

Mr. David Bakradze  
Chairman of Parliament of Georgia  
8 Rustaveli Ave.  
Tbilisi 0118  
Georgia

Brussels, 17 April 2009

By fax/post

**RE: Georgian Bar Association**

Dear Mr. Bakradze,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE) which represents more than 700,000 European lawyers through its member bars and law societies of the European Union and European Economic Area. In addition to membership from EU/EEA bars, it has also associate and observer representatives from further ten European countries' bars.

The Georgian Bar Association has obtained observer status within the CCBE in May 2008.

We understand that there are currently discussions in the Georgian Parliament about establishing multiple bar associations. It seems that this is being suggested because of the Georgian Bar Association having been unable to hold a General Assembly since 2006 (despite their efforts to do so) which has led to a relative standstill in the work operations of the bar.

We have serious concerns about a move aimed at creating multiple bar associations. We believe that a strong, independent and unified bar association is absolutely necessary for the rule of law within a democratic society, and therefore we support the maintenance of a single bar association in Georgia.

The model of one single national bar association is the most common in Europe. Nearly all European countries have one bar association. Where there is more than one bar association, this is usually because of territorial reasons (for instance, in the UK where there are 3 jurisdictions); because there is more than one legal profession (such as in Poland, where there are advocates and legal advisers, or in the UK, where each jurisdiction has two professions, solicitors and barristers/advocates); or because the government, while retaining a single bar, has decided to split the functions of regulation and representation (as in Denmark, Germany and now the UK). It is worth noting that, in all these examples, there is in each case only one body responsible for regulating the particular profession in the jurisdiction in question.

Establishing multiple bar associations bears a risk for society: if each bar will adopt its own ethical and disciplinary rules etc - rules which are essential for the proper functioning of the legal profession - Georgia will end up with a patchwork of different sets of rules for lawyers.

This will only bring more complexity (because of different sets of rules) and confusion (people will not know anymore what they can expect from various lawyers because different lawyers will be subject to different rules). Lawyers will also tend to choose the bar with the least stringent rules (ethical and discipline) which will lead to a decrease in the quality of services provided by lawyers. Multiple bar associations will not help either to solve the quorum problem of the Bar (because most lawyers will join the bar which is the most convenient and least strict). Such a development will certainly not be in the interest of citizens and society in general. A unified Bar Association provides a stronger organisational framework for representation and defending of lawyers in relations with state authorities and other organisations.

We are confident that only a single, unified Bar Association will contribute to the administration of justice. We are ready to provide expertise (such as examples of how the system works in other European countries) if you wish.

We are also happy to provide any further input into the discussions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anne Birgitte Gammeljord', with a stylized flourish at the end.

Anne Birgitte Gammeljord  
CCBE President

CC: Mr. Pavl Kublashvili, Head of the Parliament Legal Issue Committee