

# **Bye-Laws of the Danish Bar and Law Society**

**Adopted by the General Meeting of Lawyers on 25 October 2008**

## **Objects and registered office**

### **Bye-Law 1**

The objects for which the Danish Bar and Law Society is established are

to guard the independence and integrity of lawyers;

to ensure and enforce the discharge of the duties and obligations of lawyers;

to maintain the professional skills of lawyers; and

to work for the benefit of the Danish legal community.

### **Bye-Law 2**

The registered office of the Bar and Law Society is situated in Copenhagen.

## **The Bar and Law Society**

### **Bye-Law 3**

(1) The membership of the Bar and Law Society shall comprise any lawyer who holds a practising certificate issued in Denmark and any other lawyer who, as a national of a Member State of the European Union or the European Economic Area or as a national of Switzerland, practises law on a permanent basis in Denmark under his home-country professional title (EU lawyer). In the event that a lawyer deposits his practising certificate or in the event that the practising certificate lapses or the lawyer is disbarred, the lawyer shall no longer be a member of the Bar and Law Society. The same shall apply if an EU lawyer ceases to practise law on a permanent basis in Denmark.

(2) The provisions of the Bye-Laws on lawyers shall apply to all lawyers who, under (1), are members of the Bar and Law Society unless otherwise specified in the individual provision.

(3) Notwithstanding the provisions of (1), second sentence, and (2), any lawyer who is a former member of the Bar and Law Society will still be covered by the provisions of the Danish Administration of Justice Act on fee complaints and disciplinary cases in so far as the complaints relate to the period when the lawyer in question was a member of the Bar and Law Society.

(4) The Secretariat of the Bar and Law Society shall keep in its register such information on professional corporations of lawyers as the Bar and Law Society receives under the Ministry of Justice Executive Order on Professional Corporations of Lawyers.

## **Bodies of the Bar and Law Society**

### **Bye-Law 4**

The bodies of the Bar and Law Society are:

The General Meeting of Lawyers, the General Council, the Disciplinary Board, the District Committees and the district meetings.

## **The General Meeting of Lawyers**

### **Bye-Law 5**

(1) All lawyers and the chairmanship of the Disciplinary Board are entitled to attend the General Meeting of Lawyers.

(2) A General Meeting of Lawyers shall be held every second year in the period from 15 April to 15 June.

(3) An Extraordinary General Meeting of Lawyers shall be held when so decided by the General Council or when requisitioned in writing either by the District Committees of not less than two local districts or by not less than 200 lawyers. The requisition shall state the ground for the requisition and clearly specify the item to be discussed and motions proposed. Such Extraordinary General Meetings shall be convened within six weeks after the General Council has received the requisition for the meeting. Notice of an Extraordinary General Meeting shall be given in the same manner as notice of an Ordinary General Meeting of Lawyers, although not more than four weeks before the date of the meeting.

### **Bye-Law 6**

The time and venue of General Meetings shall be decided by the General Council.

### **Bye-Law 7**

(1) General Meetings shall be convened by publication on the Bar and Law Society's website at not less than two weeks' notice and by written message to each individual lawyer at not less than two weeks' notice from the time of dispatch. The convening notice shall include the agenda of the General Meeting. If the agenda contains motions proposing amendments to the Bye-Laws, the agenda shall specify the essential contents of such motions.

(2) A statement by the Secretary-General of the Bar and Law Society verifying that the direct convening notices to the lawyers have been dispatched shall serve as adequate proof hereof.

(3) The direct convening notices to the lawyers may be replaced by a notice advertised not less than two weeks before the meeting in a journal published by the Bar and Law Society to all lawyers.

### **Bye-Law 8**

(1) General Meetings shall be presided over by a Chairman to be elected by the General Meeting. The Chairman must not be a member of the General Council.

(2) Minutes of proceedings at the General Meeting shall be taken, the main contents of which shall be advertised in a journal published by the Bar and Law Society to all lawyers or placed on the Bar and Law Society's website.

### **Bye-Law 9**

(1) The General Meeting may solely adopt resolutions pertaining to such business and issues as appear with the necessary clarity from the agenda of the meeting.

(2) Lawyers are required to attend in person to exercise their voting rights. However, for elections under Bye-Law 11(2), any attending lawyer is entitled, in addition to his own vote, to vote on behalf of two other lawyers from the same local district provided that a written instrument of proxy issued to the lawyer is delivered to the Secretariat not less than three days before the date of the meeting. Voting shall be by a show of hands. However, voting shall be by written ballot when the Chairman of the Meeting so decides or when not less than 25 lawyers so demand.

(3) All business transacted at the General Meeting shall be decided by a simple majority of votes unless otherwise provided.

### **Bye-Law 10**

The agenda of the Ordinary General Meeting shall include the following items:

1. Election of a Chairman of the Meeting.
2. Report on the activities of
  - a. the General Council of the Bar and Law Society;

- b. the Disciplinary Board of the Bar and Law Society;
- c. the Professional Indemnity Fund of the Bar and Law Society; and
- d. the Benefit Fund of the Bar and Law Society since the last Ordinary General Meeting.

**3.** Presentation and adoption of the financial statements of:

- a. the Bar and Law Society;
- b. the Professional Indemnity Fund of the Bar and Law Society; and
- c. the Benefit Fund of the Bar and Law Society for the two preceding financial years.

**4.** Presentation and adoption of a budget for the two following financial years and a motion fixing the membership contributions for those years.

**5.** Election of a Chairman of the General Council and two alternates to the Chairman in his capacity as a member of the General Council.

**6.** Election of two auditors and two alternate auditors.

**7.** Any motion, business and item submitted for inclusion in the agenda by the General Council or any motion, business and item submitted in writing for inclusion in the agenda before 1 March of the relevant year either by a District Committee or by not less than 50 lawyers.

## **The General Council**

### **Bye-Law 11**

(1) The General Council of the Bar and Law Society shall consist of one Chairman and 14 other members.

(2) The Chairman shall be elected from among all lawyers at an Ordinary General Meeting. To win the election, a candidate requires an absolute majority of votes. If a candidate fails to obtain this majority in the first vote, a second vote shall be held between the two candidates who have obtained the highest number of votes. Similarly, two alternates to the Chairman shall be elected in his capacity as a member of the General Council.

(3) The Chairman and the alternates to the Chairman shall be elected for a term of office of four years and shall be eligible for re-election once for an additional term of two years.

(4) Nominations for the election of Chairman and alternates shall be submitted in writing to the Secretariat not later than two weeks before the date of the General Meeting. Any nomination form shall be signed by not less than 50 lawyers.

(5) In the event of the death or permanent incapacitation of the Chairman at any time preceding 15 October of the year prior to the expiry of the Chairman's term of office, a General Meeting shall be convened to elect a Chairman for the remainder of the term.

## **Bye-Law 12**

- (1) The other 14 members and two alternates to each of these members shall be elected by and from among the lawyers in the individual local districts in compliance with the following rules: District 1 shall elect six members. District 6 shall elect two members. Districts 2, 3, 4, 5, 7 and 8 shall elect one member each.
- (2) Elections shall be by majority voting at district meetings and shall have effect from the date of the next Ordinary General Meeting.
- (3) Nominations for the election of one or more members, each with two alternates, shall be submitted in writing to the Chairman of the District Committee not later than two weeks before the date of the district meeting at which the election will be held. Any nomination form shall be signed by not less than 10 and, as far as District 1 is concerned, not less than 30 lawyers.
- (4) In the event that the required number of nominations for members and alternates has not been received within the deadline, any remaining members and alternates shall be elected by majority voting on nominations proposed at the district meeting.
- (5) Members shall be elected for a term of office of four years. Members shall be eligible for re-election once for an additional term of two years.

## **Bye-Law 13**

The General Council shall elect a Vice-Chairman from among its number, who shall take the chair when the Chairman is temporarily prevented from exercising the functions of his office.

## **Bye-Law 14**

The alternates shall start serving on the General Council in the order of their election when a Council member dies, loses his eligibility for election, resigns or in any other way becomes permanently incapacitated to exercise the functions of his office. If no alternate is available, a Council member shall be appointed for the remainder of the term of office by the District Committee of the local district which is entitled to elect the member in question.

## **Bye-Law 15**

- (1) If a member of the General Council is prevented from attending the meetings of the Council for a short or long period of time, the member shall immediately notify the Chairman thereof. The alternate shall be requested to serve on the Council if the Council so decides.
- (2) No member of the Council is allowed to participate in the consideration of a case in whose outcome the member has an individual interest or in which circumstances may give rise to doubt about the member's impartiality.

## **Bye-Law 16**

The General Council shall serve as the supervisory board of the Bar and Law Society. The Council shall represent the Bar and Law Society both externally and internally.

*The General Council's duty to guard the independence and integrity of lawyers*

## **Bye-Law 17**

(1) The General Council shall work to ensure that the individual lawyer, to protect the client's due process rights, may serve his client in a confidential business relationship independently of any interests other than those of the client and with access to information of significance to the client's case.

(2) The General Council may assist a lawyer whose independence or integrity comes under pressure, for instance in connection with contact to relevant authorities or the conduct of legal proceedings in accordance with Bye-Law 39.

*The General Council's duty to maintain the professional skills of lawyers*

## **Bye-Law 18**

(1) The General Council shall be responsible for the theoretical basic education programme, the examination and the practical test in litigation for the purpose of gaining admission to practise as a lawyer.

(2) The General Council shall be responsible for the test in rules of special importance to the profession of lawyer for persons who are not lawyers, but co-owners of a professional corporation of lawyers. For that purpose, the General Council shall ensure through supervision that these employees enter for and pass the test before the set deadline and that their ownership is terminated if this does not happen.

(3) The General Council shall be responsible for verifying that lawyers and authorised assistant attorneys observe the requirement for ongoing continuing education.

(4) The General Council shall be responsible for verifying that lawyers who practise the profession of lawyer as sole practitioners, jointly with one or more other lawyers or as co-owners of a professional corporation of lawyers, meet the requirements for practical experience as an authorised assistant attorney or employed lawyer as set out in the Administration of Justice Act.

(5) The General Council shall contribute, through contact to universities and providers of continuing education, to safeguarding the quality of both the initial and continuing education of lawyers.

## *The General Council's duty of supervision*

### **Bye-Law 19**

(1) The General Council shall supervise all lawyers, professional corporations of lawyers and authorised assistant attorneys. In the event that the General Council finds that a lawyer, a professional corporation of lawyers or a co-owner of a professional corporation of lawyers has failed to act in compliance with lawyers' obligations, the Council may file a complaint against the relevant lawyer, corporation or co-owner with the Disciplinary Board.

(2) When the practice of law by lawyers affects countries other than Denmark, the General Council shall perform the supervision in cooperation with the competent authorities of the countries concerned.

### **Bye-Law 20**

Pursuant to section 143(3) of the Administration of Justice Act, the General Council may decide that a lawyer or any person mentioned in section 124(3)(ii) of the Administration of Justice Act who owns shares in a professional corporation of lawyers shall be called for an interview if the lawyer or person concerned is assumed to have grossly or repeatedly neglected the duties involved in his position. The interview shall be held with the District Committee in one of the local districts that border the district in which the lawyer or person concerned has his business.

### **Bye-Law 21**

(1) The General Council may decide that supervision by colleagues of a lawyer or one of the persons mentioned in section 124(3)(ii) of the Administration of Justice Act who owns shares in a professional corporation of lawyers be initiated if the lawyer or person concerned is suspected of having committed offences that may lead to disbarment or disqualification from owning shares in a professional corporation of lawyers.

(2) The period of supervision shall usually not exceed three months. The General Council may decide to extend the period of supervision by up to three additional months.

(3) The supervision shall not prevent the General Council from performing a simultaneous auditor's examination of the lawyer or one of the persons mentioned in section 124(3)(ii) of the Administration of Justice Act who owns shares in a professional corporation of lawyers.

(4) The investigation of a pending disciplinary case, if applicable, shall not be affected by the supervision.

## **Bye-Law 22**

The General Council shall inform the person to be supervised (the supervisee) of the reasons for its decision to initiate supervision.

## **Bye-Law 23**

(1) The supervision shall be undertaken by one or more lawyers (the supervisory lawyer) appointed by the General Council. The supervisee shall have an opportunity to comment on the choice of the supervisory lawyer unless this would defeat the purpose of the supervision.

(2) The supervisory lawyer shall be subject to professional secrecy in regard to everything he learns in connection with the supervision, but see Bye-Law 26.

(3) In connection with the supervision, the supervisory lawyer shall at all times maintain complete independence, and there shall be no circumstances that may give rise to doubt about the supervisory lawyer's impartiality.

## **Bye-Law 24**

(1) During the supervision, the supervisory lawyer shall pay one or more visits to the business premises of the supervisee. The number of visits shall be adjusted to circumstances.

(2) The dates of the visits shall in so far as possible be fixed in consultation with the supervisee.

(3) The supervision shall be organised so as to cause minimum nuisance to the supervisee.

## **Bye-Law 25**

(1) The supervisee is obliged to supply the supervisory lawyer with any information, documents, etc. which the supervisory lawyer considers to be of importance to the supervision.

(2) The supervisee is obliged to be present during the supervisory lawyer's visit unless other agreement has been made with the supervisory lawyer or the supervisee's absence is lawfully excused.

## **Bye-Law 26**

(1) By the end of the period of supervision, the supervisory lawyer shall prepare a draft report to be forwarded to the supervisee and stating a deadline within which the supervisee may comment on the report. The period for comment is usually not less than seven days. The finalised report to be forwarded to the General Council shall be capable of providing the basis for the Council's assessment of the supervisee's circumstances.



(2) The report shall contain a recommendation on the further process, including whether an auditor's examination is required and whether the General Council should bring the matter before the Disciplinary Board.

### **Bye-Law 27**

(1) Travel, accommodation and meal expenses in connection with the supervision and the fees of the supervisory lawyer shall be payable by the General Council.

(2) The General Council shall fix the fees of the supervisory lawyer at the supervisory lawyer's recommendation.

### **Bye-Law 28**

Supervisory lawyers

- 1) shall hold a practising certificate;
- 2) shall have not less than ten years experience of law practice within the last 15 years;
- 3) shall be worthy of the respect and confidence demanded by the supervisory office; and
- 4) must not be a member of the General Council or Disciplinary Board of the Bar and Law Society.

### **Bye-Law 29**

(1) The General Council shall be responsible for the necessary training of supervisory lawyers.

(2) The General Council shall maintain a list of supervisory lawyers.

### **Bye-Law 30**

The General Council shall issue byelaws for the regulation of lawyers' duties and obligations relating to the handling of fiduciary funds (client account byelaws) and shall, through supervision, ensure the observation thereof.

*The General Council's duties related to supervision*

### **Bye-Law 31**

(1) The General Council shall draw up indicative guidelines for lawyers' professional conduct, referred to as the "Code of Professional Ethics".

(2) The Code of Professional Ethics shall reflect the General Council's practice and case law.

(3) In areas where the General Council's practice or case law is not clearly defined, the Code of Professional Ethics shall reflect the General Council's opinion of professional conduct and provide guidance to lawyers and the public at large.

### **Bye-Law 32**

(1) At the request of a lawyer or a professional corporation of lawyers, the General Council shall submit an expert opinion on professional conduct or other issues of general interest to lawyers in the exercise of their profession.

(2) The same shall apply in the event that a lawyer or a professional corporation of lawyers requests the General Council's opinion on a legal fee calculated by the lawyer and over which a dispute has arisen between the lawyer and the client or the client's legal expenses insurance company.

(3) The Council shall not submit an expert opinion in a case over which, at the time of the Council's consideration of the request for opinion, a complaint is pending before the Disciplinary Board.

(4) While a case is pending before a court of law, the Council may, at the request of the parties or the court and for the purpose of assisting the court, submit an expert opinion on a disputed fee or on professional conduct in a case which has not been decided by the Disciplinary Board.

### **Bye-Law 33**

(1) The General Council shall assist clients in enforcing a decision of the Disciplinary Board where the defendant has failed to comply with the decision and the conclusion of the decision is ultimately enforceable.

(2) The assistance provided by the General Council under (1) shall comprise the selection and retention of a lawyer for the purpose, if necessary, of conducting litigation and enforcement proceedings against the defendant.

(3) In cases falling within (1) above, the General Council shall likewise assist clients in filing claims, where appropriate, with the lawyer's professional indemnity insurance company or the Professional Indemnity Fund.

(4) The expenses involved in having the decision enforced or filing the claim shall not be payable by the client, but may be covered by the Professional Indemnity Fund to the extent that the expenses cannot be covered by the defendant, see Bye-Law 70.

(5) The assistance provided by the General Council in accordance with this provision shall not affect the assessment of whether the defendant's non-compliance with the decision of the Disciplinary Board is assumed to constitute a violation of the rules of professional conduct.

### **Bye-Law 34**

(1) The General Council shall supervise EU lawyers who practice law in Denmark in compliance with the rules on EU lawyers' services in Denmark. If these lawyers neglect duties that follow from the Administration of Justice Act or from rules and regulations laid down in pursuance of the Administration of Justice Act, the General Council may bring a case before the Disciplinary Board for such neglect.

(2) At the request of an EU lawyer who practises law in Denmark as set out in (1), or at the request of the competent authority for lawyers in the lawyer's home Member State, the Council shall submit an expert opinion in compliance with Bye-Law 32(1)-(3).

### **Bye-Law 35**

At the request of a lawyer who holds a Danish practising certificate, the General Council shall issue documentation to prove that the person concerned is a lawyer. Such documentation shall be given to enable the lawyer to offer his services or set up legal practice in another Member State of the European Union or the European Economic Area or in Switzerland.

*The General Council's work for the benefit of the legal community*

### **Bye-Law 36**

The General Council shall participate in the drafting of legislation etc. on a neutral basis in terms of political party affiliation and distribution and may take initiatives for the purpose of guaranteeing respect for fundamental rights, the rule of law and security in the application of the law.

### **Bye-Law 37**

(1) The General Council shall work to ensure that all persons have access to qualified, independent and confidential legal assistance and shall work to enhance the rule of law, both in the administration of justice and in public administration.

(2) The General Council may place fundamental information about the legal problems of everyday life at the disposal of citizens and may inform citizens where they can obtain more information.

(3) The General Council shall operate an Internet-based website where citizens and companies can search for lawyers by geographic location and field of practice.

(4) The General Council shall work to give the population access to free legal aid in the form of basic oral counselling from citizens advice bureaus, mainly by providing information about citizens advice bureaus on the Internet.

### **Bye-Law 38**

The General Council shall inform lawyers and citizens about significant decisions and rulings by the courts of law and the Disciplinary Board, legal policy issues and any other matter falling within the scope of activity of the Bar and Law Society. The General Council may provide this information on the website at [www.advokatsamfundet.dk](http://www.advokatsamfundet.dk) and/or in a journal forwarded to all lawyers or in such other manner as is found appropriate.

#### *The General Council's discharge of its duties*

### **Bye-Law 39**

(1) The General Council may set up committees to discharge its duties and responsibilities in accordance with these Bye-Laws.

(2) The General Council may request the District Committees and the lawyer members of the Disciplinary Board, either in writing or by convening a meeting, to comment on essential matters of which the General Council desires an examination.

(3) To discharge its duties according to the objects clause, the General Council may contact national and international authorities in its own name or on behalf of a lawyer.

(4) Moreover, to discharge its duties according to the objects clause, the General Council may conduct legal proceedings in its own name.

(5) In cases pertaining to the regulation of lawyers or the lawyer's position in the administration of justice, the General Council may step in to conduct a case for a lawyer or decide that the legal costs be payable by the Bar and Law Society.

### **Bye-Law 40**

(1) The General Council shall be a member of the Council of Bars and Law Societies of Europe (CBBE) and the International Bar Association for the purpose of meeting the objects of the Danish Bar and Law Society in cross-border matters and in relation to international authorities.

(2) The General Council may, for the same purpose, participate in other international organisations and associations.

### **Bye-Law 41**

Within the framework of Council Directive 77/249/EEC to facilitate the effective exercise by lawyers of freedom to provide services as amended, the General Council may enter into agreements with competent authorities for lawyers in other countries on professional rules regulating the practice of law by lawyers in the country or region concerned.

## **Bye-Law 42**

(1) The General Council shall hold a meeting when so decided by the Council or Chairman or when requisitioned in writing by not less than two Council members, who shall state the purpose of such a meeting. In the latter case, the meeting shall be convened to be held as soon as possible.

(2) Not less than one week prior to each Council meeting, the Secretariat shall forward the agenda of the meeting to the Council members. The meeting may transact only such business as is specified in the agenda unless all members in attendance consent to the transaction of any other business.

## **Bye-Law 43**

(1) The General Council shall constitute a quorum for the transaction of business when at least 10 members are present. In the cases referred to in (1), (2) and (4) of Bye-Law 32, however, decisions may be made by any department of the Council when at least five members are present.

(2) The meetings of the Council shall be held in Copenhagen unless otherwise decided by the Council in each individual case. Notice of the meeting shall be given by the Secretariat to all members not less than one week before the date of the meeting. In particularly urgent cases, however, a meeting may be convened at a shorter notice provided that consent is given by the Council at the following meeting. In such a case, the agenda shall be disclosed at the time of the convening notice.

## **Bye-Law 44**

(1) All cases that come before the General Council shall be decided by a simple majority of votes. In the event of a parity of votes, the Chairman (Vice-Chairman) shall hold the casting vote. The members of the Council are entitled to demand that the taking of a special vote be entered in the minutes.

(2) Voting shall be conducted orally unless otherwise agreed in each individual case. The Chairman shall vote last.

(3) On all other questions of procedure and order, the Council shall determine its own rules of procedure.

## The local districts

### Bye-Law 45

(1) Denmark is sub-divided into the following eight local districts, which share borders with the judicial districts of the courts of law:

**District 1:** Copenhagen. Comprises the judicial district of Copenhagen as well as the Faroe Islands and Greenland.

**District 2:** Copenhagen Suburbs. Comprises the judicial districts of Lyngby, Glostrup and Frederiksberg.

**District 3:** Sealand. Comprises the judicial districts of Nykøbing Falster, Næstved, Holbæk, Roskilde, Hillerød, Elsinore and Bornholm.

**District 4:** Funen. Comprises the judicial districts of Odense and Svendborg.

**District 5:** Southern Jutland. Comprises the judicial districts of Kolding, Esbjerg and Sønderborg.

**District 6:** Eastern Jutland. Comprises the judicial districts of Randers, Aarhus and Horsens.

**District 7:** Western Jutland. Comprises the judicial districts of Viborg, Holstebro and Herning.

**District 8:** Northern Jutland. Comprises the judicial districts of Aalborg and Hjørring.

(2) In relation to these Bye-Laws, a lawyer shall belong to the local district and judicial district within which the lawyer practises his profession. In case of non-practising lawyers, the residence shall be the determining factor. Any lawyer who neither practises law nor resides in Denmark shall belong to District 1. Each local district shall also comprise any professional corporation of lawyers whose registered office (head office) is situated in the district.

(3) When a lawyer moves from the address at which the lawyer practises his profession or when a non-practising lawyer changes residences, the lawyer shall notify the Secretariat accordingly within two weeks of the effective date of the address change. The same shall apply when a professional corporation changes registered office address.

### Bye-Law 46

(1) Each local district shall have a District Committee to represent the special interests of the district and assist and support the General Council.

(2) In the event of complaints over fees charged for work performed by a lawyer, a professional corporation of lawyers or a co-owner of a professional corporation of lawyers, the District Committee may, at the discretion of the Disciplinary Board, assist the Disciplinary Board in examining such complaints. The same shall apply to complaints that a lawyer, a professional corporation of lawyers or a co-owner of a professional corporation of lawyers has violated the rules of professional conduct.

(3) In the event of complaints referred to in (2), the District Committee shall be joined by a public representative appointed by the Danish Minister for Justice.

### **Bye-Law 47**

- (1) The District Committee of District 1 shall consist of not less than five and not more than seven lawyers as decided by the district meeting. All other District Committees shall consist of three lawyers each.
- (2) Members and alternates of the District Committee shall be elected by and from among the lawyers of the local district in compliance with the rules of Bye-Law 12(2)-(4).
- (3) Members shall be elected for a term of office of two years. Members shall be eligible for re-election twice.

### **Bye-Law 48**

- (1) The rules of Bye-Laws 14 and 15 shall similarly apply to District Committee members.
- (2) If a District Committee member no longer belongs to the local district for which the member has been elected, the member shall lose his eligibility for election in the district concerned.

### **Bye-Law 49**

- (1) Following any new election, each District Committee shall appoint from among its members a Chairman and a Vice-Chairman to serve until the expiry of their term of office.
- (2) The District Committee shall forthwith notify the General Council of the appointments mentioned in (1).

### **Bye-Law 50**

- (1) Resolutions adopted or decisions made by the District Committee on the special interests of the district shall forthwith be reported to the Secretariat through the submission of a transcript of the minute book. The validity of such resolutions or decisions shall not be subject to the approval of the General Council, but the Council may, if it estimates in the individual case that the importance of the matter or any other special circumstances make such a step desirable, demand that the matter be reconsidered and resolved anew or may annul the resolution or decision.
- (2) If doubt arises as to whether a matter falls within the jurisdiction of the Council or the District Committee, such doubt shall be finally resolved by the Council.
- (3) Minutes shall be taken of all meetings of the District Committee. Minutes of each meeting shall forthwith be forwarded to the Secretariat.

## **Bye-Law 51**

- (1) The following rules shall apply to any business relating to the special interests of the district:
- (2) The meetings of the District Committee shall constitute a quorum for the transaction of business when, in District 1, three members and, in the other districts, two members are present.
- (3) The provisions of Bye-Law 42(2), second sentence, and Bye-Law 44 shall similarly apply to the meetings of the District Committee.
- (4) The meetings of the District Committee shall be convened at not less than seven days' notice, and the convening notice shall state the agenda of the meeting. In particularly urgent cases, a meeting may be convened at a shorter notice provided that consent is given by the Committee at the following meeting.
- (5) A meeting shall be held when so decided by the Chairman or when requisitioned in writing by one of the other Committee members, who shall state the purpose of such a meeting. In the latter case, the meeting shall be convened as soon as possible.

## **The district meetings**

### **Bye-Law 52**

The district meetings shall be open for attendance by all lawyers of the district, by the members of the General Council and by representatives of the Secretariat of the Bar and Law Society. Neither the members of the Council nor the representatives of the Secretariat are entitled to vote at the meetings unless, in their capacity as lawyers, they belong to the district concerned, but they may attend the proceedings of meetings.

### **Bye-Law 53**

- (1) District meetings shall be held at least once every second year and, furthermore, as and when decided by the District Committee or requisitioned by the General Council or not less than 20, in District 1 not less than 50, of the lawyers of the district. In the latter case, the written requisition shall clearly specify the purpose of the meeting.
- (2) Meetings shall be convened at not less than three weeks' notice by letter to each of the lawyers of the district and to the Secretariat on behalf of the Council, and the convening notice shall state the agenda of the meeting. The meeting may only adopt resolutions relating to such business as is clearly stated in the agenda.
- (3) The meetings shall be presided over by a Chairman, and minutes of proceedings shall be taken by a Secretary, both elected by the meeting from outside the membership of the Committee. The minutes shall be signed by the Chairman of the Meeting and the Secretary.



- (4) Attendance in person is a prerequisite for the exercise of voting rights.
- (5) Voting shall be by a show of hands unless a written ballot is directed by the Chairman or demanded by not less than ten of the lawyers of the district.
- (6) The place of the meeting shall be decided in each individual case by the District Committee, but shall, where no special circumstances exist, be chosen so as to ensure that the venue is as convenient to the lawyers of the district as possible.
- (7) The Chairman of the relevant District Committee shall forward minutes of the district meeting to the Secretariat as soon as possible.
- (8) The resolutions of district meetings, except for elections, may be annulled by the Council on the same terms and conditions as those applying to the resolutions of the District Committee.

#### **Bye-Law 54**

- (1) Joint district meetings for two or more districts may be held when so decided by the relevant District Committees.
- (2) Joint district meetings shall be subject to the same rules as those set out in Bye-Law 53, which apply to ordinary district meetings.

#### **The Disciplinary Board**

#### **Bye-Law 55**

- (1) The Disciplinary Board of the Bar and Law Society shall consist of one Chairman and two Vice-Chairmen, all of whom must be judges, and 18 other members. The Chairman and the Vice-Chairmen shall be appointed by the President of the Supreme Court. Nine members, who must not be lawyers, shall be appointed to the Disciplinary Board by the Danish Minister for Justice, whereas the remaining nine members shall be elected by the Bar and Law Society.
- (2) The lawyer members of the Disciplinary Board and two alternates to each of these members shall be elected by and from among the lawyers of the local district for a term of office of six years without the possibility of re-election.
- (3) District 1 shall elect three members. Districts 2 to 6 shall elect one member each. Districts 7 to 8 shall jointly elect one member.
- (4) Elections shall be conducted in compliance with the rules of Bye-Law 12(2)-(4).

### **Bye-Law 56**

- (1) The Disciplinary Board shall decide complaints over fees which a lawyer, a professional corporation of lawyers or a co-owner of a professional corporation of lawyers has charged for work performed.
- (2) The Disciplinary Board shall also decide complaints that a lawyer, a professional corporation of lawyers or a co-owner of a professional corporation of lawyers has violated the rules of professional conduct.
- (3) More specific rules governing the activities of the Disciplinary Board shall be laid down by the Danish Minister for Justice.

### **Joint provisions on the undertaking of offices within the Bar and Law Society**

#### **Bye-Law 57**

All offices within the Bar and Law Society are voluntary, always provided that any person who has assumed an office is not entitled to resign without the consent of the body concerned before the expiry of the term of office.

#### **Bye-Law 58**

- (1) The offices involved in membership of the General Council, a District Committee or the Disciplinary Board shall be incompatible.
- (2) Alternates shall be allowed simultaneous membership of the General Council, a District Committee or the Disciplinary Board, but no alternate may be admitted to full membership of more than one of these bodies at a time.
- (3) When a member of the Council or a District Committee has served for a continuous term of six years, the member concerned shall not be eligible for re-election until one year has lapsed from his termination of office. However, this rule shall not prevent any member of the Council from being elected to the office of Chairman of the Council and serve as such for up to six years.
- (4) Full and alternate members of the Disciplinary Board shall be elected for a term of office of six years without the possibility of re-election, cf. Bye-Law 55(2).

#### **Bye-Law 59**

Lawyers shall not receive remuneration for any office held within the Bar and Law Society, but shall be reimbursed for any necessary travel expenses incurred, including reasonable expenses for accommodation and meals.

## **Membership contributions**

### **Bye-Law 60**

- (1) Any lawyer shall pay an annual membership contribution to meet the expenses for carrying out the activities of the Bar and Law Society, including contributions to the Benefit Fund and the Professional Indemnity Fund.
- (2) The amounts of the contributions shall be determined by the General Meeting of Lawyers.
- (3) For the financial year in which the Danish practising certificate has been issued or the EU lawyer has started practising law on a permanent basis in Denmark, the contributions shall be reduced proportionally in such a manner that contributions shall only be payable for the number of full months remaining in the financial year concerned. For the financial year in which the lawyer is no longer covered by the Bar and Law Society, the share of contributions that corresponds proportionally to the remaining number of full months of the financial year shall be refundable.
- (4) A covered EU lawyer may be exempted from payment of contributions to the Professional Indemnity Fund in so far as the lawyer concerned can prove to the Bar and Law Society that he is covered by a scheme that provides indemnity for losses of the same extent as mentioned in Bye-Laws 63(2) and 70.
- (5) Contributions shall fall due for payment at the beginning of the financial year and may be collected annually, semi-annually or quarterly. Contributions shall be collected by the Secretariat of the Bar and Law Society.

## **Professional indemnity insurance and guarantee**

### **Bye-Law 61**

- (1) Any lawyer shall take out professional indemnity insurance under a policy approved by the General Council to cover any liability which the person, in his capacity as a lawyer, may incur for property damage inflicted on a third party as a result of any form of negligent act or act of omission committed by the lawyer or the lawyer's employees. The limit of indemnity shall amount to not less than 2.5 million Danish kroner. The insurance shall provide coverage for not less than five years after the date when the admission to practise law in Denmark terminates or the EU lawyer ceases to practise law on a permanent basis in Denmark. The policy shall specify that the insurance company shall be liable to the injured third party for the amount of any deductible agreed by the lawyer. The policy shall further specify that the insurance may be terminated only if the insurance company notifies the General Council thereof and that the insurance company accepts that the Council may keep the policy in force in compliance with (6).
- (2) The lawyer is under an obligation to prove to the General Council, either personally or through his insurance company, that due insurance has been taken out.

(3) In relation to any EU lawyer, the obligation to take out insurance shall be considered to have been satisfied to the extent that the lawyer concerned proves to the Bar and Law Society that he is covered by an insurance scheme which covers his legal practice in Denmark to the extent mentioned in (1). If the lawyer concerned is covered by an insurance scheme which provides only partial coverage for his legal practice in Denmark, the Bar and Law Society may demand that the lawyer take out supplementary insurance.

(4) Where a lawyer fails to take out or maintain such professional indemnity insurance as is mentioned in (1), the General Council may decide, in addition to bringing the case before the Disciplinary Board, that the lawyer shall pay a special contribution to the Professional Indemnity Fund. The special contribution shall be fixed by the General Council, usually at an amount equalling the premium for a policy taken out in accordance with (1).

(5) Where a lawyer fails to pay the premium for a professional indemnity insurance policy, the General Council may, in addition to bringing the case before the Disciplinary Board, keep the insurance in force at its own discretion for up to one year from the date when insurance coverage would end by reason of non-payment of the premium by paying the premium due and owing with full right of recourse against the lawyer and/or the professional corporation of lawyers in which the lawyer practises.

(6) The obligation to take out professional indemnity insurance in accordance with (1) shall, as far as professional corporations of lawyers are concerned, rest with the corporation. The insurance shall in these cases be taken out by the corporation, but in such a manner that the insurance also covers the professional liability of the lawyers working in the corporation as well as any person who, pursuant to section 124(3)(ii) of the Administration of Justice Act, is a co-owner of the corporation, with a limit of indemnity for each lawyer or co-owner of not less than the basic amount set out in (1). (2), (4) and (5) shall apply similarly.

## **Bye-Law 62**

(1) Any lawyer is obliged, by way of a declaration from an insurance company or a bank, to guarantee in compliance with a guarantee form duly approved by the General Council that the lawyer concerned assumes primary and direct liability to a lawyer's client for any loss suffered by the client in connection with the unauthorised use of such funds by the lawyer or the lawyer's employees as had been entrusted to the lawyer in his capacity as a lawyer. The limit of guarantee shall amount to not less than 5 million Danish kroner. The guarantee form shall further specify that the guarantee may be terminated only if the insurance company or bank notifies the General Council thereof and that the insurance company or bank accepts that the Council may keep the guarantee in force in compliance with (5).

(2) The lawyer is under an obligation to prove to the General Council, either personally or through his insurance company or bank, that due guarantee has been provided.

(3) In relation to any EU lawyer, the obligation to provide guarantee shall be considered to have been satisfied to the extent that the lawyer concerned proves to the General Council that he is covered by a guarantee which covers his legal practice in Denmark to the extent mentioned in (1). If

the EU lawyer is covered by a guarantee which provides only partial coverage for his legal practice in Denmark, the Bar and Law Society may demand that the lawyer provide supplementary guarantee.

(4) Where a lawyer fails to provide or maintain such guarantee as is mentioned in (1), the General Council may decide, in addition to bringing the case before the Disciplinary Board, that the lawyer shall pay a special contribution to the Professional Indemnity Fund. The special contribution shall be fixed by the General Council, usually at an amount equalling the premium for a guarantee provided in accordance with (1).

(5) Where a lawyer fails to pay the premium for a guarantee, the General Council may, in addition to bringing the case before the Disciplinary Board, keep the guarantee in force at its own discretion for up to one year from the date when the guarantee would end by reason of non-payment of the premium by paying the premium due and owing with full right of recourse against the lawyer and/or the professional corporation of lawyers in which the lawyer practises.

(6) The obligation to provide guarantee in accordance with (1) shall, as far as professional corporations of lawyers are concerned, rest with the corporation. The guarantee shall in these cases be provided by the corporation, but in such a manner that the guarantee also covers the lawyers working in the corporation as well as any person who, pursuant to section 124(3)(ii) of the Administration of Justice Act, is a co-owner of the corporation, with a limit of guarantee for each lawyer or co-owner of not less than the basic amount set out in (1). (2), (4) and (5) shall apply similarly.

## **The Professional Indemnity Fund**

### **Bye-Law 63**

(1) The name of the Fund is the Professional Indemnity Fund of the Danish Bar and Law Society.

(2) The objects for which the Fund is established are to enable the General Council, at its own discretion, to grant an indemnity to cover in full or in part any loss that is not covered by the professional indemnity insurance referred to in Bye-Law 61 or the guarantee referred to in Bye-Law 62 and which is suffered as a result of 1) the error, neglect or any other tortious act by a lawyer or a lawyer's employees in the exercise of the profession of lawyer or 2) the unauthorised use of such funds by a lawyer or a lawyer's employees as had been entrusted to the lawyer in his capacity as a lawyer.

(3) In addition to indemnity under (2), the General Council may, at its own discretion, allow the Professional Indemnity Fund to incur expenses for the purpose of preventing a specific risk of such losses as the Fund is capable of covering in compliance with (2). Such expenses may for instance be incurred if requested by the lawyer who is at risk of committing a tortious act in the exercise of the profession of lawyer.

#### **Bye-Law 64**

The assets of the Fund shall be generated by 1) the contributions made by lawyers, cf. Bye-Law 60, 2) any other contributions from the assets of the Bar and Law Society, 3) return on the Fund's capital, 4) the amounts collected by the Fund by virtue of its right of subrogation, 5) any special contributions in accordance with Bye-Laws 61(4) and 62(4), and 6) any other amounts contributed to the Fund by way of legacies, grants, gifts or voluntary contributions.

#### **Bye-Law 65**

The assets of the Fund shall be managed by the General Council and shall be invested safely in the same manner as the assets owned by the Danish Bar and Law Society. The assets may be invested in real property.

#### **Bye-Law 66**

(1) A committee of five lawyers appointed by the General Council - the Indemnity Committee - shall be set up to decide whether and in what cases and at what amounts indemnity shall be granted. The Indemnity Committee shall also decide on the incurring of expenses in accordance with Bye-Law 63(3). Members of the Committee shall be appointed after each Ordinary General Meeting. Members shall be eligible for re-appointment. The Council shall appoint the Chairman of the Committee. The Committee shall determine its own rules of procedure. The Secretariat shall provide the Committee with any necessary assistance in the performance of its duties and may be authorised by the Committee to make decisions in minor cases.

(2) Any application for indemnity from the Professional Indemnity Fund of the Bar and Law Society shall be submitted in writing to the Secretariat of the Bar and Law Society and shall include any required documentation. The application shall be lodged within six months of the date when the injured party gained or, by exercising reasonable and ordinary care and diligence, should have gained knowledge of the loss allegedly suffered.

(3) On receipt of the application, the Secretariat shall collect such information as it deems to be necessary, after which the application shall come before the Indemnity Committee for consideration. The Committee is entitled to demand that additional information be furnished and may also demand an oral examination of the injured party and any other person who can contribute to the clarification of the matter.

(4) The lawyer or the professional corporation of lawyers that allegedly caused the loss is obliged, at the request of the Secretariat, to place books, vouchers and other supporting documents at the Committee's disposal and to assist in the clarification of the matter in every respect.

(5) The Indemnity Committee shall definitively decide whether an indemnity shall be granted by the Fund, and no question or matter pertaining to such a decision may be brought before the courts of law.

### **Bye-Law 67**

In the event of payment of indemnity, the Professional Indemnity Fund shall in all respects be subrogated to the injured party's rights resulting from the loss. Such rights shall be exercisable only until the Fund has received full coverage for the indemnity paid with the addition of interest. The Professional Indemnity Fund is entitled to demand that the injured party waive any right to receive any amount from the wrongdoer or the wrongdoer's estate until the Fund's claim for full coverage for the indemnity paid has been satisfied.

### **Bye-Law 68**

- (1) The expenses for carrying out the activities of the Fund shall be payable out of the assets of the Fund.
- (2) The financial statements of the Fund shall be audited by a state-authorised public accountant engaged by the General Council. A report on the activities and financial statements of the Fund shall be submitted to the Ordinary General Meetings of Lawyers.

### **Bye-Law 69**

- (1) No indemnity shall be granted if the loss is covered by the lawyer's professional indemnity insurance or guarantee or by any special insurance schemes.
- (2) If the loss is suffered as a result of the error, neglect or any other tortious act by a lawyer or a lawyer's employees in the exercise of the profession of lawyer, the maximum indemnity payable by the Professional Indemnity Fund shall be an amount of 2.5 million Danish kroner for one incident of loss, but see (3) below. This shall apply regardless of whether one or more lawyers can be held responsible for the loss and shall also be the maximum indemnity that is generally payable for any and all incidents of losses caused by the same lawyer within any one calendar year.
- (3) If the loss is suffered by a client as a result of the unauthorised use of such funds by the lawyer or the lawyer's employees as had been entrusted to the lawyer in his capacity as a lawyer, the maximum indemnity payable by the Professional Indemnity Fund shall be an amount of 5 million Danish kroner for one incident of loss. This shall apply regardless of whether one or more lawyers can be held responsible for the loss and shall also be the maximum indemnity that is generally payable for any and all incidents of losses caused by the same lawyer within any one calendar year.
- (4) In its decisions on indemnity, the Professional Indemnity Fund shall mainly focus on the following aspects:  
The nature and circumstances of the loss concerned, the conduct of the injured party, the nature of the lawyer-client relationship, any relationship by blood, marriage or friendship between the lawyer and the injured party as well as the age, occupation and financial situation of the injured party.
- (5) Indemnity shall be payable only if it is proven that the lawyer is responsible and that neither the lawyer nor any person who shares in the responsibility for the loss is capable of satisfying the claim for indemnity. Payment of indemnity may be made conditional on an attempt by the injured party,

by instituting civil proceedings against the wrongdoer, the wrongdoer's estate or otherwise, to obtain indemnity from the wrongdoer himself. In the event that the injured party does not obtain indemnity by instituting legal proceedings in this manner, the legal expenses incurred in this connection may be reimbursed by the Fund.

(6) The provisions of paragraphs (1)-(4) shall similarly apply to coverage for any loss caused by a professional corporation of lawyers or its employees.

### **Bye-Law 70**

The Professional Indemnity Fund shall pay any expenses incurred by the General Council in enforcing a decision of the Disciplinary Board in compliance with Bye-Law 33 to the extent that the expenses have not been covered during the legal proceedings against the defendant.

### **The Benefit Fund**

#### **Bye-Law 71**

(1) The benefit activities of the Bar and Law Society shall be undertaken through a fund by the name of the Benefit Fund of the Danish Bar and Law Society. The Fund was established in 1919 through a take-over of the investment portfolio of the former Danish Association of Lawyers in a nominal amount of about 275,000 Danish kroner and through subsequent legacies, grants, gifts, voluntary contributions and savings.

(2) The ordinary income of the Fund comes from the return on its net assets and contributions from the Bar and Law Society. Each year the General Council may allocate an amount to be contributed to the Benefit Fund.

(3) The Fund shall be managed by a governing body made up of five members to be elected by the General Council from among lawyers who practise the profession of lawyer. The term of office is two years. Members shall be eligible for re-election. When a member has served for six years, the member concerned shall not be eligible for re-election until one year has lapsed from his termination of office. The Council shall elect from among the members of the governing body a Chairman, who shall have the power to bind the Fund with the joint signatures of two members of the governing body. This power to bind the Fund shall also apply to the sale and mortgaging of real property. The governing body shall constitute a quorum for the transaction of business when at least three of its members are present.

(4) Out of the annual income of the Fund, the governing body shall, at its own discretion, grant benefits to present or former lawyers, their surviving spouses and children and, exceptionally, to any other person who the lawyer actually supported.

(5) Benefits shall be payable semi-annually in the months of June and December unless the instrument establishing the legacy or grant or the governing body decides otherwise in each individual case, and each payment shall be effected only in so far as the relevant person is still alive.



Benefits shall be considered personal and may not be the object of any transfer, pledge, mortgage, lien, charge or legal proceedings, and the authority to withdraw benefits shall be valid for one six-month period only.

(6) The net assets of the Fund shall be invested in compliance with the rules governing investment of assets owned by legacies, grants, etc. under public management or supervision. The assets of the Fund shall be provided with an endorsement stating that they belong to the Fund.

(7) The Fund may acquire real property, and the Fund may grant loans to the Danish Bar and Law Society for the acquisition of real property. The combined amount allocated for these purposes, however, must not exceed an amount equivalent to one third of the net assets of the Fund.

(8) The governing body shall present annual financial statements of the operations and net assets of the Fund. The state-authorized public accountant engaged by the Bar and Law Society shall audit the financial statements of the Fund. The Secretariat shall provide the governing body with any necessary assistance in the administration etc. free of charge.

(9) A report on the activities and financial statements of the Fund shall be submitted to the Ordinary General Meetings of Lawyers.

## **The Secretariat**

### **Bye-Law 72**

(1) The day-to-day management of the Bar and Law Society shall be undertaken by a Secretariat from an office situated in Copenhagen. The Secretariat shall be managed by a permanent Secretary-General, who is obliged to use his full working capacity in the service of the Bar and Law Society.

(2) The General Council shall engage and dismiss the Secretary-General, draw up a contract with the relevant person and lay down the terms and conditions of employment.

(3) The Secretary-General shall engage and dismiss any other necessary employees.

(4) All inquiries to the General Council and the Disciplinary Board shall be directed to the Secretariat, which shall serve as organising office for these two bodies.

(5) All complaints shall be forwarded to and registered by the Secretariat, which shall re-direct the complaint to the appropriate body.

(6) The Secretariat shall assist the District Committees and the Disciplinary Board in compliance with the General Council's decision to this effect.

## **Binding signatures**

### **Bye-Law 73**

The Bar and Law Society shall be bound in legal transactions by the joint signatures of the Chairman or Vice-Chairman of the General Council and the Secretary-General or by the joint signatures of two members of the Council. The joint signatures of two thirds of the members of the Council shall be required for the transaction of any business relating to the acquisition, sale and mortgaging of real property.

## **Annual financial statements and audit**

### **Bye-Law 74**

- (1) The financial year of the Bar and Law Society shall coincide with the calendar year.
- (2) Financial statements shall be prepared for each financial year, comprising an income statement and balance sheet.
- (3) The financial statements for the year shall be presented in accordance with generally accepted accounting principles.

### **Bye-Law 75**

- (1) The financial statements of the Bar and Law Society shall be audited by a state-authorized public accountant engaged by the General Council and by two auditors elected at the Ordinary General Meeting of Lawyers for a term of office of two years, cf. Bye-Law 10, item no. 6.
- (2) The auditors shall audit the financial statements in compliance with generally accepted auditing standards, which shall include a critical review of the Society's accounting records.
- (3) After the audit has been concluded, the auditors shall verify, by endorsing the financial statements, that they have audited the financial statements, and their report shall include any comments to which their audit has given rise.

## **Amendments to the Bye-Laws**

### **Bye-Law 76**

- (1) These Bye-Laws of the Bar and Law Society may be amended only by resolution of the General Meeting of Lawyers.

(2) The full text of the proposed motion shall be forwarded to each lawyer by ordinary letter not later than two weeks before the date of the meeting or shall be advertised in a journal published by the Bar and Law Society, which has been handed over to a postal service provider not later than two weeks before the date of the meeting. The statement by the Secretary-General about the forwarding or handing-over of the motion shall serve as adequate proof hereof.

## **Digital communication**

### **Bye-Law 77**

(1) Notices to the Bar and Law Society and between the bodies of the Bar and Law Society may, notwithstanding the requirements as to form set out in these Bye-Laws, be given by digital communication. The notice shall be provided with a digital signature.

(2) Meetings of the bodies of the Bar and Law Society, except for the General Meeting of Lawyers, may be held as video or telephone conferences if deemed reasonable and appropriate.

## **Effective date**

### **Bye-Law 78**

(1) These Bye-Laws shall come into force and take effect on 1 December 2008; but see the provisions of Bye-Laws 79 to 83.

(2) As of the effective date of these Bye-Laws, the Bye-Laws of 27 May 1983 of the Danish Bar and Law Society as amended shall cease to have effect.

## **Transitional provisions**

### **Bye-Law 79**

(1) Elections to the District Committees of the local districts shall be held in compliance with Bye-Law 47(2), cf. Bye-Law 12(2)-(4), in such a manner that the election results are available by 1 April 2009. The election in the individual local district shall have effect as from the date of the election results. District Committees shall be elected for the period up to the Ordinary General Meeting of Lawyers in 2011.

(2) For the period up to the date when a new District Committee has been elected in accordance with (1), the District Committee shall discharge its duties, including new elections to District Committees as mentioned in (1), as follows:

- 1) The duties of District 1 shall be discharged by the old District Committee of the old District 1.
- 2) The duties of District 2 shall be discharged by the old District Committee of the old District 1.
- 3) The duties of District 3 shall be discharged jointly by the old District Committees of the old Districts 2, 3 and 4.
- 4) The duties of District 4 shall be discharged by the old District Committee of the old District 5.
- 5) The duties of District 5 shall be discharged jointly by the old District Committees of the old Districts 6, 7 and 8.
- 6) The duties of District 6 shall be discharged by the old District Committee of the old District 9.
- 7) The duties of District 7 shall be discharged by the old District Committee of the old District 10.
- 8) The duties of District 8 shall be discharged by the old District Committee of the old District 11.

(3) Following negotiations with the old District Committees affected, the General Council may alter the distribution of duties between the District Committees as set out in (2).

### **Bye-Law 80**

(1) The lawyers who, at the effective date of these Bye-Laws, serve as members of the General Council and alternates to these members shall continue to serve until the expiry of the term for which they have been elected. The same shall apply to the Chairman of the General Council.

(2) When the term of office of two of the Council members elected in the old District 1 expires in 2009, these members shall be replaced by two lawyers elected in District 1. When the term of office of the other four Council members elected in the old District 1 expires in 2011, these Council members shall be replaced by three lawyers elected in District 1 and one lawyer elected in District 2.

(3) When the term of office of the Council member for the old District 2 expires in 2009, this Council member shall be replaced by one lawyer elected in District 1.

(4) When the term of office of the Council member for the old Districts 3 and 4 expires in 2009, this Council member shall be replaced by one lawyer elected in District 3.

(5) When the term of office of the Council member for the old District 5 expires in 2009, this Council member shall be replaced by one lawyer elected in District 4.

(6) When the term of office of the Council member for the old District 8 expires in 2011, this Council member shall be replaced by one lawyer elected in District 5.

(7) When the term of office of the Council member for the old District 9 expires in 2009, this Council member shall be replaced by one lawyer elected in District 6.

(8) When the term of office of the Council member for the old Districts 6 and 7 expires in 2009, this Council member shall be replaced by one lawyer elected in District 6.

(9) When the term of office of the Council member for the old District 10 expires in 2011, this Council member shall be replaced by one lawyer elected in District 7.

(10) When the term of office of the Council member for the old District 11 expires in 2009, this Council member shall be replaced by one lawyer elected in District 8.

### **Bye-Law 81**

(1) The lawyers who, at the effective date of these Bye-Laws, serve as members of the Disciplinary Board and alternates to these members shall continue to serve until the expiry of the term for which they have been elected. Full and alternate members shall not be eligible for re-election.

(2) When the term of office of two of the Disciplinary Board members elected in the old District 1 expires in 2009, these members shall be replaced by two lawyers elected in District 1. When the term of office of the other two Disciplinary Board members elected in the old District 1 expires in 2011, these members shall be replaced by one lawyer elected in District 1 and one lawyer elected in District 2.

(3) When the term of office of the Disciplinary Board member elected jointly by the old Districts 2, 3 and 4 expires in 2011, this member shall be replaced by one lawyer elected in District 3.

(4) When the term of office of the Disciplinary Board member elected in the old Districts 5 expires in 2011, this member shall be replaced by one lawyer elected in District 4.

(5) When the term of office of the Disciplinary Board member elected jointly by the old Districts 6, 7 and 8 expires in 2009, this member shall be replaced by one lawyer elected in District 5.

(6) When the term of office of the Disciplinary Board member elected in the old Districts 9 expires in 2009, this member shall be replaced by one lawyer elected in District 6.

(7) When the term of office of the Disciplinary Board member elected jointly by the old Districts 10 and 11 expires in 2009, this member shall be replaced by one lawyer elected jointly by Districts 7 and 8.

### **Bye-Law 82**

(1) The time served as a member or Chairman of the General Council or as a member of a District Committee under the previous Bye-Laws shall be included in the calculation of length of service as set out in Bye-Law 58(3).

(2) The members of District Committees who are elected in accordance with Bye-Law 79(1) without having served as District Committee members within the year immediately preceding the election shall be eligible for re-election with effect from the date of the General Meeting of Lawyers

in 2011 and shall subsequently be eligible for re-election once more although they will consequently be serving for a term of office exceeding six consecutive years.

(3) For members of District Committees who are elected in accordance with Bye-Law 79(1) and who, up to this election, were members of a District Committee, the length of previous service shall be calculated from the date of the first Ordinary General Meeting of Lawyers after the members concerned were elected the first time.

### **Bye-Law 83**

The provision governing the General Council's assistance in enforcing a decision of the Disciplinary Board in compliance with Bye-Law 33 shall apply to any decision made by the Board after the effective date of these Bye-Laws.