

National Rules: Georgia

[Georgian Bar Association, Law on Advocates/Chapter on Specialisation]

Chapter III

Advocate

Article 10. Requirements to be met by an Advocate (29.12.2004 N 970)

1. An advocate can be a citizen of Georgia, who has:

a) Received a higher legal education;

b) Passed the bar examination and examination in ethics in accordance with the rules established by this Law or the qualification exam for judges (servants of the Prosecutor's Office); (22.06.2007 N 5029)

c) Has a working experience as an intern of an advocate for at least two years. The term will be reduced to one year if the person has LLM or has undergone through the GBA accredited learning program that is of 9 month duration.

d) Requirements set in paragraph "c" don't concern people with at least one year experience as a judge or a prosecutor. People defined in paragraph "c" are required to pass exam only in Lawyer's professional ethics.

2. An advocate may not be a person tried for a deliberate serious crime, unless his/her criminal record is extinguished or expunged according to the rules established under the legislation.

3. An advocate may not concurrently be an official foreseen under Article 2 of the Law of Georgia on the Conflict of Interests and Corruption in Public Service and the other person, who under the legislation is prohibited from exercising legal practice.

4. Requirement of sub paragraph "b" of the first paragraph of this article does not extend to person who used to be a member of HCOJ. (13.09.2011 N5036)

Article 11. Written Tests of Advocates

1. Any person having a higher legal education shall have the right to undertake a written test.

2. The written test shall be held twice a year. The procedure for holding a written test and agenda shall be approved, and the date shall be determined by the Executive Council of the Georgian Bar Association, while the regulation of the qualification commission of advocates - by the General Assembly of the Georgian Bar Association. (25.11.2005 N 2155)

3. Written test shall be either general or according to the specialization.

4. Advocates shall be specialized in the civil law and criminal law.

5. The general written test shall cover the following subjects:

a) Constitutional Law;

b) International Human Rights Law;

c) Administrative Law;

d) Administrative Procedural Law;

NATIONAL SPECIALISATION REGIMES IN THE CCBE MEMBER COUNTRIES

- e) Criminal Law;
- f) Criminal Procedural Law;
- g) Civil Law;
- h) Civil Procedural Law.
- i) Professional Ethics

6. The written test of advocates specialized in civil law shall cover the following subjects:

- a) Constitutional Law;
- b) International Human Rights Law;
- c) Administrative Law;
- d) Administrative Procedural Law;
- e) Civil Law;
- f) Civil Procedural Law.
- g) Professional Ethics

7. The written test of advocates specialized in criminal law shall cover the following subjects:

- a) Constitutional Law;
- b) International Human Rights Law;
- c) Administrative Law;
- d) Administrative Procedural Law;
- e) Criminal Law;
- f) Criminal Procedural Law.
- g) Professional Ethics

8. An advocate, (a judge, prosecutor) who has passed the written test according to the specialization, shall have the right to practice law in a respective field. Any advocate shall have the right to practice law in the constitutional legal proceedings, international proceedings and administrative proceedings.

9. Person who has passed the bar examination in one of the specializations to obtain general specialization only passes exams in diverse subjects

10. In case of passing the written test successfully, a person shall receive the certifying document that s/he has passed the written test of advocates.

11. The written test qualification certificate shall become invalid, if a person does not start legal practice within 7 years after passing the written test.