

**ROYAL DECREE 658 / 2001, 22nd JUNE, BY WHICH THE GENERAL BY-LAW
OF THE SPANISH LAWYERS IS APPROVED**

Official Gazette of the State, 10th July

A State Agreement was signed on 31st May 2001 in order to renovate Spanish Justice. The goal was to modernize the whole Legal system, supporting a new model of global and stable Justice that will guarantee the citizens rights to be more efficient. Lawyers should play an essential role during this process. In this sense, the Section Twenty of the State Agreement related to Spanish lawyers explicitly foresees the approval of a new By-law for the Spanish Legal Profession that will represent a new legal framework for their professional practice.

Therefore, the Government wants to approve the proposal made by the General Council of Spanish Bar Associations by Royal Decree using its self-regulation powers.

The Renovation of the role played by the regulation of Legal Profession as an essential part in the jurisdictional function is fundamental in order to achieve a faster and more efficient Justice. The lawyer plays a role in the practice of his profession an in defence of his client that actively contributes to improve and increase the quality of Justice. This By-law defines the function and the characteristics of Spanish lawyers in its first section as a free and independent profession that “provides a service to society for the public interest”.

The Constitution itself affirms that citizens have the right to obtain legal aid in Section 24. This function, exclusively attributed to lawyers and developed by the Organic Law of the Judicial, is inspired by series of principles widely developed and reinforced by this new By-law.

The *bona fide* principle is reinforced as this is the keynote of the professional relationship between client and lawyer. Hence, the defence of client's interests before the Courts is guaranteed.

In addition, the new By-law guarantees the Principles of freedom and independence of the lawyers always at the service of the clients allowing a suitable defence of citizens' rights and liberties.

The legal responsibilities of the lawyer according to the Code of good practice are reinforced hereby this By-law, significantly guaranteeing the full life of the before mentioned principles. The obligation of performing the defence function with "accurate care and keeping the Legal Professional Privilege" stated in section 42.1 is a clear example of the strictness of the regulation concerning the defence of citizen rights.

For the first time, the new regulation deals with Law Firms and with other professions so that the client profits from specialised services in concordance with them and in his own benefit. An appropriate guarantee status controls the lawyer's participation as a member of a multiprofessional company preserving in any case their professional ethics. The collective firms are also regulated including the suppression of the before existing number limitation.

The sole membership principle, which has been in force since the 1996 reform, has been incorporated into the General By-law of Spanish Legal Profession to speed up proceedings and modernize the membership system. This principle facilitates mobility to lawyers because they have the right of free practice in the whole country without the necessity of further proceedings. This measure promotes the client's free choice of a lawyer.

Another important change is the abolition of the formal requirement by which clients acknowledge a power to their lawyer as a traditional previous proceeding at the

beginning of defence. With this withdrawal, the proceeding for appointing a lawyer becomes faster and easier as well as it reduces the costs and removes the exclusively bureaucratic steps.

A lower cost proceeding becomes possible in line with the intention to bring Justice closer to citizens as well as a consequence of the 1996 reform. The former By-law of the Spanish Legal Profession established minimum fees that the client had to pay to his lawyer. In the new By-law the Bars will fix exclusively a fees guide. This will allow a higher level of competition and an improvement of the legal assistance.

Another important change for the client regarding his relationship with the lawyer is the fact that for the first time the Bar Associations are in charge of providing legal services to ensure professional responsibility in which the lawyer could incur. This provision adds a new guarantee that will improve the legal assistance. From now onwards, the client will be able to demand a highest-quality legal services and in accordance with social needs.

The former General By-law of Spanish Bar Associations was approved by Royal Decree 2090/1982, 24th July. Since that date, there have been important legislative reforms, which, together with the current practice of Spanish lawyers, need the approval of a new regulatory framework that will seek the new Legal Practice that demands the growing complexity of social, legal and economic relationships and legal reforms.

The Law 2/1974, 13th February, of the Bar Associations, determines that the Bar Associations, subject to the law that regulates the profession in question, are ruled by their By-laws and Internal Regulations. Furthermore, this law provides that the General Councils will elaborate for all the Bar Associations of the same profession General By-laws which will be submitted to the approval of the Spanish Government through the appropriate Ministry.

Hence, the General Council of Spanish Lawyers, which has already been adopting its internal regulation to the new demands of the Legal Profession in compliance with Section 6.2 of the Bar Associations Law, has produced a proposal for a new General By-law of the Spanish Legal profession that has been submitted to the Government approval through the Ministry of Justice.

As a consequence of all that, on a proposal from the Ministry of Justice, according to the opinion of the State Council and previous deliberation of the Council of Ministers during the meeting of 22nd June 2001, I hereinafter dispose:

Single Section: General By-law of the Spanish Legal Profession Approval.

The General By-law of the Spanish Legal Profession, whose text is herein enclosed, is approved.

Single Derogatory Provision. Regulatory Derogation.

The Royal Decree 2090/1982, 24th July of the Spanish Legal profession is annulled as well as all the regulations of minor or the same rank regarding the Professional regulation of Spanish Lawyers that could contradict this Royal Decree or which is hereby established.

First Final Provision. Autonomy Government Act

The General By-law provisions will be understood subject to what the Autonomy Government Act disposes, according to the Constitution, State Government Act, and By-laws of the Autonomous Regions.

Second Final Provision. Effectiveness.

This Royal decree will be in force one day after its publication in the Official Gazette of the State (B.O.E. by its Spanish acronym).

Madrid, 22nd, June 2001

JUAN CARLOS R.

Ángel Acebes Paniagua, Minister of Justice

GENERAL BY-LAW OF THE SPANISH LEGAL PROFESSION

TITLE I

**THE LEGAL PROFESSION, ITS GOVERNING BODIES AND THE TERRITORIAL
POWERS OF BAR ASSOCIATIONS**

SINGLE PART

The Legal Profession and its Governing Bodies

Section 1

1. The Legal Profession is free and autonomous. It provides a service to society for the sake of public interest. This service is practised within a free loyal competence framework, not only advising and defending public and private rights and interests, but also applying legal science and technique with effectiveness, pursuant to Justice and fundamental rights and liberties.
2. While the lawyer is practising, he must comply with the legal and statutory regulation, as well as with the Rules of Professional Conduct of the Legal Profession and the disciplinary rules of the Bar Association.
3. The Governing Bodies of the Spanish Legal Profession are, within their own scopes, the General Council of Spanish Advocates, the Bar Associations and their Councils. The Bar Association bodies shall be ruled by the democratic principles and by an annual budgetary control system during their practice and role. They shall enjoy the powers vested by legal and statutory provisions.

Section 2

1. Bar Associations are Public Law Corporations protected by Law, recognised by the State, incorporated and granted with full powers to enforce their purposes.

2. In case there is only one Bar Association in a Spanish province, it shall have conferred powers within its territorial scope and it shall have its seat at the capital city of the province.
3. In case there are several Bar Associations in a Spanish province, they shall have conferred sole and excluding powers within their territorial scope, which had been conferred by the 1978 Spanish Constitution enactment, regardless of the number of courts serving there.
4. Legal bounds amendment shall not affect the Bar Association's territorial scope because they have power over those new courts created within their districts.
5. In case there are created new courts serving territories that belong to different Bar Associations, these Bar Associations can modify their territorial scope making that the Bar Association competence includes whole districts served by courts unless the concerned Bar Associations agree another modification. In case these Bar Associations shall not agree, the Bar Association Council of the concerned Spanish Autonomous Region or where appropriate, the General Council of Spanish Advocates shall confer Bar Association powers weighing competitive background appropriately.

TITLE II

BAR ASSOCIATIONS, LAWYERS AND PROFESSIONAL PRACTICE

PART I

Bar Associations

Section 3

1. The Bar Association fundamental roles are, within their scopes: ruling the professional practice and representing it exclusively; defending the legal practice rights and interests of registered lawyers; continuing the development of

lawyers' vocational training; monitoring the compliance of the Rules of Professional Conduct; implementing the disciplinary system as a Social guarantee; defending the social and democratic Rule of Law pursuant to the Spanish Constitution; defending Human Rights; and co-operating for Justice Administration management, extend and improvement.

2. Bar Associations shall be governed by legal state or autonomy provisions affecting them; by this General By-law, by their own By-laws, by their In-house System Regulations and by the agreements established by several corporative bodies within their scope of power.

Section 4

1. Bar Associations enjoy the ensuing roles, within their territorial scope:
 - a) They represent Law for their purpose commitment and specially, the Legal Profession defence before the Public Sector, Institutions, Courts, Legal Entities and the General Public. They shall represent Law holding powers to co-operate in all causes and proceedings related to the legal practice rights and interests and to Legal Profession purposes. However, they shall resort criminal, civil, administrative or social remedies, which they think fit, as well as using the right of petition pursuant to Law;
 - b) They inform, within their scope of power, in writing or verbally, all projects or bills made by the Parliament, the Government, the autonomic, legislative or executive bodies and any other Body;
 - c) They co-operate with the Judiciary and with other Public Powers making researches, issuing reports, making statistics and other activities within their scope, which could be required or agreed by its own initiative;

- d) They monitor free legal aid service and other legal aid services or legal guidance set by By-law;
- e) They collaborate with Public Sector, consultative bodies and inter-professional bodies in Legal Profession-related issues;
- f) They represent the Legal Profession at Social Councils and at University Board of Trustees under their governing rules established conditions;
- g) They co-operate to set the legal education plan; they inform about the regulation of educational centre organization and maintain contact with educational centres; they create, maintain and propose the standardization of Legal Training Centres to facilitate the beginning of new graduated lawyers and to organize training and professional development courses;
- h) They control the legal practice of qualified members enforcing training, professional conduct and citizens' rights; they establish discipline for the Bar Associations and for the Educational Centres; they draw up their own By-law and amendments, which should be passed by the General Council of Spanish Advocates; they draft and endorse their own system regulation subject to the General Council of Spanish Advocates assent and other agreements for their power development;
- i) They organize and promote common-interest activities and services for qualified lawyers; these activities feature professional, training, cultural and advising services, as well as assistance and other similar performances; they also promote civil responsibility compliance in pursuance of Law;
- j) They establish good co-operation between qualified lawyers hindering their disloyal competence;

- k) They adopt measures in order to prevent and chase unwarranted encroachment between qualified members;
 - l) They act as umpire, in case there is a disagreement between members of the Bar or between them and their clients ;
 - m) They arbitrate issues raised before them, but also they collaborate with arbitration bodies;
 - n) They resolve disagreements involving qualified lawyers' professional practising and fees through previous arbitration expressly subject to the interested parties;
 - ñ) They set guidance about fees and about order forms or fees for clients;
 - o) They inform, decide fees and set up volunteer services for its charge;
 - p) They accomplish and commit the compliance to qualified lawyers, if it affects the profession, the legal and statutory provisions, as well as the regulations and decisions established by Bar Association bodies with regard to their powers.
 - q) They act in benefit of lawyers, qualified lawyers' interests and other Legal Profession purposes;
 - r) Other roles pursuant to autonomic or state legislation.
2. Bar Associations shall set up committee in those legal bounds where should be appropriate achieving a better compliance of the purposes and a greater efficiency of the Bar Association roles. These committees shall represent their Bar Association within their legal bounds, with their powers vested by the Bar Association Ruling Body where setting them or in further agreements.

Section 5

1. The Bar Associations shall hold their traditional title and in any case, they and their Presidents shall be referred to as Honorary Members, where appropriate. Nevertheless, the Presidents of the Bar Associations

who head courtrooms at the High Court, the Chairmen of the Bar Association Boards of the Spanish Autonomous Region, and the members of the General Council of Spanish Advocates, who do not hold any other title because of their status of President, shall be referred to as Honorary member. The status of President and Honorary member are for life.

2. The Presidents of the Bar Associations with seat in the province capital shall enjoy the honorary advisement of Chief Justice. The Presidents of the rest of the Bar Associations shall be treated as Magistrates or Chief Justices of First Instance Court of the province where the Bar Association had been constituted.
3. The Presidents of the Bar and the members of the Bar Association Councils of the Spanish Autonomous Regions and the General Council of Spanish Advocates shall wear a gown with a white edge, as well as medals and badges referring to their office when they handle a case in court and solemn process where they take legal action. There, the rest of the members of the Bar Association Ruling Body shall wear their own office attributes, as well as their gown with a white edge if they enjoy this right traditionally.

PART II

Lawyers

ARTICLE I: GENERAL PROVISIONS

Section 6

The graduated lawyer who controls and defends professionally a party in any legal action and gives legal advice enjoys sole legal name and role.

Section 7

1. The Bar Associations shall ensure legal aid for society's rights and interests through legal aid lawyers or assigned counsels, with or without being recognised by free legal aid right pursuant to the established requirements.
2. Within their scope, the Legal Profession bodies shall ensure with its entire legal means the removal of any obstacle opposing the Right of the advocates to act, including that under rule as well as recognize their sole acting.
3. The Bar Association s, the Bar Association Councils of the Spanish Autonomous Regions and the General Council of Spanish Advocates shall resort remedies against any presumed offence or any illegal practising.

Section 8

1. Lawyer professional practice shall be binding on any proceeding and before any jurisdiction where established by law.
2. A lawyer shall practise the Legal Profession before any Court, administrative body, association, corporation or public entity, subject to practise before any legal or natural person where necessary it is required.
3. A lawyer shall represent his client if Law does not establish the representation to other professions.

Section 9

1. Lawyers shall be members of a Spanish Bar Association as practising lawyer and shall accomplish the necessary requirements for it. They advise, agree, and defend public, private or irrelevant legal interests professionally.

2. Pursuant to Section 436 of the Organic Law from the Judicial Power, only those lawyers quoted in the previous definition can be referred to as Lawyers and can take up legal practice.
3. Nevertheless, those lawyers, who do not take up the professional practice where they have been lawyers during at least 20 years, can be referred to as non-practising Lawyers.
4. Furthermore, those who join the requirements herein established in section 13.1 shall also be members of the Bar. However, they shall be referred to as non-practising qualified lawyers.

Section 10

Those natural and legal persons can be referred to as Presidents of the Bar Association or as Honorary Qualified Lawyers in pursuance of the Bar Association General Meeting, on a proposal from the Government and out of consideration for the substantial services or merits provided in favour of the Legal Profession or of the Bar Association.

ARTICLE II. QUALIFYING LAWYERS

Section 11

Being a qualified lawyer is the sole requirement for taking up the professional practice, unless Law or this By-law establishes exceptional cases. Lawyers shall be registered in the Bar Association where their main or sole registered office is placed at. Where lawyers are registered in the Bar, they can take up legal practice in the whole State.

Section 12

The number of qualified lawyers in Bar Associations cannot be restrained. The Bar Association shall never deny admission to new lawyers either temporary or definitively.

Section 13

1. Requirements for being a qualified lawyer:
 - a) Being a Spanish citizen, a citizen of other European Union Member State or a citizen of a country joined to the European Economic Area agreement on 2nd May, 1992, except as otherwise provided in international treaties and agreements or as legal exemption;
 - b) Being of legal age; do not being disabled;
 - c) Own a Law Degree or a foreign title that, pursuant to rules in force, is equivalent to it;
 - d) Having paid entrance fees and other dues established by the Bar;
2. Requirements for being a practising qualified lawyer:
 - a) Do not have disbaring criminal record;
 - b) Do not be barred to practice the Legal Profession;
 - c) By law, in pursuance of Sections 36 and 149.1.30 of the Spanish Constitution, comparable formulas shall be established with the rest of European Union Member States ensuring the professional practice training.

Civil servants working for the Public Administration in civil or military issues, who had passed the appropriated public entrance examination in which concurrence had filed their Law Degree and had take their office, as well as those persons who had before been practising lawyers registered in anyone of the Spanish Bar Association s, shall be exempted.

- d) Fill in the application form at the General Mutual Fund of Spanish Advocates, which is a mutual fund of benefit society at fixed premium or, at the Spanish National Health Service in pursuance of the legislation in force.

Section 14

1. Hereinafter are established the determinant inability conditions for practising the Legal Profession:
- a) The impediments that, by their nature or intensity, do not allow the immaterial interest defence entrusted to lawyers.
 - b) The disability or specific suspension for the legal practice pursuant to court decision or final judgement.
 - c) Firm disciplinary sanctions that entail legal practice suspension or disbarring.
2. Inabilities shall be extinguished when their causes have been ceased or the disciplinary responsibility has been extinguished pursuant to the section 90 herein established.

Section 15

1. The application forms for being a registered lawyer shall be passed, waived or denied by the Ruling Body of each Bar Association , after the end of the receipt of the required reports, through the sentence against which could be appealed as hereby it is established.
2. The Bar Associations shall not deny the membership in the Corporation to those lawyers who enjoy the requirements herein established in section 13.

Section 16

1. Before put into practice the Legal Profession for the first time, lawyers take oath to abide by the Constitution and the rest of set of laws. They also swear faithful observance of the Rules of Professional Conduct for lawyers.

2. This oath shall be taken before the Ruling Body of the Bar Association where lawyer is being registered as a practising lawyer for his first time, in the manner this Ruling Body establishes.
3. The Ruling Body can authorize that the oath is taken in writing, undertaking that it will be further ratified publicly. In any case, it shall be put on record in his registered lawyer records.

Section 17

1. Every lawyer registered in a Spanish Bar Association can rend a service freely in the whole State, in all European Union Member States and in any other country, pursuant to the ruling regulation.
2. The lawyer cannot be required to produce an authorisation in order to act in the territory of a Bar Association different from where he is registered at. The lawyer shall the same fees as the other members of the Bar Association do for the services they can enjoy others than those covered by the membership fees.
3. Nevertheless, the lawyer who is going to practise in a different legal bounds of his Bar Association, should inform the Bar in which scope is going to rend a direct service, through the Bar Association where he is registered, the General Council of Spanish Advocates or through the relevant Autonomic Council, in the manner established by the General Council of Spanish Lawyers. The report shall take effect where the copy is filled, registered and sealed, subject to seek the Bar Association in which lawyer is registered, before proceedings of the General Council of Spanish Advocates, that the lawyer is not penalized or disbarred in any Spanish Bar Association, sets down before the Bar where he is going to rend a service that he is registered at the same Bar where he is a

practising lawyer and that he is not penalized or disbarred in any Spanish Bar Association.

4. Lawyer shall be subject to acting rules, Rules of Professional Practice, and the disciplinary system hereof during professional practice taken up in the territorial scope of other Bar Association. This Bar Association shall protect its freedom and independence during the defence and shall have power for the procedure and court decision of the subsequent disciplinary records, subject to the eventual sanction takes effect in each Spanish Bar Association under section 89.2 herein.
5. It is not required being a registered lawyer to defend a case involving a blood relation until third grade, a relationship until the grade or even, a case where the lawyer himself is involved when he accomplishes the requirements under sections 13.1a, 13.1b, 13.1c herein established or the requirements that can be determined by regulations in force. Those lawyers shall be qualified by the President of the Bar Association for the applied acting.

Section 18

1. A lawyer is accredited once he is registered or it is communicated that he is going to practise the Legal Profession. It is not necessary any appointment from The Judicial Power or any Public Administration.
2. The secretary of the Bar Association shall send a list naming all its practising lawyers to all Courts and Penitentiaries within its scope. This list shall be updated from time to time showing all registrations and resignations. This list is the only evidence that can be asked to a practising lawyer whose name is in the list.
3. The secretary of the Bar Association or the person empowered by him can verify that the lawyers who act in offices and in court procedures shall be registered as

practising lawyers at this Bar Association or at any other in Spain. Nevertheless, if they are not registered, he can verify that lawyers should have been appointed pursuant to section 17.5 herein.

4. Lawyers must write down in each practice the name of the Bar Association where they are registered at, their member number and their communication or registration date established in the previous section.

Section 19

1. The status of lawyer shall not prevail where:
 - a) He deceases;
 - b) He voluntary resigns;
 - c) He fails to pay ordinary and extraordinary fees and other Bar Association charges that lawyers must pay. However, if a lawyer does not pay the fees for the General Mutual Fund of Spanish Advocates, he shall not subsequently lose his status, subject to the concerning disciplinary responsibility.
 - d) A firm sentence entails a major punishment or disqualifying secondary punishment.
 - e) A firm sanction of disbaring from the Bar Association, under disciplinary proceedings.
2. The member status detriment shall be established by the Ruling Body of the Bar Association through reasoned resolution, and once it is a firm decision, the General Council of Spanish Advocates and the Council of the Bar Associations at the concerning Spanish Autonomous Region shall be informed.
3. In the case of the aforementioned section 19.1c, members of a Bar Association can become again practising lawyers if they pay the owed fees, the legal interests and the quantity stated for new registration.

Section 20

The Ruling Bodies of the Bar Associations shall determine which members shall become non-practising lawyers because of determinant disbaring circumstances or incompatibility for the professional practice, subject to, in any case, they resolve what they think fit through disciplinary proceedings and without depending on the final Bar Association status of the disqualified member.

ARTICLE III. PROHIBITIONS, INCOMPATIBILITIES AND FINAL RESTRICTIONS

Section 21

Lawyers cannot:

- a) Practise the Legal Profession if they are incurring an incompatibility cause; lend their signature to those people who cannot practise the Legal Profession.
- b) Share services or premises with disqualified lawyers, if this could affect the guarantee of The Legal professional Privilege;
- c) Maintain professional association links that bar the right practice of Legal Profession, in pursuance with what is herein established and particularly with Section 22.3.

If lawyers violate these prohibitions, they shall be sanctioned through disciplinary proceedings.

Section 22

1. The practice of Legal Profession cannot co-exist with any other practice that can undervalue inherent freedom, independence and dignity.

Furthermore, the lawyer who practises at the same time any other activity must abstain from doing that which results incompatible with the appropriate

practice of Legal Profession, because it entails an interest conflict that bars from respecting the principles of the right practice herein included.

2. Furthermore, the practice of Legal Profession cannot co-exist with:
 - a) any function, office or public employment carried out in Spain or in any other state, regional, local or institutional Public Administrations, whose regulatory rules establish so;
 - b) The practice as attorney, qualified labour relations officer, middleman or legal administrator, and any practice established in the regulatory rules;
 - c) Keeping professional relationships with incompatible posts or professions with the Legal Profession that hinder the right practice of the Legal Profession.
3. In any case, Lawyer cannot act as an auditor, if he has acted as a Legal Professional for the same client in a period of three years.

If this auditing is made by various legal people and with different Administration Councils, it shall not be incompatible.

Section 23

1. In case a lawyer is affected by any of the causes of incompatibilities established in the before mentioned section, he must communicate it without delay to the Ruling Body of the Bar and immediately cease the situation causing this incompatibility. Hence, it shall be understood that if he does not write it down before 30 days, he shall be resigned from the Legal Profession automatically.

2. A serious violation will raise when a lawyer does not accomplish this obligation and carries on his practice directly or indirectly by means of any other person, when being affected by a cause of incompatibilities.

Section 24

1. (Abolished by the decision of the Supreme Court, 3rd July 2003.)
2. A lawyer affected by the incompatibility shall refrain from the defence that can be entrusted to him in such matters. This obligation of refraining is subject to the right to objection that can assist the other part.

Section 25

1. Lawyer can advertise his services with dignity, loyalty and reliability, respecting society's dignity and legislation about advertising and defending disloyal competence in accordance with the Rules of Professional Conduct.
2. The following advertising shall be considered contrary to the rest of the Rules of the Professional Conduct, if it:
 - a) Discloses directly or indirectly facts, data or circumstances supported by the Legal Professional Privilege;
 - b) Urges generic or specifically litigation or conflict;
 - c) Offers lawyer services, direct or indirectly, to victims of accidents or tragedies, their heirs or trustees, when there is a lack of full liberty for the election of lawyer because of a personal or collective tragedy;
 - d) Promises to obtain results that do not only depend on the Lawyer's practice.
 - e) Refers direct or indirectly to the names of the clients;
 - f) Uses Bar emblems or other symbols that can be confusing, due to their restricted use to institutional advertising for the good of the Legal Profession.

3. The lawyers who provide services to collective enterprises or sole proprietorship, shall demand that these enterprises refrain from advertising these services under what herein is established.

Section 26

1. Lawyers have full freedom to accept or reject the management of the issue, as well as they can reject it in any stage of the proceedings, if the client is always defended.
2. The lawyers who shall be in charge of an issue entrusted to another lawyer of his same instance should ask for consent, unless the lawyer waives in writing and unconditionally to carry on his intervention. In any case, those lawyers should seek the necessary information to continue with the issue.
3. The consent shall be previously applied in writing unless there is a justifying emergency. Furthermore, the required lawyer cannot refuse it and he ought to give back the papers he has to provide the applicant lawyer with the necessary information to keep on defending.
4. The replaced lawyer shall have the right to ask for the honoraries concerning to his practice. The substitute shall have the right to collaborate diligently with the payment.

ARTICLE 4. MULTIPROFESSIONAL, ASSOCIATED AND SELF-EMPLOYED PRACTICE

Section 27

1. A lawyer can practise as self-employed holding an office or as a salaried, as cooperating with a self-employed lawyer or an associated office. The lawyer will keep the self-employed status even in the following cases:

- a) Employs clerks or cooperating lawyers at his office, or collaborators, with or without whom he has a labour relationship;
 - b) shares his office with his spouse, ascendants, descendants up to second degree consanguinity or affinity;
 - c) shares premises, facilities or services with other lawyers, but keeping its office independent and without any common identification before their clients;
 - d) concludes agreements of cooperation for specific issues with other national or international collective offices or with other lawyers;
 - e) incorporates a single-member company to practise the Legal Profession, under what is disposed in the following Section about associated office.
2. a lawyer who holds a single-member company shall respond professionally before his client about the managements and actions performed by his clerks or cooperating lawyers, subject to the right of repeating before them, if applicable. Nevertheless, clerks and co-operators ought to accomplish the obligations established by the Rules of Professional Conduct and shall assume their disciplinary responsibility. A client shall pay the honoraries on behalf of the holder of the office, although the practice was performed by other appointed lawyers or substitutes. At the same time, such holder of the office shall be the responsible for the honoraries of lawyers whom had been in charge of the practice, even though the client gives up paying them the honoraries, unless otherwise agreed in writing.
 3. The salaried practice of the Legal Profession under special cooperation shall be agreed specifically in writing, establishing its financial status, terms and conditions, duration and approach.

4. The salaried practice of the Legal Profession shall be agreed by a written employment contract, where fundamental freedom and independence shall be respected in order to practise the Legal Profession and where it shall be included if the practice has an exclusive basis.
5. The Bar Associations shall ask for the filing of employment and cooperation contracts in order to verify that they are under what is herein established. While the co-operator is working, the cooperating lawyer shall place on record his name and the name of whom he is practising for while he is replacing or he has been appointed by the office to replace under special or labour law basis.

Section 28

1. The lawyers can join to practise the Legal Profession under any legal form in Law, including trading corporations.
2. The association shall have as sole object the practice of the Legal Profession. It shall also be composed specifically by practising lawyers, without a restricting the numbers of associated lawyers. The association cannot share premises or services with any cause of incompatibility, if this affects the safeguard of the Legal Professional Privilege. Financial and political rights and capital shall be attributed to the lawyers who join the associated office.
3. The associated lawyers must be identified. The association must be constituted in writing and registered in the special registers of the Bar where the associated lawyers are members. The composition, registrations and resignations are included in this register. Lawyers who join the associated office ought to apply in person the concerning registrations.
4. The lawyers of an associated office cannot have an independent one. They must put on record their status of members of this associated office during their

practice and during the issuing of fee notes. Although, the practice concerning legal aid shall be treated as private status, a turnover can be asked at the Bar where associated lawyers are members.

5. The associated members have full freedom to accept or reject any client or issue of their office, as well as full independence to defend their entrusted interests. In case of replacement, they shall accomplish the functioning rules of the associated office, without determining the instance for internal consent. The honoraries shall belong to the associated members without prejudice of the internal status of distribution established by the above-mentioned rules.
6. The practising lawyer shall reflect his performance in his Bar Association. Nevertheless, all the members of an associated office shall accomplish Legal Professional Privilege, the incompatibilities that affect any of the members and circumstances that ban acting in defence of interests opposed to those of clients.
7. The civil liability of the associated office is under the general legal basis concerning the type of association founded. Furthermore, all lawyers who have participated in a case shall respond in a civil way before their clients with private, supportive and unlimited basis.
8. In order to improve the safeguard of the Legal Professional Privilege and the companionship, the regulatory rules of the associated office can abide by Bar arbitration the discrepancies that could arise between its members because of the deficient functioning, winding-up or liquidation of the office.

Section 29

1. Lawyers can associate with other compatible liberal professions under a multiprofessional cooperation basis, which does not affect the full capacity of

lawyers to practise before any jurisdiction or Court using any legal form of Law, including trading corporations under the following conditions:

- a) The association shall aim at providing specific joint services including the specific legal ones that are complemented with those of other professions;
 - b) The activity to be carried out must not affect associated lawyer's practice;
 - c) The conditions established in the above-mentioned section referring to the legal practice shall be accomplished, excepting Section 28.2, which shall not be applied; or Section 28.4, where only the obligation of recording the status of member of the multiprofessional association for acting and fee notes shall be applied.
2. A Special register shall be created at Bar Association s, where multiprofessional associations shall be included.
 3. Lawyer members shall split up when any of them break the rules of professional conduct or those about prohibitions or incompatibilities.

TITLE III

RIGHTS AND OBLIGATIONS OF LAWYERS

PART I

General Ruling

Section 30

The fundamental obligation of a Lawyer, as a part of the Public Administration, is to cooperate with the Ministry of Justice, advising, mediating and defending at Law the interests that are entrusted to him. The protection of these interests, to which the

Legal Profession is linked, cannot justify the diversion of the supreme aim of Justice.

Section 31

A lawyer must:

- a) Accomplish statutory, deontological and legal rules, as well as agreements of diverse corporate bodies.
- b) Place his office within the territorial scope of his Bar Association where he is registered at.
- c) Communicate his registered office address and its eventual changes to the Bar where the lawyer is registered.

Section 32

1. In compliance with what is established in Section 437.2 of Organic Law from the Judicial Power, lawyers shall maintain confidentiality each fact or news that they are acquainted with any type of their practice and they must not declare them.
2. In case that the President of the Bar Association or who replaces him by statute were required by virtue of the legal rule or warned by the Judicial Power or governmental authority, skilled for the register in a lawyer's office, he should appear in person to the diligences that take place in that office safeguarding the Legal Professional Privilege.

Section 33

1. A lawyer is entitled to obtain honorary titles due to his profession and traditionally recognised by the Legal Practice.

2. A lawyer, in compliance with his task, shall act with freedom and independence, with only the restrictions imposed by Law and by the Rules of Professional Conduct.
3. The obligation of legal defending entrusted to lawyers is also a right for them, so apart from using some remedies that establish the regulation in force, they can claim all legal assistance measures to Authorities, Bar Associations and self-employed lawyers.
4. In the case that a lawyer considers that his task, freedom and independence are not duly respected, he can state it before a Judge or Court to remedy it.

PART II

Bar Association and Registered Lawyers

Section 34

Registered lawyers must:

- a) Be up-to-date in their ordinary or extraordinary membership fees; and other Bar fees, regardless their type, manner and within the period established. With these purposes, any fees imposed by the Bar Association, by the Council of Bar Associations of the Spanish Autonomous Region or by the General Council of Spanish Bar Associations, as well as those imposed by the General Mutual Fund of Spanish Advocates are considered as membership fees;
- b) Report to the Bar Association the acknowledgement of any illegal practice, due to any lawyer's lack of membership, disability, specific

- suspension or any cause of incompatibility or prohibition as well as the practice of a lawyer who had failed to communicate it to his Association;
- c) Report to the Bar Association any lawyer's freedom, independence or dignity harmed during his practice;
 - d) Not involve direct or indirectly the opposing counsel in the cause of litigation, preventing any personal reference to his colleague and keeping always a correct attitude towards him;
 - e) Keep as an object of the Professional Secrecy every conversation and mailing with the opposing counsel. Therefore, these cannot be revealed or filed during a trial without previous consent. However, the Ruling Body of the Bar can unilaterally authorize their disclosure during a trial in case of serious concern without previous consent.

Section 35

Registered lawyers' rights are:

- a) To participate in the Bar Association management, and therefore, to exercise the right of petition, the right to vote and the right of access to senior posts as it is established in legal or statutory rules;
- b) That the Bar protects the independence and legal freedom of their practising;
- c) Any other right awarded by the special By-laws of each Bar Association.

PART III

Courts

Section 36

Lawyers must be honest, loyal and reliable when they practise before a Court.

Section 37

1. Lawyers shall appear before the Court with a gown and, if applicable with a mortarboard, without any emblem excepting that of the Bar. Lawyers shall wear the gown with dignity and prestige and respecting Law.
2. Lawyers must only take off the gown at the entry and exit of the Courtrooms where they hear a case and when they or ask for consent to inform.

Section 38

1. Lawyers shall act before the Judges who are sat at the bench at their same level. They shall practise before a table and at both sides of the Courtroom, without turning their back on audience. They shall be treated as public Prosecutors.
2. A practising lawyer can be helped or substituted by another practising lawyer during a hearing or during any other judicial diligence. The latter shall be a registered lawyer or must have communicated his practice to the Bar Association. In order to ensure the replacement, a lawyer responsibility statement is required.

3. Accused or prosecuted lawyers who defend them personally or who cooperate with their lawyer shall wear a gown and shall sit at the same place as lawyers shall do.

Section 39

1. At Courts, the rest of lawyers with a gown and who want to attend a trial or a public hearing should have a place separated from the audience joining the same conditions as practising lawyers.
2. Lawyers may have enough and fit rooms for its sole use at the Courts where they practise.

Section 40

Lawyers shall wait a reasonable time for the judicial bodies in the hearings they are going to act. Once this time has passed, lawyers can raise a claim before the judicial body and report the delay to the Ruling Body of the concerning Bar Association in order to adopt relevant initiatives.

Section 41

In case a practising lawyer considers either that the Authority or Court restricts the necessary independence and freedom to accomplish his professional obligations or that he is not duly respected as a member of the legal profession, he can place it on record before that Authority or Court before the Court secretary could faith and report it to the Ruling Body of the Bar association. Should the Ruling Body consider this as a grounded complaint; it shall adopt the relevant measures to protect professional freedom, independence and prestige.

PART IV

The Parties

Section 42

1. The lawyer obligations in relation with his client are defending him with the maximum care as possible and keeping the Legal Professional Privilege, apart from those obligations arising out of contracts.
2. The lawyer practises with care the professional activities needed for defending his issue, accomplishing the ethical, deontological and technical requirements. Co-operators and other partners can assist a lawyer acting under his responsibility.
3. In any case, a lawyer must identify himself before the person he is advising or defending, although he identifies through a third party, in order to assume civil, criminal and deontological responsibilities that could correspond to him.

Section 43

The lawyer obligations in relation with the other party are: the thoughtful and polite treatment, the waiver and omission of any act that determines an unfair injury.

PART V

Honoraries

Section 44

1. The lawyer has the right to an appropriate economic compensation for the provided services as well as the withdrawal of their costs. The lawyer and his client shall agree freely the honoraries under the legal professional code and under the rules about unfair competition. If they do not agree to the Honoraries, then the standards of the Bar Association where the lawyer is practising shall be a reference for its rules, uses and habits. In any case, these standards would be ancillary of the agreement with the client and there will be the standards used in the order to pay court costs for the opposing counsel.
2. This agreed amount shall be paid regularly, by hours or as previously fixed. The withdrawal from third parties shall be agreed by the parties. In case of no explicit agreement, the amount shall be paid directly to the lawyer, the costs recovered from third parties will be paid directly to the lawyer.
3. In any case, *cuota litis* (agreement between the lawyer and his client, before the issue is finished) is banned, where the client ought to pay a percentage of the issue result, regardless of it is an amount of money or other benefits, goods or values that the client obtains from the issue.
4. The Ruling Body of a Bar Association can adopt disciplinary measures against the lawyers who usual and rashly submit their partner's fee notes. This body can also adopt this type of measures against the lawyers whose honoraries have constantly been declared excessive or undue.

PART VI

Free Legal Aid

Section 45

1. Lawyers shall give legal advice and be an assigned counsel to people who have right to free legal representation under the ruling legislation.
2. Lawyers shall defend and give legal aid to those people who seek an assigned counsel or those who do not appoint a lawyer for the Penal Jurisdiction, subject to the client's payment of honoraries if he does not enjoy the right to free legal representation. If the client asks for the right to defend himself personally, his lawyer can continue rendering him advising services and assume the defence if he is required to.
3. Lawyers shall give legal aid to detainees and prisoners pursuant to the ruling legislation.

Section 46

1. Lawyers perform tasks established in the before-mentioned section with his professional freedom and independence and under the Rules of Professional Conduct.
2. The development of these tasks shall be organized by The General Council of Spanish Advocates, the Councils of Spanish Autonomous Regions and, where appropriate, by the Bar Associations. These tasks are: appointing the lawyer who is going to assume each case, controlling his carrying out, enforcing disciplinary responsibilities and establishing the rules and requirements for the legal service rendering, all of this under the ruling legislation.
3. The Public Administration shall pay for the services rendered under what it is herein established in this part. The Public Administration shall monitor and

control periodically how does the legal service work and how its public funds are distributed according to Law.

TITLE IV

Ruling Bodies of the Bar Associations and Their Economic Ruling

PART I

The Bar Association Bodies

Section 47

1. The Democracy Principle and that of Autonomy rule the Bar Associations.
2. The Bar association shall be governed by its President, Ruling Body and General Meeting. The Bar Association By-laws where the amount of members would be recommended can also establish a permanent plenary assembly of the Bar Association.

PART II

The Ruling Body

Section 48

1. The By-law of each Bar Association shall determine the composition and operation rules of its Ruling Body.
2. In any case, the President of the Bar Association shall lawfully represent the Bar in: all relationships, including those with the Public Authority, Legal Entities, Corporations and other legal people; all functions of advising, surveillance and revision that By-law confers to its Ruling Body; the chair of any body of the Bar Association, commission or special committee where the President assists at, being the umpire in a

discussion and voting and joining casting vote in the event of a tie; the issuing of an order to pay the Bar costs and investments; and appointing the lawyers who must take part in the selection boards, excepting the appointments proposals that correspond to the General Council of Spanish Bars by operation of the law.

Section 49

1. The President of the Bar Association and the rest of offices of the Ruling Bodies shall be elected by secret and direct voting, in which the lawyers who have been registered at least three months before the date of notification of the election can take part as electors; the practising registered lawyers can be eligible for the office of President of the Bar; and the voters who have residence within the territorial scope of the concerning Bar can be eligible for the rest of offices, if they do not fall within any of the following situations:
 - a) Being condemned by a finally trial that entails being barred or adjourned from a public office;
 - b) Being subject to a disciplinary penalty in any Bar Association;
 - c) Joining in the Ruling Bodies of another Bar Association.
2. The term of office of the members of a Ruling Body, which cannot last more than 5 years, shall be established in the By-law of its Bar Association. Re-election is allowed.
3. A registered lawyer cannot stand as an eligible candidate for more than one office in the same call.

4. The vote from a practising registered lawyer counts twice in comparison to the vote of the rest of members. The candidates who obtain the majority of votes shall be declared elected for each office. In the event of a tie, the candidate with more votes from the practising registered lawyers shall be elected; if it continues, the candidate who has been practising for more years shall be elected; if still there is a tie, then the elder candidate shall be elected.
5. The appeals filed during the electoral process or against its results before the Ruling Body of the Bar or the General Council of Spanish Bar Associations shall be admitted as far as they are concerned. They invalidate the voting, the appointment and the entrance into office of those elected, unless exceptional causes would be brought up through a reasoned judicial decision.
6. The electoral process shall be established by the By-laws of each Bar, which can authorise and control the postal voting, ensuring its authenticity and secret.

Section 50

1. Having sworn accomplishing with their responsibilities and maintaining confidentiality the Ruling Body deliberations, the elected candidates shall entry upon office under the By-laws of their Bar Association, moment in which the current members if the ruling Body shall be replaced.
2. The composition of the Ruling Bodies shall be communicated to the General Council of Spanish Bar Associations and to the concerning

Council of Bar Associations of its autonomous region no later than five days after its setting up, where appropriate indicating its composition and its legal requirements.

3. The President shall hinder the entrance into office or to determine the removal, if it has taken place of those elected candidates he is aware of, according to Section 49.1 herein established.

Section 51

A member of a Bar's Ruling Body shall be ceased, if:

- a) He dies;
- b) He resigns;
- c) There is no competence or statutory requirements to take the office;
- d) The date of the term he was elected for is closed;
- e) He does not attend three consecutive meetings of the Ruling Body, five alternate meetings in a year or any of the meetings established in Section 88.4, if the Ruling Body so agrees;
- f) A motion of censure is approved, according to the following part.

Section 52

1. If vacancies occur in the offices of all members of the Bar's Ruling Body, the Autonomous Region Council or the General Council of Spanish Bar Associations shall create a provisional board consisted of its oldest members. This board shall fix an election date to fill the vacancy

before thirty calendar days. The election date shall take place within 30 calendar day after the call.

2. The Ruling Body of a Bar Association shall be filled provisionally, if a vacancy of at least the half offices occurs. The proceedings for the election call shall be the same as those for the definitive filling.

Section 53

The Ruling Body must:

- a) Vote for specific issues, which are interesting for the Bar Associations, by secret ballot in a referendum and as the Ruling Body establishes;
- b) Qualify those Law graduates who apply for being registered at a Bar Association. The President of the Bar can perform this duty in an emergency, but the qualification must be confirmed by the Ruling Body;
- c) Monitor that a registered lawyer has a professional conduct with the Courts, his colleagues and clients and that during his practice he practises diligently and professionally;
- d) Prevent the illegal practising and pursue registered or non-registered lawyers for practising the Profession illegally or pursue those legal or natural persons for facilitating the unauthorized professional practising;
- e) Control the functioning and the appointment to provide the legal aid as it is legally established;
- f) Fix the entrance or membership fees that registered lawyers must pay for the Bar charges and services;
- g) Propose to the General Meeting the taxation of extraordinary fees for its members;

- h) Collect the fees and other amounts as charges for the Bar, the Bar's Council of the Autonomous region, the General Mutual Fund of Spanish Advocates or the General Council of Spanish Bar Associations, as well as the rest of charges for the Bar herein established;
- i) Propose standards for honoraries to the General Meeting and issue reports about honoraries when the Courts ask for them as stated in the laws or when they would be demanded by the concerned lawyers;
- j) Organise elections to distribute the offices of the Ruling Body, disposing all the requirements needed for voting under statutory and legal rules;
- k) Call general meetings (ordinary and extraordinary) and establish their agendas;
- l) Be a disciplinary body for registered members;
- m) Propose the approval of the internal ruling that the General Meeting deems fit;
- n) Establish, create or approve delegations, associations, commissions, or departments of registered lawyers with the aim of achieving the objectives of the Corporation. The Ruling Body shall regulate their functions and set up the powers that can be conferred to them;
- ñ) Veil for the legal practising joins dignity and prestige related to lawyers and foster registered lawyers' harmony and cooperation preventing unfair competition under the ruling regulation;
- o) Report to the registered lawyers any piece of news that could concern them about the Corporations, Bars, Legal Profession and culture;
- p) Defend registered lawyers during their practice when it thinks fit;

- q) Promote with the Government and the Ministry of Justice / Authorities as many benefits as possible for the common interest and for administering Justice in a correct way;
- r) Accomplish the rights and obligations concerning to its Bar Association, especially those against people who hinder the appropriate functioning in the Administration of the Justice System or hinder freedom and independence in legal practising;
- s) Collect, distribute and manage the funds for the Bar; draw up the budget, render an annual account and propose to the Ruling Body the investment or the arrangement of the Bar real estate;
- t) Deliver opinions, monitor arbitrations, make awards, create and keep functioning the Arbitration Board;
- u) Employ staff required for an appropriate work of the Corporation.
- v) Monitor, manage, programme and control the tasks carried out by its departments;
- w) Carry out its tasks and exercise the powers concerning the General Council of Spanish Bar Associations under Sections 68.x and 68.y herein established, with the exception of the acquisition, mortgage and alienation of real estate. Such actions shall require the agreement of the General Meeting or the General Assembly;
- x) Carry out other functions herein established or set in the By-laws of each Bar Association.

Section 54

1. The Ruling Body must approve the creation, suspension or winding-up of the Associations of Young Lawyers or any other association that can be set up in the Bar, its By-Law or amendments.
2. The lawyers' associations that are or shall be established in each Bar Association shall act subject to its Ruling Body.
3. The actions and communications of the commissions, associations and departments of the Bar shall be identified as proceeding from them and not as proceeding from the Corporation.

PART III

The General Meeting and the General Assembly of the Bar

Section 55

1. The Bar Associations shall hold each year two Ordinary General Meetings, one on the first quarter and the other during the last quarter of the same year. However, if their By-laws determine the existence of a Standing General Assembly, a General Ordinary Meeting shall take place on the first half of the year.
2. Furthermore, the President of the Bar Association, the Ruling Body or the number of registered lawyers duly established can convene all general ordinary meetings they think fit.
3. The By-laws of each Bar Association shall establish the procedures for the convening of general meetings.

Section 56

1. All lawyers who have been registered before the convening of the general meeting can attend and vote at the General Meetings (ordinary and extraordinary). Yet, the ballot of the practising registered lawyers shall count twice unless the By-law of the Bar specifies that it counts the same as the ballot of rest of registered lawyers.
2. The By-laws of the Bar Association can allow the vote by proxy in another registered lawyer, with the exception of the vote of the elections and the vote of lack of confidence. There will be a maximum of 3 proxies by voter.
3. The agreements of the General Meetings shall be adopted by a simple majority and, after being adopted; registered lawyers must accomplish them subject to the basis herein established.

Section 57

1. The Ordinary General Meeting, which shall be celebrated on the first quarter of each year, shall set up the following agenda:
 - a) an a outline drew up by the President listing the most relevant events concerning the Bar that have taken place during the preceding financial year;
 - b) Examination and approval of the revenue and expenditure account of the preceding financial year.
 - c) Reading, discussing and voting the issues agreed on the notification of the Ordinary General Meeting;
 - d) Proposals;
 - e) Any other business;
2. Fifteen days before the Ordinary General Meeting, the registered lawyers can propose what they think fit to include in the Agenda within the section proposals

according to its Ruling Body. The By-laws of each Bar shall establish how many registered lawyers shall undersign these proposals, being a minimum of ten registered lawyers and a maximum of the five percent of the whole list that names the registered lawyers of the Bar. As soon as the proposals are read, the General Ruling shall or not agree to discuss them.

Section 58

The Ordinary General Meeting, which shall take place on the last quarter of the year, shall set up the following agenda:

1. Examination and approval of the budget set by the Ruling Body for the next year.
2. Reading, discussing and voting the issues for the meeting.
3. Any other business.

Section 59

1. The Bar Association shall draw up its By-law and amendments. The Extraordinary General Meeting shall adopt its draft with the attendance of a simple majority of the list of the registered lawyers who join voting rights.
2. If such quorum is not reached, the Ruling Body shall call for a new General Meeting without needing a quorum.
3. The draft of the By-law or its amendments shall be submitted to the General Council of Spanish Bar Associations' approval.

Section 60

1. The vote of lack of confidence for the Ruling Body of any of its registered lawyers is held by an Extraordinary General Meeting.
2. In order to call for an Extraordinary General Meeting, it is required at least a twenty percent of the practising lawyers, who have been registered within three months, and it shall express clearly the reasons in which it is grounded. Nevertheless, at those Bar Associations with more than five thousand practising lawyers, it is only required a fifteen percent, whereas at those Bars with more than ten thousand practising registered lawyers it is required a ten percent.
3. The Extraordinary General Meeting shall take place within the 30 working days from the date on which the meeting has been proposed. No business shall be transacted at an Extraordinary General Meeting other than that of which notice has been given.
4. In order to set adequately the Extraordinary General Meeting, it is required the participation of the simple majority of the list of registered lawyers of the Bar who have voting right, which shall be a secret, personal and direct ballot.

Section 61

1. The By-laws of the Bars with a suitable number of registered lawyers will be able to create and regulate a Standing General Assembly in order to keep a permanent control of the financial management of the Bar.
2. The number of members of the General Assembly of the Bar shall be established between three and five times the number of members of the Ruling Body of the Bar. The members of the General Assembly will enjoy the same regime and term of office as the members of the Ruling Body but being elected through an open list and a proportional representation system.

3. The Bar Assembly shall respond for the financial issues of the Ruling Body.
Furthermore, on the first quarter, it shall examine and approve the revenue and expenditure account of the preceding financial year. Meanwhile, on the last quarter it shall examine and approve the budget for the next financial year.
4. The Bar Associations whose By-laws establish the system of its Bar Assembly shall only celebrate one Ordinary General Meeting on the first quarter of each year with the following agenda:
 - a) an outline drew by the President listing the most relevant events concerning the Bar that have taken place during the preceding financial year;
 - b) a report of the agreements adopted by the Bar Assembly concerning the budget and the revenue and expenditure account of the preceding financial year, as well as any other financial issue;
 - c) Reading, discussing and voting the issues agreed on the notification of the Meeting;
 - d) Proposals;
 - e) Any other business;

PART IV

Financial Basis of the Bar

Section 62

1. The financial year of the Bar and of the Council of the Spanish bar Associations shall coincide with the calendar year, unless other date provided by their By-laws.

2. The financial functioning of the Bar Associations shall be adjusted to the basis of the annual budget and shall be object of an appropriate accounting.
3. All registered lawyers can examine the accounts of the Bar during 15 working days before the General Meeting or Bar Assembly has passed them.

Section 63

1. These are the ordinary revenues of the Bar Associations:
 - a) Revenues from activities, assets or rights that constitute the estate of the Bar, as well as the revenues from the funds remaining on their accounts;
 - b) The entrance fees of the Bar;
 - c) The charges established by the Ruling Body of each Bar for issuing certificates;
 - d) The charges established by the Ruling Body of each Bar for delivering an opinion or producing a report of any issue, including those about the honoraries, asked by a court or by any extrajudicial means, as well as the provision of any other service of the Bar;
 - e) The sum of the membership fees, fixed or variable, as well as any other distributed cost and fees of the Bar established by the Ruling Body, as well as the extraordinary fees approved by the General Meeting of each Bar;
 - f) *Annulled by Decision of the Supreme Court of Justice 3 March, 2003;*
 - g) The share attributed to the Bar for the collection of the substitutive fees of the stamped paper of the General Mutual Fund of Spanish Advocates;
 - h) Any other revenue, if applicable.
2. These are the extraordinary revenues of the Bar Associations:
 - a) The contributions or subsidies that the State, official institutions, entities or general public grants to the Bar.

- b) Property and rights of any type that by inheritance, legate or another title become part of the real estate of the Bar.
- c) Any other amount due to the Bar because of its compliance with the duties of administration of particular goods or revenues proceeding from a particular order.
- d) Any other revenue, if applicable.

Section 64

- 1. The real estate of the Bar shall be administered by the Ruling Body through the treasurer together with the required technical cooperation.
- 2. The President of the Bar shall order the payments that the treasurer will execute and monitor.

TITLE V

COUNCILS OF THE BARS OF THE SPANISH AUTONOMOUS REGIONS

Section 65

The composition, structure, responsibilities and functioning of the Councils of the Bars of the Spanish Autonomous Regions shall be ruled by the laws of its Autonomous Region.

Section 66

- 1. The Bar of an Autonomous Region, within its laws, can propose the composition of a Council for its Autonomous Region to the General Council of Spanish Bar Associations, if at least 75 % of its members

agree to. In case there is no an agreement, they will vote the approval of its By-laws ruling its structure, responsibilities and functioning.

2. The General Council of Spanish Bar Associations shall determine those responsibilities it thinks fit to confer to the Councils the Bar Associations of Spanish Autonomous Regions, including the disciplinary ones.

TITLE VI

THE GENERAL COUNCIL OF SPANISH BAR ASSOCIATIONS

PART I

Bodies and functions

Section 67

1. The General Council of Spanish Bar Associations is the highest body that represents, manages and executes the Spanish Bar Associations. It is governed by Spanish public law, having its own legal personality and capacity to attain its objects.
2. The General Council of Spanish Bar Associations is placed at Madrid, subject to hold meetings in the rest of the Spanish State.
3. The Ruling Bodies of the General Council of Spanish Bars are the Plenary Session and the President. The President of the Council shall chair the Ruling Bodies and the Secretary shall be the Secretary-General of the Council. If the President cannot chair, then the Vice-President shall substitute him and if the Secretary-General cannot attend, the Vice-Secretary shall substitute him. The internal rules of the General Council

shall establish the notification, composition and functioning of the Council, if herein are not established.

4. The President of the General Council shall join the status of President of the Courtroom of the Supreme Court of Justice.

Section 68

The General Council of Spanish Bar Associations must:

- a) carry out the national responsibilities under Section 5 of the Act of Bar Associations and; elect its President and its twelve counsellors;
- b) Represent the Spanish Legal Profession and be the voice of the Spanish Bar Associations in all scopes, including its counterpart institutions from other countries;
- c) Monitor lawyers' legal practice;
- d) Authorize the creation of Legal Training Schools and validate them; monitor and control their functioning by law having filed a previous report to the concerning Bar Association;
- e) Safeguard the prestige of the Legal Profession and demand the Bars and their registered lawyers to accomplish their obligations;
- f) Call for National and International Congresses for Lawyers;
- g) Draw up the General By-law of Spanish Bar Associations and submit it to the approval of the Government; pass its own By-law and internal rules, as well as any agreement implementing its powers; approve the creation, the responsibilities, the functioning and the By-laws of the Councils of the Bars of the Autonomous Regions on a proposal from the Bar Associations involved, if their Regional Law does not foresee any

other type of procedure for its creation; and also approve the internal by-laws drafted by each Bar as well as their modifications.

- h) Solve the problems that may rise during the application of statutory and regulatory rules;
- i) Create, organize and grant awards for the merits obtained during a lawyer's legal practice;
- j) Solve the appeals against the agreements of the Ruling Bodies of the Bars and the appeals against the agreements of the Councils, whenever the By-laws of the Councils of the Bars of the Autonomous Regions establish it;
- k) Carry out the disciplinary functions concerning the members of the Ruling Body of the Bar and of the General Council and, when ruling provisions establish it, those functions concerning the members of the Council of the Bars of Autonomous Regions;
- l) Create and up-date the list of the Spanish registered lawyers and control the file and the record of the penalties concerning them;
- ll) Appoint representatives of the Legal Profession to cooperate at the Councils and advisory bodies of the Spanish Public Administration;
- m) Report any possible amendment of the legislation about the Bar Associations.
- n) Produce the reports demanded by the Public Administration, the Bar Associations and other official institutions for issues related to their objectives or those produced by its own initiative; propose legislative reforms deemed fit and control every issue regarding the Spanish Legal Profession;

- ñ) Arbitrate;
- o) Coordinate the Councils of the Bars from diverse Autonomous Regions, as well as between diverse Bars and, solve conflicts that can occur between them due to their autonomous status;
- p) Enact measures they think fit to form the Ruling Bodies of the Bars through interim boards;
- q) Enact the required measures for Bar Associations to accomplish the disposals with regard to its responsibilities by the General Council;
- r) Establish national institutions and health care and social protection for lawyers and cooperate with the Public Administration for their applying the most accurate system;
- s) Defend the rights of the Bar Associations, as well as those of their registered members, when it is required by the concerning Bar or by Law; defend legitimate freedom of acting of lawyers in order to promote the actions and appeals before the appropriate jurisdictions and Authorities and even, before the International and European Constitutional Courts, subject to the capacity of each lawyer;
- t) Prevent illegal practising of the Legal Profession, being the General Council of Spanish Bar Associations empowered to chase, denounce and penalize it, without affecting the initiative and powers of each Bar;
- u) Prevent and chase the illegal or disloyal competence and safeguard the effectiveness of the provisions that rules the incompatibilities with the practice of the Legal Profession;
- v) Administrate the fees to pay the diverse Bar Associations and standardize an amount for those fees at a national level;

- w) Adopt a budget and its settlement account as well as make a fair contribution to the Bars and its regime;
- x) In general, in the economic sphere, carry out acts of disposal and acts of encumbrance regarding the own real estate of the Council;
- y) In general, carry out any action before any international or national Court, administration or body in the legal sphere;
- z) Finally, carry out any function or prerogative established in the ruling provisions and those that even though not specifically enounced are concurrent or consequences of the above-mentioned ones within the spirit of the general ruling of this by-law.

Section 69

In order to pay the costs for the compliance of its responsibilities, the General Council of Spanish Bar Associations shall collect the following revenues:

- a) Fees fixed by the budgets, which shall be paid by the Bar Associations depending on its number of registered lawyers, as well as those fees established for entrance;
- b) The amount from issuing certificates;
- c) Rest of sums from the activities that can obtain the General Council of Spanish Bar Associations;
- d) Official grants, donations and legacies that the General Council of Spanish Bars can receive;
- e) Any other extraordinary amount that the Plenary Session agrees to where extraordinary circumstances occur.

PART II

The Plenary Session of the General Council of Spanish Bar Associations

Section 70

1. The Plenary Session of the General Council of Spanish Bar Associations is composed of the following members, who shall join the status of counsellor:
 - a) The President of the General Council of Spanish Bar Associations shall be eligible between the practising and resident lawyers of any Spanish Bar during the Plenary Session;
 - b) The Presidents of the Spanish Bar Associations;
 - c) The President of the General Mutual Fund of Spanish Advocates;
 - d) The Presidents of the Councils of the Bars of the Spanish Autonomous Regions, who do not join the status of Presidents of the Bar Associations;
 - e) Twelve Counsellors, who must be senior lawyers, freely elected by the Plenary Session of the General Council of the Spanish Bars Associations;
2. The election date of the President of the General Council of Spanish Bar Associations and the twelve Counsellors shall be notified at least thirty calendar days before of the date when the Plenary Session shall be celebrated. The Spanish Bars shall communicate the election date through their notice board. The list of candidates shall be announced at the secretariat of the General Council at least fifteen calendar days before the date when the Plenary Session takes place. Hence, the standing Committee shall publish the eligible candidates within the following five calendar days. All the

members of the Plenary Session shall vote in secret for electing the twelve counsellors. Nevertheless, only the Presidents of the Spanish Bars can vote for electing the President of the General Council of Spanish Bars as it is established in the Bar Associations' Act, Section 9.2. The most voted candidate shall be elected, and in case of a tie, the senior shall prevail. Once the result of the ballot is communicated, the elected candidates shall take their office at once in the same Plenary Session.

3. The terms of the members of the Plenary Session of the General Council shall coincide with their offices, unless those of the President and the twelve elected Counsellors, which shall last five years.

Section 71

1. The Plenary Session shall be in charge of the duties attributed by Law or By-law to the General Council of Spanish Lawyers, especially those herein included in Section 68.
2. In the economic sphere, the Plenary Session is empowered to carry out any act of disposal and act of encumbrance, respecting the real state of the General Council and specially it is empowered to:
 - a) administrate assets;
 - b) pay and collect any amount of money;
 - c) grant transactions, commitments and waivers;
 - d) Buy, sell, withdraw and exchange subject or not to any condition, with a previously received price, a postpone price or a payment as deposit, every movable and immovable property as well as real property rights and other qualified rights;

- e) Liquidate communities of goods and condominiums as well as declare new constructions, ameliorations and any excess of the registered ground surface;
- f) Establish, accept, divide, alienate, encumber, redeem and extinguish usufructs, easements, options and leasing contracts and other real property rights and qualified rights;
- g) Create mortgages;
- h) Take bids, make proposals and accept adjudications;
- i) Accept heritages with the benefit of inventory or reject them and set, approve, or dispute an inheritance as well as to deliver and receive a legacy;
- j) Sign up, modify, reject and pay up an insurance policy;
- k) Act in National banks, saving banks and banks, including the Central Bank of Spain and its branches, accomplishing what legislation and banks establish; continue, open and cancel saving accounts, credit accounts and deposit boxes;
- l) draw, accept, endorse, charge, intervene and trade bills of exchange and other bills;
- ll) Purchase, transfer, cancel, withdraw and hypothecate securities; charge their interests, dividends and redemptions, concert overdraft authorizations with a personal guarantee or by hypothecating securities; with banks credit institutions including The Central Bank of Spain and its branches, signing the concerned papers;
- m) Modify, transfer, annul, withdraw and create cash deposits, provisional or definitive values;

3. In the legal sphere, the Plenary Session is empowered to:
 - a) Seek notary's certificate; make, accept and respond to notary's notifications and requirements;
 - b) Appear before the State bodies, Autonomous Regions and local institutions, judges, courts, public prosecutors, delegations, committees, boards, juries and commissions and there, seek, ensue and finish as plaintiff, defendant or with any other status at any type of disciplinary proceedings, trials and any type of civil, administrative, governmental and labour procedures of any degree, jurisdiction and instance, appealing and pleading the available actions and objections in any procedure, proceeding and appeal even to the Supreme Court, the European Court of Justice or any International Court; ratify whenever it would be required, confer powers with detailed faculties and revoke them and proxies.
 - c) File any appeal before the Administration of the State, the Autonomous Regions and the Local Institutions.
 - d) Delegate some or all of the responsibilities of the President to the Counsellors jointly or individually, so they shall be empowered with the resulting powers;
 - e) Accept, carry out and waive the terms and powers of Spanish Bars Associations.

Section 72

1. The President of the General Council of Spanish Bars shall meet with the Plenary Session at least once in a quarter by his own initiative or by petition of a twenty percent of the members of the Plenary Session.

2. All the members of the General Council shall speak and vote, unless at the election of the President, where only Counsellors who are Presidents shall vote. They can delegate their vote to another member of the Council, being adopted the agreements by a simple majority of the Counsellors present or represented. In case of a tie, the ballot from the President of the Council shall be a casting vote.
3. However, an enhanced majority is required in order to adopt the arrangements in the following issues. This majority will be based on the votes in favour of the majority of the Presidents who are present or represented in that Plenary Session. At the same time, they shall represent the majority of practising lawyers of the Bars attending the session, having estimated how many registered lawyers are resident within the legal bounds of the Bar of each President.

Every year in January, each Bar shall send to the General Council of Spanish Bar Associations the total of its registered lawyers (practising and resident) ending on 31st December of the previous year.

The enhanced majority shall prevail upon the following issues:

- a) Making and approving the amendments of the General By-law of the Legal Profession for the final approval by the Government.
- b) Passing the By-law and the Internal Ruling of the General Council of Spanish Bars;
- c) Controlling the Legal Profession, the practising of lawyers, their access, their Professional Conduct and their advertising, if they concern the Spanish Legal Profession.

- d) Approving yearly budgets, balances, counts and reports, as well as any extraordinary distribution of the extraordinary contributions.
4. In case the annual budget of the General Council of Spanish Bars is not approved, the last one shall be extended with an increase of the Retail Price Index until a new budget is approved.

Section 73

1. The President of the General Council shall appoint the Vice-presidents among the Counsellors, the Secretary –General, the Vice-Secretary, the Treasurer and the Vice-Treasurer. The Vice-presidents will substitute the President following the hierarchy of the Committees that they direct.
2. Being the election process for the President of the General Council finished, the term of the offices mentioned in the above-paragraph ends when the elected President enters upon office.
3. The Plenary Session shall determine the Ordinary Committees in which their regimes and functions as well as the registration of the Counsellors at them shall be established. Furthermore, it can create especial meetings and committees in case of need. The Committees shall carry out the functions delegated by the Plenary Session and, within their scope, in case of urgency, they can reach agreements of direct execution if they inform the Plenary Session ex post. However, in order to speed up procedures and decision on the appeals related to disciplinary proceedings filed before the General Council and in order to comply the time limits laid down, the competent Committee on these issues shall

enjoy full powers to solve them and, subsequently, report them to the Plenary Session, without prejudice to raise the decision of those proceedings it thinks fit to the Plenary Session of the Counsellors. Furthermore, in order to achieve the before-mentioned objectives, the Standing Committee shall enjoy full powers to resolve appeals about any other proceeding, subject to subsequent information reported to the Plenary Session of those proceedings that it thinks fit.

PART III

The Standing Committee

Section 74

1. The Standing Committee of the General Council of Spanish Bar Associations is constituted of:
 - a) The President of the General Council of Spanish Bar Associations;
 - b) The Vice-presidents who shall chair the Ordinary Committees of the Plenary Session of the Counsellors;
 - c) The President of the General Mutual Fund of Spanish Advocates;
 - d) The Treasurer or being substituted by the Vice-treasurer;
 - e) The Secretary – General or being substituted by the Vice-secretary.
2. The Standing Committee shall carry out the following functions:
 - a) Those delegated by the Plenary Session;

- b) The powers of the Plenary Session when they have to be used by urgent reasons.

All these functions should be reported to the Plenary Session that shall follow later.

PART IV

The President

Section 75

The President of the General Council of Spanish Bar Associations must:

1. Represent the General Council of Bar Associations.
2. Represent the Spanish Legal Profession and be the spokesperson of the overall of the Spanish Bars Associations.
3. Monitor the prestige of the Legal Profession.
4. Defend the rights of the Spanish Bar Associations and of their registered lawyers whenever a Bar requires it and protect the free practice of lawyers. These three functions are not subject to those functions of the Plenary Session.
5. Call and chair the sessions of the Plenary Session, the Standing Committee and the Extraordinary Commissions, where in case of a tie he shall join a casting vote, despite of vote by proxy.
6. Establish the agenda of the Plenary Session and of the Standing Committee.
7. Submit any proposal he thinks fit regarding the powers of the Plenary Session or the Standing Committee.

8. Propose the drafting of reports in order to prepare the decision or discussion on an issue.
9. Sign the agreements of the Plenary Session and the Standing Committee, giving his authorisation.
10. Monitor and control the activity of the bodies of the General Council.
11. Carry out the functions and the prerogatives established in the ruling provisions and those foreseen in Law, regulation and herein.

TITLE VII

THE NATIONAL CONGRESS OF SPANISH LAWYERS

Section 76

1. The National Congress of Spanish Lawyers is the highest advisory body. Its conclusions will inform the corporate bodies of the Spanish legal profession.
2. The General Council of Spanish Bar Associations shall call the National Congress at least once a year.

Section 77

1. The regulations of the National Congress, which shall determine the composition of the Congress, shall be passed by the General Council of Spanish Bars and shall be sent to the bars joint with the notification of the Congress.
2. During the drafting process of the regulations, the General Council of Spanish Bar Associations shall send them to the Ruling Bodies of the Bars in order to make proposals or amendments, which shall be debated

by the Plenary Session to approve the regulations within a period of 30 days.

TITLE VIII

LIABILITY OF THE REGISTERED LAWYERS

PART I

Civil and Criminal Liability

Section 78

1. Lawyers are subject to criminal liability for their wrongdoing while they are practising the Legal Profession.
2. Lawyers are subject to civil liability when their wilful misconduct harms the interests they are defending. This liability will be enforceable before the Courts according to ordinary law. An obligation for lawyers to be insured can be established by law.

Section 79

The lawyer who brings an action against another lawyer on the issue of liability related to the legal practice shall report it to the President of his Bar in order to allow him to intervene, if he thinks fit, although the non-compliance of this obligation could not be disciplinarily penalized.

PART II

Disciplinary Liability

ARTICLE 1: DISCIPLINARY POWER OF THE COURTS AND BARS

Section 80

1. Lawyers shall be subject to disciplinary power, if they fail to accomplish their deontological and professional obligations.
2. Disciplinary power of the Courts over lawyers shall be under procedural law. The disciplinary penalties imposed by the Courts to Lawyers shall be placed on his personal file, if they are directly concerning the Rules of Professional Conduct that must be observed during his actions before Courts.
3. Corporative disciplinary penalties shall appear on the personal file of the registered lawyer.

Section 81

The President and the Ruling Body shall be liable to disciplinary actions, in accordance with the following rules:

1. It shall be penalized as an infringement of the professional duties or of the deontology whenever they affect the Legal Profession.
2. The amendments that can be applicable are the following:
 - a) private reprimand;
 - b) Written warning;
 - c) Suspend from the practice for a period not exceeding two years;
 - d) Being disbarred;

Section 82

1. The General Council of Spanish Bar Associations is in charge of the disciplinary power over the members of the Ruling Bodies of the Bars and,

where it is established by laws in force, over the members of the Councils of the Bars of the Spanish Autonomous Regions.

2. The General Council of Spanish Bars shall be responsible for disciplinary power over its members.

ARTICLE 2. INFRINGEMENTS AND PENALTIES

Section 83

The infringements that can entail disciplinary penalties shall be classified as: minor infringements, serious infringements and very serious infringements.

Section 84

Very serious infringements are:

- a) Any infringement of the prohibitions herein established in Section 21 or any infringement of the incompatibilities herein established in Sections 22 and 24;
- b) Advertising professional services that do not accomplish the requirements herein established in Section 25 and any other infringement herein classified as very serious;
- c) Taking part in any deliberate crime, as consequence of the practice of the Legal Profession, as well as any act and default that offend seriously the dignity of the profession, the rules of the Deontological Code and the obligations herein established.

- d) Violating the dignity of members of the Ruling Body when they are carrying out their functions or that of the colleagues during their legal practising;
- e) The consumption of alcohol and other drugs when it seriously affects the Legal practice;
- f) Carrying out activities, setting up associations or joining them whose objects or functions are exclusively of the Bars;
- g) Any serious infringement, if the lawyer has been penalized for committing other two more infringements of the same category and whose responsibility has not been extinguished under herein Section 90;
- h) Illegal practising and its complicity;
- i) Lawyer's cooperation with a legal or natural person to whom he renders a service in order to appropriate the honoraries paid by third parties, which have not been previously paid, if those honoraries correspond to that lawyer under Section 44.2;
- j) Conviction as a final judgement for serious infringements under the Criminal Code Section 33.2.
- k) The persistent deliberate non-compliance of the Rules of Professional Conduct during the practice of the Legal Profession.

Section 85

Serious infringements are:

- a) The serious non-compliance of By-laws or the agreements signed by the bodies of the Bars within its scope, as well as failing to pay the amounts established herein in Section 34.a, unless it is an very serious offence;

- b) Practising in the scope of a Bar different from which a lawyer is registered without reporting it. The responsible Bar to penalize him shall be that in which the lawyer has acted within its territorial scope;
- c) To offend the members of the Ruling Body when they are practising;
- d) To disregard the colleagues during the practising of the Legal Profession and not accomplish the herein Section 26 about consent.
- e) The disloyal competence established by an appropriate body and the infringement of Section 25 about advertising, if it is not considered as a very serious infringement;
- f) The persistent and reckless submission of the fee notes of the colleagues, as well as the persistent asking for the fee notes of honoraries that can be improper;
- g) The acts and defaults described in paragraphs a), b), c) and d) of the above-mentioned section, if they are not consider as very serious;
- h) The consumption of alcohol and other drugs during the legal practising.

Section 86

Minor infringements are:

- a) To offend the members of the Ruling Body while they are practising, if it does not constitute a serious or a very serious infringement;
- b) Do not accomplish the By-laws;
- c) Minor non-compliance of the obligations established by the Legal profession;
- d) The detailed list in the above-mentioned section, if it does not constitute a serious infringement.

Section 87

1. The infringements that can be included as very serious shall be:
 - a) Those included in the paragraphs b), c), d), e), f), h) and i) of Section 84, being lawyers suspended from practice beyond a period of three months up to a period of 2 years;
 - b) Those included in the paragraphs a), j) and k) of the above-mentioned Section, being disbarred lawyers;
2. A lawyer can be suspended from practice for a period not exceeding three months, if he commits a serious infringement.
3. A lawyer can be privately reprimanded or receive a written warning, if he commits a minor infringement.

Section 88

1. Minor infringements shall be sanctioned by the Ruling Body or the President of the Bar through a file consisting whether in a hearing or in the release of the defendant.
2. Serious and very serious infringements shall be sanctioned by the Ruling Body of the Bar after opening disciplinary proceedings. Those proceedings will be conducted under the By-law of each Bar, in this respect, these by-laws will proceed as established in the herein Section 99.2.
3. The Ruling Body and the President of the Bar shall be the bodies empowered to decide on these matters, while the investigation of the facts shall be carried out by other bodies created ad hoc.
4. In any case, those lawyers suspended beyond a period of six months or disbarred shall be voted in secret by the Ruling Body and the accordance of the 75 % of its members is required. All members of the Ruling Body shall attend this session.

If a member does not justify his failing to take part in the voting, he shall cease as member of the Ruling Body and not be eligible for filling the vacancy.

Section 89

3. Disciplinary penalties shall be enforced once they are definitive. They can be published once they are final.
4. All the penalties shall take effect within the scope of any Spanish Bar Association. A Bar or a Council of any Bar of the Spanish Autonomous Regions that imposes these penalties must communicate them to the General Council of Spanish Lawyers in order to inform the rest of the Bars.

Section 90

1. The Disciplinary liability of the registered lawyers extinguishes due to the non-compliance of the penalty, the decease of the registered lawyer, the extinguishment of the fault and of the penalty.
2. Resign at the Bar does not extinguish the disciplinary liability during the period of the registration, it shall finish the disciplinary proceedings and the penalty shall be suspended in order to be accomplished, in case the registered lawyer registers himself again at the Bar.

Section 91

1. Very serious infringements shall be extinguished within a period of three years, serious infringements, serious infringements within two years and minor infringements within six months.

2. The limitation period of the penalty for being enforced shall start the date when the infringement was committed.
3. The notification of starting to gather information prior to bring disciplinary proceedings to the concerning registered member shall suspend the extinguishment. If within three months a file is not opened or it remains suspended for a period exceeding six months. In the event of unreasonable delay attribute to the Bar, the limitation period shall renew.

Section 92

1. The penalties imposed for very serious infringements shall extinguish within a period of three years; those imposed for serious infringements for a period not exceeding two years and those imposed for minor infringements within a period of six months.
2. The limitation period for a penalty that has not been executed shall commence a day after the date of its final decision.
3. The limitation period of the penalty, if the penalized lawyer fail to accomplish it, shall commence from the date of the failure to comply.

Section 93

1. The penalties recorded on a lawyer's file shall be annulled after the expiry of the following periods, if the registered lawyer does not incur a new disciplinary penalty within this period: six months for private reprimand or written warning; one year for being suspended from practice for less than 3 months; three years for being suspended from

practice at least three months and; five years for being disbarred. The time-limit shall commence the day after the penalty has been accomplished.

2. Any penalty recorded shall be cancelled after the expiry of the period by operation of law or by petition of the concerned lawyer.

TITLE IX

LEGAL SYSTEM OF ARRANGEMENTS UNDER ADMINISTRATIVE LAW AND THEIR CONTESTS

Section 94

- a. The arrangements of the General Council of Spanish Bars, the Councils of the Bars of the Spanish Autonomous Regions, the General Meeting and the Ruling Body of each Bar and the decisions of the President and of the rest of members of the Ruling Body shall be directly executed, unless otherwise indicated or unless disciplinary matters.
- b. The arrangements shall be personally delivered to the registered lawyers. Arrangements of any subject including disciplinary issues can be delivered at his registered office, the same the Bar has acknowledgement, under the Section 31.c herein established. If the notification could not be delivered according to what is established in the Act on the Legal System of Public Administrations and their Common Administrative Procedures, Section 59, paragraphs 1 and 2, an employee of the Bar Association can deliver the notification, subject to paragraphs 2 and 3 of Section 59 of the above-

mentioned Act; and, in case the notification could not be either delivered, fifteen days after its publication on the notice board of the Bar Association, it shall be understood as if it has been delivered. The Bar Association shall publish the notification under Section 61 of the above-mentioned Act.

Section 95

1. Any act by the bodies of the Bars that incur any of the cases included in Section 62 of the Act on the Legal System of Public Administrations and their Common Administrative Procedures is null and void.
2. Any act by the bodies of the Bars that incur the cases included in Section 63 of the above-mentioned Act.

Section 96

1. People who join legitimate interest can appeal before the General Council of Spanish Bar Associations against the arrangements of the Ruling Body or the General Meeting of any Bar, within a month since its publication or where appropriate, its notification to the registered members or concerned people.
2. The action shall be brought before the Ruling Body that signed the arrangement. This Ruling Body shall raise it before the General Council of Spanish Bars together with its information and appropriate file within fifteen days from the date when the action was brought, unless by operation of law the Ruling Body restores the action within this period. The General Council of Spanish Bars ought to give express decision within the following three months after filing the reports it thinks fit, but the absence of any response shall be understood as it was refused. The appellant may request for the suspension of the action. The

Standing Committee of the General Council may take or refuse it with appropriate justification.

3. The arrangements by the Councils of the Bars of the Spanish Autonomous Regions should be appeal before the General Council of Spanish Bar Associations, where provided for in their internal By-Laws. In that case, the same procedure included in the before-paragraphs of this Section shall be applied.

Section 97

1. The Ruling Body may also appeal the agreements of the General Meeting before the General Council of Spanish Bars within a month after its adoption.
2. If the Ruling Body considers that the appealed agreement is declared null and void or seriously detrimental for the interests of the Bar, it can request the suspension of the appealed agreement and the Standing Committee of the General Council may take or refuse it with appropriate justification.

Section 98

The appeals shall lie to the administrative courts against decisions of the General Meetings, the Ruling Bodies of the Bars, the General Council of Spanish Bars and of the Councils of the Bars of the Spanish Autonomous Regions provided that they are subject to administrative law and all appeal procedures within the institutions have been exhausted.

Section 99

1. The periods herein expressed as a certain number of days shall be working days, unless otherwise established.

2. The Act on the Juridical Regime of the Public Authorities and the Common Administrative Procedure shall be applied to any act of the bodies of Bar Associations involving the exercise of administrative powers. In any case, this Act shall be of a supplementary nature for those acts that are not herein included.

TRANSITIONAL PROVISIONS AND ADDITIONAL PROVISION

First Transitional Provision

1. The General Council of Spanish Bar Associations shall pass its Rules of Procedure.
2. The Spanish Bar Associations, which shall apply this By-law since it is in force, shall adapt their internal By-laws within a year since the enforcing of the By-law of the General Council of Spanish Bars. Their projects can be passed by the Extraordinary General Meeting during its first call, but notifying it to the General Council of Spanish Bars' approval and, without a special quorum herein established in Section 59 or any other special requirement included in the particular By-law of a Bar that shall be amended.

Second Transitional Provision

The situations created and the established rights in accordance with the regime that was before in force should be respected.

Third Transitional Provision

The Composition and Functioning Rules of the General council of Spanish Bar Associations will remain in force until the Rules of Procedure of the General Council of Spanish Bar Associations.

Additional Provision

According to the Spanish Constitution, the legality of the State of Spain and the By-laws of the concerning Autonomous Regions, the issues established herein in the above-mentioned provisions are not subject to the issues established by the Bodies of the Spanish Autonomous Regions about the limit of their responsibilities.