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*The new statute entered into force on July 1<sup>st</sup> 2021*

## **ROYAL DECREE APPROVING THE GENERAL STATUTE OF THE SPANISH LEGAL PROFESSION**

The Spanish society has undergone many far-reaching regulatory changes since the 22<sup>nd</sup> June 2001 when the Royal Decree approving the former General Statute of the Spanish Legal Profession was issued.

Aware of this circumstance, and in order to adapt the collegiate rules of the Spanish Legal Profession to the normative changes that have taken place since the previous General Statute, it is necessary to approve a new one, which takes into account, among others, the changes made in the regulatory framework of the Professional organizations by Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market, transposed into national law by Law 17/2009 of 23 November 2009 on free access to service activities and the exercise thereof, and exercise of services, and Law 25/2009, of 22 December 2009, amending various laws to adapt them to the Law on free access to service activities and their exercise.

The legal profession is a multi-secular profession, dedicated to the defense of the rights and legal interests of citizens, whose evolution runs parallel to that of the reinforcement of rights and freedoms, with the enormous qualitative leap brought about by the 1978 Constitution. Its close connection with the freedom and right of defense enshrined in the Constitution attest to this, as does the work of public service performed by the entire collegiate organization and all the professionals of the legal profession in the system of free legal aid, established on article 119 of the Constitution, and regulated by Law 1/1993, of 10<sup>th</sup> January, on free Legal Aid and its implementing regulations. The Legal Profession is an essential part of the functioning of one of the powers of the State - the Judiciary - and the satisfaction of the fundamental right to obtain effective judicial protection, which proves the relevance of the public interests involved in their exercise. However, the Statute must also include the essential aspects of this professional community, as well as those derived from the strict and unique relationship between the abogada/o and his client.

This general perspective addresses the adaptation of the text to the current regulatory framework, strongly influenced by the aforementioned European provisions and the current market and competition rules; the adaptation to the new competence framework, taking into account the competences included in the Statutes of the Autonomous Regions and, finally, the modernization of its figures and institutions, as well as of the bar structure itself and its way of relating to its registered professionals and those who demand the provision of legal advice and defense services in general.

In this effort to innovate and update, it is worth highlighting the assumption as regulations of the postulates of professional ethics, with a formulation in line with social reality and anchored

in the inalienable maxims of independence, dignity, and integrity of the abogada/o. Registration is regulated in a unitary manner, addressing, among others, those aspects reserved by Law 34/2006, of 30 October, on access to the professions of Abogada/o and “*Procurador*” It also addresses, from the corporate perspective of this regulation, the limitations, incompatibilities, and powers of abogada/os in the exercise of their profession, also incorporating a detailed regulation of relations with clients. With regard to these, the right of clients to adequate information is recognized, in a notable exercise of transparency, and the guarantee of a service to consumers and users. The way in which the profession is practiced is dealt with in both corporate and non-corporate forms, with specific provisions for professional and multidisciplinary partnerships.

Furthermore, the promotion of training and specialization and of measures aimed at reconciling work and family life, as well as the need to advance equality between women and men in their institutions, are also taken into account.

In relation to the organization, there is a commitment to modernization at all levels, starting with the use of new technologies, coinciding with the advances in the digitalization of justice. The board of the local bars is subject to the principles of democracy, autonomy and transparency and their organization is planned in a way that respects the constitutional order of distribution of competences, in any case, under the protection of the General Council of Spanish Bars, which, integrating all the local bars in Spain, has the mission of coordinating, representing, and defending the interests of the legal profession, in all areas and before all institutions.

This Royal Decree complies with the principles of good regulation contained in Law 39/2015, of 1<sup>st</sup> October, on the Common Administrative Procedure of Public Administrations, principles of necessity, effectiveness, proportionality, legal certainty, transparency and efficiency, insofar as it pursues a general interest by providing the Spanish Legal Profession with an updated regulation, and strictly complies with the mandate established in article 129 of the Law, there being no regulatory alternative less restrictive of rights.

The Royal Decree is issued by virtue of the provisions of Article 149.1.18 of the Constitution, which gives the State exclusive competence to dictate the bases of the legal system for Public Administrations.

The approval of these Statutes corresponds to the Government, in accordance with the provisions of Article 6.2 of Law 2/1974, of 13 February, on Professional organizations, modified by Law 25/2009, of 22 December.

By virtue, thereof, at the proposal of the Minister of Justice, in agreement with the Council of State and following deliberation by the Council of Ministers at its meeting of the day,

## **PROVIDED**

**Sole article.** *Approval of the General Statute of the Spanish Legal Profession.*

The General Statute of the Spanish Legal Profession is approved, the text of which is inserted below.

**Single additional provision. Admission fee.**

In application of the provisions of article 6.3.f) of Law 2/1974, of 13<sup>th</sup> February, on Professional Orders, and article 9.1.d) of the General Statute approved by virtue of this Royal Decree, the professional orders, in their registration procedure, must clearly differentiate between the cost of the admission fee and the cost of the services provided by the orders to their constituents.

**First transitional provision. Applicable legislation.**

1. Infringements committed up to the date of entry into force of this Royal Decree shall be penalized in accordance with the rules of the previous Statute, approved by Royal Decree 658/2001 of 22 June 2001. Notwithstanding the foregoing, this Royal Decree shall be applied, once it enters into force, if its provisions are more favorable to the offender, even if the acts were committed prior to its entry into force. If it is decided to apply the more favorable rule, the interested party shall be informed of this by means of a communication from the investigating body or by means of a hearing granted for this purpose.
2. In determining which is the more favorable standard, account shall be taken of the penalty that would be imposed for the act under investigation.

**Second transitional provision. Ongoing disciplinary proceedings.**

1. Disciplinary proceedings initiated prior to the entry into force of this Royal Decree shall be resolved in accordance with the previous regulations.
2. For this purpose, disciplinary proceedings shall be deemed to have been initiated when the competent body issues an agreement to initiate them, without prior information periods being considered as an agreement to initiate them.

**Third transitional provision. Situations and acquired rights.**

Situations created and rights acquired under the regime previously in force will be respected.

**Transitional provision four. Appointments in force.**

Those who, at the entry into force of the present General Statute of the Spanish Legal Profession, hold the status of Director of the Plenary of the General Council of the Spanish Legal Profession shall continue to hold their position for the remaining time of their mandate, without the time limitation established in Article 99.2 of the General Statute that is now approved being applicable to them.

On expiry of the current term of office, they may stand for re-election, and if elected, the term of office set out in Article 99.2 above shall apply.

**Sole repealing provision. Repeal of legislation.**

Royal Decree 658/2001 of 22<sup>nd</sup> June 2001 approving the General Statute of the Legal Profession is hereby repealed.

**First final provision.** *Title of competence.*

This Royal Decree is issued under the provisions of Article 149.1.18 of the Constitution, which grants the State the exclusive power to dictate the bases of the legal system of the Public Administrations.

**Second final provision.** *Safeguarding of competences from the Autonomous Communities*

The regulations contained in the General Statute approved by means of this Royal Decree shall be understood to be without prejudice to those which, under the protection of their powers in this area, are approved by the Autonomous Communities for the Bars and Councils that are set up in their respective territorial areas.

**Third final provision.** *Revision and adaptation of regulations.*

1. The General Council of Spanish Bars shall, within one year of the entry into force of this Royal Decree, approve or amend its own internal regulations in order to adapt them to its provisions.
2. The local bars, which shall apply this Royal Decree from its entry into force, shall adapt their corresponding particular Statutes and their rules of professional conduct, if they have them, within one year from its entry into force, being approved in the manner foreseen in Article 70 of the General Statute approved by virtue of this Royal Decree, and being sent to the General Council for its mandatory approval. The rules of professional conduct approved by the General Council of Spanish Bars shall prevail in the event of conflict, over those contained in the collegiate Statutes.

**Fourth final provision.** *Entry into force.*

This Royal Decree shall enter into force on 1<sup>st</sup> July 2021.

Madrid, 2<sup>nd</sup> March 2021

THE MINISTER OF JUSTICE

Juan Carlos Campo Moreno

## GENERAL STATUTE OF THE SPANISH LEGAL PROFESSION

### INTRODUCTORY TITLE

#### **The Bar and its guiding principles**

##### **Article 1.** *The Bar and its guiding principles.*

1. The legal profession is a free and independent profession, which ensures the effectiveness of the fundamental right to defense and legal assistance and constitutes a guarantee of the rights and freedoms of individuals. The legal profession must always look after the interests of those whose rights and freedoms they defend with respect for the principles of the constitutionally established social and democratic rule of law.
2. The legal profession is practiced in free and fair competition. Its content consists of the activity of advising, counselling, and defending public and private rights and interests, by means of the application of legal science and techniques, in order to achieve harmony, the effectiveness of fundamental rights and freedoms.
3. The guiding principles and higher values of the practice of law are those of independence, freedom, dignity, and integrity, as well as respect for professional secrecy.
4. Legal professionals must be persons of recognized integrity and, consequently, they must observe a record of respect for the law, for the guiding principles and higher values of the legal profession, for the rules of professional ethics and for good professional practice.
5. In the social and democratic rule of law, the legal profession plays an essential role and serves the interests of justice by providing legal advice and defending public rights and freedoms.
6. The Spanish Bar proclaims its special commitment to the recognition and defense of human rights.

##### **Article 2.** *Organization of the Bar.*

The collegiate organization of the legal profession is made up of the General Council of the Spanish Bars, the Bar Regional Councils and the Local Bars. All these entities of public law shall be subject in their actions and functioning to the democratic principles and to the state and autonomous regulations dictated in the matter of Professional Orders.

##### **Article 3.** *Treatment and honours.*

1. The Local Bars shall have their traditional treatment and, in any case, that of "*Ilustre*" and their Deans that of "Excelentísimo Señor/a", as well as the Presidents of the Councils of the Local Bars of the Regional Bar Councils and the members of the General Council of Abogada/os. Both these treatments, as well as the honorary title of Dean, shall be held for life.
2. The Deans of Bars whose seat is in the capital of a province shall have the honorary status of President of the Chamber of the respective Court or High Court. The Deans of the other

Bars shall have the honorary status of Magistrate or Judge of the Court of First Instance and Preliminary Investigation of the locality in which the Bar is established. These honorary considerations shall not affect precedence at events organized by the judicial authorities concerned.

3. The Deans of the Local Bars and the members of Regional Bar Councils and of the General Council of the Spanish Bar shall wear frills on their robes, as well as the medals and plaques corresponding to their offices, in public hearings and solemn acts they attend. On such occasions, the other members of the Governing Board of the Bars shall wear on their robes the attributes proper to their offices, as well as the caps on their robes if they have traditionally recognized this right.

## TITLE I

### The Abogada/os

#### CHAPTER I

#### General provisions

##### **Article 4.** *The legal profession*

1. Law professionals are those who, being in possession of the official qualification that qualifies them to practice this profession, have joined a Local Bar as practicing abogada/os and are professionally engaged in legal advice, dispute resolution and the defense of the rights and interests of others, both public and private, in extrajudicial, judicial or arbitration proceedings.
2. The designation of abogada/o corresponds exclusively to those who have joined a Local Bar as practicing abogada/os.

##### **Article 5.** *Scope of professional practice.*

1. Abogada/os may practice their profession, under the terms established by law, before any kind of judicial and administrative bodies in Spain, as well as before any public or private entities or persons. They may also act, in accordance with the rules applicable in each case, as arbitrators, mediators or interveners in any other alternative methods to jurisdiction for the resolution of conflicts or disputes.
2. They may also practice their profession before international or supranational courts or tribunals whose regulatory rules so permit.
3. The professional intervention of the abogada/o in all types of proceedings and before any jurisdiction shall be mandatory when so provided by the legal system.
4. The legal professional may represent the client in legal proceedings when this is not exclusively reserved by law to other professions.

##### **Article 6.** *Right of defense and assistance by the legal profession.*

1. The free and independent intervention of the legal profession is a guarantee of the effectiveness of the fundamental right of defense.

2. The **Local** Bars, Bar Regional Councils and the General Council of Spanish Bars within the scope of their respective competences, shall watch over and guarantee the efficiency and correct exercise of the right of defense, removing the obstacles that hinder the free and independent intervention of the legal professional. Consequently, they shall protect the legal professional when he is disturbed, perturbed, or pressured in the exercise of his function, ensuring that he is guided exclusively by technical and professional criteria for the best defense of his client and in guarantee of his constitutional right of defense and the achievement of justice.
3. The **Local** Bars shall ensure that all persons have access to legal advice, to justice and to the assistance of a legal professional for the defense of their rights and legitimate interests, even helping them to appoint a legal professional of their choice or ex officio, with or without the recognition of the right to free legal aid.
4. The collegiate bodies of the Bar shall ensure that impediments of any kind, which oppose the intervention in law of the legal profession, are removed, as well as that the integrity and exclusivity of their work is recognized and respected.
5. The **Local** Bars, Bar Regional Councils and the General Council of Spanish Bars shall exercise all actions that result in the protection of the constitutional right of defence and guarantee the fulfilment of the rules regulating the exercise of the profession by the professionals of the Bar.

## CHAPTER II

### **Acquisition and loss of the status of Abogada/o**

#### **Article 7. Acquisition of the status of abogada/o**

1. The official qualification that enables the practice of the profession of Law and the incorporation to the **Local** Bar of the professional domicile, sole or main, shall be essential requirements for the practice of the profession of Law. The main domicile shall be presumed to be that of the place where the main or sole professional office is located in Spanish territory or, failing that, that of his or her personal domicile in Spain. A practicing abogada/o is entitled to practice throughout the territory of the State.
2. The first incorporation to a **Local** Bar can be:
  - A) As a resident abogada/o
  - B) As a registered abogada/o
3. You may only be incorporated as a resident in one Bar, and the incorporation to other Bars different from the one of residence will be free, but the applicant must accredit in each incorporation that he or she appears as a professional abogada/o in the Bar of his/her residence. In the event that, for whatever reason, a member should leave the Bar of

residence, or if there is no record of this, it shall be understood that he or she shall be considered a resident in the Bar in which he or she was registered, and if he or she was in more than one, in the Bar in which he or she has been registered for the longest period of time.

4. The provisions of this Article regarding the requirement that the person interested in becoming a member of the Bar be in possession of the official qualification that enables him or her to practice the profession shall be understood to be without prejudice to the exceptions that, for certain public officials, are contained in Law 34/2006, of 30 October, on access to the professions of Abogado/a and Court Attorney in its third additional provision.

**Article 8. *Other categories of members.***

Persons who meet the requirements established in Law 34/2006, of 30 October, for access to a Local Bar may join as non-practicing members.

The non-practicing member shall be considered to reside in the Bar to which he or she is attached; if he or she is a member of several Bars, he or she shall be considered to be a member of the Bar which coincides with the one where he or she has his or her private address or, failing that, in the one where he or she has been a member for the longest time, unless otherwise indicated.

**Article 9. *Requirements for membership.***

1. In order to be admitted to the Bar, the following requirements must be met:
  - a. Be of legal age and be a Spanish national or a national of a Member State of the European Union or of the European Economic Area or of third countries, without prejudice to the provisions of international treaties or conventions and compliance with the requirements set out in the regulations on foreigners with regard to the right of foreigners to establish themselves and access professional practice in Spain.
  - b. Hold the official qualification that qualifies them to practice as a abogado/a, except for the exceptions established in regulations with the status of law.
  - c. Proof of knowledge of the Spanish language and, where appropriate, of the co-official languages of the Autonomous Communities, by any legally valid means, except when it is clear that the previous requirement has been fulfilled.
  - d. Pay the admission fee, which may not exceed the costs associated with processing the registration.
  - e. Not have a criminal record for offences carrying serious penalties or disqualification from practicing as a abogado/a.
  - f. Not to have been convicted of being an intruder in the practice of law in the previous three years by a final decision, unless the criminal record resulting from this conviction has been expunged.

- g. Not to have been disciplinarily sanctioned with expulsion from a Local Bar or, in the event of having suffered such a sanction, to have been reinstated, which shall be accredited by means of a certificate issued by the General Council of Spanish Bars
- h. Not to be subject to any cause of incapacity, incompatibility, or prohibition to practice as abogada/o, which shall be accredited by means of a certificate issued by the General Council of Spanish Bars.
- i. Formalize registration with the corresponding Social Security Scheme or, where applicable, membership of a mutual benefit society as an alternative to the Special Social Security Scheme for Self-Employed Workers or the Self-Employed, in accordance with the legislation in force.
2. To become a non-practicing member, the requirements established in letters a), b), c), d), e), f) and g) of the previous section must be fulfilled. Likewise, he or she must prove that he or she is not incapacitated or prohibited from practicing as a abogada/o in the manner provided for in section h). The non-practicing member shall be able to join the Local Bar of his choice; if he is registered in several Local Bars as a non-practicing member, the provisions of the second paragraph of Article 8 shall be applied.
3. Applications for membership shall be approved, suspended, or denied, after due diligences and reports, by the Governing Board of the Bar by means of a reasoned resolution, and may not be denied to those who meet the requirements established in this article. The refusal of incorporation as a practicing member adopted by a Local Bar shall prevent the incorporation to another one when the cause cannot be remedied or has not been duly remedied. For these purposes, the decisions of refusal of incorporation shall be communicated to the General Council of the Spanish Bar for its transfer to all the Local Bars.
4. In cases where the application for membership comes from a person who has previously practiced in another Member State of the European Union, the procedure shall be in accordance with Article 77 of Royal Decree 581/2017, of 9 June, which transposes into Spanish law Directive 2013/55/EU of the European Parliament and of the Council, of 20 November 2013, amending Directive 2005/36/EC on the recognition of professional qualifications, and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation), and Regulation (EU) No. 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).No 1024/2012 on administrative cooperation through the Internal Market Information System (IMI Regulation).

The corporations integrated in the collegiate organization of the legal profession shall report on the circumstances that may affect the capacity to practice as a abogada/o under the terms of the aforementioned Article 77.

**Article 10.** *Oath or promise to abide by the Constitution and the rest of the legal system.*

1. Before commencing their professional practice, legal professional shall take an oath or promise to abide by the Constitution and the rest of the legal system and to comply with the rules of professional ethics, with freedom and independence, in good faith, with loyalty to the client, respect for the opposing party and observing professional secrecy.

2. The oath or promise shall be taken solemnly before the Dean of the Local Bar to which the professional abogada/o joins as a practicing abogada/o for the first time or before the member of the Governing Board to whom he or she delegates, with the forms and protocol established by the Board itself. In any case, the taking of the oath or promise shall be recorded in the member's personal file.

**Article 11.** *Incapacity to practice as a abogada/o.*

1. These are determining causes of incapacity to practice as a abogada/o:
  - a. The impediments that, due to their nature or intensity, do not allow the fulfilment of the mission of defense and advice that is entrusted to the legal profession.
  - b. Disqualification or suspension from practicing as a abogada/o by virtue of a final judicial decision.
  - c. Final disciplinary sanctions that entail suspension from professional practice or expulsion from any Local Bar, which shall be effective throughout the national territory.
2. Incapacity, for any of the above reasons, shall automatically lead to the member's non-practicing status and shall disappear when the cause for which it arose ceases to exist, which, in the case of the penalty of expulsion, shall include the rehabilitation provided for in Article 13.
3. In the case of having been subject to the disciplinary sanction of expulsion from any Local Bar, the incapacity shall not disappear as long as the professional abogada/o is not rehabilitated under the terms provided for in this Statute.

**Article 12.** *Loss of membership.*

1. The status of member shall be lost:
  - a) By death.
  - b) Voluntary resignation.
  - c) For non-payment of twelve-monthly instalments of the compulsory contribution to which he was obliged to pay.
  - d) By final conviction which carries with it the principal or accessory penalty of

disqualification from the exercise of the profession.

e) By sanction of expulsion from the Bar agreed by a final decision in disciplinary proceedings.

2. The loss of membership shall be recognized in the case of letter a) of the previous section or agreed in a reasoned resolution for all other cases, by the Governing Board of the Bar and, once firm, shall be immediately communicated to the General Council and, where appropriate, to the corresponding Regional Bar Council.

3. In the case of paragraph c) of the first subparagraph, members may reinstate their rights by paying the amount owed and interest at the legal rate plus two percentage points, if applicable, in accordance with the requirements laid down in the respective articles of Bar regarding this reinstatement procedure.

**Article 13. Rehabilitation of the expelled legal professional.**

1. The abogada/o who has been disciplinarily sanctioned with expulsion from a Local Bar may be reinstated to practice the profession when the requirements foreseen in the following paragraphs are met, without prejudice to those that may be additionally foreseen by the Bars.

2. The reinstatement of the expelled abogada/o shall require the passing of a period of five years since the expulsion sanction has been executed and the accreditation of having passed the training activities in matters of professional ethics established by each Local Bar in general, as well as not having incurred in any cause of unworthiness or disregard of the professional and deontological values and obligations.

3. Rehabilitation shall be requested from the Governing Board of the Local Bar that imposed the expulsion sanction. To decide on this application, the following circumstances shall be considered:

a) Criminal record after the expulsion sanction and previous unenforced disciplinary sanctions.

b) The significance of the damages derived from the commission of the sanctioned infringement, as well as, where appropriate, their lack of reparation, considering the nature of the damages.

c) Any other regarding their relationship with clients, colleagues, authorities, and the professional corporate organization that allows to appreciate the incidence of the conduct of the professional of the Bar on their future practice of the profession, for which purpose denunciations or complaints received after the expulsion shall be taken into account, provided that the facts to which they refer have not been prescribed.

4. Decisions of the Local Bar refusing the requested rehabilitation shall always state the reasons for the refusal

## TITLE II

### Legal practice

#### CHAPTER I

#### Scope of action

**Article 14.** *Territorial scope of action of the legal profession.*

1. The professional abogada/o incorporated to any Local Bar in Spain may render his professional services freely in the whole territory of the State, with equal powers and duties, as well as in the rest of the Member States of the European Union and in other countries in accordance with the applicable rules, treaties, or international agreements. Likewise, legal professionals from other countries may do so in Spain in accordance with the regulations in force.

2. To act professionally within the territorial scope of any Bar other than the one to which he or she is a member, the legal professional may not be required to have any qualification, nor the payment of economic considerations other than those that are also required from the members themselves for the provision of services of which they are beneficiaries, and which are not covered by the Bar fee.

3. In the professional acts performed in the territorial scope of another Local Bar other than the one in which the professional was registered, the latter shall be subject to the rules of conduct, deontology, and disciplinary regime of the former, which shall protect his/her freedom and independence, in accordance with Article 3.3 of Law 2/1974, of 13th February, on Professional Orders.

**Article 15.** *Accreditation of the status of abogada/o.*

1. The Local Bar shall communicate to the General Council of Spanish Bars the list of their abogada/os, with an expression of the registrations and cancellations that have taken place. The Local Bar shall guarantee that this list contains the professional data of the legal professionals, such as name and surname, membership number, official qualifications they hold, professional address and professional qualification status, telephone number and e-mail address. The General Council of the Spanish Bars shall draw up, with the lists sent by the Local Bar, the register of practicing members provided for in the legislation on Professional Orders, or the national census of legal professionals, which shall be published on the website and in the single window, with an indication of the Local Bar in which they appear as resident practicing members.

2. The Secretary of the Bar shall send annually, preferably by electronic means, the list of the legal professionals incorporated to the Bar to all the Courts and Tribunals of its territory, as well as to the Penitentiary and Detention Centres. The list shall be updated periodically with additions and removals. The sending of this list may be replaced by a direct access to the website with the duly updated data. The fact of appearing on such a list shall serve as proof for the exercise of their profession by a abogada/o.

3. The Secretary of the Bar may verify that the abogada/os involved in legal proceedings are registered as practicing members of that Local Bar or of another Local Bar in Spain.

4. Abogada/os shall state in all their actions the Bar to which they belong and their membership number.

**Article 16.** *On-line or Internet-based legal services.*

1. The provision of legal advice online or through the Internet by a abogada/o constitutes a form of practice of the profession subject to these General Statutes and the rest of the legal system.

2. The identification of the abogada/o providing the service, as well as the Bar to which the professional belongs, shall be communicated to the client or user prior to the provision of services and, in any case, prior to requesting payment of any consideration.

3. When a legal professional is required to provide his professional services by this means, the professional shall adopt the necessary measures to guarantee professional secrecy and obtain from the client sufficient accreditation of his/her identity and the remaining information that allows him/her to avoid conflicts of interest and to provide the appropriate advice to the person requesting his/her services.

4. Confidential communications should be sent encrypted and with a secure electronic signature, where the client's circumstances permit.

5. The services shall be deemed to have been provided at the place where the court is located, in the case of legal proceedings, and in the case of advice, at the place where the legal professional is registered.

**Article 17.** *Compulsory professional intervention.*

To guarantee the defense of rights and freedoms and in compliance with the social function of the legal profession, the legal profession must carry out the professional interventions established by law.

## CHAPTER II

### **Incompatibilities**

#### **Article 18. *Incompatibilities.***

1. The practice of law is incompatible:
  - a) With the performance, in any capacity, of positions, functions or jobs in the service of the Judiciary, of the state, autonomous or local administrations and of the public law entities dependent on or linked to them, whose regulatory regulations so require.
  - b) With the activity of auditing accounts under the terms provided for by law.
  - c) With any other activities that are declared incompatible by law.
2. Legal professionals may not maintain professional associative links with persons affected by the incompatibilities mentioned in the previous section, when so stipulated by law.
3. The professional abogada/o who incurs in any of the causes of incompatibility shall immediately cease in the exercise of one of the two incompatible activities; in the case of doing so in that of the legal profession, the abogada/o shall formalize its withdrawal as a practicing abogada/o within a maximum period of fifteen days, by means of a communication addressed to the Governing Board of their Local Bar. If the professional abogada/o fails to do so, the Board may suspend him or her as a precautionary measure from the practice of the profession, automatically changing him or her to the status of non-practicing abogada/o and at the same time agreeing to initiate the corresponding disciplinary proceedings.

## CHAPTER III

### **Advertising**

#### **Article 19. *Principle of free publicity.***

The legal professional may freely advertise his/her services, in full compliance with the legislation on advertising, defense of competition and unfair competition, as well as with the present General Statute and the applicable Codes of Deontology.

#### **Article 20. *Publicity.***

1. The publicity carried out by the legal profession shall in all cases respect independence, freedom, dignity and integrity as essential principles and superior values of the profession, as well as professional secrecy.
2. Advertising may not involve:

- a) The direct or indirect disclosure of facts, data or situations covered by professional secrecy.
- b) The generic or specific incitement to litigation or conflict.
- c) The offer of professional services, by themselves or through third parties, to direct or indirect victims of accidents or misfortunes, as well as catastrophes, public calamities or other events that have produced a high number of victims, whether or not they are crimes, at times or circumstances that condition the free choice of professional abogada/o, and in any case until 45 days after the event, in the same terms that are established in Article 8.2 of Law 4/2015, of 27 April, of the Statute of the victim of the crime.

This prohibition shall not apply if the provision of such professional services has been expressly requested by the victim

- d) The promise of results that do not depend exclusively on the activity of the abogada/o.
- e) The reference to clients of the abogada/o's own professional without their authorization, except as provided for in Article 54.
- f) The use of institutional or Bar emblems or symbols and any others which, due to their similarity, could lead to confusion.
- g) The mention of activities carried out by the legal professional that are incompatible with the practice of law.

3. The mentions of specialization in certain matters included by abogada/os in their advertising must be based on the possession of specific academic or professional qualifications in the matters in question, on the passing of officially approved training courses of professional specialization or on a professional practice that endorses them.

## **CHAPTER IV**

### **Professional secrecy**

#### **Article 21. Professional secrecy.**

1. The confidence and confidentiality in the relations with the client impose on the professional abogada/o, in accordance with the provisions of the Law 6/1985, of 1st July, of the Judicial Power, the duty and the right to keep secret all the facts or news that the professional knows by reason of any of the modalities of their professional performance and cannot be obliged to declare about them.

2. The provisions of this Chapter shall be understood without prejudice to the provisions of Law 6/1985 of 1 July 1985 on the Judiciary, procedural laws, and other applicable legislation.

**Article 22.** *Scope of professional secrecy.*

1. The duty and right of professional secrecy of the abogada/o includes all facts, communications, data, information, documents, and proposals that, as a legal professional has known, issued, or received in his/her professional practice.
2. Professional secrecy does not cover the actions of the abogada/o other than those that are proper to its professional practice and the communications, writings, and documents in which she/he intervenes with a representative mandate of the client and so expressly states.
3. The conversations held by the abogada/o with their clients, the opposing parties, or their abogada/os, in person or by any other means, by telephone or telematic, may only be recorded with the prior warning and agreement of all the parties involved.

The recordings made by the client, which are not known by the abogada/o, even if the latter was not or did not intervene at that moment, are also covered by professional secrecy. They are also covered by professional secrecy, the recordings made by the client, not known by the abogada/o, even if the latter was not or did not intervene at that moment, of conversations in which the other party's abogada/o intervened.

4. The abogada/o shall ensure that professional secrecy is respected by her/his collaborators and associates, as well as by the corresponding staff and other persons who cooperate with her/him in his professional activity.
5. The duty of professional secrecy continues even after the cessation of the provision of services to the client and is not limited in time.
6. The abogada/o shall be relieved of this duty in respect of matters which only concern or relate to her/his client, provided that the client has expressly authorized him or her to do so.

**Article 23.** *Confidentiality of communications between abogada/os*

The abogada/o may not provide to the Courts, nor provide to her/his client, the letters, documents, and notes that, as communication between abogada/os, (s)he keeps with the abogada/o of the other party, unless the latter expressly authorizes it. This prohibition shall not include the letters, documents, and notes in which he intervenes with a representative mandate of her/his client, and (s)he expressly states it.

**Article 24.** *Entry and search of professional offices.*

The Deans of the Bars, those who statutorily substitute them or those who for such purpose were appointed by the Dean, shall attend at the request of the interested party to the practice of the searches in the professional office of a abogada/o and to all the proceedings of revision of the documents, computer supports or files intervened in that office, computer supports or

files intercepted therein are carried out, ensuring the safeguarding of the professional secrecy and, especially, that the search as well as the rest of the actions, to which they shall also attend, are limited exclusively to the investigation of the offence for which they were agreed.

## CHAPTER V

### Professional fees Article

#### **Article 25.** *Right to payment of fees*

The abogada/o is entitled to remuneration for his or her services and to reimbursement of expenses incurred.

#### **Article 26.** *Free fixing of fees.*

The amount of the fees shall be freely agreed between the client and the abogada/o in accordance with the rules of deontology and defense of competition and unfair competition.

#### **Article 27.** *Professional assignment.*

1. Before commencing his professional activity, the legal professional shall provide his client with the information referred to in Article 48 of these General Statutes, preferably by means of the use of order forms.

2. The **Local** Bars shall establish model order forms to promote and facilitate their use.

#### **Article 28.** *Obligation to issue an invoice.*

The le or the professional partnership must issue an invoice to the client. This invoice must comply with all legal requirements and must state in detail the various items of the fees and the list of expenses. As far as possible, the use of electronic invoicing shall be encouraged.

#### **Article 29.** *Indicative criteria for the purposes of the assessment of costs and the swearing of accounts.*

The **Local** Bars shall be able to elaborate fee guideline criteria for the exclusive effects of the appraisal of costs and the swearing of accounts of the professionals of the Bar as well as to inform and give their opinion on professional fees, being even able to issue expert reports, under the terms of the article 5.o) of the Law 2/1974, of 13th February, on **Prof**essional Bars. The aforementioned criteria shall also be valid for the calculation of fees for the purposes of the assessment of costs in free legal aid.

## CHAPTER VI

### Free legal aid and ex officio legal aid

#### **Article 30.** *Scope.*

In accordance with the provisions of Article 22 of Law 1/1996, of 10 January, on Free Legal Aid, the Local Bars shall set up advisory services for applicants for free legal aid, with the aim of guiding and directing their claims. Such counselling shall, in all cases, be free of charge for applicants.

It is incumbent upon the legal profession to provide the compulsory services of free legal assistance and defense, under the terms and in the cases provided for by law.

The legal profession is also responsible for advising and defending those who wish to exercise their rights before any jurisdiction or Administration and who do not have a professional abogada/o to defend or advise them, with the obligation to pay their fees.

**Article 31. Organization and control.**

1. Abogada/os shall perform the functions referred to in this chapter with the professional freedom, independence and diligence that are proper to them and in accordance with the deontology rules that govern the profession and the regulations governing legal aid.

2. The development of these functions shall be organized by the General Council of the Spanish Bars, the Bar Regional Councils, where appropriate, and the Local Bars, the latter proceeding to the designation of the professional of the Bar that has to assume each matter, to the control of its performance, to the establishment of the rules and requirements to which the provision of the corresponding services has to comply with and to the demand of the responsibilities that may arise, all of this according to the legislation in force. The professionals of the Bar shall carry out the aforementioned functions in the territorial scope of assignment that corresponds in each case, in accordance with the provisions contained in the regulatory rules of the free legal aid.

3. It is up to the General Council of the Spanish Bars to decide which Local Bar is competent to process applications for free legal aid in the event of conflict between the Local Bars belonging to different Autonomous Communities or when the Local Bars in conflict belong to the same Autonomous Community, provided that there is no Regional Council Bar and that the Autonomous Community regulations do not provide otherwise.

4. It is also the responsibility of the General Council of Spanish Bars to decide in the event of conflict which Local Bar is competent to process applications for legal aid in cross-border disputes within the European Union.

5. Applications for legal aid for litigation in another Member State of the European Union shall be dealt with by the Local Bar of the applicant's place of domicile or habitual residence.

6. The assistance and defense of those entitled to free legal aid is an obligation of all legal professionals. However, in those Bars that have a sufficient number of abogada/os, the service may be organized with volunteers.

## CHAPTER VII

### Practice of the legal profession in Spain by lawyers from other Member States of the European Union

#### **Article 32.** *Freedom to provide services.*

Lawyers established permanently in a Member State of the European Union may freely carry out in Spain, on an occasional basis, the activities of the legal profession, under the conditions regulated in the regulations in force.

#### **Article 33.** *Right of establishment.*

1. Lawyers from other Member States of the European Union and the European Economic Area shall have the right to exercise their professional activity in Spain, on a permanent basis and with their original professional title, under the denomination of "registered lawyer", under the terms and with the limitations provided for in the regulations relating to the exercise in Spain of the profession of lawyer with a professional title obtained in another Member State of the European Union.

2. A "registered lawyer" may practice the profession in accordance with the general conditions of practice laid down in these Statutes.

#### **Article 34.** *Agreement with a professional of the Spanish Bar.*

1. Visiting lawyer and "registered lawyer" shall act in concert with a *abogada/o* registered in Spain under the terms provided for in the applicable rules.

2. The agreement shall be communicated in each case to the Local Bar, before whose Dean the visiting lawyer has appeared or where the "registered lawyer" is registered, by means of a written document signed by both professionals. Likewise, the existence of the agreement shall be stated in all the professional actions it affects.

3. The agreement obliges the registered lawyer to accompany and assist the "registered lawyer" or the visiting lawyer in professional activities

## TITLE III

### Forms of professional practice

## CHAPTER I

### Individual practice

#### **Article 35.** *Practice as an office holder.*

1. The individual practice of the legal profession may be carried out on her/his own account as the holder of an office. The abogada/o shall be professionally liable before the client for the actions carried out by abogada/os that, in his case, were integrated in his office, without prejudice of his faculty of repeating against them. However, all the acting professionals of the legal profession are subject to the deontological duties and shall assume their own responsibility.
2. The fees payable by the client shall accrue in favor of the holder of the office, even if the actions were carried out by other professionals of the Bar by delegation or substitution. In turn, the said holder shall be personally liable for the fees due to the abogada/o to whom he or she entrusts or to whom he or she delegates actions, even in the event that the client should fail to pay them, unless otherwise agreed in writing.
3. The status of individual abogada/o shall not be lost:
  - a) When the legal professional limits himself to sharing premises, facilities, services or other means with other abogada/os, maintaining the independence of their offices and without joint identification before the clients.
  - b) When the abogada/o enters into collaboration agreements for certain matters or types of matters with other abogada/os or collective law firms, national or foreign, whatever their form may be.

**Article 36. *Professional collaboration.***

1. The practice of law on a self-employed basis in the form of professional collaboration must be agreed in writing, establishing the conditions, duration, scope, and economic regime of the collaboration.
2. The collaborating abogada/o, who shall act with full independence and freedom, shall know the identity of the client, with respect to whom he or she shall comply with all his or her ethical duties.
3. The collaborator must state, where applicable, that he or she is acting by substitution or delegation of the firm with which he or she collaborates.

## **CHAPTER II**

### **Work experience**

**Article 37. *Employment regime.***

The legal profession may be practiced as an employed person under a special or ordinary employment relationship.

**Article 38. *Special employment relationship.***

The special employment relationship of abogada/os who provide services in law firms, whether individual or collective, is governed by the regulations regulating this special employment relationship.

**Article 39.** *The in-house abogada/o*

The legal profession may also be practiced as an employed professional as an in-house abogada/o under a common employment relationship, by means of an employment contract formalized in writing and in which the basic freedom, independence and professional secrecy for the practice of the profession must be respected and it must be stated whether the practice of the profession is on an exclusive basis.

### CHAPTER III

#### Collective practice

**Article 40.** *Collective practice of the legal profession.*

The abogada/os may practice it collectively by means of their grouping under any of the contemplated in law. When a company is created with the purpose of jointly practicing the legal profession, it shall be constituted as a professional company, in accordance with the provisions of the Law 2/2007, of 15th March, on companies.

The specific provisions of these Statutes and of the specific regulations of each Bar shall be applicable to them.

It shall be presumed that there is collective exercise of the profession, in accordance with the provisions of the second additional provision of Law 2/2007, of 15 March, when the exercise of the activity is carried out publicly, without being constituted as a professional company, under a common or collective name, or when documents, invoices, minutes or receipts are issued under this name.

**Article 41.** *Professional partnerships for the practice of law.*

1. The professional societies that are constituted for the practice of the legal profession shall be governed by the provisions of the legislation regulating professional societies, by its implementing rules, by the autonomous regulations that, where applicable, are applicable, by these Statutes and by the bylaws of each Bar.
2. The same rules shall also apply to professional partnerships whose object is the professional practice of several professional activities, when one of them is the legal profession.
3. The Bar in which they are registered shall exercise over the professional societies the same powers that the legal system attributes to it over the legal profession, especially as regards professional ethics and the exercise of the power to impose penalties.

4. Professional partnerships may provide in their articles of association or agree later that disputes arising between members, between members and directors and between any of them and the partnership, including those concerning the operation, separation, exclusion and determination of the liquidation quota, shall be submitted to collegiate arbitration.

**Article 42. *Collective exercise in non-corporate form.***

1. The collective office must have as its exclusive object the professional practice of the legal profession and be composed only of abogada/os, without limitation of number.

2. The grouping must be constituted in writing and allow for the identification of its members at all times.

3. In the professional interventions that they carry out, in the order forms that they sign and in the minutes that they issue, the abogada/os shall state their condition of legal professionals grouped in a collective office. The fees shall correspond to the collective without prejudice to the internal distribution system that they have agreed. However, the actions corresponding to the free legal assistance shall be of a personal nature, although the remuneration may be paid in the name of the collective office, which shall issue the corresponding invoice or document that replaces it.

4. The professional action of the members of the collective office shall be subject to the collegiate discipline of the Bar in whose scope it is carried out, and the professional of the Legal Profession who has carried it out shall be personally liable. However, the duty of professional secrecy, the incompatibilities that affect any of its members shall be extended to all the members of the collective office.

The members and the situations of prohibition to act in defense of interests conflicting with those sponsored by any of them.

5. The civil liability that may correspond to the collective office shall be demanded according to the general legal regime that corresponds to the form of grouping used. Furthermore, without prejudice to the provisions of the second additional provision of Law 2/2007, of 15 March, all the professionals of the Legal Profession who have intervened in a case shall be personally, jointly, and severally and unlimitedly liable to the client.

6. To better safeguard professional secrecy and internal relations, the rules of the collective office may submit to arbitration any disputes that may arise between its members as a result of the operation, separation or liquidation of the office.

## **CHAPTER IV**

**Article 43. *Practice of the legal profession in a multi-professional collaboration regime.***

1. The legal profession may associate in a multi-professional collaboration regime with other liberal professionals who are not incompatible, using any form that is lawful in law, provided that the following conditions are met:
  - a) The purpose of the grouping must be the provision of joint services, which must necessarily include legal services complementary to those of the other professions.
  - b) That the activity to be carried out does not affect the proper practice of the legal profession.
  - c) That the conditions laid down in Article 42 of these Statutes are fulfilled as far as the practice of the profession of abogada/o is concerned, except for the first paragraph thereof.
2. The professionals of the Bar shall separate when any of the members of the grouping does not comply with the rules on prohibitions, incompatibilities, or deontology of the Bar, without prejudice to the sanctions that, where appropriate, may be applicable.

## **CHAPTER V**

### **Registers of professional societies**

#### **Article 44.** *Bar registers.*

1. Each Local Bar shall set up such registers as it may determine, and which allow for compulsory registration with due separation:
  - a) Professional companies whose sole corporate purpose is the practice of law.
  - b) Multidisciplinary professional societies which are also engaged in the practice of law.
2. The purpose of entry in the registers is to incorporate professional societies into the Order so that it can validly exercise its powers.
3. The registers set up by the Bars and Law Societies may be kept in computerized form, in full compliance with the rules on the protection of personal data.
4. Professional companies shall be entered in the registers of the Bar of their registered office or statutory seat.

#### **Article 45.** *Registry entries.*

1. In the corresponding register, a sheet shall be opened for each entity, on which the details specified at any given time in the legislation regulating professional societies shall be entered. The Bars shall specify the content of these sheets, in accordance with the applicable legal provisions.

2. All registrable acts must be communicated and submitted for registration within one month of their adoption. Where they are recorded in a public deed, an authorized copy must be submitted when applying for registration.
3. The registration or refusal of registration must be made by the registrar within a further month. Silence shall be deemed to be positive, in which case the entry must be made.
4. Without prejudice to other forms of publicity provided for in the legislation on professional orders, publicity of registered particulars shall be affected by certification of the contents of the sheet or of the entries therein or by a simple information note or copy. The use of computer media shall be encouraged.
5. All registrations shall be subject to the fees determined by each Local Bar according to the cost of the service.

**Article 46.** *State Register of professional societies.*

The General Council of the Spanish Bars may create the State Register of professional societies dedicated to the practice of Law, which shall be formed exclusively with the data sent to it by the Local Bars. Its publicity shall be carried out by computerized means and through the Internet portal of the General Council, with the necessary guarantees of confidentiality.

## TITLE IV

### Abogada/o-client relationships

**Article 47.** *Independence and freedom of the abogada/o.*

1. Independence and freedom are guiding principles of the profession that must guide at all times the actions of the abogada/o, regardless of the way in which he or she practices the profession. The abogada/o shall refuse to carry out actions that may compromise his independence and freedom.
2. The relationship between the abogada/o and the client must be based on mutual trust.
3. In any case, he must carry out with the utmost diligence the advisory or defense mission entrusted to him, giving priority to the satisfaction of his client's interests.
4. The professional abogada/o shall carry out, with full freedom and independence and under his own responsibility, the professional activities that the defense of the matter entrusted to her/him imposes on her/him, in accordance with the technical and deontological requirements appropriate to the legal protection of the matter.

**Article 48.** *Duties of information and identification.*

1. The abogada/o must provide the client with his or her name, tax identification number, the Local Bar to which he or she belongs and his or her membership number, professional address and means of contacting him or her or his or her office, including by electronic means.

In the case of a professional company or partnership, it shall inform the client of its name, form, registration details, legal status, tax identification code, address, or registered office from which the services are provided and means of contact, including by electronic means.

2. When the services required require the participation of different abogada/os from the same company or organization, the client shall have the right to know the identity of all of them, the Bar to which they belong and, in the case of professional companies, whether or not they are partners, as well as the abogada/o who is in charge of the management of the matter.

3. The abogada/o has the obligation to inform her/his client about the viability of the matter entrusted to him, (s)he will try to dissuade her/him from promoting conflicts or taking unfounded legal action and will advise her/him, if necessary, about the alternative ways to better satisfy her/his interests.

4. He or she will also inform you of the fees and costs of his or her action, on presentation of the order form or equivalent. (S)He will also inform you of the possible consequences of an order for costs and their approximate amount.

5. The abogada/o shall inform his client about the status of the matter in which (s)he is intervening and about the relevant incidents and resolutions that occur. In administrative and judicial proceedings, if the client so requires, he or she shall provide him or her with copies of the different documents that are presented or received, of the judicial or administrative resolutions that are notified to him or her and of the recordings of the proceedings that have taken place.

6. The abogada/o may only issue reports containing professional assessments on the probable outcome of a case, litigation or an estimate of its possible economic consequences, if the request comes from the client concerned who, in any case, must be the exclusive addressee, unless the client expressly authorizes him or her to make it known to a third party.

7. Likewise, the abogada/o has the right to obtain from the client, keeping the necessary confidentiality, all the information and documentation that is relevant for the correct exercise of his function. In any case, the legal professional may retain the client's documentation, without prejudice to the fact that he or she may keep a copy.

**Article 49. *Supplementary information.***

1. Upon request, the abogada/o will provide the client with the following additional information:

- a) Reference to the rules of access to the legal profession in Spain, as well as the necessary means to access their content.
- b) Reference of its multidisciplinary activities.
- c) Potential conflicts of interest and measures taken to avoid them.

- d) Codes of ethics or codes of conduct to which it is subject, as well as the address at which such codes may be consulted.
2. This information shall be made available to the customer in one of the following forms:
  - a) At the place where the service is provided, or the contract is concluded.
  - b) By electronic means.
  - c) In any type of information document provided to the client presenting the services in detail.
3. The information referred to in paragraph 1(b) and (c) of this Article shall always be included in any information document in which the legal professional presents his services in detail.

**Article 50. *Acceptance and resignation of professional assignments.***

1. The abogada/os shall be free to accept or refuse the handling of any matter entrusted to him or her.
2. The abogada/o may cease his professional intervention when discrepancies arise with his client and must do so when circumstances arise that affect his independence and freedom in the defense or the duty of professional secrecy.
3. The abogada/os may waive the procedural defense that has been entrusted to him or her at any stage of the proceedings, provided that the client is not deprived of his/her rights, being obliged to complete the urgent procedural formalities.

The abogada/os shall communicate his resignation in writing to the client and, where appropriate, to the judicial or administrative body before which he has appeared and shall provide the colleague who takes charge of the matter and who requires it with all the data and information necessary for the proper defense of the client.

4. Legal aid and in-court representation shall be governed by their own specific rules.

**Article 51. *Conflict of interests.***

1. The abogada/o is obliged not to defend interests in conflict with those whose advice or defense has been entrusted to him or her or with his or her own and not to defraud his or her client's trust.
2. The abogada/o may not intervene on behalf of two or more clients in the same matter if there is a conflict or significant risk of conflict between the interests of those clients, except with the express written authorization of all of them, previously and duly informed to that effect and if it is a matter or assignment of a non-litigious nature. Likewise, the abogada/o may intervene in the interest of all parties in the role of mediator and in the preparation and drafting of documents of a contractual nature, having to maintain strict neutrality in these cases.

3. When a conflict of interest arises between two clients, The abogada/o shall cease to act for both, unless expressly authorized in writing by to act on behalf of one of them.

4. The abogada/o shall refrain from acting for a new client if there is a risk of breach of professional secrecy regarding information provided by a former client or if the knowledge that the abogada/o has of other matters of the former client could unduly favor the new client to the detriment of the former client.

5. When several abogada/os practice collectively or form part of or collaborate in the same office, whatever the form of association used, the rules set out in this Article shall be applicable to the group as a whole and to every one of its members.

**Article 52. *Obligations regarding complaints.***

1. The abogada/o shall make available to their clients a telephone number, a fax number, an e-mail address, or a postal address to which they may address complaints or requests for information about the service provided.

2. The abogada/o shall respond to complaints as soon as possible and in any case within one month of receiving them.

**Article 53. *Relationship of the abogada/o with the opposing party.***

1. Where (s)he is known to be assisted by a abogada/o, The abogada/o may not enter direct contact with the opposing party and may only deal with the opposing party through her/his abogada/o, unless the latter expressly authorizes him to do so.

2. If the opposing party is not assisted by a professional abogada/o, the intervener shall avoid any kind of abuse and shall refrain from any act that could result in an unjust injury. In any case, he shall recommend him to appoint a abogada/o.

**Article 54. *Participation in public procurement procedures.***

Abogada/o participating in a procurement procedure subject to the legislation on public sector contracts may include in their professional history, if so requested in the tender documents, references to the clients for whom they have provided services, provided that the latter have not expressly forbidden it and that the duty of confidentiality and the regulations on personal data protection are respected, without infringing the right to privacy of natural persons.

## TITLE V

**Article 55. *General duty of cooperation.***

1. As guarantor of the effectiveness of the constitutional right of defense and collaborator with the Administration of Justice, the abogada/o is obliged to participate and cooperate with it by advising, conciliating and defending in law the interests entrusted to him or her.

2. In her/his intervention before the jurisdictional bodies, the abogada/o shall abide by good faith, prudence, and loyalty in her/his conduct. The form of his intervention shall keep the due respect to such bodies and to the abogada/os defending the other parties.

**Article 56. *Location in the judicial chambers and offices.***

1. The abogada/o shall have the right to intervene before the courts and tribunals of any jurisdiction sitting on the bench, preferably at the same level as the court before which they are acting and wearing a gown, their clothing being appropriate to the dignity of their function.

In any case, the indications that may be adopted by the judicial body in the exercise of the police of the bench shall be considered.

2. The acting abogada/o may be assisted or substituted in any judicial proceeding by one or more practicing colleagues, being able to intervene two or more professionals of the Bar in the hearings provided that such joint intervention presents sufficient justification at the discretion of the judicial body. For the substitution it shall be enough the declaration of the substitute abogada/o under his own responsibility.

3. The abogada/o who are prosecuted or accused and who defend themselves or collaborate with their defense counsel shall wear a gown and, in this case, shall take the place of the abogada/o.

4. The Bars shall ensure that the seats of the courts and tribunals provide decent and sufficient premises for the use of the legal profession in the performance of its functions.

**Article 57. *Delays in judicial proceedings.***

The legal profession shall wait for a reasonable period after the time appointed by the judicial bodies for the proceedings in which they must intervene, after which, without a justified cause, they shall file the relevant complaint before the same body.

They must also report the delay to the Governing Board of the corresponding Bar so that it can take the appropriate action.

The Bars shall establish protocols of action so that in the event of repeated unjustified delays, the corresponding complaint is lodged with the General Council of the Judiciary.

**Article 58. *Protection of the freedom and independence of the legal profession.***

1. In their actions before the Courts and Tribunals, the abogada/os are free and independent, they shall enjoy the rights inherent to the dignity of their function and may request to be protected in their freedom of expression and defense, under the terms provided for in the applicable rules.

2. If the abogada/o considers that the authority, judge or court restricts the independence and freedom necessary to fulfil her/his professional duties, or that (s)he does not keep the due consideration to her/his function, he may state so before the court or tribunal itself and inform

the Governing Board. If the Board considers the complaint to be well-founded, it shall take active measures to safeguard professional freedom, independence, and dignity.

3. The Local Bars shall notify the protections granted to the authorities, judges or courts that have restricted the freedom or independence of the legal profession and shall denounce such conducts, when appropriate, before the General Council of the Judiciary and the relevant institutions. Likewise, the Local Bars shall promote formulas to be heard before the Governing Chambers of their respective High Courts of Justice in the governmental proceedings against any abogada/o and their appeals.

## TITLE VI

### Relations between abogada/os

#### **Article 59.** *Duties towards other abogada/os.*

1. The abogada/os should maintain mutual loyalty and respect for each other.
2. In any case, the abogada/o is obliged in their relations with other colleagues to the following:
  - a) Communicate to the Local Bar the intention to bring on behalf of oneself or the client, an action for civil or criminal liability against another abogada/o, derived from the professional practice.
  - b) Maintain the utmost respect for the professional abogada/o of the opposing party, avoiding all personal references in legal briefs, oral reports and any other oral or written communication.
  - c) Not to attribute to himself powers other than those conferred by the client.
  - d) Give notice of the cessation or interruption of out-of-court negotiations before lodging a legal claim or, where applicable, applying for enforcement of a judgment.
  - e) Refrain from requesting the testimony of the opposing party's abogada/o or other abogada/os who have been professionally involved in the case.

#### **Article 60.** *Replacement of the abogada/o.*

1. The abogada/o who is entrusted with the professional management of a matter entrusted to another colleague shall inform the latter in a form that allows the receipt to be recorded, proving that he has received the client's order.
2. The abogada/o being replaced shall, as soon as possible, acknowledge receipt of the communication, make available to the colleague the documents in his or her possession relating to the case and provide him or her with the necessary information and data.

3. The new professional abogada/o is obliged to respect and preserve the professional secrecy of the documentation received, with special attention to the confidentiality of communications between colleagues.

4. If the substitution between professionals takes place within the framework of an electronic judicial file, the provisions of Article 17 of Law 18/2011, of 5 July, regulating the use of information and communication technologies in the Administration of Justice, and its implementing provisions, shall apply.

## **TITLE VII**

### **Professional ethics**

#### **Article 61. *Professional ethics.***

1. The professionals of the legal profession are obliged to respect the deontological rules of the profession contained in this General Statute, in the Code of Ethics of the Spanish Legal Profession, in the Code of Ethics of the Council of European Abogada/os and in any others that may be applicable.

2. When the abogada/o acts outside the territorial scope of his or her Local Bar, he or she shall also respect the deontological rules in force in the place where he carries out his professional activity, in accordance with Article 3.3 of Law 2/1974, of 13 February, on Professional Orders.

## **TITLE VIII**

### **Training and specialization of the abogada/o**

#### **Article 62. *Legal practice schools.***

In the professional and corporate sphere of the legal profession, and within the framework of the regulations governing access to the profession, the Local Bars and the General Council of Spanish Bars are responsible for exercising, respectively, the competences provided for in Law 34/2006, of 30 October, on access to the professions of Abogada/o and “*Procurador*”, with regard to the creation, approval and functions to be carried out by the Schools of Legal Practice, in order to fulfil the mission of providing training aimed at obtaining the professional title, in addition to the continuous training of all the constituents of the Bar, including their specialization in certain branches of law.

**Article 63. *Regime of participation of the professionals of the Legal Profession in the external practices for obtaining the professional degree.***

1. Law professionals who participate as tutors in the external placements provided for in Law 34/2006, of 30 October, and its implementing regulations, must meet the following requirements:

- a) The tutor responsible for each external placement tutoring team must have been in practice for at least five years.
- b) Other legal professionals who are tutors must have practiced for at least three years.
- c) A abogada/o who has been the subject of a disciplinary sanction may not be responsible for or participate in a mentoring team if he or she has not served it.

2. The duties of the legal professional guardians are the following:

- a) Respect the training plan of the entity responsible for the external placement and comply with its regulations.
- b) Coordinate with the person in charge of the tutoring team their tutoring activity in the development of the external placement and provide them with the information they require.
- c) Maintain due respect and consideration for pupils.
- d) To provide support and assistance to students throughout the period of external placements, providing them with the essential material means for the development of the placement.
- e) Meet with students at the intervals established in the regulations governing each period of external placements.
- f) Transmit to students their knowledge, experience, working methods and practices, as well as the principles of the legal profession, with special attention to its deontological values.
- g) Do not entrust students with tasks unrelated to the practice of law.
- h) Maintain the status of professional abogada/o during the performance of his or her duties as guardian.
- i) Write a report explaining the activities carried out, which will be supervised by the tutoring team leader.
- j) Bring to the attention of the corresponding Local Bar any behavior of students that it considers to be contrary to the rules of professional ethics and the profession's bylaws, so that the Local Bar may report it to the center organizing the external placement.

3. The rights of legal guardians are the rights of the legal profession:

- a) Obtain the recognition, incentives or advantages established by each Bar.

- b) Obtain a certificate from the Local Bar accrediting their status as a professional abogada/o tutor.
- c) To be able to count on the collaboration of the school for the development of their tutoring work.
- d) Early and justified termination of the mentoring relationship with students.

**Article 64. Continuing training.**

1. The legal profession has the right and the duty to undergo continuous training to ensure that they are permanently qualified for the correct exercise of their professional activity.
2. The Local Bars, mainly through the schools of legal practice, shall organize training activities of professional development and shall issue in favor of the attendant's certificates accrediting their attendance and use. They may also organize this type of activities jointly with other public or private organizations, especially with universities.

**Article 65. Specialized training.**

1. Law professionals have the right to access professional specialization through the accreditation of specific training which, in the case of training given by the corporate organization and to be effective throughout the State, must be approved by the General Council of Spanish Bars.
2. In those cases, in which the regulations in force require a certain specialization to carry out specific activities or to gain access to positions or groups, the specialization regulated in this article shall entitle the legal professionals to do so.

**TITLE IX**

**Organization of the Bar**

**CHAPTER I**

**Local Bars**

**SECTION 1.1 GENERAL PROVISIONS**

**Article 66. Local Bars. Legal regime and purposes.**

1. The Local Bars are Public Law Corporations governed by the Law 2/1974, of 13th February, on Professional Bodies, by the Autonomous Laws on Professional Bodies, by the provisions of these General Statutes and by their particular Statutes, as well as by the internal rules approved by them and by the agreements adopted by the different corporate bodies within the scope of their competences.
2. Each Local Bar shall have exclusive and excluding competence in the territorial scope it had when the Spanish Constitution of 1978 was enacted, whatever the number of judicial

districts it now comprises. The territorial scope of the Local Bars created after the Constitution of 1978 shall be determined by their Law of creation, in accordance with the provisions of the State and Autonomous Community laws applicable in each case.

3. The modification of judicial districts shall not affect the territorial scope of the Local Bars, which shall have jurisdiction over any new ones that may be created in their territory.

#### **Article 67. Purposes**

The essential purposes of the Local Bars, within their respective territorial scope:

- a) The regulation of the practice of law and its exclusive representation.
- b) The defense of the rights and professional interests of the abogado/as.
- c) Intervention in the process of access to the legal profession.
- d) The permanent and specialized professional training of its abogada/os.
- e) Ethical control and the application of the disciplinary system to guarantee the rights of citizens and professionals.
- f) The protection of the interests of consumers and users and clients of the services of the legal profession.
- g) Collaboration in the functioning, promotion, and improvement of the Administration of Justice.
- h) The defense of the social and democratic rule of law proclaimed in the Constitution and the promotion and defense of human rights.
- i) Contributing to the guarantee of the constitutional right of defense and access to justice through the organization and provision of public defense.

#### **Article 68. Functions.**

The functions of the Local Bars, within their territorial scope:

- a) To represent and defend the legal profession before the Public Administration, Institutions, Courts, entities and individuals, withstanding to be a party in any litigation and cases affecting professional rights and interests.
- b) To draw up its Statutes and any amendments thereto, as well as to draw up and approve its Rules of Procedure.
- c) Collaborate with the Judiciary and other public authorities by carrying out studies, issuing reports, compiling statistics and other activities related to its purposes, when requested to do so or when it agrees to do so on its own initiative.

- d) Organize and manage free legal aid services and any other legal assistance and guidance services that may be created, especially for the benefit of the most disadvantaged social sectors or those in need of protection.
- e) Participate in matters pertaining to the profession in the consultative bodies of the Administration, as well as in interprofessional bodies.
- f) To ensure the representation of the Bar in the Social Councils of the Universities, under the terms established by the rules that regulate them.
- g) To participate in the elaboration of university curricula; to create, maintain and propose to the General Council of the Spanish Bars or, where appropriate, to the Regional Council Bar, the homologation of schools of legal practice and other means to facilitate the access to the Bar for new graduates and to organize courses for continuous training and professional improvement and specialization. More specifically, they may incorporate in their Statutes the measures related to the performance of the tutorship of the aspirants to the Bar that are necessary to guarantee the performance of the practices established in the training courses for professionals of the Bar, providing support measures to the professional tutors of the Bar to facilitate the performance of their mission.
- h) To regulate the professional activity of the members, ensuring professional training, professional ethics and dignity and due respect for the rights of individuals, as well as to exercise disciplinary powers in the professional and collegiate sphere.
- i) To organize and promote common activities and services of interest to their constituents of a professional, educational, cultural, welfare, social security and similar nature, including the compulsory insurance of professional civil liability when legally established.
- j) To promote the appropriate use of information and communication technologies in the professional practice and in collegiate relations.
- k) Adopt measures to prevent and prosecute professional intrusion, as well as to prevent unfair competition among professionals.
- l) Intervene, at the request of the interested parties, in conciliation, mediation or arbitration in matters arising between abogada/os or with their clients for professional reasons. They are responsible for resolving any discrepancies that may arise in relation to the professional actions of abogada/os and the collection of their fees, by means of an award to which the parties concerned expressly submit themselves beforehand.
- m) To exercise arbitration functions in matters submitted to them, as well as to promote or participate in arbitration or mediation institutions.
- n) To respond to requests for information on its abogada/os and on the final sanctions imposed on them, as well as requests for inspections or investigations made by any competent authority of a Member State of the European Union under the terms provided for in Law 17/2009, of 23 November, on free access to and exercise of service activities, in particular,

with regard to requests for information and requests for controls, inspections and investigations being duly justified and the information obtained being used solely for the purpose for which it was requested.

ñ) To report in judicial or administrative proceedings in which professional fees are in dispute, under the terms provided for in the applicable legislation.

o) Any functions that benefit the protection of the interests of consumers and users of the services of its abogado/as and any other functions established in this Statute or provided for by state or regional legislation.

**Article 69. Collaboration with other Public Administrations.**

The Bars shall cooperate loyally with the Spanish public administrations and with the competent authorities of other Member States of the European Union within the framework of their competences.

**Article 70. Approval and modification of its Particular Statutes.**

1. The Statutes of each Bar and their modifications shall be drawn up and approved in the manner provided for by regional legislation and by the Statutes themselves, subject to the principles of autonomy, democracy, and transparency.

2. The Statutes or their amendments, once approved, shall be sent to the General Council of Spanish Bars for approval in accordance with the provisions of Article 6.4 of Law 2/1974, of 13 February, on Professional Bodies, without prejudice to any further processing provided for in the legislation of the corresponding Autonomous Community.

**Article 71. Website and one-stop shop.**

1. The Local Bars shall have a website so that, through the one-stop shop foreseen in the Law 17/2009, of 23rd November, regulating the free access to the activities of services and their exercise, the professionals of the Bar and the professional societies may carry out all the necessary formalities for their registration, exercise, and deregistration in the Bar electronically and remotely, providing also the necessary information in this regard. They may also, through the single window, summon constituents to the General Meetings and inform them of the activities of the Bar, without prejudice to the fact that they may additionally or exclusively use other means.

2. Specifically, through the one-stop shop, professionals will be able to access free of charge:

a) Obtain all the information and forms necessary for accessing and practicing as a abogada/o.

b) Submit all documentation and applications, including the application for registration.

c) To be informed of the status of the procedures in which they are interested, as well as to receive the corresponding notification of the mandatory procedural acts and the resolutions of the procedures.

3. Likewise, to ensure a better defense of the rights of consumers and users, the Bars will offer the following information through the one-stop shop, clearly, unequivocally, and free of charge:

a) Access to the register of the Bar, which must be permanently updated and in which the names and surnames of the legal professionals, registration number, official qualifications held, professional domicile and professional qualification status and the company name of the professional societies shall be recorded.

b) The means of complaint and, where appropriate, the appeals that may be lodged when a conflict arises between the consumer or user and a professional or between the former and the respective Bar.

c) Details of consumer and user associations or organizations to which recipients of professional services may turn for assistance. This information may be provided through a link to the website of the competent public administration.

d) Access to the register of professional companies, which will have the content described in Article 8 of Law 2/2007, of 15 March.

e) The content of codes of ethics.

#### **Article 72. Technological means.**

The Local Bars shall adopt as many measures as necessary for the fulfilment of the duties imposed in this Statute and in the rest of the legal system and they shall incorporate for this purpose the necessary technologies that guarantee the interoperability between the different systems.

#### **Article 73. Customer service for abogada/os and consumers and users.**

1. the Local Bars shall deal with complaints or claims submitted by abogada/os.

2. The Bars shall have a Service for consumers or users and clients of the services of the Bar, which shall process and resolve all complaints and claims related to the activity of the Bar or of the abogada/os of the Bar presented by any client who contracts the professional services of the professionals of the Bar who act in their territorial area, as well as by associations and organizations of consumers and users in their representation or in defense of their interests.

3. The procedure for resolving complaints and claims shall be regulated by the Bar, expressly providing that complaints and claims may be submitted electronically and remotely through the one-stop shop.

4. The Bars, through the Consumer or User Attention Service, will resolve complaints or claims, depending on the case, in one of the following ways:

- a) Informing about the out-of-court dispute resolution system, if available and applicable.
- b) Agreeing to refer the case to the competent collegiate bodies to initiate the sanctioning procedure.
- c) Archiving the file.
- d) Taking any other decisions as appropriate.

**Article 74. Corporate Governance and Annual Report.**

1. The Local Bars are subject to the principle of transparency and accountability in their management.

2. The Bars shall prepare an Annual Report containing at least the following information:

- a) Annual financial management report, including sufficiently detailed personnel expenses and specifying all types of remuneration, allowances and reimbursement of expenses received by all the deputies of the Governing Board by reason of their office.
- b) The amount of the fees applicable to the concepts and services of all kinds provided by the Bar as well as the rules for their calculation and application.
- c) Aggregated and statistical information on the informative and sanctioning procedures in the preliminary investigation phase or which have reached finality, indicating the infringement to which they refer, their processing and the sanction imposed where applicable, with full respect for the legislation on the protection of personal data.
- d) Aggregate and statistical information on complaints and claims submitted by consumers or users, their processing and, where appropriate, the reasons for the complaint or claim being upheld or rejected, in full compliance with legislation on the protection of personal data.
- e) Changes in the content of their Codes of Ethics and how to access their full content.
- f) The rules on incompatibilities and situations of conflict of interest in which the deputies of the Governing Boards find themselves.

3. The Annual Report shall be made public on the website in the first half of the following year.

**Article 75. Social action of the Local Bars**

1. The Local Bars shall especially consider their responsibility towards the society in which they are integrated. Therefore, they may promote, organize, and execute social action programmes for the benefit of the most disadvantaged sectors, the democratic values of

coexistence or the fight against corruption, as well as for the promotion and dissemination of fundamental rights.

2. Without prejudice to the powers of the Bars deriving from the legislation on legal aid in the field of legal counselling services, the Bars may organize and provide free services, with or without external public or private funding, dedicated to advising or, where appropriate, defending those who do not have access to other free advice or defense services and who are in situations of need, disadvantage or risk of social exclusion.

**Article 76. Service quality policies. Quality charters.**

1. The Bars shall encourage a high level of quality in the services provided by their abogado/as and their constant improvement.

2. The Bars may make available to their abogado/as models or charters of quality of services. They may also enable their professionals to defer the services they provide to an evaluation or certification by independent bodies.

## SECTION 2. BODIES

**Article 77. Governing bodies.**

1. The governance of the Bars shall be governed by the principles of democracy, autonomy, and transparency. Likewise, measures to promote the effective equality of men and women in the provision of collegiate bodies shall be incorporated.

2. In accordance with the provisions of state and regional legislation, each Local Bar shall be governed by the General Assembly, the Board, and the Dean.

The Statutes of the bars may also provide for the existence of other bodies.

**Article 78. Powers of the Governing Board and the Dean.**

1. The Statutes of each Bar shall lay down the rules governing the composition and functioning of the Governing Board.

2. In any case, the Dean shall be the legal representative of the Bar in all its relations and shall preside over all the Bar bodies.

3. The powers of the Governing Board, unless they are attributed to another body by Law or by the Statutes of the Bar in question, are as follows:

a) To decide on the admission of those applying to join the Bar, this power may be exercised by the Dean in cases of urgency and must be ratified by the Board.

b) To call Ordinary and Extraordinary General Meetings, setting the agenda for each.

c) To call elections to fill the posts of Dean and the Board, arranging for their election, in accordance with legal and statutory regulations.

- d) To take the appropriate actions and measures to prevent and prosecute intrusion, as well as the exercise of the profession by those who, as registered members of a professional Bar, exercise the profession in a manner and under conditions contrary to those legally established.
- e) To regulate under the legally established terms the functioning and appointments for the provision of free legal aid and in-court representation services.
- f) To determine the incorporation fees, which may in no case exceed the costs associated with the processing of registration, the ordinary fees, and the fees payable to support the Bar's charges and services.
- g) To propose to the General Meeting the imposition of extraordinary fees on its professionals.
- h) To draw up the budgets, render the annual accounts and manage the funds of the Bar, as well as to collect and distribute the funds of the Bar, the fees established for the support of the expenses of the Bar, of the General Council of Spanish Bars and, where appropriate, of the Regional Bar Council.
- i) Approve or propose to the General Shareholders' Meeting the establishment of guidelines for professional fees for the purposes of the assessment of costs and the swearing in of accounts, and issue expert reports in this regard when appropriate.
- j) Exercise disciplinary powers.
- k) Propose internal regulations for approval by the General Meeting.
- l) To exercise the rights and take the actions that correspond to the Bar against those who hinder the proper functioning of the Administration of Justice or the freedom and independence of professional practice.
- m) Issuing consultations and opinions, administering arbitrations, and rendering arbitral awards.
- n) To adopt agreements for the hiring of employees necessary for the smooth running of the corporation.
- ñ) Any others established in these General Statutes or in the specific statutes of each Bar

**Article 79. *Election of the Dean and the other deputies of the Governing Board.***

1. In the absence of regional regulations and in the absence of specific provisions in the specific statutes of each Bar, the Dean and the other deputies of the Governing Board shall be elected by direct and secret ballot, in which all deputies who have been registered more than three months prior to the date on which the elections are called may participate as electors. All practicing abogado/as resident in their respective territorial area shall be eligible for election

as Dean or deputies of the Governing Board, provided that they are not in any of the following situations:

- a) Have been convicted by a final judgement entailing disqualification or suspension from public office or the exercise of the profession, for as long as they remain in office.
- b) Have been disciplinarily sanctioned by a final administrative decision, if they have not been reinstated.
- c) To be a deputy of the governing bodies of another profession.
- d) Not being up to date with the payment of corporate fees.

2. The term of office of the deputies of the Governing Board and the conditions for their possible re-election shall be laid down in the Statutes of each Bar

3. No deputy may stand as a candidate for more than one of the offices of the Governing Board. Deputies of the Governing Board who, before the end of their term of office, wish to stand for any of the offices up for election, must first resign from the office they hold.

4. In elections, the votes of practicing abogado/as shall have double the value of those of other members, and the candidates obtaining the majority shall be proclaimed elected for each position. In the event of a tie, the candidate who has obtained the most votes from among the practicing abogado/as shall be deemed to be elected; if this tie persists, the candidate with the longest period of practice in the Bar; and if the tie is still maintained, the candidate with the oldest age shall be deemed to be elected.

5. The electoral procedure shall be established by the Statutes of each Bar, which may authorize and regulate electronic and postal voting with guarantees for its authenticity and secrecy; and establish, in any case, the system of appeals in electoral matters.

6. The representatives of each candidacy may request, within two days of their proclamation, a copy of the electoral roll, on a suitable medium for computer processing, which may be used exclusively for electoral purposes and during the campaign period, in compliance with personal data protection regulations.

7. The proclaimed elected candidates shall take office in accordance with the provisions of the Statutes of each the Local Bar, after taking an oath or promise to perform their duties loyally, with respect for the Constitution and the rest of the legal system, and to keep the deliberations of the Governing Board secret. Within five days of the constitution of the governing bodies, the General Council of Spanish Bars and the corresponding Autonomous Council must be notified, indicating their composition and compliance with the legal requirements.

8. In the absence of autonomous regulations and in the absence of specific provision in the particular statutes of each Local Bar, when for any reason all the offices of the Governing Board of the Local Bar become vacant, the Regional Bar Council or, where appropriate, the

General Council of Spanish Bars shall appoint a Provisional Board from among its most senior Council members. The Provisional Board shall call for elections within thirty calendar days to fill the vacant positions for the remainder of the remaining term of office. The elections shall be held within thirty calendar days from the date of the call.

### **Article 80. Termination**

In the absence of any other specific regulation, the deputies of the Governing Board of the Local Bars shall cease to hold office for the following reasons:

- a) Death.
- b) Resignation.
- c) Initial unknown lack or supervening loss of the statutory requirements and of the capacity to hold the post.
- d) Expiration of the term for which they were elected.
- e) Unjustified failure to attend three consecutive sessions of the Governing Board or five alternate sessions within a year, subject to the agreement of the Board itself.
- f) Approval of a motion of censure, as regulated in these Statutes and in the particular Statutes of the Bar.

### **Article 81. *Vote of no confidence in the Dean and other deputies of the Governing Board.***

1. Unless the statutes of the Bar provide otherwise, the vote of no confidence in the Governing Board or any of its deputies shall always be the responsibility of the Extraordinary General Meeting convened for that purpose.

2. The request to call an Extraordinary General Meeting shall require the signature of at least 20% of the practicing deputies, incorporated at least three months in advance and shall clearly state the reasons on which it is based. However, in the Local Bars with more than five thousand practicing abogada/os, 15 per cent shall be sufficient, and in those with more than ten thousand, 10 per cent shall be sufficient.

3. The Extraordinary General Meeting must be held within thirty working days from the date of the request and may not deal with matters other than those stated in the notice of meeting.

4. The valid constitution of this Extraordinary General Meeting shall require, on first call, the personal attendance of half plus one of the collegiate census with voting rights and, on second call, one third of the collegiate census with voting rights shall be sufficient. Votes must necessarily be cast personally, directly and by secret ballot.

**Article 82. General Meetings.**

1. The Local Bars shall hold the ordinary General Meetings provided for in the Articles of the Bar, as well as any extraordinary General Meetings duly convened at the initiative of the Dean, the Governing Board or the number or percentage of constituents established for this purpose.
2. The Statutes of each Bar shall establish the rules for convening and holding General Meetings.
3. Unless otherwise provided, all constituents incorporated prior to the date of the call of the General Meeting may attend the General Meetings to be held with the right to speak and vote.
4. The votes of deputies in office shall be counted with double the value of those of other constituents unless the particular Statutes place them on the same footing.
5. Unless otherwise provided, the resolutions of the General Meetings shall be adopted by simple majority and once adopted, shall be binding on all constituents, without prejudice to the system of appeals.

**Article 83. Groupings and Sections within the Bar**

1. The Governing Board shall be responsible for approving the constitution, suspension, or dissolution of the groups of legal professionals that may be constituted within the Bar, as well as their statutes.
2. The groups of legal professionals that are set up in each Local Bar shall be subordinate to the Governing Board.
3. The actions and communications of the groupings shall be identified as such, without attribution to the Corporation.
4. The groups of Young Abogada/os shall be the object of special attention by the Governing Boards.
5. The Governing Board, on its own initiative or at the request of the statutorily determined number of constituents, may create as many Sections as it deems appropriate to enable contact between professionals of the Bar with preferential dedication to specific matters and the reciprocal exchange of technical-legal information on the specialty in question.

**SECTION 3. ECONOMIC REGIME**

**Article 84. Economic and budgetary regime of the Local Bars**

1. The financial year of the Bars shall coincide with the calendar year unless their statutes provide otherwise. They shall operate based on an annual budget and their accounts shall comply with generally accepted accounting principles.
2. All constituents may examine the accounts of the Bar during the fifteen working days prior to the date of the General Meeting or the body that is to approve them.

**Article 85. *Financial resources of the Local Bars***

They constitute the financial resources of the Bars:

- a) The income of any kind produced by the activities carried out by the Bar and the assets or rights that make up its assets.
- b) Incorporation fees.
- c) The corresponding fees for the issuing of certificates.
- d) Fees corresponding to the issuing of opinions, resolutions, reports, or consultations on any matter, including those referring to fees, as referred to in Article 5.o) of Law 2/1974, of 13 February, on Professional Bodies, as well as for the provision of other collegiate services.
- e) The amount of the ordinary, fixed, or variable dues, as well as the amount of the extraordinary dues.
- f) Grants or donations made to the Bar by public authorities or by private individuals or legal entities.
- g) Property and rights of any kind which by inheritance, bequest or otherwise become part of his estate.
- h) Monetary fines paid by virtue of a final disciplinary decision, which shall preferably be used for welfare purposes.
- i) Any other that may be legally appropriate.

**SECTION 4.<sup>a</sup> RIGHTS AND OBLIGATIONS IN RELATION TO THE BAR**

**Article 86. *Rights of registered professionals.***

The rights of members, under the terms provided for in the specific statutes of each Bar are as follows:

- a) Participate in corporate governance and exercise the rights of petition, vote and access to management positions.
- b) To seek from the Bar the protection of their dignity, independence, and lawful freedom of professional activity, as well as their right to reconcile family life with professional activity.

- c) To be informed of the resolutions adopted by the Bar bodies that affect them. In any case, the Statutes of the Bar, the rules approved by its bodies and the agreements of general interest shall appear, duly updated, on the Bar's website and in the Bar's offices, available to anyone who requests them.
- d) The other rights conferred on them by the Statutes of each Bar.

**Article 87. *Obligations of registered professionals.***

The obligations of the registered professionals are as follows

- a) Comply with the statutory and deontological rules, as well as the agreements adopted by the corporate bodies.
- b) Be up to date with the payment of ordinary and extraordinary fees.
- c) Be up to date with the payment of social security contributions, irrespective of the scheme to which you belong.
- d) To report to the Bar any act of intrusiveness or illegal practice that comes to its knowledge, whether due to lack of valid registration, suspension, or disqualification of the accused, or due to incompatibility or prohibition.
- e) Communicate to the Bar his address, the address of his main professional office and any changes thereto.
- f) Maintain an open professional office, whether their own, someone else's or a company's, in the territory of the Bar to which they are incorporated as a practicing abogado/a, under the terms of Article 7.1.

## **CHAPTER II**

**Article 88. *Regional Bar Councils***

The constitution, organization, competences and operation of the Regional Bar Councils shall be governed by autonomous legislation.

## **CHAPTER III**

### **General Council of Spanish Bars**

#### **SECTION 1. BODIES AND FUNCTIONS**

**Article 89. *Definition, domicile, and governing bodies.***

1. The General Council of Spanish Bars is the Public Law Corporation which, with its own legal personality and full capacity to act, represents, coordinates, and defends the interests of the Spanish Legal Profession before the State Administration, the other powers and bodies of

the State and international and supranational institutions, including similar entities in other States.

2. The General Council of Spanish Bars is made up of all the Local Bars in Spain.
3. Its registered office shall be in Madrid, without prejudice to the possibility of holding meetings in any other place in Spain.
4. The governing bodies of the General Council are the Plenary, the Standing Committee, and the President. The collegiate bodies shall be chaired by the President and the Secretary General of the General Council shall act as Secretary.

The convening, constitution and functioning of the collegiate bodies shall be governed by this Statute and by the Internal Regulations of the General Council.

**Article 90. Functions.**

1. The functions of the General Council of Spanish Bars are:
  - a) Those attributed by Article 5 of Law 2/1974, of 13 February 1974, on Professional Bodies, to the Local Bars, insofar as they have a scope or repercussion greater than that of an Autonomous Community.
  - b) To represent the Spanish Bar and to be the spokesperson for all the Local Bars in all kinds of national, supranational, and international spheres, including that of similar entities in other States.
  - c) To regulate the professional practice of the legal profession in Spain and to communicate its resolutions to the Local Bars and Regional Bar Councils.
  - d) To draw up its Statutes and any amendments thereto, as well as to draw up and approve its internal rules of procedure; to resolve any doubts that may arise in the application of the statutory and regulatory rules.
  - e) To contribute to the training of abogada/os and to homologate the schools of legal practice created by the Local Bars when they are going to organize and teach the courses required by Law 34/2006, of 30 October.
  - f) To participate in the terms foreseen by law in the procedures promoted by the competent Ministries for the convening of the Commissions for the assessment of the professional aptitude of those who intend to obtain the professional title of Abogada/o; as well as to appoint the members of the Commissions that correspond to it, in accordance with the provisions of Law 34/2006, of 30th October, and its implementing regulations.
  - g) Participate in the determination of the specific content of each assessment for access to the legal profession and its specialties, where appropriate.

- h) To report on any draft law or general provision, or modification of the existing regulation, whatever its rank, that affects the practice of the Bar or the Local Bars
- i) To convene the Congress of the Spanish legal profession, as well as other national and international congresses of legal professionals.
- j) To create, regulate and grant distinctions to reward merits acquired in the service of the legal profession or in its practice; as well as to revoke them for reasons of unworthiness.
- k) To form and keep updated the census of the Spanish legal professionals and to keep the file and register of sanctions. The General Council shall establish, in collaboration with all the Local Bars and Regional Bar Councils, a system so that citizens may know the existence of disciplinary sanctions that are being executed and, where appropriate, the sanctions that have not been cancelled that affect each professional abogada/o, in full compliance with the provisions of the regulations on data protection.
- l) To appoint or propose representatives of the Advocacy for their participation in the constitutional bodies, councils, and consultative bodies of the Administration at national and international level.
- m) To exercise disciplinary authority with respect to members of the General Council itself and, in the cases in which it is foreseen in the applicable regulations, to the members of the Governing Boards of the Local Bars and to the members of the Regional Bar Councils, for offences committed in this capacity, as well as to hear, in administrative proceedings, the appeals against the resolutions issued by the Regional Bar Councils and the Local Bars in disciplinary matters, when so provided in the corresponding regulations, without prejudice to the provisions of Article 116.
- n) To issue the reports requested by the Constitutional Bodies, the Public Administrations, the Local Bars, and official corporations regarding matters related to its purposes or which it agrees to formulate on its own initiative; as well as to propose the legislative reforms that it deems appropriate and to intervene in all matters that affect the Spanish legal profession.
- ñ) To establish the necessary coordination with the Autonomous Councils of the Local Bars, as well as with the different Local Bars and, where appropriate, to settle any conflicts that may arise between them.
- o) To promote and organize institutions and services of assistance and welfare for the legal profession at state level.
- p) Promote arbitration and mediation as alternative methods of conflict resolution.
- q) To defend the rights and interests of the Local Bars, as well as those of their registered members, when required by the respective the Local Bars or determined by Law and to protect the lawful freedom of action of the legal profession, being able to promote the actions and appeals that may be appropriate before the competent authorities and jurisdictions, including before the Supreme Court, the Constitutional Court, the European and International Courts,

without prejudice to the legal standing that corresponds to each one of the different Local Bars and to the legal profession personally.

- r) To prevent and prosecute by all legal means intrusion in professional practice, without prejudice to the competence of each Bar.
- s) To prevent and prosecute illegal or unfair competition and to ensure the full effectiveness of the provisions regulating incompatibilities in the practice of law.
- t) To promote the definition of the criteria for technological interoperability between the different the Local Bars and in their relations with the Public Administrations, actively participating in their elaboration.
- u) Approve its budget and the settlement account, determining the equitable contribution of the Bars and their regime.
- v) To administer and dispose of its assets.
- w) Establish, by Order of the competent Minister, a centralized body for the prevention of money laundering and the financing of terrorism, under the terms and with the functions established in the regulations in force.
- x) Any others attributed to it by the provisions in force and all those that are a consequence of the above or are related to them.

2. The General Council of the Spanish Bar shall also be responsible for the elaboration and execution of projects and action programmes of all kinds that aim to promote and guarantee the equality of opportunities of the Bars and the professionals of the legal profession throughout the national territory and, consequently, the equality of rights of their clients; or that derive from the requirements of unity of action of the Spanish Bar and that of all the professionals in the national sphere.

3. The functions foreseen in this Statute shall be exercised by the General Council of the Spanish Bar when they are not legally attributed to the Regional Bar Councils or to the Bars.

**Article 91. Website and one-stop shop.**

1. The General Council of the Spanish Bar shall have a website so that, through the one-stop shop provided for in Law 17/2009, of 23 November, the Local Bars and the professionals of the Bar can carry out all the necessary formalities electronically and remotely, providing the necessary information in this regard.

2. To better protect the rights of consumers and users, it will provide the following information, either directly or by means of appropriate links to the websites of the Local Bars

- a) Access to the registers of abogado/as.

- b) The means of complaint and, where appropriate, the appeals that may be lodged in the event of a conflict between the consumer or user and an abogado/a or between the former and the respective Bar.
- c) Details of consumer and user associations or organizations to which recipients of professional services may turn for assistance. This information may be provided through a link to the website of the competent public administration.
- d) Access to the register of professional companies, which will have the content described in Article 8 of Law 2/2007, of 15 March.
- e) The content of codes of ethics.

**Article 92. *Technological means.***

The General Council of Spanish Bars shall adopt as many measures as necessary for the fulfilment of the duties imposed in this Statute and in the rest of the legal system and,

It will incorporate the technologies needed to ensure interoperability between the different systems.

**Article 93. *Citizen's helpdesk.***

1. The General Council of Spanish Bars shall have a Citizen's Advice Service, which shall process and, where appropriate, resolve any complaints and claims referring to the activity of the Council or of the professionals of the Legal Profession submitted by any client who contracts their professional services, as well as by associations and organizations of consumers and users on their behalf or in defense of their interests.
2. Complaints and claims may be submitted to the General Council itself or electronically and remotely through the single window. Once they have been received and after the pertinent reports have been submitted, it shall resolve them, within the scope of its competences, in one of the following ways:
  - a) Informing about the out-of-court dispute resolution system, if available and applicable.
  - b) Agreeing to forward the file to the Bar competent to hear the complaint or claim.
  - c) Archiving the file.
  - d) Taking any other decisions as appropriate.

**Article 94. *Corporate Governance and Annual Report.***

1. The General Council of Spanish Bars is subject to the principles of transparency and accountability in its management.

2. The General Council shall draw up an Annual Report containing at least the following information:
  - a) Annual financial management report, including sufficiently detailed personnel expenses and specifying the remuneration of all kinds received by reason of the offices of the General Council.
  - b) Amount of the fees applicable to the concepts and services of all types provided by the General Council, as well as the rules for their calculation and application.
  - c) Aggregated and statistical information on the informative and sanctioning procedures in the preliminary investigation phase or which have reached finality, indicating the infringement to which they refer, their processing and the sanction imposed where applicable, with full respect for the legislation on the protection of personal data.
  - d) Aggregate and statistical information on complaints and claims submitted by consumers or users, their processing and, where appropriate, the reasons for the complaint or claim being upheld or rejected, in full compliance with legislation on the protection of personal data.
  - e) Changes to the content of their Codes of Ethics and how to access their full content.
  - f) The rules on incompatibilities and situations of conflict of interest in which the deputies of the Governing Boards find themselves.
3. The General Council shall make public, together with its own Annual Report and incorporating it as an Annex, the statistical information required for the Annual Report of each Bar, in an aggregate form for all of them. The Bars shall submit their annual report to the CGAE within the first four months of each year.
4. The Annual Report shall be made public on the website in the first half of each year.

**Article 95. *Social action.***

1. The General Council of Spanish Bars shall maintain its own policy of corporate social responsibility with special attention to the defense of human rights, the support of legal professionals who are persecuted in any country or who are unable to exercise their profession freely, the promotion of the rights of the most disadvantaged social sectors, the safeguarding of the right to defense, the protection of the environment and the fight against corruption.
2. The General Council may act on its own or through such legal instruments as it deems appropriate, of a foundational nature.
3. The General Council shall collaborate with and support the social action programmes organized and implemented by the Local Bars.

**Article 96. *Policy on quality of services.***

1. The General Council of the Spanish Bars shall promote a high level of quality of the services provided by the Spanish legal profession, as well as their constant improvement.
2. The General Council shall participate in the elaboration at European Union level of codes of conduct aimed at facilitating the freedom to provide services or the establishment of a legal professionals from another Member State, in full compliance with antitrust rules.

**Article 97.** *Reconciliation of family and professional life.*

The General Council of the Spanish Bar shall promote the adoption by the competent bodies and Administrations of any actions that may be necessary to make the reconciliation of family and professional life effective for all professionals in the legal profession. Likewise, it may propose to the competent bodies the necessary regulatory modifications to achieve full effectiveness of the rights recognized in the organic legislation on the effective equality of women and men.

**Article 98.** *Financial resources of the General Council of the Spanish Bars*

To meet the expenses incurred for the fulfilment of the aforementioned purposes, the General Council of the Spanish Bars shall have the following income:

- a) The fees set for this purpose in the budgets, which shall be paid by all the Local Bars according to the number of resident professionals of each category, practicing and non-practicing.
- b) New incorporation fees payable by individuals, whether they are practicing or non-practicing, and by entities wishing to be registered in the registers of professional societies.
- c) The amount of the certificates issued.
- d) Any other resources it may obtain from its activities.
- e) Any government grants, gifts and legacies it may receive.
- f) Any extraordinary contribution agreed by the Plenary of the General Council itself in exceptional circumstances.

SECTION 2.<sup>a</sup> PLENARY SESSION OF THE GENERAL COUNCIL

**Article 99.** *Composition of the Plenary. Term of office.*

1. The Plenary of the General Council of the Spanish Bars is composed of the following Councillors:
  - a) The President of the General Council of the Spanish Bars, who shall be elected from among practicing abogada/os from any Local Bar in Spain.
  - b) The Deans of the Spanish Local Bars

- c) The Presidents of the Regional Bar Councils in which the condition of Dean does not concur.
- d) The President of the Mutuality General de la Abogacía, *Mutualidad de Previsión Social a prima fija*, if he or she is a professional abogada/o.
- e) Twelve Counselors elected by the Plenary of the Council from among professionals of recognized prestige in the legal profession with more than fifteen years of professional practice.

2. The term of office of the members of the Plenary of the General Council shall coincide with the term of office they hold, except for the President and the twelve elected Counselors, which shall be four years.

3. The contravention by members of the Plenary of the duties of confidentiality, secrecy, and due respect for the other members of the body shall give rise to the opening of a procedure in which, with due guarantees, it shall be assessed whether the Director has failed to comply with the functions that

to him/her by virtue of said office. If the Plenary Session of the General Council of the Spanish Bars should consider such non-compliance, any of the sanctions foreseen in Article 127 may be imposed on the Director in question, except those of suspension or expulsion.

**Article 100. Election of its members.**

1. The election process of the President of the General Council and the twelve elected Counselors shall be called by the President, or the person replacing him/her, at least thirty calendar days prior to the date of the corresponding Plenary Session, by means of reliable communication to all the Local Bars and to the Regional Bar Councils so that they may give it the maximum publicity and dissemination possible, displaying it in any case on their notice boards and on their websites.

The General Council shall also make it available on its website and on other websites managed by the General Council.

2. Nominations shall be submitted to the General Secretariat of the General Council at least fifteen calendar days before the date of the Plenary Session. The Standing Committee shall, within the following five calendar days, proclaim the candidatures that meet the established requirements.

3. Voting for the election of councillors shall be by secret ballot, and all members of the Plenary shall be entitled to vote, with those who obtain the most votes being elected, and in the event of a tie, the member with the longest service as a practicing abogada/o shall be elected.

4. In the election of the President, which shall also be by secret ballot, only the Deans of the Local Bars shall have the right to vote.

In the first and second ballots, the candidate who obtains an absolute majority of the electors shall be elected. If no candidate obtains an absolute majority, a third ballot shall be held in which only the two candidates with the highest number of votes in the second ballot may participate, with the candidate who obtains the highest number of votes being elected, and in the event of a tie, the candidate with the greatest length of service as a practicing abogada/o of the Bar shall be elected.

5. Once the results of the ballot have been announced, those elected shall take their seats before the Plenary.

**Article 101. Powers of the Plenary.**

1. The Plenary shall have all the functions that are legally or statutorily attributed to the General Council of Spanish Bars

2. In property matters, the Plenary is competent to agree on all kinds of acts of disposition and encumbrance. It may delegate its powers in this area to the President.

3. The Plenary is also competent to agree on the constitution of associations, foundations, and all types of civil and commercial companies; to enter into contracts of any kind and to carry out any legal actions that may be necessary to ensure the proper functioning of the General Council and the defense of its rights and legitimate interests

It may also delegate its powers in this area to the President.

4. The Plenary shall determine the ordinary Committees into which it is to be organized, as well as their status and functions and the assignment of Directors to each of them, which shall be coordinated by the General Secretariat, which shall convene as many meetings as necessary. It may also set up such special committees and reports as it deems appropriate. The Committees shall perform the functions delegated to them by the Plenary and, in their own sphere, may adopt, in urgent cases, resolutions for immediate execution, without prejudice to their subsequent reporting to the Plenary.

However, to expedite the processing and resolution of appeals in disciplinary matters brought before the General Council and to comply with the deadlines established for this purpose, the Committee responsible for hearing appeals shall always have full authority to resolve them and then report to the Plenary, without prejudice to the possibility of submitting to the Plenary the decision on those appeals it deems appropriate.

For the same purpose, the full power to resolve appeals formulated in other matters is delegated to the Standing Committee, without prejudice to subsequent information to the Plenary and to the fact that it may submit to the Plenary the decision on those appeals it deems appropriate.

**Article 102. Functioning of the Plenary.**

The Plenary of the General Council shall meet at least once a quarter, convened by the President.

It may also meet whenever the President so decides on his own initiative or at the request of the Standing Committee or of 20 per cent of the members of the Plenary.

**Article 103. Adoption of resolutions.**

1. The resolutions of the Board shall be adopted by a reinforced majority, which shall require the existence of a greater number of votes in favor by the Deans present or represented by proxy through the delegation of their vote to another member of the Board, with the President casting the deciding vote in the event of a tie, provided that they also comprise a majority of practicing abogado/as, the votes cast by each Dean being counted for these purposes by the number of practicing abogado/as resident in the area of their Bar as at 31 December of the previous year.
2. Notwithstanding the foregoing, resolutions on matters not included in section three of this article may be approved by a simple majority of the Deans present or represented by proxy by delegating their vote to another member of the Board, with the Chairman casting the deciding vote in the event of a tie, unless any Dean requests, prior to the start of the vote, that the reinforced majority system regulated in the preceding paragraph be applied.
3. The matters to which the enhanced majority rule will necessarily apply are the following:
  - a) Initial approval of the General Statute of the Spanish Legal profession and its amendments to be submitted for final approval by the Government.
  - b) Approval of the Rules of Procedure of the General Council and any other regulations.
  - c) Regulation of the professional activity of the legal profession, its professional practice, access to the profession, deontology, and publicity.
  - d) Approval of the budget, balance sheet, accounts, and annual report, as well as any extraordinary contributions to be made due to exceptional circumstances. If the annual budget of the General Council is not approved, the previous budget shall be deemed to be extended with the variation of the consumer price index until a new budget is approved.
  - e) Incorporation of associations, foundations, and all types of civil and commercial companies.
  - f) Projects, proposals, or agreements which may have extra-budgetary financial implications for the Bars.

### SECTION 3.A. THE PRESIDENT

**Article 104. Functions.**

1. The President of the General Council of the Spanish Bars shall have the following functions:

- a) To represent the General Council and, consequently, to represent the Spanish legal profession and to be the spokesperson for the Local Bars as a whole.
- b) To ensure the prestige of the legal profession.
- c) To defend the rights of the Local Bars and their abogado/as when required to do so by the respective Bar and to protect the lawful freedom of action of the legal profession and professional societies.
- d) To convene and chair, setting the agenda, the meetings of the Plenary and the Standing Committee, as well as other ordinary or extraordinary committees, deciding ties with a casting vote.
- e) Propose the appointment of rapporteurs to prepare the resolution or dispatch of a case
- f) To authorize with his signature the resolutions of the Plenary and the Standing Committee and to ensure their correct execution.
- g) To exercise the superior direction of the activity of the organs of the General Council.
- h) Those delegated to it by the Plenary.
- i) Any other duties incumbent upon it by virtue of the provisions in force and these Bylaws.

2. The President shall be assisted in the exercise of his functions by all the offices and employees of the General Council. He or she may also create such permanent or temporary support bodies as he or she deems appropriate and appoint their heads.

Appointments may be made freely from among persons, whether they are linked to the General Council, always within the budgetary framework.

3. The President may delegate or substitute his functions and those delegated to him by the Plenary, reporting to the Plenary, as well as grant the powers of attorney necessary for the functioning of the General Council.

**Article 105. *Removal of the President.***

The President shall cease to hold office for the following reasons:

- a) Death.
- b) Resignation.
- c) Initial, unknown lack or supervening loss of the statutory requirements and of the capacity to hold the post.

- d) Expiration of the term for which he or she was elected, and he or she may stand for re-election only once.
- e) Approval of the motion of censure regulated in the following article.

**Article 106. *Motion of censure.***

1. The President may be subject to a motion of censure for his or her performance.
2. The motion of censure may be initiated at the request of at least one third of the Deans of the Local Bars.
3. The motion of censure shall be debated in a Plenary Session of the General Council convened exclusively for this purpose on an extraordinary basis. The meeting shall be held within thirty calendar days of receipt of the corresponding request at the General Secretariat of the General Council. The convening resolution shall be executed ex officio by the Secretary General. A minimum quorum of most of the Deans entitled to vote shall be required for the valid constitution of the Plenary and for the vote on the motion.
4. The approval of a motion of censure shall require an absolute majority of the votes of the Deans of the member Bars of the General Council, which in turn represents the majority of practicing abogado/as according to the Bars attending the session, the votes of each Dean being counted for these purposes by the members residing in the area of their Bar.

The new President shall be elected in accordance with the general provisions of this Statute.

#### **SECTION 4. STANDING COMMITTEE**

**Article 107. *Composition and functions.***

1. The Standing Committee of the General Council of the Spanish Bars shall be made up of:
  - a) The President, Secretary General and Treasurer of the General Council of the Spanish Bars.
  - b) Three Counselors-Deans of Local Bars with less than 500 abogado/as.
  - c) Three Counselors-Deans of Local Bars with between 500 and 3,000 abogado/as.
  - d) Three Counselors-Deans of Local Bars with more than 3,000 abogado/as.

The Deans referred to in b, c and d above shall be appointed and removed by the Chair(wo)man of the Board.

2. The Standing Committee shall perform the following functions, which it shall report to the subsequent Plenary Session

- a) Those expressly delegated to it by the Plenary.
  - b) Those of the Plenary when reasons of urgency make it advisable to exercise them immediately.
  - c) The formulation of the budget and the balance sheet, annual accounts, and annual report, for submission to the Plenary.
3. The resolutions of the Standing Committee shall be adopted by a simple majority of those present, with the President casting the deciding vote in the event of a tie.
4. The Standing Committee may hold non-face-to-face meetings in the manner to be determined by the Internal Regulations.

Appointment of the Vice-Presidents, Committee Chair(wo)men, Secretary General, Deputy Secretary General, Treasurer and Deputy Treasurer.

1. The President shall appoint two Vice-Presidents from among the Dean Councillors who are members of the Standing Committee, who shall replace him in their order of precedence. He shall also appoint, from among all the Councillors, the Committee Chair(wo)men and Vice-Chair(wo)men, the Secretary General, the Deputy Secretary General, the Treasurer and the Deputy Treasurer. The Vice-Secretary and the Vice-Treasurer are the natural substitutes for the Secretary and the Treasurer of the General Council and shall attend those meetings of the Standing Committee and the Consultative Committee which are not attended by their substitutes.
2. The term of office of the offices mentioned in the previous section shall terminate if they lose their status as Directors or when, once the process for the election of the new President of the General Council has been completed, the person elected takes office. Likewise, they may be removed from office at any time by the President.

**Article 109. Advisory Committee.**

1. The Advisory Committee of the General Council of the Spanish Bars shall be made up of:
  - a) The President, Secretary General and Treasurer of the General Council of Spanish Bars
  - b) Three Counselors-Deans of Local Bars with more than 3,000 abogado/as.
  - c) Three Counselors-Deans of the other Local Bars
  - d) The President of the Spanish Confederation of Young Abogada/os, who shall have the right to speak but not to vote.
2. The Advisory Committee shall perform the following functions:

- a) Promote actions of information and dissemination of fundamental rights and especially of the right of defense, as well as of the legal profession and the institutions of the legal profession.
- b) To propose to the Standing Committee or, where appropriate, to the Plenary, statutory or economic regulatory initiatives.
- c) To issue opinions that shall assess the appropriateness, feasibility and impact of projects and activities of the General Council. These opinions shall be mandatory but not binding for all projects that have a financial cost for the General Council or for the Local Bars
- d) All achievements aimed at improving the practice of the legal profession and the implementation of justice.

**Article 110. Working Commissions.**

The Standing Committee may agree the constitution of working and study commissions on matters of special relevance for the Bar, for the elaboration of reports on normative projects or for the harmonization of the criteria of the existing commissions in the different Bars. Their constitution may be agreed for an indefinite period of time or for a specific matter and they shall be coordinated by the General Secretary, who shall call as many meetings as necessary.

The work and reports drawn up by the different commissions shall be submitted for approval to the Standing Committee or to the Plenary, as appropriate, when they are to have effects outside the scope of the General Council or be sent to the competent national or international authorities.

## **SECTION 5.<sup>a</sup> CONGRESS OF THE SPANISH LEGAL PROFESSION**

**Article 111. Call for Congress**

1. The Congress of the Spanish Bar shall be held ordinarily every four years and shall be convened by the General Council.
2. The Congress will adopt conclusions which will be of a guiding nature for the bodies and corporate bodies of the Bar.
3. The Congress may also include any other events determined by the General Council of Spanish Bars.

**Article 112. Regulations of the Congress of Spanish Abogada/os.**

1. The Regulations of the Congress of the Spanish Bar shall be approved by the Plenary of the General Council, after hearing the Local Bars and Regional Bar Councils for a period of no less than thirty days.

2. The Regulations of the Congress shall determine its composition and the way it is to be held. Once approved, they shall be sent to the Local Bars and Regional Bar Councils together with the call for the Congress.

## TITLE X

### **Legal regime of the agreements subject to administrative law and their challenge**

#### **Article 113. *Enforceability***

1. The agreements of the General Council of the Spanish Bar and of the Bars shall be immediately enforceable unless the agreement itself establishes otherwise or they relate to disciplinary matters.

2. The agreements that must be notified personally to the registered professionals shall be notified at the professional address that they have communicated to the Bar. The notification shall be in accordance with the provisions of the legislation regulating the common administrative procedure of the Public Administrations and may be carried out by an employee of the Bar. If the notification cannot be carried out in this way, it shall be understood to be completed fifteen days after its posting on the notice board of the Bar itself, which shall be carried out in the manner provided for in the Law. Likewise, they may, if they so wish, receive notifications through the single window, as provided for in Article 71.2.c) of these Bylaws.

#### **Article 114. *Null and voidable acts.***

The acts of corporate bodies are null and void or can be annulled in the cases provided for in Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations.

#### **Article 115. *Appeals.***

1. The acts of the bodies of the General Council of the Spanish Bars subject to Administrative Law put an end to administrative proceedings and may be appealed directly before the contentious-administrative jurisdiction. However, interested parties may lodge an appeal for reconsideration, if appropriate.

2. The acts of the Local Bars subject to Administrative Law may be appealed before the contentious-administrative jurisdictional order, prior to the corporate or administrative appeals established by the respective autonomous legislation.

#### **Art. 116. *Appeals before the General Council of Spanish Bars***

1. The resolutions of the Regional Bar Councils and of the Local Bars may be appealed before the General Council of the Spanish Bars when so provided for in their own Statutes.

2. In such cases, the appeal shall be submitted to the body that issued the resolution, which shall submit it, together with its background and the appropriate report, to the General Council within fifteen days from the date of submission. The General Council, after such reports as it deems appropriate, shall issue and notify an express decision within three months. The appellant may request the suspension of the decision appealed against and the Permanent Commission of the General Council may grant or refuse it, stating its reasons.

Silence will have the effect of rejecting the claim, except in those cases in which the provisions of article 24.1, third paragraph of Law 39/2015, of 1 October, are applicable.

In all matters not provided for in this provision, the provisions of Law 39/2015, of 1 October, on appeals shall be applied in a supplementary manner.

**Article 117.** *Computation of time limits.*

Time limits in these General Statutes expressed in days shall be understood to refer to working days, unless expressly provided otherwise.

**Article 118.** *Application of the legislation regulating the common administrative procedure of the Public Administrations.*

The legislation regulating the common administrative procedure of public administrations shall apply to the acts of corporate bodies in the manner provided therein.

## TITLE XI

### Liability regime for abogada/os and professional partnerships

#### CHAPTER I

##### Disciplinary liability

**Article 119.** *General principles*

1. Abogada/os and the professional societies in which they participate or provide services are subject to disciplinary liability.

2. The disciplinary powers of the judicial authority over the legal profession shall be in accordance with the provisions of the procedural laws. The disciplinary sanctions or corrections imposed by the Courts on the legal professionals shall be recorded in his personal file.

3. Corporate disciplinary sanctions shall be recorded in the professional's personal file or in the personal file of the professional society.

**Article 120. *Disciplinary powers.***

1. The disciplinary power over abogada/os and professional societies shall be exercised by the Local Bars in whose territorial area the offence has been committed, in accordance with the provisions of their respective Statutes.

2. The General Council of Spanish Bars shall exercise its disciplinary power over its members exclusively when they act in such capacity, as well as over the deputies of the Governing Boards of the Local Bars and of the Regional Bar Councils, unless the autonomous legislation or the statutory rules establish otherwise. This power shall be exercised by the Plenary.

3. The disciplinary powers of the Regional Bar Councils shall be regulated by the corresponding autonomous legislation.

**Article 121. *Principle of typicality.***

Disciplinary offences are the conduct described in the second, third, fifth and sixth chapters of this Title. Offences which may be subject to disciplinary sanctions are classified as very serious, serious, and minor.

**Article 122. *Sanctions.***

1. The penalties that may be imposed on legal professionals are as follows:

- a) Written warning.
- b) financial penalty.
- c) Suspension from the practice of law.
- d) Expulsion from the Bar.

2. In the case of professional societies, they may be sanctioned with deregistration from the corresponding professional body register, in accordance with the terms of these Statutes.

3. The penalties that may be imposed on legal professionals who are tutors of external internships in courses or masters' degrees for access to the profession are as follows:

- a) Private rebuke.
- b) Verbal warning.
- c) Written warning.
- d) Fine.

- e) Loss of any recognition, incentives or benefits obtained for the performance of their duties as guardian.
- f) Disqualification from tutoring on any access course or master's degree.

**Article 123.** *Principle of proportionality.*

The imposition of any sanction shall be duly proportionate to the seriousness of the act constituting the infringement and the sanction applied. For this purpose, the existence of recidivism and repetition shall in all cases be considered, considering in particular the nature and extent of the damage caused to third parties or to the profession.

## CHAPTER II

Infringements and penalties corresponding to the professionals of the legal profession

**Article 124.** *Serious infringements*

These are very serious infringements by the legal profession:

- a) Conviction by final judgment for intentional crimes, in any degree of participation, because of the exercise of the profession.
- b) Conviction by final judgement of serious penalties in accordance with Article 33.2 of the Criminal Code.
- c) Exercising the profession in violation of final administrative or judicial decisions of disqualification or prohibition of professional practice.
- d) Collaboration with or concealment of professional intrusion.
- e) Exercising the profession while incurring a cause of incompatibility.
- f) Breach of the duty of professional secrecy when the specific infringement is not specifically criminalized.
- g) The waiver or abandonment of the defense that has been entrusted to him or her when the client is rendered defenseless.
- h) Unjustified refusal to carry out the professional interventions established by law, in accordance with the provisions of Article 17 of these General Regulations.
- i) The defense of interests conflicting with those of the abogada/o her/himself or with those of the law firm of which he is a member or with which he collaborates.
- j) Undue receipt of fees, rights or economic benefits for services derived from Law 1/1996 of 10 January 1996.

- k) The withholding or appropriation of amounts corresponding to the customer and received for any concept.
- l) The appropriation or retention of documents or files relating to clients of the firm of which he or she was previously a member, unless expressly authorized to do so by the client.
- m) Breach of the sanctions imposed.
- n) Advertising professional services in breach of the requirements of Article 20.2.c) of this General Statute.

**Article 125. *Serious infringements.***

These are serious infringements by the legal profession:

- a) Infringement of ethical duties in the following cases:
  - (i) Breach of the duties of confidentiality and of the prohibitions protecting communications between professionals under the terms established in Article 23 of these General Statutes.
  - (ii) Failure to comply with commitments formalized between colleagues, verbally or in writing, in the exercise of their professional duties.
  - (iii) Lack of due respect or the making of personal allusions of contempt or discredit, in the exercise of the profession, to another legal professional or to his client.
  - (iv) Unjustifiably inducing the client not to pay the fees due by a colleague in the event of replacement or change of legal professional.
  - (v) Withholding documentation from a client against his express instructions.
  - (vi) Failure to send the corresponding documentation to the abogada/o who replaces him/her in the handling of a case.
  - (vii) The summons of a abogada/o as a witness of facts related to his or her professional activity.
- b) Advertising professional services in breach of the requirements of Article 20 of this General Statute, except as provided for in Article 124.n), in conjunction with Article 20.2.c).
- c) Failure to comply with the duties of identification and information set out in Articles 48 and 49 of these General Regulations.
- d) Failure to comply with the grievance obligations set out in Article 52 of these General Regulations.
- e) Failure to show due respect for those involved in the administration of justice.
- f) Non-payment of Bar fees, without prejudice to withdrawal from the Bar for this reason.

- g) Failure to show due respect or unjustified non-appearance at the summons issued, under warning, by representatives of collegiate or governing bodies of the Bar in the exercise of their functions.
- h) Failure to perform their duties as deputies of Bar governance bodies that prevents or hinders their proper functioning.
- i) A final criminal conviction for the commission of minor intentional offences because of the exercise of the profession.
- j) The defense of interests in conflict with those of other clients of the abogada/o or law firm of which he is a member or with which he collaborates, in violation of the provisions of Article 51 of these bylaws.
- k) Unjustified failure to comply with the assignment contained in the designation made by the Local Bar in free legal aid.
- l) Failure to comply with the obligation to communicate the substitution in the professional management of a case to the colleague being substituted, under the terms provided for in Article 60 of these General Statutes.
- m) The relationship or communication with the opposing party when he is aware that he is represented or assisted by another legal professional, except with his express authorization.
- n) Abuse of the circumstance of being the sole legal professional involved causing unfair injury.
- ñ) Unjustified failure to attend any judicial proceeding, if it causes prejudice to the interests whose defense has been entrusted to him or her.
- o) The payment, collection, demand or acceptance of commissions or any other type of compensation from another professional abogada/o or any other person, in breach of the legal rules on competition or those regulating professional ethics.
- p) Refusal or unjustified delay in rendering accounts of the professional assignment or in making the corresponding settlement of fees and expenses demanded by the client.
- q) The offsetting of fees against client funds that have not been received as a provision, without the client's consent.
- r) The false attribution of a professional assignment.
- s) Drunkenness or drug use when it affects the exercise of the profession.
- t) Failure to take out insurance or a guarantee when the obligation to have such a guaranteed scheme to cover liabilities arising out of professional practice is provided for by law.

u) other acts or omissions that constitute a serious offence to the dignity of the profession and to the rules governing it, in accordance with the provisions of these General Regulations and other legal provisions.

**Article 126. *Minor infringements.***

These are minor infractions of the legal profession:

- a) Slightly offend in any private oral or written communication with the opposing party's abogada/o, provided that the offence has not been made public.
- b) Committing in their communications and statements with the abogada/o of the opposing party to the client with comments or statements that may cause him/her disrepute.
- c) Repeatedly and unjustifiably contesting the fees of other legal professionals.
- d) Failure to attend with due diligence to visits, written or telephonic communications from other legal professionals.
- e) Failure to notify the Bar in a timely manner of a change of professional address or any other personal circumstance affecting their relationship with the Bar.
- f) Failure to state in the first document or action his or her identification, the Bar in which he or she is registered and his or her registration number.
- g) Failure to attend with due diligence to matters deriving from the Duty Solicitor's Office when non-compliance does not constitute a serious or very serious infringement.

**Article 127. *Sanctions for legal professionals.***

1. For the commission of very serious offences, in accordance with criteria of proportionality, expulsion from the Bar or suspension from the practice of law may be imposed for a period of more than one year but not exceeding two years.
2. For the commission of serious infringements, the sanction of suspension from the practice of law for a period of more than 15 days but not exceeding one year or a fine of between 1,001 and 10,000 euros may be imposed.
3. For minor offences, the sanction of a written warning or suspension from the practice of law for a period not exceeding 15 days, or a fine of up to 1,000 euros may be imposed.
4. The penalties imposed for serious or very serious infringements related to actions carried out in the provision of legal aid services shall entail, in any case, the exclusion of the legal professional from the said services for a minimum period of six months and less than one year if the infringement is serious and between one and two years if it is very serious.

In the case of minor infringements, the exclusion of the abogada/os from such services may also be imposed for a period not exceeding six months.

Once disciplinary proceedings have been initiated because of a complaint made by a user of the free legal aid services, when the seriousness of the alleged fact makes it advisable, the precautionary separation from the service of the legal professional allegedly responsible may be agreed for a maximum period of six months until the disciplinary proceedings are resolved.

## CHAPTER III

### **Article 128.** *General rule.*

1. The professional society may be sanctioned as provided for in these General Statutes.
2. The professional societies may be sanctioned, according to these General Statutes, for the offences committed by the professionals of the legal profession that are their members, when it is proved that they are concurrently responsible, as participants or accessories, in the commission of such offences. It shall be presumed that there is such concurrent liability when the offences have been committed on behalf and for the benefit of the professional society by its administrators or by those who, following their instructions, represent it. In these cases, the infringement of the professional society shall be considered as of the same class as the one committed by the abogada/os for the purpose of applying the corresponding sanction.
3. Likewise, professional societies may also be sanctioned for the performance of conducts directly attributable to the society that are typified as infringements for the legal profession, and the infringements shall be graded in accordance with the provisions of the previous Chapter.

### **Article 129.** *Very serious infringements by professional societies.*

It is a very serious infringement for professional societies not to have insurance in force or an equivalent guarantee covering the liability they may incur in the exercise of their activities when the obligation to have such a guaranteed scheme is provided for by law.

### **Article 130.** *Serious infringements by professional societies.*

Failure to submit changes of partners and directors or any amendment to the articles of the Bar that must be registered, as well as non-payment of the charges provided for by the Bar, for registration in the register of the corresponding Bar, within the established time limit, shall constitute a serious infringement by professional companies.

### **Article 131.** *Minor infringements by professional societies.*

A delay of no more than one month in complying with the obligations referred to in the previous article shall be considered a minor infringement.

### **Article 132.** *Penalties for professional societies.*

1. For the commission of a very serious infringement as defined in Article 129, deregistration of the company in the register of the relevant Bar.

2. For the commission of serious infringements, according to criteria of proportionality, a warning and a fine of between 1,501 and 15,000 euros.
3. For minor offences, according to criteria of proportionality, a warning or fine of 300 euros to 1,500 euros.

**Article 133. Procedure.**

1. Disciplinary sanctions may only be imposed by virtue of a procedure carried out for this purpose in which the interested party is guaranteed the right to be notified of the facts of which he is accused, to make allegations and to use the appropriate means of defense admitted by the legal system.
2. The procedure shall be initiated ex officio, by agreement of the competent body, either on its own initiative or because of a complaint.
3. Prior to the initiation agreement, the competent body may open a period of prior information to determine whether to initiate the sanctioning procedure. If it is agreed to initiate proceedings, an instructor shall be appointed from among the deputies of the Governing Board, the Deontological Commission, registered professionals who have been deputies of the Governing Board or who have been practicing for more than ten years.
4. The procedure will be processed in accordance with the provisions of basic administrative legislation and the rules that develop it, as well as the provisions of regional and corporate regulations. In the case of minor infringements, a simplified procedure will be applied. The maximum period within which the express decision must be issued and notified shall be that provided for in the Laws, unless a different one may be established by regulation.

**Article 134. Enforcement of penalties.**

1. Disciplinary sanctions shall be enforceable once they have become final in administrative proceedings.
2. Sanctions shall be effective in all the Local Bars in Spain, and the body that imposes them shall be competent to enforce them, which shall be obliged to communicate them to the General Council of Spanish Bars so that it can inform all the Local Bars and Regional Bar Councils
3. When the sanction has been imposed by a Bar other than the Bar of incorporation, the latter shall provide the necessary collaboration for the enforcement of the sanction. This cooperation may be regulated by agreement between the Bars

**Article 135. Extinction of the disciplinary liability of the abogada/os.**

1. The disciplinary liability of abogado/as shall be extinguished by the fulfilment of the sanction, death, the expiry of the statute of limitations for the offence and the expiry of the

statute of limitations for the sanction. If the sanction imposed is expulsion from the Bar, the provisions of Article 13 of these General Statutes regarding reinstatement shall apply.

2. Discharge from the Bar does not extinguish the disciplinary liability incurred during the period of discharge, but the disciplinary proceedings shall be concluded, and the corresponding sanction shall be agreed. If the sanction cannot be enforced, it shall be suspended in order to be enforced if the sanctioned person is again discharged from the Bar.

**Article 136.** *Statute of limitations for infringements.*

1. The statute of limitations for very serious infringements is three years, two years for serious infringements and six months for minor infringements.

2. The limitation period for infringements shall begin to run from the day on which the infringement was committed. The prescription period shall be interrupted by the initiation, with the knowledge of the interested party, of the sanctioning procedure.

In any case, the limitation period shall be restarted if the proceedings remain paralyzed for more than one month for reasons not attributable to the professional.

**Article 137.** *Limitation of penalties.*

1. Penalties imposed for very serious infringements shall expire after three years; those imposed for serious infringements shall expire after two years; and those imposed for minor infringements shall expire after six months.

2. The limitation period for penalties shall begin to run from the day following the day on which they may be enforced. The prescription period shall be interrupted by the initiation, with the knowledge of the interested party, of the enforcement proceedings, and the period shall start to run again if the proceedings are paralyzed for more than one month for reasons not attributable to the offender.

3. The period of limitation of the sanction, when the sanctioned person breaches its enforcement, shall start to run from the date of the breach.

**Article 138.** *Cancellation of the annotation of the sanctions in the personal file of the abogada/o.*

1. The entry of sanctions in the professional's personal file shall be cancelled when the following periods have elapsed without having incurred new disciplinary liability: six months in the case of sanctions of a warning, suspension from the practice of law for a period not exceeding 15 days, or a pecuniary fine of up to 1,000 euros; one year in the case of a sanction of suspension of more than 15 days but not exceeding one year or a pecuniary fine of up to 1,000 euros; one year in the case of a sanction of suspension of more than 15 days but not exceeding one year or a pecuniary fine of up to 1,000 euros; one year in the case of a sanction of more than 15 days but not exceeding 1,000 euros or a pecuniary fine of up to 1,000 euros

and 10,000 euros; three years in the case of a suspension sanction of more than one year but not exceeding two years; and five years in the case of expulsion.

2. These time limits shall be calculated from the day following the day on which the sanction is served.

3. The cancellation of the annotation may be made ex officio or at the request of the sanctioned persons.

**Article 139.** *Termination of the disciplinary liability of professional societies and cancellation of the entry of sanctions in their particular file.*

1. The disciplinary liability of professional societies, in the event of non-payment of the corresponding collegiate charges, shall be extinguished when the charges due have been paid in full.

2. The entry of penalties in the particular file of the professional society shall be cancelled after the following periods have elapsed: six months in the case of a financial penalty of between EUR 300 and EUR 1 500; one year in the case of a financial penalty of between EUR 300 and EUR 1 500; one year in the case of a financial penalty of between EUR 300 and EUR 1 500; one year in the case of a financial penalty of between EUR 1,501 and 15,000 euros.

These time limits shall be calculated from the day following the day on which the sanction is served.

The cancellation of the entry may be made ex officio or at the request of the penalized company.

## CHAPTER V

**Article 140.** *Disciplinary regime applicable to non-practicing members*

Non-practicing members shall be subject to the provisions of this Title in all matters applicable to them in relation to their professional activities.

## CHAPTER VI

**Disciplinary regime applicable to abogada/os who are tutors of external internships in courses or master's degrees for access to the profession.**

**Article 141.** *Regime applicable to the abogada/os who are tutors of external internships of the courses or masters of access to the profession.*

1. Abogada/os who are tutors of external placements shall be subject to disciplinary liability for failure to comply with the obligations provided for in Article 63 of these General Statutes, in accordance with the provisions of this Article.

2. Disciplinary authority over the professional legal tutors shall be exercised by the Bar to which the external internships of the course or master's degree of access to the profession belong.
3. Serious infringements by the guardian abogada/os
  - a) Failure to comply with the training plan of the entity responsible for the external placement or failure to comply with its regulations.
  - b) Failure to comply with the instructions given by the course or master's degree management or the regulations governing tutoring.
  - c) Entrusting the student with tasks unrelated to the practice of law
  - d) Disrespecting or disregarding the pupil.
  - e) Failure to provide support and assistance to the student during the entire period of external placements or to provide him/her with the material means indispensable for the development of the placement.
  - f) Failure to dedicate the necessary time to the student to transmit knowledge, experience, working methods and practices, as well as the principles of the legal profession, with special attention to its ethical values.
  - g) Failure to write a report explaining the activities carried out, which must be supervised by the person in charge of the tutoring team.
  - h) Failure to maintain the status of professional abogada/o during the performance of his or her duties as guardian.
  - i) Failure to report to the Centre organizing the external placement any behavior of students that it considers to be contrary to the profession's rules of professional ethics and bylaws.
4. These are minor infringements by the guardian abogada/os.
  - a) Failure to coordinate with the tutoring team leader their tutoring activity in the development of the external placement or failure to provide them with the information they require.
  - b) Failure to meet with students with the frequency established in the regulations governing each period of external placements.
  - c) Failure to maintain exemplary conduct during the performance of their tutorial duties.
5. Serious infringements will be sanctioned with a disqualification of up to 3 years from tutoring in any course or access master's degree, as well as the loss of any recognition, incentives or advantages obtained for the performance of the tutor's duties.

Minor infringements may be sanctioned with a verbal warning or private reprimand, a written warning or a fine of up to five hundred euros.

6. The penalty shall be graduated in each case according to the seriousness and effects of the offence, the intentionality, duration, habitual or repeated conduct.