referred to the Complaints and Client Relations Committee.</p> <p>Where professional misconduct has been found, the Department deals with the preparation and presentation of cases before the Disciplinary Tribunal, together with petitions and applications to the High Court where appropriate.</p> <p>Barristers are subject to the professional standards set by the Bar Council. Complaints of misconduct by a barrister against another barrister are considered by the Bar Council's Professional Practices committee. Complaints of misconduct by a barrister against another barrister are considered by the Bar Council's Professional Practices committee.</p> <p>Complaints of misconduct from the public, solicitors and other clients are considered by the Barristers' Professional Conduct Tribunal.</p> <p>The Barristers' Professional Conduct Tribunal comprises five practising barristers, including a chairman, and two lay representatives: one nominated by the Irish Business and Employers' Confederation (IBEC), and one nominated by the Irish Congress of Trade Unions (ICTU).</p> <p><u>Appeal</u> : For solicitors, the ultimate deciding authority is the High Court (or on appeal the Court of Appeal) which has the legal power to strike a solicitor from the Roll of Solicitors.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>Solicitors in Ireland are subject to disciplinary proceedings under the Solicitors Acts 1954/2011. Referrals to the Solicitors Disciplinary Tribunal (an independent quasi-judicial body) arise in two ways. Firstly by complaints registered directly with the Law Society by clients of solicitors or by a solicitor against another solicitor. Secondly, after investigation by one of the solicitors statutory Committees where allegations of misconduct by a solicitor are referred to the Solicitors Disciplinary Tribunal for a full hearing.</p> <p><u>Procedure</u> :</p>
Types of sanctions:	<p>The Tribunal (for barristers) can impose penalties if it finds that a barrister has been guilty of breaching the Code of Conduct or of breaching proper professional standards.</p> <p>It should be noted that the Tribunal does not deal with professional negligence claims. Such claims are a matter for the courts.</p> <p>For solicitors, if misconduct is proved at the Tribunal sanctions are imposed which range from Admonishment/censure, monetary fine, descending sanctions including limiting the solicitors Practising Certificate, suspension of a solicitor from practice or strike off/removal of the solicitors Practising Certificate.</p>
Enforcement:	
Communication/ Publicity:	<p>The Solicitors Acts require the Law Society to publish the findings of the Solicitors Disciplinary Tribunal and the High Court in the official State Journal (Iris Oifigiuil) and in the Law Society's official publication (The Solicitors Gazette) and the orders are also available to the public on the official website of The Law Society.</p>
Contact details of the disciplinary bodies or contact points:	<p>Solicitors: The Registrar of Solicitors. John Elliot. Dept. of Regulation. Law Society of Ireland. George's Court Dublin 7</p>

Note: The entire framework of the regulation of the legal profession (including solicitors and barristers) is to be reformed with the Legal Services Regulation Act 2015. This Act of Parliament has been passed and awaits formal commencement. In the new Act the regulation of the entire legal profession will henceforth rest in a new Legal Services Regulatory Authority with its own independent disciplinary structure. The High Court will still retain the ultimate sanctioning authority.

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ITALY	
Disciplinary bodies:	<p><u>First instance:</u> The various local Bars in Italy are all self-regulatory bodies. The disciplinary functions of each local Bar are exercised in the first instance by the Disciplinary District Council (hereinafter: <i>District Council</i>) within the district in which the lawyer is registered or the fact is committed. The <i>District Council</i> is an independent body and it does have autonomy in its organisation and operation. The number of its members is equal to one third of the members of the local Bar, rounded down (if needed) to the whole number. There is no distinct disciplinary Courts acting independently from the <i>District Councils</i>.</p> <p><u>Second instance:</u> The decisions adopted by the <i>District Councils</i> can be challenged before the <i>Consiglio nazionale forense</i> (hereinafter: <i>Consiglio</i>) in Rome, which (as "special judge") exercise the second instance jurisdiction over disciplinary decisions and is competent to hear the appeals on these matters. The appeals must be lodged within thirty days from the notification of the decision.</p> <p><u>Third instance:</u> The <i>Consiglio's</i> judgments can be challenged before the Supreme High Court (Corte di Cassazione).</p>
Proceedings:	<p><u>Launch of a complaint:</u> The client can himself submit a complaint directly to the local Bar. The local Bar has the obligation to inform the lawyer by inviting him to submit any deductions within 20 days. All the relevant documentation is then notified to the <i>District Council</i>, which has the exclusive competence in disciplinary matters. There is no time limit for lodging a complaint but there is a time limit for starting the proceedings: six years from the fact giving rise to the complaint.</p> <p><u>Procedure:</u> The disciplinary proceeding is governed by the Title V of the Law n. 247 of the 31 December 2012, Articles 50-63 (link) and by the Regulation n. 2 of the 21 February 2004 (link). The different steps of the proceedings, the procedural powers and guarantees are regulated in details by Articles 58 and 59 of the Law n. 247 of the 31 December 2012. In particular, the <i>District Council</i> is entitled to conduct investigation and hear the witnesses in the hearings. At the end of the procedure the <i>District Council</i> takes a decision. A Lawyer may continue to practise while appealing against a decision from the <i>District Council</i>, but the decision from the <i>Consiglio</i> has immediate effect.</p>
Types of sanctions:	<p><u>Non disciplinary sanctions:</u> - Verbal reprimand in case of minor and excusable infringements.</p> <p><u>Disciplinary sanctions:</u> - Warning, where the conduct does not constitute a serious infringement and there is a reason to believe that the lawyer will refrain from any new infringements. - Reprimand, where the seriousness of the infringement, the degree of responsibility, the previous behaviour and the subsequent conduct suggest that the lawyer will not commit any infringement in the future. - Suspension from practising as a lawyer in case of serious infringements. The temporary prohibition to practice can be imposed for a period ranging between two months and five years and it is absolute, <i>i.e.</i> it cannot be limited to certain fields of law. A suspension from practice applies to the entire State. - Disbarment, in case of particularly serious infringements that make it incompatible with the enrolment in the register. - In specific circumstances (manly related to the criminal relevance of the conduct), a precautionary suspension from practice may be imposed for a period not exceeding one year.</p>
Enforcement:	<p>The disciplinary sanctions are enforced by the competent local Bar. The <i>Consiglio</i> is entrusted with powers of inspection to ensure the proper functioning of the <i>District Councils</i>.</p>
Communication/ Publicity:	<p><u>Communication:</u> Suspension from practicing (including precautionary suspension) and disbarment are communicated to the Presidents of the local Bars within the relevant district and to the lawyers registered within those Bars, as well as to the regional Courts of the same district.</p> <p><u>Publicity:</u> A copy of the communication is published within the offices of the local Bar competent for the enforcement of the disciplinary decision.</p>

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Contact details of the disciplinary bodies or contact points:	Consiglio Nazionale Forense Via Arenula 71 (c/o Ministry of Justice) 00186 Roma
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SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

LATVIA⁶	
Disciplinary bodies:	<p><u>First instance</u> : The Latvian Bar Association is a self-regulatory disciplinary body with disciplinary authority over its members. The disciplinary functions are exercised by internal Disciplinary Commission in first instance.</p> <p><u>Appeal</u> : A decision of the Disciplinary Commission may be appealed in court in the procedure prescribed by the Administrative Procedure Law. An appeal against the decision of the Latvian Council of Sworn Advocates confirming the disbarment by the Disciplinary Commission may be filed in court in the procedure prescribed by the Administrative Procedure Law.</p>
Proceedings:	<p><u>Launch of a complaint</u> : The Latvian Council of Sworn Advocates may initiate disciplinary proceedings upon initiative of court or prosecutor, as well as on the basis of a complaint of persons or upon its own initiative by sending the case materials for examination to the Disciplinary Commission.</p> <p><u>Procedure</u> : The deputy chairman of the Latvian Council of Sworn Advocates reviews all the received complaints, submissions and reports against a lawyer and reports on the investigation results in the meeting of the Latvian Council of Sworn Advocates. The Latvian Council of Sworn Advocates takes a decision on whether to commence disciplinary proceeding or to dismiss them. The procedure is commenced if there are characteristics of a disciplinary offence in the activities of the lawyer or violations of the regulatory enactments, the statutes of the Latvian Collegium of Sworn Advocates, or for violations of the instructions regulating the work of lawyers and the norms of the professional ethics of lawyers.</p> <p>If a decision on initiation of disciplinary proceedings by the Latvian Council of Sworn Advocates is adopted, the matter is transferred to the Disciplinary Commission for examination. When examining a disciplinary matter, the Disciplinary Commission shall invite the lawyer to provide an oral explanation or to provide a written explanation. (Likewise when examining disciplinary matters, the Disciplinary Proceedings Commission has the right also hear explanations of other persons and to request opinions of experts, to request information and documents from state and local government institutions, as well as from other institutions, organisations, companies (undertakings) and the officials thereof. After an examination of the disciplinary matter the Disciplinary Commission takes a decision either to impose a disciplinary sanction on the lawyer or to terminate the disciplinary proceedings. The Disciplinary Commission is entitled to take a decision if more than one half of the members thereof are present at the meeting (as of today the Disciplinary Commission is composed of 7 members).</p> <p>When initiating disciplinary proceedings or during examination of a disciplinary matter, the Latvian Council of Sworn Advocates upon necessity has the right to suspend the lawyer from fulfilment of his or her duties.</p> <p>Influence of the state appears in such a way that the disciplinary proceedings may be initiated upon recommendation of court or prosecutor (as mentioned above) as well as in the appeal procedure - disciplinary punished persons may appeal against the decisions of the Disciplinary Commission in court.</p>
Types of sanctions:	<p>1) reproof; 2) reprimand; 3) determination of another location for a practice or prohibition to practice in a location for a time period of up to three years; 4) prohibition to perform duties of a lawyer for a time period not longer than one year (the prohibition is absolute, i.e. it cannot be limited to individual fields of law. A prohibition to practise as a lawyer applies to activities within the entire Latvia); 5) disbarment. The decision on disbarment must be passed by the Latvian Council of Sworn Advocates.</p> <p>Individual sanctions cannot be imposed simultaneously. Disciplinary sanctions may be imposed upon an advocate not later than three months after the day the disciplinary violation has been disclosed and not later than two years after the disciplinary violation has been committed.</p>
Enforcement:	Disbarment is enforced by the Latvian Council of Sworn Advocates; other sanctions are valid from the moment of resolution of the Disciplinary Commission.

⁶ This information was last updated in 2011 and may not reflect the current proceedings

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

	<p>The decision of the Latvian Council of Sworn Advocates enters into effect the next day after it has been taken, if it has not been stated otherwise in the decision. Appeal of a decision regarding disbarment of a lawyer from the number of the lawyers does not suspend such a decision until the day of the coming into effect of the final adjudication in the matter.</p>
Communication/ Publicity:	<p><u>Communication</u> : The Disciplinary Commission shall make an announcement regarding the punishment of a lawyer to the submitter of the complaint, the Latvian Council of Sworn Advocates and the Minister for Justice after the entering into effect of the decision.</p> <p><u>Publicity</u> : Disbarment of an advocate from the number of the advocates by the Latvian Council of Sworn Advocates is also published in the official newspaper.</p>
Contact details of the disciplinary bodies or contact points:	<p>Latvian Bar Association address: Brīvības bulvāris 34, Rīga, LV-1050 Tel. +371 67358487 Fax +371 67358488 e-mail: adv-pad@latnet.lv web: http://www.advokatura.lv/</p> <p>Mr. Lauris Liepa, Disciplinary Commission chairman e-mail: lauris.liepa@borenius.lv</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

LIECHTENSTEIN	
Disciplinary bodies:	<p><u>First instance</u> : The Liechtenstein Bar as a self-regulatory organisation is the general disciplinary supervisory body (exercised by the Board of the Bar).</p> <p>Disciplinary body for disciplinary proceedings in first instance is the Superior Court of Liechtenstein as an external disciplinary tribunal.</p> <p><u>Appeal</u> : Against decisions of the Superior Court (I.instance) there is provided a right to appeal to the Supreme Court of Liechtenstein.</p>
Proceedings:	<p><u>Launch of a complaint</u> : The client himself or anybody else may complain directly to the disciplinary bodies, i.e. the Liechtenstein Bar or the Superior Court. There is no time limit for lodging a complaint.</p> <p>A complaint may be referred to the Superior Court by the lawyer concerned or by the Bar. The Superior Court may itself initiate proceedings against a lawyer if it becomes aware of misconduct.</p> <p>An appeal must be filed within fourteen days of intimation of the granting of a preliminary order, withdrawal of a charge, making or refusal of a temporary provision or a decision imposing a disciplinary punishment.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Written reprimand, - Fine - Prohibition of practice up to one year or permanently: it may however be suspended on probation for a period of one to three years. The prohibition applies to activities in the entire country. A conditional or unconditional prohibition to practise may be imposed together with a fine. - A subsidiary measure is the prohibition to employ trainee lawyers. - As a provisional sanction, a law firm may be placed under supervision by the Board of the Bar, the right to act as legal representative before certain courts/authorities may be withdrawn, and the employment of trainee lawyers may be prohibited. Provisional sanctions are imposed where a final sentence has been passed or a permanent suspension from practice has been ordered.
Enforcement:	<p>Sanctions are executed in accordance with the provisions of the Code of Criminal Procedure, i.e. they are enforced like court judgements. The prohibition to practise as a lawyer is enforced by the Liechtenstein Bar, which also keeps the list of lawyers who are entitled to practise as a lawyer (Rechtsanwalt) in Liechtenstein.</p>
Communication/ Publicity:	<p><u>Communication</u> : Since disciplinary proceedings are dealt with by ordinary law courts, the latter inform the Bar about the sanctions imposed. Sanctions are not recorded in the register of convictions.</p> <p><u>Publicity</u> : No general publication is established</p>
Contact details of the disciplinary bodies or contact points:	<p><u>Liechtensteinische Rechtsanwaltskammer</u> Meierhofstrasse 110 Postfach 456 LI-9495 Triesen Fürstentum Liechtenstein Tel +423 232 9932 Fax+423 232 9933 Email: info@rak.li Internet: www.rak.li</p> <p>Or</p> <p><u>Fürstliches Obergericht</u> Spaniagasse 1 LI-9490 Vaduz Fürstentum Liechtenstein</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

LITHUANIA	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The Disciplinary Committee conducts an investigation when the complaint is received or when the Bar receives information about infringement. Then the Bar Council decides on instituting a disciplinary action. The decision of the Bar Council is based on conclusions drawn by Disciplinary Committee. Disciplinary actions against advocates are heard by the Court of Honour of Advocates. The Court of Honour of Advocates is one of the bodies of Lithuanian Bar Association.</p> <p><u>Appeal</u> :</p> <p>Decisions of the Court of Honour of Advocates may be appealed against to Vilnius Regional Court within 30 days from the delivery of a copy of the decision to the advocate or advocate's assistant.</p>
Proceedings:	<p><u>Launching of a complaint</u> :</p> <p>Any person may file a complaint against an advocate or advocate's assistant. The complaint is lodged to Lithuanian Bar Association. The time limit for lodging a complaint is one year after the disciplinary offence.</p> <p><u>Procedure</u> :</p> <p>When the Lithuanian Bar Association receives the complaint, the complaint is forwarded to the respective advocate/advocate's assistant to provide an explanation about the complaint. After receiving the explanation from the advocate/advocate's assistant, complaints and explanations are discussed in Disciplinary Committee. Complainants and respective advocate/advocate's assistant have the right to participate in the sitting of Disciplinary Committee. After the Disciplinary Committee approves the conclusion concerning the complaint, the Bar Council decides to institute or not a disciplinary action. Complainants and respective advocate/advocate's assistant have the right to participate in the sitting of the Bar Council. Disciplinary actions against advocates are heard by the Court of Honour of Advocates. Complainants and respective advocate/advocate's assistant have the right to participate when the disciplinary action is heard.</p>
Types of sanctions:	<p>1) censure; 2) reprimand; 3) public reprimand; 4) invalidation of the decision of the Lithuanian Bar Association to recognise the person as an advocate.</p>
Enforcement:	All sanctions are enforced by Lithuanian Bar Association.
Communication/ Publicity:	The decisions of the Bar Council are notified to the parties to the disciplinary proceeding. The decision of the Court of Honour of Advocates are notified to advocate/advocate's assistant. The sanction of public reprimand is published in the on the website of Lithuanian Bar Association.
Contact details of the disciplinary bodies or contact points:	<p><u>Lithuanian Bar Association</u> Tilto str. 17, LT-01101 Vilnius Phone: 00370 5 262 4546 E-mail: la@advokatura.lt</p>

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LUXEMBOURG	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>According to the law of 10 August 1991 on lawyers disciplinary cases are of the competence of the President of the Bar (for minor cases) and of the "Disciplinary and Administrative Board".</p> <p>The "Disciplinary and Administrative Board" is composed of five lawyers, who are elected by the general assembly of the Bar.</p> <p><u>Appeal</u> :</p> <p>The appeal is brought before the "Appeal Disciplinary and Administrative Board".</p> <p>The "Appeal Disciplinary and Administrative Board" is composed by three lawyers, elected by the general assembly of the Bar, and by two judges of the Court of appeal, nominated by their president. The "Appeal Disciplinary and Administrative Board" is presided by one of the two judges. These solutions are inspired from Belgian law.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>Disciplinary matters against a member of the Bar ('le barreau' may be investigated by the Bar President ('le bâtonnier' at request of the Public or Chief Public Prosecutor ('le Procureur ou Procureur Général d'Etat'), due to a complaint by a person, by court order or because the Bar President himself considers the behaviour of a bar member/lawyer being in conflict with the law or the professional code of conduct.</p> <p>Investigations are carried out by the Bar President and generally include hearing the implicated bar member/lawyer. In order to conclude the investigation, a report will be produced. If the Bar President considers that the misbehaviour of the implicated bar member/lawyer should be punished by any of the following disciplinary actions/sentences:</p> <ul style="list-style-type: none"> - a warning; - a reprimand ; - a fine up to 500,00 €; <p>he is allowed to take himself the decision.</p> <p>An appeal against the Bar President's decision may be introduced to the Disciplinary and Administrative Council ('le Conseil disciplinaire et administratif') within a 10-day time frame beginning with the notification of the Bar President's decision.</p> <p>In any other cases, the Bar President refers to the Bar Council ('le Conseil de l'Ordre') , which is entitled to decide whether to introduce or not the matter at hand to the Disciplinary and Administrative Council.</p> <p>Should the matter be introduced to the Disciplinary and Administrative Council, a registered mail will be sent to the implicated Bar member/lawyer inviting him/her to a hearing. If not otherwise requested by the Bar member, the hearing is open to the public. The Bar Council may be represented by any one of his members.</p> <p>The Disciplinary and Administrative Council's decision will be notified to the implicated bar member/lawyer and may be appealed within a 40-day time frame by a declaration to the clerk's office of the Superior Court of Justice ('la Cour supérieure de justice') where is located the Disciplinary and Administrative Council of Appeal ('le conseil disciplinaire et administratif d'appel').</p> <p>There will be a public hearing with the Disciplinary and Administrative Council of Appeal. An appeal in cassation ('un pourvoi en cassation') may be introduced to the Court of Cassation ('la Cour de Cassation') within a 2-months' time frame beginning with the notification of the Disciplinary and Administrative Council of Appeal's decision.</p>
Types of sanctions:	<p>Warning Reprimand Fine up to 500,00 € Fine between 500,00 € and 20.000,00 € Suspension to carry out the profession of lawyer for a delay not exceeding 5 years (the sentence may be partly or totally suspended); Life-long ban to carry out the profession of lawyer.</p>
Enforcement:	<p>The Chief Public Prosecutor is entitled to the enforce any of the above mentioned disciplinary actions. The fines are collected by the responsible tax office ('l'Administration de l'Enregistrement et des Domaines').</p>

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Communication/ Publicity:	<u>Communication</u> : The decision will be notified to all involved parties, to the Chief Public Prosecutor and to the interest of the Bar Council by registered letter with receipt. <u>Publicity</u> : The publication of sentences can be ordered by the Disciplinary and Administrative Council at different locations (i.e. main door of the Superior Court); the Disciplinary and Administrative Council may as well decide about a partial or total publication of the decision in one or more newspapers.
Contact details of the disciplinary bodies or contact points:	

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MALTA	
Disciplinary bodies:	<p><u>First instance</u> : The Malta Chamber of Advocates is the only local Bar representing lawyers practicing in Malta. Membership in the Bar is presently on a voluntary basis.</p> <p>The Commission for the Administration of Justice was set up in 1994, and has jurisdiction over the workings of the Court, and the behaviour of Judges, Magistrates, Lawyers and Legal Procurators. The Commission is composed of ten members: the President of Malta, as Chairman; the Chief Justice, as Deputy Chairman; the Attorney General; two members elected from among the Judges of the Superior Courts; two members elected from among the Magistrates of the Inferior Courts; one member appointed by the Prime Minister and one member appointed by the Leader of the Opposition; and the President of the Chamber of Advocates. The Commission has, within it, a Committee for Lawyers and a committee for Legal Procurators.</p> <p>The Committee for Lawyers regulates all disciplinary actions relating to Lawyers. The Chamber of Advocates (Kamra tal-Avukati) statutorily nominates the majority of the five members of this Committee; one lawyer is nominated by the Attorney General; and one lawyer, with over 12 years' experience, is nominated by the Minister of Justice.</p> <p><u>Appeal</u>: Before the Commission, which is chaired by the President of Malta and wherein there is the President of the Chamber of Advocates as a member ex officio.</p>
Proceedings:	<p><u>Launch of a complaint</u> : Complaints may be received in writing by the Chamber of Advocates or the Commission for the Administration of Justice.</p> <p>Minor complaints are processed by the Ethics Officer of the Chamber of Advocates; which has jurisdiction only on its members and may impose a fine or suspension of Membership.</p> <p>The Committee of Lawyers, within the Commission for the Administration of Justice, receives complaints from lawyers and the public at large, against all Lawyers practicing in Malta.</p> <p><u>Procedure</u> : The Committee evaluates the cases, even hearing witnesses accordingly, having all the powers conferred to a Court of Law.</p>
Types of sanctions:	<p>When the Committee finds that there has been a case of misconduct of a Lawyer, it may do one of four actions:</p> <ol style="list-style-type: none"> 1. request the Commission to recommend to the Prime Minister to advise the President of Malta to suspend the Lawyer perpetually or for a specific period; 2. impose a pecuniary penalty 3. admonish the advocate or legal procurator 4. make recommendations to the lawyer.
Enforcement:	
Communication/ Publicity:	<p><u>Communication</u>: As a rule, these decisions are confidential, however, the Committee may, if it deems it necessary, make the decision public.</p> <p><u>Publicity</u>: If made public the decisions are published in the Government Gazette.</p>
Contact details of the disciplinary bodies or contact points:	<p><u>The Commission for the Administration of Justice,</u> <u>The Palace</u> <u>St George's Square</u> <u>Republic Street,</u> <u>Valletta</u> <u>Tel. +21251077</u></p> <p><u>Chamber of Advocates</u> <u>Courts of Justice</u> <u>Republic Street</u> <u>VALLETTA VLT2000</u> <u>info@avukati.org</u> <u>Tel. +356 21248601</u></p>

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MOLDOVA	
Disciplinary bodies:	<p><u>Bar level:</u> The disciplinary body of the Union of Advocates of the Republic of Moldova (the Moldovan Bar Association) is the Ethics and Disciplinary Board (the “Disciplinary Board”), consisting of 11 elected members: 6 members elected by national congress and 5 members are elected and delegated by the regional bars. Moldova has 4 regional bars that correspond to 4 regional courts of appeal. All members of the Disciplinary Board must have a minimum of 5 years of professional experience as advocate.</p> <p>There draft legal profession reform law (currently in Parliament, Sep 2016) proposes to change the structure of the Disciplinary Board as follows:</p> <ul style="list-style-type: none"> - 12 members instead of 11 - one member appointed by the Ministry of Justice – will have no voting rights – i.e. 11 voting - 5 members elected by national congress - 4 members elected by the 4 regional bars - 2 non-advocate members to represent the ‘civil society’ – selected by a special commission formed by the Board of the Union of Advocates <p><u>Judicial appeal:</u> The disciplinary decisions of the Disciplinary Board can be challenged in court. The Moldovan Bar does not have an appellate tribunal for disciplinary matters.</p>
Proceedings:	<p><u>Disciplinary complaint:</u> Anybody can submit a disciplinary complaint regarding an advocate. Traditionally, complaints are filed by: discontent clients, procedural opponents (prosecutors, opposing counsel) and judges. The statute of limitation on disciplinary violations is one year from occurrence of disciplinary violation.</p> <p><u>Procedure:</u></p> <ol style="list-style-type: none"> 1. Disciplinary Board received complaint 2. If Board believes the complaint is grounded, they will informed the relevant advocate and will start investigation. Usually, each complaint is distributed to one member of the Disciplinary Board for analysis and investigation. Hearings and decisions are made collegially at Disciplinary Board hearings. 3. The Disciplinary Board tries to issue decisions on complaints within 30 days. Reasonable delays happen. 4. The Disciplinary Board hearings are not open to the general public. 5. The Disciplinary Board can take one of the following decisions: (1) impose disciplinary sanctions; (2) conduct additional investigation; (3) establish absence of disciplinary violation.
Types of sanctions:	<p><u>Disciplinary sanctions:</u></p> <ul style="list-style-type: none"> • Warning; • Reprimand; • Disciplinary fine of MDL 1,000 to 3,000 (cca. €50-€150); • Temporary suspension of law license; • Revocation of law license. <p>The disciplinary sanction must be applied within maximum 2 months from identification of the violation. There draft legal profession reform law (currently in Parliament, Sep 2016) proposes to:</p> <ul style="list-style-type: none"> - exclude warnings as form of disciplinary punishment - increase maximum ceiling of disciplinary fines from MDL 3,000 to 10,000 (i.e. from €150 to €500)
Enforcement:	<p>The decisions of the Disciplinary Board are mandatory. However, the Board of the Union of Advocates may cancel a disciplinary sanction.</p> <p>The disciplinary fines should be paid within 30 days, unless contested.</p> <p>The Disciplinary Board and the regional deans are required to keep the record of the sanctions applied to each advocate.</p>
Communication/ Publicity:	<p><u>Communication :</u> Decision is communicated to the parties within 15 days. Decision regarding law license revocation is communicated to the Ministry of Justice.</p> <p><u>Publicity:</u> The disciplinary decisions should be is published on the website of the Union of Advocates (here: http://uam.md/index.php?pag=cat&id=867&l=ro), but in practice they are not published.</p>
Contact details of the disciplinary bodies or contact points:	<p><u>Ethics and Disciplinary Board of Union of Advocates</u> 53A Banulescu Bodoni str. Chisinau, MD- 2012, Republic of Moldova Phone: +373 22 222 422 Current membership: http://uam.md/index.php?pag=page&id=893&l=ro</p>

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THE NETHERLANDS	
Disciplinary bodies	<p><u>First instance</u> :</p> <p>The disciplinary law is exercised in the first instance by the Council of Discipline. There is a Council of Discipline within the jurisdiction of each Court of Appeal. Each Council has a Chairman and (max.) 16 members. The Chairman is a judge. Only lawyers are eligible for other places.</p> <p><u>Appeal</u> :</p> <p>Decisions from the Council of Discipline can be appealed before the Court of Discipline. The Court of Discipline is seated in The Hague and consists of two Chambers. The Council consists of five members; three of them are judges and the other two, lawyers. The judges are appointed by the Crown. The Chairman is always a judge. The lawyers are elected by the Board of Representatives of the Netherlands Bar.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>Complaints against a lawyer are submitted in writing to the local Bar president of the Bar of which the lawyer is a member. The President may investigate or may refer the complaint to (a member of) the Council of Supervision. Mutual agreement is sought. If achieved, the agreement is written and signed. If no agreement is reached, the complaint may be referred to the Council of Discipline. There is a time limit for lodging a complaint, generally speaking within three years after the conduct is noticeable to the client.</p> <p><u>Procedure</u> :</p> <p>Procedures for hearing the complaint and objecting to the decision are specified. The Council may suspend the effect of sanctions while placing the lawyer on probation. Compliance with the rules of probation is to be supervised by the local Bar President of the Bar to which the lawyer belongs. The hearing may be in open session or in camera. The Court of Discipline hears appeals, by reasoned statement, from the decision of the Council of Discipline and gives a reasoned decision. Procedures for hearing the appeal are specified. The Court may impose, reduce or increase a sanction or decide no ground for imposition of a sanction exists. The incoming lawyer is subject to discipline by the Council of Discipline of the Dutch lawyer with whom he appears.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Fine - Prohibition to practise: it is limited to a maximum of one year and it is absolute, i.e. it comprises every field of law - Disbarment <p>There are supplementary sanctions:</p> <ul style="list-style-type: none"> - Publication of the disciplinary body's decision. - A formal statement of the Council that the quality of the services rendered has been insufficient. - A (partial) conditional suspension with probation (maximum probation of two years). <p>- In urgent cases, a provisional prohibition to practise may be imposed. There are several sanctions which cannot be imposed simultaneously.</p>
Enforcement:	<p>A suspension from practice is enforced by the local Bar President. If a lawyer is excluded from the profession, the national Bar cancels the registration for his admission to the Bar.</p>
Communication/ Publicity:	<p><u>Communication</u> :</p> <p>There are no provisions as to notification of the penal authorities. There is a specific provision for registration of disciplinary information in a central database. Only information about suspension or disbarment is accessible to the public.</p> <p>Publication of the sanction imposed may be ordered by the disciplinary bodies. This does not apply to the sanction of a warning (that sanction may not be published).</p>
Contact details of the disciplinary bodies or contact points:	<p><u>Current contact details of the Councils of Discipline can be found on the website www.raadvandiscipline.nl</u></p> <p><u>Court of Discipline</u> p/a registrar, P.O. Box 85452, 2508 CD The Hague Visiting address: Kneuterdijk 1, 2514 EM The Hague Tel.: +31 88 2053777 Fax: +31 88 2053701</p>

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NORWAY⁷	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The Norwegian Bar Association is a self-regulatory disciplinary body with disciplinary authority over its members. The Bar Association exercised disciplinary functions over its members through internal Disciplinary Committees. Non-members may volunteer to be tried by these committees.</p> <p>The Supervisory Council appointed by the King decides whether the advocates fulfil all requirements by law to practice.</p> <p>The Advocate Licence Committee appointed by the King decides on appeals concerning decisions by the Supervisory Council and have the authority to revoke licences of practice.</p> <p><u>Appeal</u> :</p> <p>Decisions from the regional Disciplinary Committees may be appealed to the Governmental appointed Disciplinary Board. Their Decisions cannot be appealed, but they can be taken to court by lawsuit against the Norwegian Government.</p> <p>Decisions from the Supervisory Council may be appealed to the Advocate Licence Committee.</p> <p>Decisions from the Advocate Licence Committee cannot be appealed, but they can be taken to court by lawsuit against the Norwegian Government.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>The client may make a complaint himself directly to the disciplinary body.</p> <p>There is a time limit for lodging complaints. This is 6 months, unless there are special reasons present which make it reasonable to deal with the complaint. When 3 years have passed from the time when the party became aware of the decision or became aware of or should have become aware of the circumstances on which the complaint is based, a complaint may no longer be presented.</p> <p><u>Procedure</u> :</p> <p>The procedure is in writing</p>
Types of sanctions:	<ul style="list-style-type: none"> - Reprimand - Warning - Suspension or revocation of licence to practice
Enforcement:	Orders from the Governmental appointed Disciplinary Board to repay salary may be enforced in court.
Communication/ Publicity:	<p><u>Communication</u> :</p> <p>Decisions for disciplinary committees may be communicated to other bodies in the Association and to the Supervisory Council.</p> <p><u>Publicity</u> :</p> <p>All decisions from the Disciplinary Committee and the Disciplinary Board are publicly available dating five years back in time.</p>
Contact details of the disciplinary bodies or contact points:	<p><u>Den Norske Advokatforening</u> Kristian Augustsgt. 9, 0164 Oslo, Norway</p> <p><u>Tilsynsrådet for Advokatvirksomhet</u> Boks 720 Sentrum, 0106, Oslo, Norway</p>

⁷ This information was last updated in 2011 and may not reflect the current proceedings

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POLAND⁸	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The Polish National Bar Association is a self-regulatory disciplinary body. Disciplinary functions are exercised in the first place by the Disciplinary Court of each District Bar which supervises the discipline of the members of the Bar within its jurisdiction.</p> <p><u>Appeal</u> :</p> <p>Disciplinary functions are also exercised by the Disciplinary Court of the National Bar Association which hears appeals from the Disciplinary Courts of the District Bars.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>A client making a complaint against an advocate or an apprentice may complain directly to the advocate, the practice unit or the disciplinary body via the appropriate District Bar Disciplinary Court or the Polish National Bar Disciplinary Court.</p> <p><u>Procedure</u> :</p> <p>A client may be represented by an advocate who must inform the Bar that he is taking the case. The client may also go to court. Disciplinary and penal proceedings are heard separately. The Minister of Justice may institute proceedings against, or temporarily suspend an advocate or apprentice who may appeal to the Supreme Court within 30 days of intimation of proceedings. A complaint against an advocate who has not committed a disciplinary offence is heard by the Disciplinary Court of the appropriate District bar. Disciplinary proceedings for insulting behaviour in court must be begun within six months of the offence, for other offences within three years of the offence and for penal offences must follow the time limits in rules of criminal procedure. The disciplinary fiscal acts as prosecutor. An extraordinary appeal against a decision of on an important legal principle may be taken before the Supreme Court by the Minister of Justice, General Public Prosecutor or President of the Council of the Polish National Bar within six months of the decision.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning (it may be accompanied by a fine) - Reprimand - Fine: fines may amount to five to ten times the monthly contribution to the Bar. - Prohibition to represent: it may be imposed for a period between three months and five years. It is absolute, i.e. covers all fields of law. The prohibition to practise applies to activities in the entire state. - Exclusion from the Bar <p>Other subsidiary sanctions are the prohibition to train young lawyers, or, in combination with the prohibition to practise, a deprivation of the right to vote and the right to be elected for three years. Where an urgent case justifies such a measure, the disciplinary court may impose a prohibition of practice for up to three months. After three months a higher instance will review the case. If the lawyer is acquitted, he has the right to claim damages.</p>
Enforcement:	Fines as well as the prohibition to practise and the exclusion from the Bar are enforced by the Council of the Bar.
Communication/ Publicity:	<p><u>Communication</u> :</p> <p><u>Publicity</u> :</p>
Contact details of the disciplinary bodies or contact points:	<ul style="list-style-type: none"> - <u>Disciplinary courts in each of the District Bar Council</u> - <u>The High Disciplinary Court</u> Naczelna Rada Adwokacka Wyższy Sąd Dyscyplinarny ul. Świętojerska 16 02-202 Warszawa Tel: +48 22 635 81 09 Fax: +48 22 635 27 09

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PORTUGAL⁹	
Disciplinary bodies:	<p><u>First instance</u> : The Order of Advocates is a self-regulatory disciplinary body. Disciplinary matters are dealt with in the first instance by the appropriate District Council.</p> <p><u>Appeal</u> : The Superior Council decides on appeals from the disciplinary decisions of the District Councils, and in complaints involving former or present office bearers of the Superior, General and District Councils. Both the District Council and the Superior Council are organs of the Order of Advocates. The Superior Council has twenty members sitting in plenary session or in four sections. The Superior Council may also meet jointly with the General Council.</p>
Proceedings:	<p><u>Launch of a complaint</u> : Disciplinary proceedings are instigated by the decision of the Superior or District Council following a complaint made to the Order, or on its own initiative without an external complaint. The criminal authorities must send copies of complaints made against lawyers to the Order. Proceedings are in secret until the lawyer is charged.</p> <p><u>Procedure</u> : The Superior Council decides whether to prosecute and prepares the case against the former or present office bearers of the Order and members of the Superior and General Councils, and former or present office bearers of District Councils. The Superior Council in Plenary Session decides on appeals from the disciplinary decisions of its own sections. After three years from the incident or conduct complained about proceedings are time barred. Disciplinary infringements which are also crimes are time barred in accordance with the time limits of the criminal law if this time is longer.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Fine - Suspension from practise: the time of suspension may vary: up to six months, six months to two years, two years to ten years, ten to fifteen years. It is absolute. - prohibition to practise <p>Subsidiary measures may be an order to return files and fees and/or loss of fees. As a provisional sanction, a lawyer may be prohibited to practise for three months, if he continues to violate the Code of Conduct, if he tries to obstruct the proceedings or if he is accused of a criminal offence committed outside professional activity. The same applies if a lawyer is accused of a serious crime which is punishable with imprisonment. A prohibition to practise as a lawyer applies to all fields of law and on the entire state territory.</p>
Enforcement:	Sanctions are enforced by the President of the Bar to which the lawyer is admitted.
Communication/ Publicity:	<p><u>Communication</u> :</p> <p><u>Publicity</u>: A suspension from practise is always made public and communicated to all the courts. It is also published in the regional newspaper.</p>
Contact details of the disciplinary bodies or contact points:	

⁹ The information was last updated in 2011 and may not reflect the current proceedings

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ROMANIA	
Disciplinary bodies:	<p>The disciplinary liability of the lawyer is provided in the Law no. 51/1995, republished, in the articles 86 to 90.</p> <p>Art. 86. – (1) The lawyer shall be disciplinary responsible for the non-observance of the stipulations in the present law or by-laws, for the non-observance of the mandatory decisions enforced by the leading bodies of the Bar or of the Association, as well as for any act deployed connected to the profession or outside it, which may harm the honour and the prestige of the profession or of the institution.</p> <p>(2) The lawyer in charge of the legal assistance near the courts is bound to inform in writing the Council of the Bar about the acts committed by any lawyer, in the conditions stipulated in the paragraph (1).</p> <p>(3) The courts and the Public Minister's prosecutor offices are bound to submit to the Council of the Bar any complaint made against a lawyer and to inform it about any penal or legal lawsuit action that has been taken against a lawyer.</p> <p>Art. 87. – (1) The investigation of the violation and the exercise of the disciplinary action shall fall into the competence of the Council of the Bar.</p> <p>(2) The investigation of the violation and the exercise of the disciplinary action regarding the members of the Association' leading bodies as well as the Bars' presidents shall fall into the competence of the Standing Committee of the Association.</p> <p>(3) The members of the Standing Committee being investigated are not allowed to participate at the debates regarding the decision that shall be taken in order to exercise the disciplinary actions.</p> <p>(4) In all cases the disciplinary action can be exercised within no more than one year since the violation was committed.</p>
Proceedings:	<p>Art. 88. – (1) Within each Bar a disciplinary commission is organized and functions. It judges, in first instance, with a panel formed of 3 members, the discipline violations committed by the lawyers from that Bar.</p> <p>(2) Within the National Association of the Romanian Bars is organized and functioning the Central Disciplinary Commission, that judges:</p> <p>a) in first instance, with a 3-member panel, the violations committed by the members of the Council of the National Association of the Romanian Bars and by the Bars' Presidents;</p> <p>b) as an appeal court, with a panel formed of 5 members, according to the by-laws of the profession.</p> <p>(3) The appeal formulated against the Central Disciplinary Commission, ruling in first instance, is judged by the Council of the National Association of the Romanian Bars, constituted as disciplinary court in its plenum, except for the one involved.</p> <p>(4) Against the rulings issued according to paragraph (2) and (3) above, the party showing interest can file an appeal at the contentious administrative and fiscal Section of the Bucharest Court of Appeal.</p> <p>(5) The procedure for judging the violations is stipulated in the by-laws of the profession and is completed with the provisions of the Civil Procedure Code.</p>
Types of sanctions:	<p>Art. 89. – (1) The disciplinary sanctions are:</p> <p>a) the remonstrance;</p> <p>b) the warning;</p> <p>c) the fine from 50 to 500 lei which is considered income for the Bar's budget. The payment of the fine shall be made within 30 days after the disciplinary ruling is definitive. The non-payment within this period is subject to the rightfully suspension from the practice of the profession until the payment of the amount. The limits of the disciplinary fine are periodically updated by the Council of the National Association of the Romanian Bars, depending on the inflation index.</p> <p>d) the interdiction of practising the profession for a period from one month up to one year;</p> <p>e) the exclusion from the profession.</p> <p>(2) During the interdiction period the lawyer is not allowed in any way to deliver legal assistance, he cannot use his/her capacity as lawyer and he/she cannot participate in the activity of the profession's bodies.</p> <p>(3) The disciplinary ruling may be appealed, within 15 days from its communication, by the person showing an interest, the Bar's President or by the President of the National Association of the Romanian Bars.</p>
Enforcement:	Fines as well as the prohibition to practise and the exclusion from the Bar are enforced by the Council of the Bar.
Communication/ Publicity:	<u>Communication</u> : <u>Publicity</u> :
Contact details of the disciplinary	- <u>Disciplinary courts in each of the District Bar Council</u>

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<i>bodies or contact points:</i>	<p>- <u>The Central Disciplinary Court</u> Palace of Justice, Splaiul Independentei no. 5, sector 5, Bucharest, Romania 004021/3134875, 004021/3160739, 004021/3160740, unbr@unbr.ro</p>
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SLOVAK REPUBLIC	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The Slovak Bar Association is a self-regulatory discipline body. The disciplinary commission hears cases of breaches of duties under the statute or internal regulations of the Bar. The disciplinary proceeding shall be conducted by a three-member disciplinary panel appointed by the Chairman of the Disciplinary Commission from among its members. There is no external disciplinary tribunal. Disciplinary Commission consists of 31 members and 10 substitutes. The Disciplinary Commission Chairman shall appoint the chairmen and members of disciplinary panels from among the Disciplinary Commission members.</p> <p><u>Appeal</u> :</p> <p>The order made by the disciplinary panel may be appealed within 15 days from receipt of the decision. Any order of the disciplinary panel imposing a disciplinary action, being either a written reprimand, public reprimand or a fine, may be appealed by the respondent or by the petitioner within 15 days from receipt thereof. The appeal shall be submitted to the disciplinary panel, whereas the appeal shall stay the execution of the order.</p> <p>The Disciplinary Committee of Appeal shall decide about the appeals in disciplinary proceedings, whereas its orders shall be made by disciplinary panels of appeal consisting of three members. Disciplinary Committee of Appeal consists of 10 members and 3 substitutes. The appeal shall be decided by the disciplinary panel of appeal that will uphold, change or overrule the appealed order. If the appealed order is overruled by the disciplinary panel of appeal the matter shall be returned to the disciplinary panel for a new proceeding. The disciplinary panel shall be bound by the appellate disciplinary panel's legal opinion.</p> <p><u>Judicial review</u></p> <p>An appeal against the final order on the respondent's professional misconduct by which he was found guilty may be subject to a review by a court (Supreme Court of the Slovak Republic) on the basis of an administrative justice petition.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>The complaint should be made in the first instance to the Slovak Bar Association Department of the Complaints. If the Supervision Commission considers that the complaint is justified, a disciplinary action is drawn up.</p> <p><u>Procedure</u> :</p> <p>The disciplinary proceeding shall commence upon application submitted by the Chairman of the Supervision Committee or by the Minister of Justice of the Slovak Republic. The application for commencement of the disciplinary proceeding may be submitted within nine months from the date when the petitioner learned about the professional misconduct, however, not later than within two years from the accrual of the cause of action.</p> <p>The respondent shall have the right to a fair trial and may comment on all facts and matters he has been charged with; he may also put forward any evidence. The respondent may authorise any other lawyer to act as his attorney-in-fact, except for a lawyer who has been charged with a professional misconduct in the same matter.</p> <p>An order made by the disciplinary panel about the respondent's professional misconduct shall give reasons for its determination about the professional misconduct; it shall also include the statement of such determination and advice of remedies.</p>
Types of sanctions:	<p>a) written reprimand, b) public reprimand, c) a fine, the amount thereof not exceeding 100 times the minimum statutory wage d) temporary suspension from the practice from 6 months up to 3 years, e) striking the name of the lawyer, trainee lawyer, European lawyer, foreign registered lawyer or international legal practitioner off the roll.</p> <p>Disciplinary actions under a) and b) may not be imposed together with disciplinary action under c). Execution of disciplinary actions under d) and e) may be suspended for maximum term of 3 years. If the lawyer will be convicted of other professional misconduct by a final decision during this term, the suspended action will be executed. When imposing a disciplinary action, a disciplinary panel shall take account especially of the scope and nature of professional misconduct, the lawyer's manner of acting, consequences and the extent of fault.</p> <p>The disciplinary panel may allow the application to be withdrawn without any order being made, if it deems the hearing in respect of the lawyer's professional misconduct to be sufficient because of the less serious nature of the misconduct in question, his manner of acting or the extent of fault.</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

Enforcement:	Fines are enforced by the Bar which sends the Disciplinary Panel decision to the lawyer concerned. The amount due has to be transferred onto the account of the Bar.
Communication/ Publicity:	<p><u>Communication</u> : The order shall be handed down in printed form and shall be delivered into the hands of the respondent and the petitioner. In cases of exclusion from the profession, the Chairman of the Disciplinary Panel sends the decision to the lawyer concerned and to the Bar. The decision is then forwarded by the Bar to the competent court and registered at the Bar.</p> <p><u>Publicity</u>: An order of a public reprimand shall be enforced by the chairman of the respective disciplinary panel by publishing a statement of the judgement in the periodical (Bulletin of the Slovak Legal Profession) issued by the Bar, or in any other appropriate manner. Otherwise the records are covered by the secrecy and considered confidential.</p>
Contact details of the disciplinary bodies or contact points:	Slovak Bar Association Kolárska 4 813 42 Bratislava Slovak Republic www.sak.sk e-mail: office@sak.sk

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

SLOVENIA	
Disciplinary bodies:	<p>The Bar Association of Slovenia is a self-regulatory disciplinary body. Disciplinary bodies, which are organized in the scope of the Bar but independent from it, are Disciplinary Committees of First and Second Instance, Disciplinary Prosecutor and Disciplinary Board.</p> <p><u>First instance :</u> The disciplinary functions of the Bar Association are exercised by the Disciplinary Committees of First Instance. The Disciplinary Committee of First Instance is composed of a president and 15 members elected for 3 years, sitting as a bench of three (2 advocates, 1 lawyer appointed by the Ministry of Justice). It hears all matters of discipline against advocates except those reserved to the Disciplinary Board. The Disciplinary Board is competent regarding the offences for which an appropriate penalty is suspension or disbarment. The Board is part of the court system and consists of 2 judges of the Supreme Court, one of whom is president, and 3 elected advocates, sitting as a bench of five. The Disciplinary Prosecutor is an advocate, a member of the Bar Association, who is elected for 3 years. He or one of his five deputies (also advocates) institutes proceedings before the appropriate body (Disciplinary Committee or the Disciplinary Board) and represents charges before those bodies.</p> <p><u>Appeal :</u> The Disciplinary Committee of Second Instance is composed of a president and 15 members, elected for 3 years, sitting as a bench of three (2 advocates, 1 lawyer appointed by the Ministry of Justice). It hears appeals against decisions of the Disciplinary Committee of First Instance.</p>
Proceedings:	<p><u>Launch of a complaint :</u> A client making a complaint against an advocate, a prospective entrant or an intern, may complain to the advocate, his office, the appropriate Regional Advocates' Assembly or the Bar Association. When the Bar Association receives the complaint, the appeal is forwarded to the respective advocate (entrant, intern) to provide an explanation about the complaint. After receiving the explanation from the advocate (entrant, intern), the Bar Association furthers the complaint to the Prosecutor or states its opinion on the matter if it considers that the complaint cannot be subjected to the disciplinary proceedings. Complainants can still disagree with this opinion of the Bar Association and request their complaint to be revised by the Disciplinary Prosecutor. Complaints that are more serious are referred to the Board of Advocates of the Bar for discussion. This Board may propose the introduction of disciplinary proceedings to the Disciplinary Prosecutor.</p> <p><u>Procedure :</u> The prosecution of a disciplinary offence is time barred on expiry of two years from the date of the offence. If the disciplinary offence is at the same time a criminal act the date for the limitation of prosecution shall be identical to that for limitation of prosecution in criminal acts. Limitation is interrupted by reporting the offence to the Prosecutor and by each action before the Disciplinary Committee or Board. Disciplinary procedure is instructed officially by the Disciplinary Prosecutor (or his deputy) on his own initiative or after a complaint or notice from other persons, agencies or institutions. If the President of the Supreme Court and the Minister of Justice so requires, the Prosecutor obligatorily institutes proceedings before the appropriate body. The Prosecutor specifies the averred breach of duty and outlines the case. The Disciplinary Committee of First Instance sends the complaint to the person against whom it is lodged for reply, and a preliminary investigation is held if required. The Disciplinary Committee of First Instance shall reach a decision upon an oral hearing. An appeal against a written decision of the Disciplinary Committee of First Instance (which must be written in 30 days after the oral hearing) may be lodged within fifteen days, either from the accused or from the Prosecutor. Disciplinary Committee of Second Instance decides about the complaint without an oral hearing. An appeal against the decision of the Disciplinary Board goes to the Supreme Court of Slovenia sitting as a bench of five judges.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Fine - Prohibition to practice as an advocate: it is imposed for a period of five years and it is absolute, i.e. it is not limited to certain fields of law. A prohibition to practice applies on the entire state territory. - Temporary sanctions may also be imposed
Enforcement:	<p>The Bar Association enforces sanctions as follows:</p> <ul style="list-style-type: none"> • any (monetary) fine may be enforced before a court if necessary, in standard enforcement procedure; • any prohibition to practice as an advocate is enforced by the Bar itself by deleting the advocate from the register of advocates. Details about deletion from the register are also published on the website of the Bar and are updated quarterly. Information concerning a particular advocate shall remain published for one year following their deregistration.

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

Communication/ Publicity:	<p><u>Communication</u> :</p> <p>The decision of the Disciplinary Committee is intimated to the Board of Advocates for information and Bar records. All sanctions are recorded by the Bar in a central register.</p> <p><u>Publicity:</u></p> <ul style="list-style-type: none">• Information on prohibition to practice as an advocate is published on the web site of the Slovenian Bar for year following the deregistration of a particular advocate.• The Bar regularly publishes on its website information on:<ul style="list-style-type: none">○ members of disciplinary bodies and the body authorised for ensuring the compliance with the Code of Professional Conduct,○ number of received complaints / proposals, number of cases, number and types of imposed sanctions and/or opinions and number of barred cases,○ final decisions on disciplinary measures along with the grounds for a period of two years without personal or other confidential data,○ opinions concerning non-compliance with the Code of Professional Conduct, without personal or other confidential data. <p>The above information is updated quarterly.</p> <ul style="list-style-type: none">• Disciplinary records are kept confidential and are permanently stored.
Contact details of the disciplinary bodies or contact points:	<p><u>Odvetniška zbornica Slovenije / Bar Association of Slovenia</u> Pražakova ulica 8 1000 Ljubljana Slovenia</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

SPAIN	
Disciplinary bodies:	<p><u>First instance</u> : Each local Bar Association is a self-regulatory disciplinary body and has its own Disciplinary Board. Please see the General Statute (Royal Decree). http://www.abogacia.es/wp-content/uploads/2012/06/Estatuto-General-de-la-Abogacia-Espanola4.pdf</p> <p><u>Appeal</u> : A decision of the Disciplinary Board of the local Bar may be appealed before the Regional Council or before the <i>Consejo General de la Abogacia</i>. An appeal against the decision of the Bar is possible in front of the Administrative Courts.</p>
Proceedings:	<p><u>Launch of a complaint</u> : The disciplinary procedure is instituted officially by the disciplinary body either on its own initiative or after a complaint or notice from other persons or agencies. Charges or notifications should be lodged with the appropriate Bar.</p> <p><u>Procedure</u>: Depending of the type of offence. Please see the regulation http://www.abogacia.es/wp-content/uploads/2012/06/reglamento_procedimiento_disciplinario_pdf.pdf</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Temporary Suspension - Disbarment. It is absolute and thus cannot be restricted to certain fields of law. The prohibition to practise applies to activities anywhere in Spain.
Enforcement:	<p>The prohibition to practise is enforced by the Bar that has issued the decision of sanction even if it is not the Bar of residence of the Lawyer.</p>
Communication/ Publicity:	<p><u>Communication</u> : Data on sanctions are communicated to the judicial authorities and to the Consejo General.</p> <p><u>Publicity</u> : The Bars can communicate to the lawyers registered in their jurisdiction if the sanction suspends the practise of the profession (name of lawyer, number of registration, number of disciplinary file and period of suspension). The type of infraction cannot be mentioned.</p>
Contact details of the disciplinary bodies or contact points:	<p>Please see www.abogacia.es for a full list of competent Bars (<i>Colegios de Abogados</i>). Contact Point:</p> <p>Consejo General de la Abogacia Española - Delegación en Bruselas Av. De la Joyeuse Entrée, 1 1040 Bruselas bruselas@abogacia.es</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

SWEDEN	
Disciplinary bodies:	<p><u>First instance</u> :</p> <p>The Board and the Disciplinary Committee exercise supervisory control over the Bar and must ensure that all members fulfil the duties incumbent upon them when pleading cases in court and in their other activities. If the question of disciplinary action against a member arises in some way other than by a complaint from a client or someone else involved in the matter, the Board will decide whether or not the matter is to be referred to the Disciplinary Committee.</p> <p>The Bar Association Disciplinary Committee consists of a chairman, a vice-chairman and nine other members. Three of the members of the Committee (public representatives) are appointed by the government. The Disciplinary Committee may work in divisions comprising three members, of whom one must be a public representative, for the purpose of deciding whether disciplinary action against a member is called for. These divisions are called Adjudication Divisions.</p> <p><u>Appeal</u> :</p> <p>An advocate who has been disbarred may also appeal to the Supreme Court.</p>
Proceedings:	<p><u>Launch of a complaint</u> :</p> <p>If a member is reported to the Bar Association by a client or someone else involved in the matter or if the question of disciplinary action against a member should otherwise arise, the matter will be considered by the Disciplinary Committee, usually by an Adjudication Division in the first instance. Should the Adjudication Division agree that no disciplinary action is called for and if the members agree as to the content of the decision, the Adjudication Division may decide the matter. Otherwise the matter must be referred to the Disciplinary Committee.</p> <p><u>Procedure:</u></p> <p>The chairman of the Disciplinary Committee may decide that the matter is to be referred to the Committee without first being dealt with by an Adjudication Division.</p> <p>The Disciplinary Committee is not obliged to consider complaints against a member that relate to events more than three years in the past.</p> <p>The member against whom the complaint was made, the Chancellor of Justice and the Board must be notified of a decision of the Disciplinary Committee, as well as a decision of an Adjudication Division not to refer a matter to the Committee. However, the Board will only be notified of a decision of the Adjudication Division if the Board so requests. If a matter has been dealt with following a complaint, the complainant must also be informed of the decision, unless he has withdrawn the complaint.</p> <p>The complainant, the member and the Chancellor of Justice must be notified of a decision of the Board to take no further action on a complaint.</p> <p>If it has been decided to take no further action on a complaint or if a decision has been made that a disciplinary matter will not be referred to the Disciplinary Committee, the Chancellor of Justice may, within four weeks from the time he is notified of this decision, demand that the Committee take action against the member.</p> <p>The member involved in a disciplinary matter must be given the opportunity to respond to the complaint, unless particular circumstances dictate otherwise.</p> <p>If so directed, a member against whom a complaint has been made is under a duty to submit a written statement, produce the documents the Disciplinary Committee or the Secretary General orders him to supply and to appear before the Committee if ordered to do so.</p> <p>The Disciplinary Committee may decide that oral proceedings are to be held in a matter before the Committee. Unless particular reasons dictate otherwise, oral proceedings are to be held when the penalty in question may be disbarment from the Bar Association. A member of the Bar Association appointed by the Board must then plead the case to answer as a result of the complaint reported or otherwise evident. Appointment by the Board takes place following notification by the Committee or the Secretary General. Members of the Disciplinary Committee may not be appointed.</p> <p>If a member against whom a complaint has been made is considered to be in need of defence counsel but does not instruct any such counsel, the Disciplinary Committee appoints a defence counsel to act for him in the proceedings before the Committee. The fee for defence counsel appointed by the Committee will be paid by the Bar Association, the amount to be determined by the Disciplinary Committee.</p> <p>The same applies to the fee for defence counsel appointed by a member against whom a complaint has been made if the Committee considers the nature of the matter to necessitate counsel for the member's defence. The Committee may order the member against whom a complaint has been made to reimburse the Bar Association for all or part of the cost of his defence.</p> <p>A decision to disbar, warn or reprimand must state the reasons on which it is founded.</p> <p>Members of the Bar Association and the public courts of Sweden must be notified of a decision to disbar a member as soon as it enters into effect. If a disbarment decision has been revoked, members of the Bar Association and the courts mentioned must be notified of this if they have previously been notified of the disbarment.</p> <p>Only an advocate who has been disbarred may appeal to the Supreme Court.</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

Types of sanctions:	<ul style="list-style-type: none"> - Disbarment - Warning: An advocate who is issued a warning may, if there is special reason, also be ordered to pay a monetary penalty to the Bar Association of not less than 1 000 thousand SEK or more than 50 000 SEK. - Reminder <p>If it is considered sufficient, the disciplinary committee may express an opinion that the advocates' action is wrong or inappropriate, instead of issuing a reminder to the advocate.</p>
Enforcement:	The Disciplinary Committee of the Bar Association enforces fines and exclusions from the profession.
Communication/ Publicity:	<p><u>Communication</u> : Sanctions are communicated to the Chancellor of Justice.</p> <p><u>Publicity</u> : Disciplinary proceedings are not open to the public. The Disciplinary Committee may decide that a decision in a disciplinary matter which involves important principles or is otherwise of public interest shall be made public, in part or whole. The Bar Association can also decide to answer questions regarding disciplinary cases.</p>
Contact details of the disciplinary bodies or contact points:	<p><u>Disciplinary Committee of the Swedish Bar Association</u> Box 27321 102 54 STOCKHOLM SWEDEN</p>

SWITZERLAND

No information available in 2016 and in the previous update (2011)

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

UNITED KINGDOM	
England & Wales Solicitors	
Disciplinary bodies	<p><u>First Instance</u> :</p> <p>The Solicitors Regulation Authority (SRA) is the first instance disciplinary body with power to discipline law firms and individuals (including solicitors, Registered European Lawyers (RELs), Registered Foreign Lawyers (RFLs), employees and managers of firms authorised by the SRA). For individuals and traditional law firms (recognised bodies), the SRA has first instance powers for less serious matters and will prosecute more serious matters in the Solicitors Disciplinary Tribunal (SDT). All first instance disciplinary matters relating to licensed bodies (Alternative Business Structures) are decided by the SRA because the powers granted to the SRA under the Legal Services Act 2007 in relation to these bodies are wider than the first instance disciplinary powers for solicitors, other authorised individuals and traditional law firms granted by the Solicitors Act 1974, the Administration of Justice Act 1985 and the Courts and Legal Services Act 1990.</p> <p><u>Appeal</u> :</p> <p>All decisions may be appealed internally but for external appeal the SDT is the first appellate level for SRA disciplinary decisions. Disciplinary decisions of the SDT may be appealed to the High Court and if necessary before the Court of Appeal and the Supreme Court.</p>
Proceedings:	<p><u>Complaints:</u></p> <p>Complaints about conduct come directly to the SRA. The Legal Ombudsman (LeO) deals with service complaints and may refer a conduct issue within a service complaint to the SRA. There is no technical time limit for lodging a complaint against a solicitor, but the SRA has stated that it may not investigate complaints made more than 6 months after the alleged offence, in order to encourage prompt reporting. There are time limits concerning appeals to the Disciplinary Tribunal and the court, and also time limits concerning assessment of costs. For more information about proceedings and how they are launched see SRA Disciplinary Guidance</p> <p><u>Procedure</u> :</p> <p>The SRA conducts its disciplinary procedure according to its SRA Disciplinary Procedure Rules which expand on the disciplinary powers, duties and responsibilities of the SRA deriving from legislation. These rules set out in detail the powers of the SRA, the rights of regulated individuals to explain their conduct, to see and comment on written reports for publication relating to the conduct in question. Decisions taken by the SRA, to take no action, to impose disciplinary measures within the scope of its own internal powers or to refer cases to the SDT are taken by independent adjudicators who have not been involved in the investigation or preparation of a case and who have been authorised by the SRA to take disciplinary decisions. Senior Legal Advisers in the Legal Department also have delegated authority to refer individuals to the SDT. Decisions may be appealed to the bodies set out above.</p>
Types of sanctions:	<p>The decision to impose a sanction is guided by legislation, the SRA's disciplinary procedure rules, and disciplinary guidance.</p> <p>Sanctions which may be imposed by the SRA directly include:</p> <ul style="list-style-type: none"> • Fines, not exceeding £2000. • A written rebuke. • A reprimand or a severe reprimand • The imposition of conditions on practising certificates • Intervention – the closing of a practice • Regulatory agreements • Controls on who can work in an SRA authorised entity. <p>The SRA may also prosecute a solicitor, or non-solicitor involved in legal practise, before the Solicitors Disciplinary Tribunal, which has wider ranging powers and can impose the following sanctions:</p> <ul style="list-style-type: none"> • Striking off the Roll of the name of the solicitor to whom the application or complaint relates; • the suspension of that solicitor from practice indefinitely or for a specified period; • fine(s) to be imposed, without financial limit;

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

	<ul style="list-style-type: none"> • the exclusion of a solicitor from legal aid work (either permanently or for a specified period); • the determination of a solicitor's indefinite period of suspension from practice; • the exclusion of a non-solicitor, Registered European Lawyer or Registered Foreign Lawyer from working in a solicitor's practice without the SRA's permission. <p>It can also restore solicitors to the Roll who have previously been suspended.</p>
Enforcement:	<p>Disciplinary decisions are enacted against individuals through the removal or imposition of conditions on practising certificates. Any breach of conditions is a new offence and would trigger a referral to the SDT. Any fines imposed, whether by the SRA or SDT, are payable to the Crown. Fines made by the SDT are enforced directly by the Treasury and fines made by the SRA are enforced by the SRA on behalf of the SRA. Costs order made in favour of the SRA are enforced through the costs recovery department of the SRA.</p> <p>Enforcement against firms may involve the appointment of an intervention agent who will be responsible for the closure of the firm and the protection of clients' interests.</p>
Communication/ Publicity:	<p><u>Communication/ Publicity</u> :</p> <p>The SRA's <u>publication policy</u> and individual decisions are set out on the SRA's website. This includes all conditions imposed on practising certificates and internal sanctions. The SRA does not publish findings made by the Solicitors Disciplinary Tribunal; these are published by the Tribunal itself. SRA disciplinary decisions remain on the site for three years.</p> <p>SDT findings resulting in a strike off, indefinite suspension or revocation of authorisation of a firm indefinitely are published on the <u>Tribunal</u> site. Decisions to suspend for a fixed period remain on its website for the duration of the suspension or three years (whichever is the greater). All other decisions remain on its website for three years.</p> <p>In addition, the Law Society Gazette publishes SDT reports and the senior judiciary is notified if relevant (e.g. the disciplined solicitor is working as a part-time district judge etc)</p> <p>The SRA's disclosure policy is driven by relevant factors, including but not only:</p> <ul style="list-style-type: none"> • the risk that disclosure or non-disclosure may cause harm, • the legal rights of subject individuals, • any legal claim to a right to the information by the proposed recipient the protection of legal professional privilege, • the proposed recipient's need for the information and whether this arises from a public interest function, • whether disclosure under a court order would be more appropriate than voluntary disclosure, • any adverse impact disclosure might have on the performance of our own responsibilities, • the resource implications for us of complying with a request including any necessary collation or redaction, • any restrictions on the use of material used in proceedings, • the need to protect confidential sources. <p>Decisions on publication are discretionary and are made on a case by case basis by those with the delegated power to do. Investigations or proceedings are usually closed before making any disclosure.</p> <p>The individuals concerned are given an opportunity to make representations unless to do so would cause inappropriate delay or be incompatible with the purpose of the disclosure.</p>
Contact details of the disciplinary bodies or contact points:	<p>See website where complainants can complete a <u>report form (DOC 184K, 2 pages)</u> and send it to Solicitors Regulation Authority The Cube 199 Wharfside Street Birmingham B1 1RN</p> <p>Or report@sra.org.uk</p>

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

UNITED KINGDOM	
England & Wales Barristers¹⁰	
Disciplinary bodies	<p><u>First instance :</u> The General Council of the Bar is a self-regulatory disciplinary body and acts through its lay Complaints Commissioner and its Professional Conduct Committee (PCC). The Commissioner and the PCC are authorised to investigate and sift complaints received from outside bodies, the public, etc, or initiated by the Bar Council itself of its own motion. The Commissioner refers cases which he considers may involve inadequate professional service or misconduct to the PCC. The PCC may refer complaints to informal hearings or Panels in cases of inadequate professional service or prefer charges of professional misconduct before Disciplinary and Summary Tribunals of the Council of the Inns Court. Professional misconduct and serious disciplinary matters are dealt with by the Disciplinary or Summary Tribunals of the council of the Inns of Court. These Tribunals are not organs of General Council of the Bar.</p> <p><u>Appeal :</u> Barristers have a right of Appeal to the Visitors to the Inns of Court against findings and sentences of the Tribunals. There are also internal appeal mechanisms against findings of lesser panels.</p>
Proceedings:	<p><u>Launching of a complaint :</u> A client wishing to make a complaint against a barrister may complain, through the solicitor or direct, to the Bar Council Complaints Commissioner. A client making a complaint against the handling of a complaint by the professional body may complain in writing to the Legal Services Ombudsman. There is a six month time limit for lodging a complaint, although complaints can be accepted outside the time limit in exceptional circumstances.</p> <p><u>Procedure :</u> To ensure an effective complaints handling system, there is a Legal Services Ombudsman, who is neither a solicitor nor a barrister, to whom written complaints relating to the way in which a professional body dealt with a complaint made to it in respect of a barrister may be made, by or on behalf of a member of the public. She has powers to request information, call witnesses and report to the professional organisation, the complainant and the person about whom the complaint was made. Her report is privileged.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Fine - Suspension from practice: this may be temporary or final and is always absolute, i.e. not limited to individual fields of law. It applies to the entire territory of England and Wales. - Exclusion from the profession - Prohibition on undertaking legal aid work - Further sanctions are: requirement to apologise, requirement to waive or refund fees, requirement to pay compensation. Certain conditions may also be imposed on solicitors which may limit the scope of their Practising Certificate, a licence which has to be renewed every year. <p>All of the sanctions imposed on barristers may be imposed in combination. There are no automatic sanctions for breaches committed by barristers or solicitors.</p>
Enforcement:	<p>Fines imposed on barristers are enforced by the General Council of the Bar. Failure to pay constitutes a breach of the code of conduct. Acting against the prohibition to practise and to represent, or against disbarment is considered a criminal offence.</p>
Communication/ Publicity:	<p><u>Communication/ Publicity :</u> The most serious sanctions are communicated to the Lord Chancellor and the Senior Judges, Crown Prosecution Service, Senior Members of the profession and are published on the Bar Council's web site.</p>
Contact details of the disciplinary bodies:	<p><u>General Council of the Bar</u> Complaints Department Northumberland Hse 303-306 High Holborn London WC1V 7JZ. Tel: 020 7440 4000</p>

¹⁰ This information was last updated in 2011 and may not reflect the current proceedings

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

UNITED KINGDOM	
Northern Ireland Solicitors¹¹	
Disciplinary bodies:	<p><u>First instance :</u> The Law Society of Northern Ireland is a self-regulatory disciplinary body. Breaches of the Law Society's own regulations and other complaints against solicitors are dealt with initially by the Society's internal Practice Committee. Serious matters may be referred to the independent Disciplinary Tribunal appointed by the Lord Chief Justice.</p> <p><u>Appeal :</u></p>
Proceedings:	<p><u>Launch of a complaint :</u> A client may complain against a solicitor, or a solicitor's employee or former employee either through a lawyer or directly to the Law Society, or in writing to the Disciplinary Tribunal. There is no time limit within which complaints must be made, but undue delay may prejudice the complainant's case.</p> <p><u>Procedure :</u></p>
Sanctions:	
Enforcement:	
Communication/ Publicity:	<p><u>Communication :</u></p> <p><u>Publicity :</u></p>
Contact details of the disciplinary bodies and contact points:	

¹¹ This information was last updated in 2011 and may not reflect the current proceedings

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

UNITED KINGDOM	
Northern Ireland Barristers¹²	
Disciplinary bodies:	<p><u>First instance</u> : Barristers are subject to the Code of Conduct for the Bar of Ireland. Complaints of misconduct by the public are considered by the Barristers' Professional Conduct Tribunal, which has four practising barristers and five non-lawyer members. It is independent of the Bar Council, the Government and the profession itself. It ensures consistent, effective, and fair procedures for investigating and adjudicating upon complaints of misconduct.</p> <p><u>Appeal</u> : To the Appeals Board, chaired by a retired Supreme Court Judge – it has one practising barrister and three non-lawyers.</p>
Proceedings:	<p><u>Launching of a complaint</u> : A client may complain directly to the Bar authorities. There is no time limit within which complaints must be made, but undue delay may prejudice the complainant's case.</p> <p><u>Procedure</u> : Begun on a complaint form, obtainable from the Secretary, Donal O'Kelly 00 353 1 817 5011.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand - Fine - Prohibition to practise as a lawyer: it may be imposed for any length of time, it may also be permanent, and it is absolute, i.e. not restricted to certain fields of law. A prohibition to practise applies to the whole of Northern Ireland. - Disbarment - As a subsidiary sanction, certain conditions may be imposed on legal practice for a certain period of time. Barristers may also be requested to repay their fees.
Enforcement:	Fine, prohibition to practise and disbarment are enforced by the Bar Council.
Communication/ Publicity:	
Contact details of the disciplinary bodies or contact points:	

¹² This information was last updated in 2011 and may not reflect the current proceedings

SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

UNITED KINGDOM	
Scotland Solicitors¹³	
Disciplinary bodies:	<p>For professional misconduct :</p> <p><u>First instance :</u> Independent Scottish Solicitors' Discipline Tribunal</p> <p><u>Appeal :</u> Court of Session</p> <p>For inadequate professional services :</p> <p><u>First instance :</u> The Law Society</p> <p><u>Appeal :</u> Discipline Tribunal</p>
Proceedings:	<p><u>Launch of a complaint :</u> A client making a complaint against a solicitor may complain, through the solicitor, his practice unit, or to the Complaints Department of the Law Society. A client making a complaint against the handling of a complaint by the professional body may complain in writing to the Scottish Legal Services Ombudsman. There is no time limit for lodging a complaint, but there is a time limit of 21 days after intimation of the Council's or the tribunal's decision for appeal to the tribunal or to the court.</p> <p><u>Procedure :</u> A solicitor may petition the court to have his name restored to the roll.</p>
Types of sanctions:	<ul style="list-style-type: none"> - Warning - Reprimand (a reprimand may be accompanied by a fine) - Fine - Prohibition to practise, which may be temporary or permanent - Exclusion from the profession - Restriction of the Practising Certificate (e.g. allowing legal practise only as an employed lawyer). It may be imposed too together with a fine. <p>The Law Society may impose provisional sanctions.</p>
Enforcement:	<p>Fines are executed by the Crown, i.e. the state. The Law Society enforces prohibitions to practise and exclusions from the profession. A prohibition to practise applies to activities in the entire state.</p>
Communication/ Publicity:	<p><u>Communication :</u> Sanctions are recorded in a register at the Law Society, which is open to the public.</p> <p><u>Publicity:</u></p>
Contact details of the disciplinary bodies or contact points:	

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SUMMARY OF DISCIPLINARY PROCEEDINGS AND CONTACT POINTS IN THE EU AND EEA MEMBER STATES

UNITED KINGDOM	
Scotland Advocates¹⁴	
Disciplinary bodies:	<p><u>First instance</u> : Disciplinary Tribunal (consisting of a retired judge or Sheriff Principal nominated by the Lord President, three counsel of whom at least one is senior counsel and one lay person nominated by the Secretary of state for Scotland).</p> <p><u>Appeal</u> : The Dean has the power to reduce or rescind the penalty imposed by the Tribunal. Otherwise no right of appeal.</p>
Proceedings:	<p><u>Launch of a complaint</u> : The lay client may make a complaint himself directly to the disciplinary body. There is no time limit for lodging a complaint.</p> <p><u>Procedure</u> : Where the facts to which the complaint relates are disputed, the Dean of Faculty may remit the complaint to the Investigating Committee to make a preliminary investigation of the facts and report to him. The complaint may then, with the consent of the member of Faculty against whom the complaint has been made, be upheld, and penalties may be imposed by the Dean or by the Disciplinary Tribunal. If the member does not consent to it being disposed of in this way, then the complaint is remitted to the Disciplinary Tribunal for a full hearing. At this hearing written and oral evidence may be led. If the Disciplinary Tribunal upholds the complaint they may impose various penalties. Their determination is then reviewed by the Dean who has power, if he sees fit, to reduce or even rescind the penalty imposed by the Tribunal.</p>
Types of sanctions:	
Enforcement:	
Communication/ Publicity:	<p><u>Communication</u> :</p> <p><u>Publicity</u> :</p>
Contact details of the disciplinary bodies or contact points:	

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