
Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

LATVIA

SEPTEMBER 2018

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Structure	Information received
1. Establishment	
1.1. Registration with Host Bar	<p>Application to the Latvian Council of Sworn Advocates for registration in Register of European Lawyers; (no specific registration form)</p> <p>Certificate which affirms EU lawyer's registration as a lawyer in state of origin;</p> <p>The address of the registered law office in the Republic of Latvia.</p> <p>No special registration fee for European Lawyers.</p> <p>Membership fees: as for Latvian Lawyers: EUR 30 per month if membership in advocacy do not exceed 40 years; EUR 15 per month if membership in advocacy exceeds 40 years (from 01.01.2019)</p> <p>Relevant national provisions in reference to Article 3 Directive 98/5 :</p> <ul style="list-style-type: none">- Articles 121-122 of the Advocacy Law of the Republic of Latvia
1.2. Title	<p>EU lawyer must practice under home professional title which must be expressed in the official language and refer to EU lawyer's entry in the Register of European Lawyers in addition to the title.</p> <p>Relevant national provisions in reference to Article 4 Directive 98/5 :</p> <ul style="list-style-type: none">- Article 123 of the Advocacy Law of the Republic of Latvia
1.3. Salaried practice	<p>Employment principles as for Latvian lawyers apply</p> <p>Advocacy Law of the Republic of Latvia:</p>

	<p>Article 115: Sworn advocates shall be financially independent in their professional activities.</p> <p>Article 116: Sworn advocates shall practice individually or also in collaboration exclusively with other sworn advocates.</p> <p>Article 117: Sworn advocates shall practice directly and personally.</p> <p>Article 119: Sworn advocates shall maintain accounts of their income and expenses. Income from the practice of a sworn advocate shall consist of the payments of clients for the legal assistance provided. The expenses of sworn advocates shall be expenses related to the provision of legal assistance or that are specified in this Law.</p> <p>Article 118: Sworn advocates may employ technical, financial or advisory staff on the basis of a contract of employment for whose activities they shall be liable and who are prohibited to engage in the providing of legal assistance.</p> <p>Article 15: Persons may not be admitted as sworn advocates if:</p> <p>[...]</p> <p>10) the Latvian Council of Sworn Advocates regards their occupation as incompatible with the position of sworn advocate in the society due to ethical reasons;</p> <p>11) they are employed in a direct or indirect State administrative institution, derived public person, other State institution or State (local) government capital company, except for teaching staff in educational establishments and persons performing the duties of legal adviser in accordance with an agreement, or they have not fulfilled the requirements specified in Section 42 of this Law.</p> <p>Article 16: Persons shall be debarred from the number of sworn advocates if:</p> <p>[...] 8) they have not terminated the activity referred to in Clause 10 or 11 of Section 15 of this Law upon the proposal of the Latvian Council of Sworn Advocates.</p> <p>Article 16.¹ The Latvian Council of Sworn Advocates may suspend the activities of a sworn advocate for a time period while he or she is employed in a direct or indirect State administrative institution, derived public person, other State institution or State (local) government capital company, or for the time period of studies or prolonged illness, as well as upon justified request of the advocate in other cases.</p> <p>Decision no.190 of Latvian Council of Sworn Advocates from 17 October 2010:</p> <p>Latvian lawyers may have an additional side occupation which may not be coordinated with Latvian Council of Sworn Advocates to be valid for combining with advocacy if it is physically and in other ways separated from lawyers practice including documentation, bank accounts, rooms and data carriers.</p> <p>Following professions/occupations are not compatible with lawyers status in society:</p> <p>1) sustaining as executive body and / or being a shareholder and / or being employed by a merchant which provides legal services as commercial activity;</p> <p>2) Employment in other legal entities which provide legal services.</p>
<p>1.4. Legal Form and Shareholding</p>	<p>Must correspond with the core principles laid down for Latvian lawyers</p> <p>Article 116 Advocacy Law of the Republic of Latvia:</p> <p>Sworn advocates shall practice individually or also in collaboration exclusively with other sworn advocates.</p>

	<p>Sworn advocates may establish offices of sworn advocates, which shall be registered in the Latvian Council of Sworn Advocates.</p> <p>According to Article 2.3.5 and 2.3.6. of the Statutes of The Latvian Collegium of Sworn Advocates and Decision no.172 of Latvian Council of Sworn Advocates from 17 October 2010 law offices in Latvia are comparable to legal entities as defined in Article 1407 of Civillaw of Republic of Latvia: The State, local governments, associations of persons, institutions, establishments, and such aggregations of property as have been granted the rights of a legal person shall be considered to be legal persons.</p> <p>Sworn advocates by establishing a law office may determine whether they provide legal services jointly (share retainers for joint legal services provided) or separately (they share only the expenses of providing legal services).</p>
<p>1.5. Joint Practice</p>	<p>Must correspond with the core principles laid down for Latvian lawyers, it is permitted to split expenses regarding provision of the services (administrative costs, labour costs etc.)</p> <p>Please see our answer in Paragraph 1.4.</p> <p>Relavant regulation: Article 2.3.5 and 2.3.6. of the Statutes of The Latvian Collegium of Sworn Advocates and Decision no.172 of Latvian Council of Sworn Advocates from 17 October 2010</p>
<p>1.6. Areas of Activity</p>	<p>Representation of clients before all courts and administrative authorities. Advise in the law of home and host state and European and International law. In criminal proceedings before courts EU lawyer may participate only in conjunction with a Latvian lawyer.</p> <p>Advocacy Law of the Republic of Latvia:</p> <p>Article 51: Sworn advocates shall provide legal assistance to any person in civil proceedings, administrative proceedings or in other matters in cases specified by the law upon agreement with clients or in cases specified in this Law - upon being commissioned by the Latvian Council of Sworn Advocates or the elder of the sworn advocates.</p> <p>Article 52: In criminal cases, sworn advocates shall undertake to defend persons, who have the right to defence, and convicted persons, represent victims and provide legal assistance to any person in the criminal proceedings.</p> <p>A sworn advocate shall perform the activities referred to in Paragraph one of this Section:</p> <ol style="list-style-type: none"> 1) upon agreement with a person or representative thereof; 2) in the cases specified in this Law - upon being commissioned by the Latvian Council of Sworn Advocates or the elder of the sworn advocates; or 3) upon being commissioned by the performer of proceedings - separate procedural activities specified in the Criminal Procedure Law. <p>Article 124: An advocate of a European Union Member State who practices with under their home-country professional title is entitled to participate in court proceedings in criminal cases only together with an advocate of the Latvian Collegium of Sworn Advocates.</p>
<p>1.7. Practice Rules</p>	<p>In criminal proceedings before courts EU lawyer may participate only in conjunction with a Latvian lawyer.</p> <p>Relevant national provisions.: Article 124 of the Advocacy Law of the Republic of Latvia</p>

	Please see our answer in Paragraph 1.6
1.8. Principle of Double Deontology	<p>EU lawyers practicing in Latvia are subjects to the regulations regarding professional ethics for Latvian lawyers.</p> <p>Relevant national provisions : Article 127 of the Advocacy Law of the Republic of Latvia:</p> <p>The Latvian Council of Sworn Advocates has the right to initiate disciplinary proceedings against an advocate of a European Union Member State regarding a violation of laws and other laws and regulations, as well as the norms of the professional ethics of Latvian sworn advocates.</p> <p>Prior to the initiation of disciplinary proceedings, the Latvian Council of Sworn Advocates shall inform the competent authority of the home Member State of the advocate regarding all the relevant facts and, during the examination of disciplinary matters, shall collaborate with the competent authority of the home Member State of the advocate. The competent authority of the home Member State of the advocate shall take a decision regarding the imposing of a disciplinary sanction in accordance with the material and procedural legal norms of their State.</p>
1.9. Disciplinary proceedings	<p>EU lawyers practicing in Latvia are subjects to the regulations regarding professional ethics for Latvian lawyers.</p> <p>See also our answer in Paragraph 1.8.</p>
1.10. Insurance (professional indemnity insurance, social security, etc.)	<ul style="list-style-type: none"> • Professional Indemnity Insurance: Must comply with the rules for Latvian lawyers: insurance is not obligatory, but lawyer must inform client about non-insurance fact. • Social security: Must comply with the rules for Latvian lawyers and cross-border tax regulation. <p>Relevant national provisions :</p> <p>Article 114 of the Advocacy Law of the Republic of Latvia: The possible risk of losses resulting from the professional activities of sworn advocates and assistants to sworn advocates may be insured. A sworn advocate shall inform his or her client if he or she has not been insured.</p> <p>Article 119 of the Advocacy Law of the Republic of Latvia: Sworn advocates shall maintain accounts of their income and expenses. Income from the practice of a sworn advocate shall consist of the payments of clients for the legal assistance provided. The expenses of sworn advocates shall be expenses related to the provision of legal assistance or that are specified in this Law.</p> <p>Section 11.1² of the Law On Personal Income Tax: Professional activity shall be any independent provision of professional services outside of lawful employment relations, as well as scientific and literary activity, and the activity of a lecturer, actor, producer, doctor, sworn advocate, sworn auditor, sworn notary, sworn land surveyor, sworn assessor, artist, composer, musician, consultant, engineer, sworn bailiff, accountant or architect.</p> <p>Section 1 3) e) of the Law On State Social Insurance:</p> <p>self-employed person - a person who earns income (or revenue) as: [...]a sworn advocate.</p> <p>Section 6 (3) of the Law On State Social Insurance:</p> <p>Self-employed persons whose income reaches the minimum amount of the object of mandatory contributions stipulated by the Cabinet shall be subject to pension insurance, disability insurance, maternity and sickness insurance, and parents' insurance, but self-employed persons who have reached the age which gives the right to receive the State old-age pension</p>

	<p>or whom the State old-age pension has been granted (including before term) shall be subject to pension insurance, maternity and sickness insurance, and parents' insurance.</p> <p>Article 2 of the Cabinet Regulation No. 1478 "Regulations Regarding the Minimum and Maximum Amount of the Object of Mandatory and Voluntary Contributions of State Social Insurance":</p> <p>the minimum annual amount of the object of contributions for a self-employed person and a voluntarily insured person shall be 12 minimum monthly wages stipulated by the Cabinet.</p> <p>According to Article 9 of the Cabinet Regulation No. 786 the rate of mandatory contributions of state social insurance for self-employed persons is 32,15 % from the minimum annual amount of the object of contributions.</p>
1.11. Fees	<p>Latvian rules apply, lawyer and client agree on a fee, in lack of an agreement the fees for legal aid provided by the state apply (in double amount).</p> <p>Relevant national provisions : Article 57 of the Advocacy Law of the Republic of Latvia:</p> <p>Sworn advocates shall enter into a written agreement with the client regarding undertaking to conduct a case and the amount of the relevant compensation.</p> <p>The client may hire one sworn advocate to replace another at any time or to undertake the conducting of the case himself or herself, remunerating the advocate for the job he or she has performed in accordance with the written agreement.</p> <p>In case of a dispute, if the agreement between a sworn advocate and a client has not been entered into writing, the compensation in double amount, as well as other reimbursable expenses related to the provision of legal assistance shall be determined for the advocate in amounts specified in laws and regulations regarding the remuneration for the State ensured legal assistance. The compensation for the advocate and other reimbursable expenses shall be covered by the client. In addition to the compensation and other expenses related to the provision of legal assistance, the expenses related to acquiring of written evidence shall be reimbursed in actual amount of such expenses.</p> <p>The compensation for the advocate and other reimbursable expenses related to the provision of legal assistance in the case referred to in Paragraph three of this Section shall not be covered from the funds from the State budget.</p>
1.12. Continuing Legal Education	<p>Must comply with the rules for Latvian lawyers: required 16 hours per year.</p> <p>According to Decision of Latvian Council of Sworn Advocates from 30 March 2012 which approved the Regulation on elevation of qualification and continuous education for sworn advocates, the sworn advocates are obliged to devote at least 16 hours per year for raising their professional qualification.</p>
1.13. Bar	<p>By registration, EU lawyer becomes a member of the Latvian Collegium of Sworn Advocates. However, EU lawyers are not electable to a representative body of the bar; are not entitled to train young lawyers. EU lawyers may participate in congresses of the Latvian Collegium of Sworn Advocates with voting rights.</p> <p>Relevant national provisions :</p> <p>Article 24.¹ of the Advocacy Law of the Republic of Latvia:</p> <p>Advocates of the European Union Member States who have registered in the Latvian Council of Sworn Advocates in accordance with Section 121 of this Law, also have the right to participate and to vote in the General Meeting of Sworn Advocates.</p>

	<p>European Lawyers after gaining the same rights to professional activity and duties as a sworn advocate of Latvia as determined in Articles 130-132 of the Advocacy Law of the Republic of Latvia European Lawyers could be electable to a representative body of the bar and could be entitled to train young lawyers.</p>
<p>1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'</p>	<ul style="list-style-type: none"> • Effective Practice for three years, knowledge of national language, under certain circumstances the lawyer is invited to a discussion in order to verify whether EU lawyer has sufficient practice with regard to Latvian law • Or: Aptitude Test at the Latvian Council of Sworn Advocates <p>Article 121 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State submits a certificate attesting to his or her registration with the competent authority of his or her home Member State (the European Union Member State in which the advocate has acquired the rights to use the vocational title of an advocate prior to the commencement of activities in Latvia) to the Latvian Council of Sworn Advocates, the Latvian Council of Sworn Advocates shall register the advocate of the European Union Member State in a separate register. Such certificate shall be valid for registration in Latvia for three months from the day it was issued.</p> <p>Article 130 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State certifies his or her knowledge of the official language and Latvian laws and the Latvian Council of Sworn Advocates recognises the professional qualification of the advocate of the European Union Member State as adequate for permanent activity, he or she has the same right to professional activity and duties as a sworn advocate of Latvia.</p> <p>Article 131 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State has performed professional activities in Latvia under their home-country professional title for at least three consecutive years and if he or she has certified the necessary knowledge and practice obtained in the field of Latvian law to the Latvian Council of Sworn Advocates, he or she shall be issued a certificate for the recognition of professional qualification.</p> <p>Article 132 of the Advocacy Law of the Republic of Latvia: In order to certify the necessary skills and knowledge, an applicant shall submit an application and the relevant documents regarding the number and content of the cases, which he or she has handled to the Latvian Council of Sworn Advocates. The Latvian Council of Sworn Advocates shall examine the efficiency and regularity of the activities of the relevant advocate, additionally requiring explanations from the advocate in oral or written form.</p> <p>Article 133 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State has not been working in Latvia under their home-country professional title for at least three years, he or she shall submit to the Latvian Council of Sworn Advocates an application and the evidence confirming his or her qualification and the rights recognised in his or her home Member State. The Latvian Council of Sworn Advocates shall organise an examination of the conformity of the professional qualification in accordance with the Law On Regulated Professions and the Recognition of Professional Qualification. After the successful passing of such examination, the advocate shall be issued a certificate for the recognition of professional qualification.</p> <p>Article 134 of the Advocacy Law of the Republic of Latvia: The Latvian Council of Sworn Advocates may refuse to recognise the professional qualification of an advocate pursuant to a substantiated decision if the professional qualification of the advocate is not in conformity with the provisions of the professional qualification of a Latvian sworn advocate or if there have been disciplinary and other infringements in the professional activity of the advocate. A decision of the Latvian Council of Sworn Advocates to refuse to recognise the professional qualification may be appealed to the court.</p>
<p>2. Services</p>	

<p>2.1. Under home title & representation before courts</p>	<p>Service under EU lawyer's home title;</p> <p>Latvian Council of Sworn Advocates issues a Certificate proving EU lawyer's rights to practice in the Republic of Latvia with EU lawyer's home title;</p> <p>In criminal proceedings before courts EU lawyer may participate only in conjunction with a Latvian lawyer.</p> <p>Relevant national provisions :</p> <p>Article 123 of the Advocacy Law of the Republic of Latvia: When registering in accordance with the provisions of Section 121 of this Law, an advocate of a European Union Member State shall receive a certificate with an indication regarding the right to perform professional activities under their home-country professional title. The professional title shall be expressed in the official language of the home Member State in such a way as to avoid the confusion of such title with the professional title of Latvian sworn advocates.</p> <p>The professional body of which the advocate of a European Union Member State is a member in his or her home Member State, or the judicial body before which he or she is entitled to practice pursuant to the laws of his or her home Member State shall be indicated in the certificate.</p> <p>Article 124 of the Advocacy Law of the Republic of Latvia: An advocate of a European Union Member State who practices with under their home-country professional title is entitled to participate in court proceedings in criminal cases only together with an advocate of the Latvian Collegium of Sworn Advocates.</p>
<p>2.2. Deontology</p>	<p>EU lawyers are subject to the rule in the host state and subject to disciplinary supervision of the bar Latvian Council of Sworn Advocates.</p> <p>Relevant national provisions :</p> <p>Article 127 of the Advocacy Law of the Republic of Latvia: The Latvian Council of Sworn Advocates has the right to initiate disciplinary proceedings against an advocate of a European Union Member State regarding a violation of laws and other laws and regulations, as well as the norms of the professional ethics of Latvian sworn advocates.</p> <p>Prior to the initiation of disciplinary proceedings, the Latvian Council of Sworn Advocates shall inform the competent authority of the home Member State of the advocate regarding all the relevant facts and, during the examination of disciplinary matters, shall collaborate with the competent authority of the home Member State of the advocate. The competent authority of the home Member State of the advocate shall take a decision regarding the imposing of a disciplinary sanction in accordance with the material and procedural legal norms of their State.</p> <p>Article 130 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State certifies his or her knowledge of the official language and Latvian laws and the Latvian Council of Sworn Advocates recognises the professional qualification of the advocate of the European Union Member State as adequate for permanent activity, he or she has the same right to professional activity and duties as a sworn advocate of Latvia.</p>
<p>2.3. Fees</p>	<p>Latvian rules apply, lawyer and client agree on a fee, in lack of an agreement the fees for Legal aid provided by the state apply (in double amount).</p> <p>Please see our answer in Paragraph 1.11.</p>
<p>3. Acquisition of the national lawyer's title</p>	

3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test (or having a period of adaptation up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications</p> <p>The aptitude test is being settled according to Cabinet Regulation No. 227 “Sworn advocates exam order”, According to Article 8 of the before mentioned regulation, the content of this test is: constitutional law, general theory of law, criminal law and criminal procedure law, civil law and civil procedure law, administrative law and administrative procedure law, labor law, commercial law, finance and tax law, international law and international judicial cooperation in criminal procedure and civil procedure, Advocacy Law of the Republic of Latvia and the related regulation, advocacy ethics, international regulation on advocacy, advocate’s record keeping, communications and argumentation.</p> <p>The test consists of two parts – written test part and mutual part. Written test consists of solving a <i>casus</i>, preparing a procedural document or conclusion. The mutual test part verifies applicant’s theoretical knowledge and communication, argumentation skills.</p> <p>According to Cabinet Regulation No. 609 “Regulation on advocates exam charge” the aptitude test costs EUR 350.</p> <p>No guidelines have been issued on preparation for the aptitude test.</p> <p>Article 131 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State has performed professional activities in Latvia under their home-country professional title for at least three consecutive years and if he or she has certified the necessary knowledge and practice obtained in the field of Latvian law to the Latvian Council of Sworn Advocates, he or she shall be issued a certificate for the recognition of professional qualification.</p> <p>Article 132 of the Advocacy Law of the Republic of Latvia: In order to certify the necessary skills and knowledge, an applicant shall submit an application and the relevant documents regarding the number and content of the cases, which he or she has handled to the Latvian Council of Sworn Advocates. The Latvian Council of Sworn Advocates shall examine the efficiency and regularity of the activities of the relevant advocate, additionally requiring explanations from the advocate in oral or written form.</p>
4. Practicalities	
4.1. Practical information	<p>Information on the court system, addresses, contacts and opening hours of all Latvian courts: https://www.tiesas.lv/</p> <p>Homepage of the Latvian Collegium of Sworn Advocates: http://advokatura.lv/en/news</p> <p>List with Latvian courts: https://www.tiesas.lv/tiesas/saraksts / Available only in Latvian language.</p>
4.2. National organisation	<p>Article 71 of the Advocacy Law of the Republic of Latvia: For violations of the Law and other laws and regulations, the articles of association of the Latvian Collegium of Sworn Advocates, as well as for violations of the instructions regulating the work of sworn advocates and the norms of the professional ethics of sworn advocates, the Latvian Council of Sworn Advocates may initiate disciplinary proceedings upon the proposal of the court or prosecutor, as well as on the basis of the complaints of persons or upon their own initiative, sending the case materials for examination to the Disciplinary Proceedings Commission.</p>

	<p>The Latvian Council of Sworn Advocates is entitled to explain to sworn advocates the wrongfulness of their conduct, without initiating disciplinary proceedings.</p> <p>Disciplinary decisions of Latvian Council of Sworn Advocates may be appealed in Latvian courts.</p> <p>Role of the professional organization :</p> <p>Advocacy Law of the Republic of Latvia:</p> <p>Article 18. The Latvian Collegium of Sworn Advocates is an independent professional corporation of Latvian sworn advocates which unites all sworn advocates practising in Latvia. Only the Latvian Collegium of Sworn Advocates has the rights and duties prescribed by this Law.</p> <p>Article 19. Natural persons shall be united in the Latvian Collegium of Sworn Advocates following the principle of profession in order to maintain the prestige of their profession, promote the professional development, the improvement of the creative abilities and the obtaining of the experience of sworn advocates, in order to fulfil the tasks specified in this Law and other Laws.</p> <p>Article 20. The Latvian Collegium of Sworn Advocates shall operate on the basis of this Law and by-laws as a self-governing, autonomous body governed by public law.</p> <p>Article 21. The institutions of the Latvian Collegium of Sworn Advocates shall be the General Meeting of Sworn Advocates, the Latvian Council of Sworn Advocates, the Audit Board and the Disciplinary Proceedings Commission.</p> <p>The Latvian Collegium of Sworn Advocates is the only one professional organization for sworn attorneys in Latvia and with no territorial bars.</p>
<p>4.3. Reference to national legislation with other languages available + links</p>	<p>Advocacy Law of the Republic of Latvia in English: https://likumi.lv/ta/en/en/id/59283-advocacy-law-of-the-republic-of-latvia</p> <p>All internal regulation on sworn attorneys in is available only Latvian.</p>
<p>4.4. Reference to existing national guides</p>	<p>N/A</p>
<p>4.5. Reference to services available for lawyers in that jurisdiction</p>	<p>Article 130 of the Advocacy Law of the Republic of Latvia: If an advocate of a European Union Member State certifies his or her knowledge of the official language and Latvian laws and the Latvian Council of Sworn Advocates recognises the professional qualification of the advocate of the European Union Member State as adequate for permanent activity, he or she has the same right to professional activity and duties as a sworn advocate of Latvia.</p> <p>Access to Latvian Court portal for sworn attorneys.</p>
<p>4.6. Contact information</p>	<p>Latvian Council of Sworn Advocates:</p> <p>padome@advokatura.lv</p>