



**PROFESSION OF ADVOCATE, LAW**  
*PROFESIONI I AVOKATIT, LIGJ*

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**LAW**

**No 55/2018**

**ON THE PROFESSION OF ADVOCATE IN THE REPUBLIC OF ALBANIA**

Based on articles 78, 81, paragraph 1, and 83, paragraph 1, of the Constitution, on the proposal of a member of Parliament,

THE ASSEMBLY OF

THE REPUBLIC OF ALBANIA

DECIDED:

**CHAPTER I**  
**GENERAL PROVISIONS**

Article 1  
**Object**

The object of this law is to define the rules of organisation and functioning of the profession of advocate in the Republic of Albania.

Article 2  
**Purpose**

This law has as its purpose to define the legal criteria for the practice of the profession of advocate in the Republic of Albania as a freelance, independent, self-regulated and self-administered profession and to protect and guarantee the profession of the advocate as a legal obligation for the purpose of protecting individual and collective interests of subjects represented by him/her.

Article 3  
**Principles**

1. The profession of advocate is guided by the fundamental principles of professionalism, ethics, loyalty, integrity and confidentiality.
2. The advocate, during the practice of his/her profession, shall be guided primarily by the interests of the client he/she represents.

Article 4  
**Advocacy service**

The advocate performs his activity through:

- a) legal advice of natural persons and legal entities;
- b) representation in the criminal, civil, administrative process or of any other nature that may not be included under these three categories, at any instance of the judiciary within the country or abroad, at international courts or every organization the Republic of Albania has acceded to, as well as representation in the procedures of mediation or of arbitration;
- c) drafting of legal acts and of any other acts requested by local or foreign natural persons and legal entities within the territory of the Republic of Albania;
- ç) other actions foreseen in the Albanian legislation or the foreign legislation, when activity is performed outside the territory of the Republic of Albania.

Article 5  
**Unauthorized practice of the profession of advocate**

Any natural or legal person that has not gained the title of advocate in accordance to the provisions of this law, is not allowed:

- a) to act as a representative of the parties or to draft written acts for the parties in such judicial proceedings, in which the parties must be represented by an advocate on the basis of the procedural laws in force;
- b) to act as a representative of a party, when not included into one of the categories of subjects that may represent parties in accordance with the procedural legislation in force, even if the law does not foresee representation only by way of an advocate;
- c) to act as an advocate by presenting false or untrue facts with the intent of deceiving the public.

Article 6  
**Scope of activity**

1. The advocate practices his/her profession all over the territory of the Republic of Albania, independent of the local chamber of advocacy to which he/she belongs.

2. The profession of advocate may be practiced before every court, prosecutor's office, arbitration court, or public body, individually, or in cooperation with other advocates organised in legal studio.

3. The advocate also practices his/her profession outside the territory of the Republic of Albania, in accordance with the laws of the state where this profession is practiced or based on international acts of which the Republic of Albania is party.

#### Article 7

#### **Incompatibility with the practice of the profession of advocate**

1. While practicing the profession, the advocate may not simultaneously carry out the duty of judge, prosecutor, notary, judicial bailiff, as well as any other functions or duties at public bodies, except for teaching at institutions of higher education, within the country or abroad.

2. The advocates employed at private entities may practice the profession of advocate only based on a written agreement signed for this purpose between the advocate and the private employer in order to secure the observance of the duties of the advocate according to this law. Copy of the written agreement signed as per this paragraph, shall be deposited at the Chamber of Advocates of Albania.

3. The private employer, in the meaning of paragraph 2 of this article, shall be subject to the legislation in force for value added tax.

### CHAPTER II

### **RIGHTS AND DUTIES OF THE ADVOCATE**

#### Article 8

#### **Duties of the advocate**

The advocate, during the exercise of his/her profession, shall carry out the following duties:

a) ensures to any represented client a professional, fair and effective defence in the function of the loyal realisation of the interests of the latter;

b) provides equal legal service to any client, by guaranteeing a defence without discrimination of any kind, in accordance to the meaning defined by the legislation in force on protection from discrimination;

c) acts with professionalism, loyalty, honesty and dignity as well as is guided by the interests of the client, in respect with the legislation in force, the Statute of the Chamber of Advocacy of Albania as well as the rules of the Code of Ethics of the Advocate;

ç) ensures transparent defence or representation, in the best interest of the client represented by him/her, through prevention of the conflict of interest;

d) offers services towards the persons benefiting legal aid in accordance with the legislation in force on state guaranteed legal aid;

dh) provides the advocacy service, in each case on the basis of a written agreement signed between him/her and the client, according to the respective Civil Code provisions. In case the client decides to terminate the

agreement in every phase of its implementation, the advocate is obliged to respect this decision of the client, as well as to request from the client remuneration for the work done until the moment of the termination of the agreement. When the remuneration is not determined upon understanding between the parties, the issue of remuneration may be settled judicially;

e) is obliged to return every document received from the client in the function of the representation or defence upon the termination of the agreement between the advocate and the client;

ë) declares before the Chamber of Advocacy of Albania any changes of the filed personal data, other changes in relation to his/her judicial records status, as well as the initiation of the exercise of public or private duties or functions;

f) takes the necessary measures relating to the insurance of professional liability, according to the rules determined in the Statute of the Chamber of Advocacy of Albania;

g) reports on any suspicion raised concerning the vigilance measures in accordance with the legislation in force on prevention of money laundering and financing of terrorism;

gj) informs the client on the possibility of resolution of the dispute through mediation, when valuing that this is reasonable and in the interest of the client;

h) informs the victim of the criminal act, on the rights and guarantees foreseen in the Criminal Procedure Code.

#### Article 9

#### **Conflict of interest**

1. The advocate is obliged not to accept representation or defence of the client or to withdraw from the case, in the instance he/she knows or ought to have known on the existence of a cause that shows the existence of a conflict of interest.

2. It is considered to be a conflict of interest:

a) when the advocate had been tasked earlier in that cases in the capacity of judge, prosecutor, notary, judicial bailiff, witness, or otherwise been related to this case;

b) when the advocate has previously defended or represented the adversary party regarding the same case;

c) when the advocates working for the same legal studio represent the adversary party in the same case or in other cases related directly or indirectly to the merits of the case;

ç) in any other instance defined in the statute of the Chamber of Advocates of Albania.

3. The advocate shall withdraw from representation in the instance that one of the conditions foreseen in paragraph 2 of this article has been proven. The resigned advocate may in no case be substituted by an advocate of the same legal studio.

#### Article 10

#### **Confidentiality**

1. The advocate shall safeguard professional secrecy and confidentiality of data, that became known to him/her by the client or from the documents that the latter has given to the advocate, in the function of the requested defence, with the exception of the case when the client has given his/her written consent.
2. The advocate shall require the respect of confidentiality also from the other advocates of the same legal studio and the employed administrative staff.

Article 11  
**Rights of the advocate**

The advocate, in view of practicing his/her profession, has the right:

- a) to provide the advocacy service in line with the requirements of the legislation in force in a free, independent and autonomous manner, without restrictions on any client, local or foreign, that exercises their activity within the country or abroad;
- b) to request data, explanations or documents related to the case or clients represented or defended by him/her, from any institution of the public administration, the courts, the prosecutor's offices, arbitration courts, notaries, bailiffs and State Police bodies, or other public entity or private subject, in compliance with the rules and the time limits foreseen in the legislation in force;
- c) to have a confidential meeting with his/her client, before his/her client being questioned for the first time and at every phase of criminal proceedings as well as to get acquainted to the acts, the necessary evidence and the grounds for the arrest or detention of the client, in compliance with the rules foreseen by the Criminal Procedure Code;
- ç) to assist in a trial, to question the client, witnesses and experts, to be informed by the end of investigation with all the acts and documents related to the case and to sign them, when the client authorises and agrees so, in compliance with the provisions of the Criminal Procedure Code, in the framework of realisation of an effective defence of his/her client that is a defendant in a criminal proceeding;
- d) to request from the competent bodies the respect of rights and guarantees at any stage of the criminal proceedings as well as during the execution of the final decision in a criminal case, foreseen by the applicable legislation and the international standards accepted by the Republic of Albania;
- dh) to exercise the profession in an independent and autonomous matter.

Article 12  
**Rights and obligations of other bodies**

1. While practicing the profession of advocate, any public administration body, the courts, the prosecutors' offices, arbitration courts, notaries, bailiffs, state police bodies or other public entity or private subject are obliged to meet the legitimate requests of the advocate in relation to:
  - a) the provision to the advocate, within a reasonable time limit, of information requested by him/her, except for instances when foreseen otherwise by special law;
  - b) fulfilment of the legal requests of the advocate in compliance with the legal competences and procedures that regulate that organ's activity;

c) to guarantee the confidential meeting of the advocate with his client, before the client being questioned for the first time and at any phase of criminal proceedings, without a specific authorisation of the proceeding bodies and the approval of the client or his/her next of kin as well as to provide access to the acts, evidence and grounds for the arrest or detention of his client, in compliance with the rules foreseen by the Criminal Procedure Code;

ç) immediate provision to the advocate, of the documentation available in the investigation and trial file, as well as creation of the conditions for the study and use of documentation, in full compliance with the requirements and time limits foreseen in the Criminal Procedure Code.

2. In case of the non-fulfilment of obligations by the subjects foreseen in paragraph 1, of this article, the advocate shall be entitled to submit a statement of claim with the competent court, in compliance with the rules foreseen by the procedural legislation in force.

### CHAPTER III PRACTICE OF THE PROFESSION OF ADVOCATE

#### Article 13 Conferral of the title of advocate

1. The right to practice the profession of advocate shall commence as of the time of conferral of the professional title of "Advocate". The advocate at the time of conferral of this professional title shall be equipped by the Chamber of Advocacy of Albania with the "Certificate of Advocate", which represents the fundamental document of his/her professional identification. The certificate of advocate shall contain personal data of the advocate and the "Personal Identity Number". The Personal Identity Number is unique and inalienable.

2. The right to acquire the title of "Advocate" in the Republic of Albania, shall have the Albanian citizens that fulfil the following criteria:

a) to have full legal capacity to act;

b) to have completed the programme of second cycle of university studies in law, or a degree equivalent with it, or to have completed university studies in law outside the country, recognised and convalidated in accordance with the legislation in force on higher education in the Republic of Albania;

c) to have completed the traineeship as a candidate advocate for a period of not less than 1 year attached to an advocate that practices the profession in the Republic of Albania, and to have received a positive evaluation by the latter;

ç) to have successfully completed the initial training program at the School of Advocacy of Albania and be supplied with the relevant certificate for that purpose;

d) to have not been convicted by a final court decision:

(i) for a criminal offence committed intentionally, for which he/she is not expunged;

- (ii) for a criminal offence committed by negligence, for which he/she has not been expunged and which impinges on the figure and integrity of the profession of advocate, as defined in the Statute of the Chamber of Advocacy of Albania;
- (iii) for a criminal offence committed intentionally, for which he/she is expunged, when the criminal offence impinges on the figure and integrity of the profession of advocate, as defined in the Statute of the Chamber of Advocacy of Albania.

dh) to have not received the disciplinary measure of removal of licence by decision of the Disciplinary Committee, with the exception of the instance when this disciplinary measure has been extinguished as per Article 49 of this law;

e) to have not been dismissed from the exercise of a public duty or function, for ethical integrity reasons, by a decision of the competent body that has become final, with the exception of instances when the disciplinary measure has been extinguished in accordance to the applicable legislation;

ë) to successfully pass the advocacy qualification exam according to the rules defined in this law, the Statute of the Chamber and the respective regulation;

f) to pay the fee for conferral of the professional title of “advocate”, defined by decision of the General Council of the Chamber of Advocacy of Albania;

3. The foreign citizens who meet the criteria foreseen in paragraph 2 of this article and that prove knowledge of the Albanian language, through a document issued by the competent authorities according to the legislation in force, shall have the right to acquire the title of advocate.

4. The advocate that has been conferred the professional title of “Advocate”, before beginning to practice the profession of advocate, shall take an oath, as per this formula: “Aware of the dignity of the legal profession and its social function, I swear to uphold the Constitution and to fulfil with loyalty, dignity and professionalism the duties of the profession of advocate, with the intent of defending the people I represent and respecting European standards and human rights”.

#### Article 14

#### **Requirements for practicing the profession of advocate**

1. The profession of advocate in the Republic of Albania may be practiced by every person, who has acquired the professional title of “Advocate” and that fulfils the following criteria:
  - a) to be supplied with the annual permit of exercising the profession of advocate. The annual permit of exercising the profession of advocate is an official document, issued by the Chamber of Advocacy of Albania and includes data regarding the identity of the advocate, the Personal Identity Number of the advocate, the local chamber of advocacy where the advocate exercises his/her profession and the period of validity of the permit;
  - b) to be registered at the commercial register, in compliance with the legislation in force for business registration, and to be supplied with the unique number of taxpayer identification NUIS;
  - c) to implement the legal provisions and those foreseen in the statute and Code of Ethics of the Advocate;

- ç) to have fulfilled the legal obligations with regard to professional liability insurance;
  - d) to have followed the continuous training programme, in compliance with the provisions of this law;
2. The advocate is registered in the register of active advocates, only after fulfilment of the criteria foreseen in paragraph 1 of this article. The Register of active advocates is kept by the Chamber of Advocacy of Albania and the respective local chamber, attached to which the advocate operates his activity.
  3. The register of active advocates shall include the following data:
    - a) full address of the office seat or of the legal office or studio;
    - b) contact details, including phone number and email address;
    - c) form of organization and practice of the activity of advocate working in an individual manner or organised in legal studio;
    - ç) unique identification number of the subject (NUIS);
    - d) data of the judicial status of the advocate for the period for which he/she is being registered, based on the certificate issued by the competent bodies;
  4. In case of change of the data foreseen in paragraph 3, of this article, the advocate shall be obliged to deposit these changes to the Chamber of Advocacy of Albania within a time limit of 30 days.
  5. Failure to meet the obligations provided for in the paragraphs 3 and 4 of this Article shall be a ground for initiation of the disciplinary proceedings against the advocate.

Article 15  
**Organization of advocates**

1. The advocate shall practice the profession individually or in collaboration with other advocates, organized in legal studios.
2. The advocates that seek to be organised in legal studios shall need to preliminarily receive the approval of the Chamber of Advocacy of Albania, and then shall be registered as legal persons, in one of the forms foreseen by the legislation in force on traders and trading companies.
3. The advocate or the legal studio shall maintain the register of advocacy activities and services, which is established and administered in accordance with the format and contents defined in the Statute of the Chamber of Advocacy of Albania.
4. The creation of legal studios without the participation of at least one advocate equipped with the professional licence of advocate is prohibited.

Article 16  
**Manner of remuneration of advocates**

1. The remuneration of the advocate for work carried out shall be set in one of the following ways:



- a) by agreement between the advocate and the client. The agreement achieved between the advocate and the client shall constitute an executive title;
  - b) in compliance with the provisions of the legislation in force on state guaranteed legal aid;
  - c) according to a joint instruction of the Minister of Justice and the minister responsible for Finance, after having received prior the opinion of the Chamber of Advocacy of Albania, in the cases of obligatory defence, in accordance to the Criminal Procedure Code;
  - ç) by success fee set in the agreement made preliminarily between the advocate and the client in cases of successful defence or representation;
  - d) any other remuneration provided for in the acts and practices of the international organizations to which Albania accedes.
2. The remuneration of the advocate may not be made in any other manner, different from those foreseen in this article.
3. The Chairperson of the Chamber of Advocacy of Albania and the Minister of Justice, shall specify the reference remuneration fees of the advocate, which are applicable in the instances when in the written agreement between the advocate and the client no manner of remuneration has been provided.

#### Article 17

#### **Early termination of the advocacy service**

1. The advocate shall be entitled to unilaterally terminate the continuing representation or defence of his/her client. In this instance, the advocate shall be obliged to inform the client within not less than 15 days prior to the termination of service. During the 15-day period, the advocate shall be obliged to serve the client according to the existing agreement signed by them.
2. Upon the request of the client, the advocate shall return to the client the full documentation taken over and not deposited in the trial file in the quality of evidence, as well as any other material made available by the latter in view of examining the case.
3. The documentation defined in paragraph 1 of this article shall be delivered to the address of the newly appointed advocate, upon the request of the client. In the instance that the client does not request the return of the documentation delivered by the himself/herself, the advocate is obliged to keep them, in compliance with the legislation in force.
4. If the advocacy service is terminated by the advocate due to reasonable grounds, the latter shall be entitled to demand remuneration for the work done, in accordance with this law.
5. In the instance that the advocacy service is terminated without reasonable grounds, the advocate shall be obliged to return the client the amount received in the form of advance payment, as well as any other remuneration related to the uncompleted service.
6. In the instance that the early termination of the advocacy service is done upon the request of the client, without reasonable grounds, the advocate shall be entitled to claim compensation for the work done, as per

letter “dh” of Article 8 of this law. In each instance, the reasonable ground shall be specified in the agreement between the advocate and the client. In case of lack of a regulation in the agreement between the advocate and the client, the dispute is resolved through the judicial route.

7. In the instance of early termination of the advocacy service, the client may remand the case to another advocate. The newly appointed advocate may not begin offering the requested service without preliminary verifying the relations between the client and the previous advocate.

#### Article 18

##### **Transfer of the advocate**

The advocate has the right to transfer his/her activity from a local chamber of advocacy to another local chamber of advocacy, in accordance with the criteria and the rules set out in the Statute of the Chamber of Advocacy of Albania. In each instance, the advocate shall inform the local chambers about the transfer made.

#### Article 19

##### **Suspension of practicing the profession of advocate and transfer to the passive register**

1. The advocate shall suspend practice of the profession in the instance when he/she has been nominated at a position, which creates legal incompatibility as foreseen in article 7 of this law. The advocate, in this instance, shall be obliged to file with the Chamber of Advocacy of Albania a written statement or any other documents proving the initiation of new employment relations.

2. The advocate shall be entitled to suspend practicing his/her profession due to considerations of age, disease, maternity leave and resignation for the subsequent period until the end of practicing year, by submitting a written request for that purpose. In cases of resignation, the reactivation of the permit to practice the profession within the practicing year shall be associated with additional payment of obligations, as per the provisions in the Statute of the Chamber of Advocacy of Albania.

3. The request for suspension of the permit to practice the profession, according to the instances foreseen in this article, shall be associated with the relevant certificate for the suspension of activity at the National Business Centre.

#### Article 20

##### **Traineeship of the candidate advocate**

1. All candidate advocates that fulfil the criteria foreseen in letters ‘a’, ‘b’, ‘d’ and ‘dh’, of paragraph 2, of article 13 of this law, shall have the right to be registered with the Chamber of Advocacy of Albania to perform the one-year traineeship of the candidate advocate.

2. The traineeship of the candidate advocate shall be performed attached to an advocate that has earned the professional title of ‘Advocate’ and that practices the profession in accordance with the provisions of this law or attached to a legal studio that exercises the activity in accordance to this law.

3. Any advocate or legal studio that fulfils the conditions of paragraph 2 of this article, shall have the right to accept one or more candidate advocates. The candidate advocates execute agreements with the advocate for the performance of the one-year traineeship in the form of ‘internship’. Candidate advocates during the period of internship shall not receive a remuneration. The advocate or legal studio attached to which the traineeship

is conducted is exempt from the duty of paying social and health insurance contributions of the candidate advocate during the 1-year period of traineeship. The period of traineeship is recognized as a period of work experience.

4. The registration of the candidate advocate shall be done at the Chamber of Advocacy of Albania, after having preliminary received the written approval of the local chamber of advocacy in the territory of which the period of traineeship is to be carried.

5. The candidate lawyer shall file the necessary documentation to the Chamber of Advocacy of Albania.

6. The Chamber of Advocacy of Albania, after verifying whether the submitted documents by the applicant are in full compliance with the criteria defined in this law, shall make his/her registration in the relevant register and shall equip him/her with the personal card of candidate advocate.

7. The personal card of candidate advocate shall contain these data:

- a) identity of the candidate;
- b) the local chamber of advocacy where the candidate will perform the traineeship;
- c) the personal number; and
- ç) the date of registration.

8. The candidate advocate is entitled to represent or defend the client in the phase of investigations, in the adjudication of criminal misdemeanours, with the authorization and presence of the advocate and, in each case, with the written consent of the client.

9. The documentation necessary for registration as candidate advocate shall be specified in the Statute of the Chamber of Advocacy of Albania.

#### Article 21

#### **Advocates qualification exam**

1. The candidate advocate that fulfils the criteria foreseen in article 13, paragraph 2, of this law, shall have the right to undergo the advocacy qualification exam.

2. The advocacy qualification exam is organised as a rule 2 (two) times a year by the Steering Committee of the Chamber of Advocacy of Albania.

3. The qualification examination for practicing the profession of advocate shall be conducted in front of a commission that is composed as follows:

- a) five members appointed by the Governing Committee of the National Chamber of Advocacy;
- b) the Head of Codification at the Ministry of Justice;
- c) an internal member of the academic staff of the School of Magistrates.

4. In the instance that the candidate advocate fails to successfully pass the qualification exam for the first time, he/she shall have the right to be subject to the next advocacy qualification exam, provided that a period of not less than six months has elapsed.

5. The candidate advocate may sit the advocacy qualification exam up to four times.

6. Detailed rules about the organization of the advocacy qualification exam and the manner of evaluation of exams, shall be set out in the Statute of the Chamber of Advocacy of Albania and in the regulation approved by the Steering Committee of the Chamber of Advocacy of Albania.

#### Article 22

##### **Exceptional cases**

1. The Steering Committee of the Chamber of Advocacy of Albania, with a voting majority, has the right to exclude from the obligation for sitting the advocacy qualification exam, according to article 13, paragraph 2, letter 'ë' of this law, for the person who wishes to practice the advocate's profession upon the request made by the latter. Cases of exemption from undergoing the advocacy qualification exam, shall be examined on a case by case basis, based on job seniority and professional skills as a jurist, scientific titles and degrees the person holds, as well as the special contribution provided in terms of drafting and improving the legislation in the Republic of Albania.

2. The persons that have worked for no less than 5 years as judges, prosecutors, as well as in the position of Head of legal professional structures of the Presidency, Assembly, Constitutional Court, High Court, Council of Ministers' apparatus, Ministry of Justice, State Advocacy, as well as internal academic staff of law courses at public or private higher education institutions shall be exempt from the obligation of undergoing the traineeship of the candidate advocate and from the participation in the initial training programme.

3. Detailed rules on the conditions and procedure of exemption from the obligation of giving the advocacy qualification exam, undergoing the traineeship at an advocate as well as participation in the initial training programme with the School of Advocates shall be defined in the Statute of the Chamber of Advocacy of Albania.

#### Article 23

##### **Foreign advocate**

1. The profession of advocate in the Republic of Albania may be exercised also by any Albanian or foreign citizen, who has gained the title of advocate in a member state of the European Union according to the regulations of that member state and has signed a cooperation contract with a legal studio in the Republic of Albania, recognized and registered as such with the Chamber of Advocacy of Albania and tax authorities.

2. The foreign advocate, who practices effectively and regularly attached to a legal studio, in compliance with paragraph 1 of this Article, for a period of not less than three years in the territory of the Republic of Albania, may seek from the Chamber of Advocates of Albania the right to independently practice the profession in the Republic of Albania.

3. The Chamber of Advocacy of Albania, after verifying fulfilment of the criteria set out in Article 13, paragraph 2, letters 'a', 'b', 'd' and 'dh', of this law, and after assessing knowledge and professional experience of the law of the Republic of Albania, including the rules regulating professional practice and ethics, issues a reasoned decision, which is notified to the applicant.

4. In the instances foreseen in paragraph 1 of this article, the name of the foreign advocate shall be established after the name of the legal studio recognised and registered in the Republic of Albania, accompanied by the words "... in cooperation with...".

5. The detailed rules on the conferral of the right to independently practice the profession from the foreign lawyer, as well as the rules on the cooperation of the foreign lawyer with the legal studios, in accordance with this law, shall be defined in the Statute of the Chamber of Advocates.

#### CHAPTER IV ORGANIZATION, STEERING BODIES AND COMPETENCES

##### Article 24 Organization of advocacy

1. Advocacy in the Republic of Albania is organized at two levels:

- a) at the central level; and
- b) at the local level.

2. At the central level, advocacy is represented by the Chamber of Advocacy of Albania, and at the local level, advocacy is represented by the local chambers of advocacy.

##### Article 25 Chamber of Advocacy of Albania

1. The Chamber of Advocacy of Albania represents the obligatory union of all members that have acquired the professional title of advocate in the Republic of Albania. It is responsible for the organization, functioning and control of the exercise of the profession of advocate in the Republic of Albania.

2. The Chamber of Advocacy of Albania is a legal person, with status created by special law and that performs its activity independently from the state.

3. The Chamber of Advocacy of Albania gains legal personality because of the law. Its registration with the competent authorities is made as per the manner defined in law.

4. The Chamber of Advocacy of Albania shall exercise these competences:

- a) issues acts and performs legal actions in connection with the exercise of the profession of advocate, binding for implementation by all members;
- b) has the right to acquire and to create movable and immovable property through legitimate sources within the territory of the Republic of Albania, which are registered and administered by it, according to the legislation in force;
- c) exercises its functions through the governing bodies and the administrative staff assigned for this purpose;

ç) distributes titles and decorations for advocates member of the Chamber of Advocacy of Albania, as well as outstanding personalities within the country or abroad, with precious contribution in the field of advocacy;

d) fulfils all duties imposed by this law and other laws that regulate state guaranteed legal aid.

5. More detailed rules on the organisation and functioning of the Chamber of Advocacy of Albania shall be set out in its statute.

#### Article 26

##### **Governing bodies of the Chamber of Advocacy of Albania**

The governing bodies of the Chamber of Advocacy of Albania are: the General Council of the Chamber of Advocacy of Albania, the Steering Committee of the Chamber of Advocacy of Albania and the Chairman of the Chamber of Advocacy of Albania.

#### Article 27

##### **General Council of the Chamber of Advocacy of Albania**

1. The General Council is the highest-level decision-making body of the Chamber of Advocacy of Albania.

2. The General Council shall be composed of representatives from all local chambers of advocacy, elected in accordance with the number of members of every local chamber, through elections organized for this purpose. The members of the General Council shall be elected for a term in office of 4 years.

3. The General Council shall exercise the following competences:

a) to approve the Statute of the Chamber of Advocacy of Albania and the Code of Ethics of Advocates;

b) to elect the Steering Committee and the President of the Chamber of Advocacy of Albania in its first meeting;

c) to elect, dismiss and replace the Chairperson and members of the Steering Committee;

ç) to elect, dismiss and replace the members of the Disciplinary Committee;

d) to issue legal acts of a general nature in compliance with the law;

dh) to set financial fees related to earning the title and the annual fee for practicing the profession of advocate;

e) to evaluate and approve the annual financial statements and annual the budget of the Chamber of Advocacy of Albania;

ë) to conduct analysis of activities of executive bodies of the Chamber of Advocacy of Albania in accordance with the law and Statute;

f) to exercise its powers regarding the guarantee and protection by all means of legal rights and interests of advocates and of local chambers of advocacy, in relation to each other, and between them and the courts, the prosecutor's offices and public bodies;

g) to confer titles and decorations in accordance with this law.

4. The decisions of the General Council defined in letters 'a', 'b', 'c', 'ç' and 'd' of paragraph 3 of this article shall be adopted with two thirds of the votes of all members of this Council. All other decisions set out in this Article shall be approved by a simple majority. The necessary quorum of the General Council, for the taking of decisions as per this law shall be 2/3 of all its members.

5. Rules on the organisation, functioning and the number of members of the General Council of the Chamber of Advocacy of Albania shall be defined in the Statute of the Chamber of Advocacy of Albania.

#### Article 28

##### **Steering Committee of the Chamber of Advocacy of Albania**

1. The Steering Committee of the Chamber of Advocates of Albania shall be elected by the General Council, by secret ballot, for a term of office of 4 years.

2. The Steering Committee shall exercise these competences:

a) to elect the Administrative Director of the Chamber of Advocacy of Albania in its first meeting, on the proposal of the chairman of the Chamber. The Administrative Director is a permanent function within a mandate of the Steering Committee;

b) to call the meetings of the General Council of the Chamber of Advocacy of Albania;

c) to draft and propose for approval the Statute and amendments of the Statute to the General Council;

ç) to draft and propose the Code of Ethics and its amendments and to submit for approval to the General Council;

d) to draft the yearly draft budget of the Chamber of Advocacy of Albania, which is submitted for review and approval by the General Council;

dh) to submit the annual financial statements to the General Council;

e) every beginning of the year, to prepare the list of defence lawyers for providing obligatory defence and to make it available to the proceeding body in accordance with the provisions of the Code of Criminal Procedure;

ë) to prepare the list of advocates that offer secondary legal aid services, in accordance with the legislation in force on state guaranteed legal aid;

f) to follow constantly the implementation of the decisions taken by the General Council;

g) to administer the funds and assets of the Chamber of Advocacy of Albania.

3. The rules of organisation and functioning and the number of members of the Steering Committee of the Chamber of Advocacy of Albania shall be determined in the Statute of the Chamber of Advocacy of Albania.

#### Article 29

##### **The Chairperson of the Chamber of Advocacy of Albania**

1. The Chairperson is the highest representative authority of the Chamber of Advocacy of Albania in relations with third parties within the country and abroad, as well as between local chambers of advocacy.
2. The Chairperson is elected for a four-year term with the right to re-election only once.
3. The Chairperson of the Chamber of Advocacy of Albania is simultaneously also the chair of the steering bodies of the chamber of advocacy of Albania, respectively the General Council and the Steering Committee of the Chamber of Advocacy of Albania.
4. Detailed rules on the manner of election, the competences, the rights and obligations of the Chairperson of the Chamber of Advocacy of Albania shall be defined by the Statute of the Chamber of Advocacy of Albania.

#### Article 30

##### **Local chamber of advocacy**

1. The local chamber of advocacy is the union of active and passive advocates operating within a given local unit.
2. The local chamber of advocacy is part of the Chamber of Advocacy of Albania. Its legal actions shall be carried out with the logo and name of the Chamber of Advocacy of Albania.
3. The number of local chambers of advocacy and their territorial spread throughout the territory of the Republic of Albania in connection with the number of advocates participating in them shall be defined by the General Council of the Chamber of Advocacy of Albania.

#### Article 31

##### **Steering bodies of the local chambers of advocacy**

The steering bodies of the local chambers of advocacy are: the General Meeting of the Local Chamber, the Steering Committee and the Chairman of the Local Chamber.

#### Article 32

##### **The General Meeting of the local chamber of advocacy**

1. The General Meeting of the Local Chamber of Advocacy is the highest-level governing body, which represents the meeting of all active advocates in the chamber jurisdiction. Advocates moved to the passive register of the local chamber have the right to participate in the general meeting of the local chamber without the right to vote and to be elected.
2. The General Meeting of the Local Chamber of Advocacy is presided by the Chairman.
3. The steering bodies are elected through a periodic and transparent process, in the framework of general elections organized under the auspices of the Chamber of Advocacy of Albania, according to this law.
4. The proposal, approval and voting on candidates for election to the local governing bodies and representation to the General Council of the Chamber of Advocacy of Albania shall be made based on transparent and direct procedures.



5. More detailed rules on the composition, election and functioning of the bodies of local chambers of advocacy shall be set out in the Statute of the Chamber of Advocacy of Albania and relevant regulations.

#### Article 33

#### **Competences of general meeting of the Local Chamber of Advocacy**

The General meeting of the Local Chamber of Advocacy shall exercise these competences:

- a) to elect the members of the steering committee of the local chamber, according to the number defined in the Statute of the Chamber of Advocacy of Albania, in relation to the number of members adhering to each chamber;
- b) to elect and dismiss the Chairman of the Local Chamber of Advocacy;
- c) to elect its representatives in the General Council of the Chamber of Advocacy of Albania;
- ç) to analyse the practice of the profession of advocate under the chamber jurisdiction and to protect the interests of its members. In the instance of identification of possible violations, through the superiors authorised by it, makes the relevant proposals before the steering bodies of the Chamber of Advocacy of Albania in order to improve the situation;
- d) to ensure active participation of the advocates, that are part of it, in the continuous training programs organised by the Chamber of Advocacy of Albania.

#### Article 34

#### **Competences of the Steering Committee of the local chamber of Advocacy**

1. The Steering Committee of the Local Chamber of Advocacy shall execute these competences:

- a) to call the General Meeting of the Local Chamber and take appropriate measures to ensure the participation in meetings;
- b) to address the requests made by candidate advocates under its jurisdiction, regarding fulfilment of the legal obligation to complete the traineeship of the candidate advocate, and when in accordance with the law, issue the respective certificate, as part of legal documentation for registration;
- c) to monitor and control the activity of the candidate advocate during the traineeship period;
- ç) to maintain the register of advocates operating under its jurisdiction and reflect all changes with regard to their transfer and the mutual transition of advocates from the active register to the passive register, and vice versa;
- d) to oversee the selection of the advocates that shall offer secondary legal aid services, in accordance with the principle of rotation, in compliance with the legislation in force on state guaranteed legal aid;
- dh) to examine the requests made by the members of the local chamber, and when deemed appropriate, to submit the request for review and decision-making to the Steering Committee of the Chamber of Advocacy of Albania.

2. The competences of the chairman and the secretary of the local chamber of advocacy shall be defined by the Statute of the Chamber of Advocacy of Albania.

CHAPTER V  
**REGISTERS OF ADVOCATES**

Article 35  
**Registers of the Chamber of Advocacy of Albania**

1. The register of advocates of Albania shall be maintained by the Chamber of Advocacy of Albania, in a written and electronic format. The register of advocates shall consist of two parts:

a) register of active advocates, and

b) register of passive advocates.

2. The register of advocates for the two categories foreseen in paragraph 1 of this Article shall be kept separate for the local chambers of advocacy.

3. The register of active advocates shall contain data on all active advocates practicing within the territory of the Republic of Albania or abroad. The register of active advocates shall also reflect the following data:

a) identity, date of birth and address of the legal office or studio where the advocate practices his/her profession;

b) identification number of the certificate of the title of advocate and date of commencement of practice of the profession;

c) Unique identification number of the subject (NUIS);

ç) periods of suspension of practice of the profession and causes of suspension;

d) higher education institution where the advocate completed higher education, number of academic register and type of diploma held;

dh) scientific titles and degrees;

e) foreign languages studied;

ë) disciplinary measures against him/her;

f) data in relation to continuous training program;

g) other data according to the decision of the Steering Committee of the Chamber of Advocates of Albania.

4. The register of passive advocates contains data on all passive advocates.

In this register are reflected the data foreseen in letters “a”, “b”, “d”, “dh”, “e”, “ë” and “g”, of paragraph 3, of this Article.

5. The retention and processing of personal data contained in the registers of the Chamber of Advocates of Albania shall be done in accordance with the legislation in force on the protection of personal data.

6. The modalities of establishment and administration of the register of advocates of Albania shall be defined in the Statute of the Chamber of Advocacy of Albania.

#### Article 36

##### **Registers of the local chamber of advocacy**

1. Each local chamber of advocacy shall keep the register of advocates under the jurisdiction of the local chamber, in a written and electronic format. The registration of advocates at the local chambers of advocacy shall consist of two parts:

- a) register of active advocates; and
- b) register of passive advocates.

2. The register of advocates of local chambers shall reflect the following data:

- a) identity, date of birth and address of the legal office or studio where the advocate practices the profession;
- b) number of the certificate of title of advocate;
- c) date of commencement of practicing the profession;
- ç) Unique identification number of the subject (NUIS);
- d) data in relation to attending the continuous training program.

3. The register of passive advocates shall contain data on all passive advocates. In this register shall be reflected the data foreseen in letters “a”, “b” and “c” of paragraph 2 of this article.

4. The local chambers of Advocacy shall forward at least twice a year the data of the register of advocates maintained as per this article, to the Chamber of Advocates of Albania.

5. The retention and processing of personal data contained in the registers of the local chambers of advocates shall be done in accordance with the legislation in force on the protection of personal data.

#### Article 37

##### **Registers of candidate advocates**

1. The register of candidate advocates shall be kept at the Chamber of Advocacy of Albania. Following registration of the candidate advocate and his/her equipment with the personal card of “candidate advocate”, the Chamber of Advocacy of Albania shall reflect the data in the register of candidate advocates.

2. The register of candidate advocates shall contain the following data:

- a) identity and date of birth;
- b) higher education institution where the candidate has completed studies;
- c) local chamber of advocacy and data of the legal office or studio where the candidate advocate carries out the traineeship;
- ç) identity card number of the candidate advocate;
- d) beginning and completion date of the traineeship of the candidate advocate;
- dh) number of the academic register and type of diploma held.

3. The retention and processing of personal data contained in the register of candidate advocates shall be done in accordance with the legislation in force on the protection of personal data.

#### Article 38

##### **Personal dossier of the advocate**

- 1. The Chamber of Advocacy of Albania, in addition to the advocacy registers, shall maintain the personal dossier of each advocate.
- 2. The personal dossier of the advocate shall include the documentation deposited by the candidate advocate for acquiring the title of advocate, according to the rules established in the Statute of the Chamber of Advocacy of Albania. The personal dossier of the advocate may be updated during the practice of the profession of advocate with additional documents, based on the request of the advocate himself/herself.
- 3. The personal dossier of the advocate is irreversible and inalienable, even in the instance when this is request by the advocate himself/herself.
- 4. The retention and processing of personal data contained in the personal dossier of the advocate shall be done in accordance with the legislation in force on the protection of personal data.

#### CHAPTER VI

##### **DISCIPLINARY PROCEEDINGS AGAINST THE ADVOCATE**

#### Article 39

##### **Causes for initiation of disciplinary proceedings**

A disciplinary proceeding against an advocate shall begin based on a complaint filed by the subjects foreseen in article 40 of this law and are classified in:

- a) "advocate's professional misconduct", which includes actions contrary to legal provisions or regulations, by-laws, statute and the Advocate's Code of Ethics;

- b) "inappropriate professional services", which includes actions or omissions toward the client, which are significantly below the level of service expected by the advocate;
- c) "non-provision of state guaranteed legal aid service", including the inappropriate non-provision of legal aid services to beneficiaries of secondary legal aid according to the legislation in force on state guaranteed legal aid.

#### Article 40

##### **Initiators of disciplinary proceedings**

1. The advocate shall be subject to disciplinary proceedings if acting contrary to the rules laid down in the laws and regulations governing the advocate's profession.
2. The right to request initiation of disciplinary proceedings against the advocate belongs to:
  - a) each client who benefits from the service of advocacy and his/her relatives, whose interests are substantially violated by the service;
  - b) the Minister of Justice;
  - c) judges and prosecutors;
  - ç) taxation administration organs;
  - d) steering bodies of the Chamber of Advocacy of Albania and of the local chambers of advocacy;
  - dh) any advocate with regard to another advocate;
  - e) any interested subject who has been in a service relationship with the advocate;
  - ë) other state bodies as provided by special law.
3. Complaints may be filed within 1 year from the date of action or misconduct of the advocate, or the date of identification of the action or misconduct of the advocate, but in any case, not later than 2 (two) years from the time of occurrence of that violation. After this time limit, the complainant has the right to ask the Commissioner of Complaints to reinstate the time limits in accordance with the Administrative Procedures Code.
4. The disciplinary proceeding shall be finished within 6 (six) months from the date of filing the complaint. This time period may be extended for a period of no more than 1 year from the date of filing the complaint, with the written consent of the complainant and advocate, or by the Commissioner of Complaints himself/herself, when there are reasonable grounds for the extension.

#### Article 41

##### **Filing of complaints**

1. Complaints for any misconduct or action of the advocate shall be delivered to the Chairman of the Chamber of Advocacy of Albania, who within 5 (five) days, shall submit the complaint to the Commissioner of Complaints, along with a related notification for the complainant.

2. If the Chairman of the Chamber of Advocacy of Albania does not submit the complaint within the term specified in paragraph 1 of this Article, the complainant has the right to submit it directly to the Commissioner of Complaints.

#### Article 42

#### **Commissioner of Complaints**

1. The Commissioner of Complaints is appointed by the Steering Committee of the Chamber of Advocacy of Albania from among persons with high moral and professional integrity. The criteria for appointment, dismissal, the status, and the procedures for the exercise of the responsibilities by the Commissioner of Complaints shall be defined in the statute of the Chamber of Advocacy of Albania.

2. The Commissioner of Complaints is responsible for initiating or non-initiating disciplinary proceedings, as well as for an administrative review and investigation of filed complaints within 30 (thirty) days from the date of registration of the complaint. At the end of this period, the Commissioner of Complaints prepares a detailed report regarding the carried out administrative investigation, based on the complaint, and delivers it to the Disciplinary Committee, along with a related notification to the parties subject of the complainant. This notice may be made in written or electronic form.

3. The Commissioner of Complaints has the following responsibilities:

- a) to inform and assist the complainant during the process of preparation of the complaint;
- b) to register and verify whether the complaint fulfils the criteria foreseen in paragraphs 1 and 2 of article 40 of this Law;
- c) to reject complaints that do not meet the criteria/requirements set out in paragraphs 1 and 2 of article 40 of this law;
- ç) to inform the complainant about the rejection of the complaint and the right to file an appeal against the decision on refusal before the Disciplinary Committee;
- d) to request from the advocate, subject to the complaint, written explanations regarding the complaint, within a period of 15 (fifteen) days from the date of notification;
- dh) to submit to the Disciplinary Committee the report foreseen in paragraph 2 of this article;
- e) to report to the Disciplinary Committee whenever the latter deems it necessary;
- ë) to accomplish his/her duties in accordance with the legislation in force and the Statute of the Chamber of Advocacy of Albania.

4. When the Commissioner of Complaints does not comply with the time limit under paragraph 2 of this Article, the complainant or the Minister of Justice, in the instance when the complaint has been filed by the judge, has the right to submit the complaint directly to the Disciplinary Committee, within 15 (fifteen) days from expiry of the time-limit defined in paragraph 2 of this article. The Disciplinary Committee, after verifying breach of time limits, shall assign one of its members as the rapporteur of the case. The assigned rapporteur shall

exercise the responsibilities of the Commissioner of Complaints and shall not take part in the final voting of the Committee.

5. Against the decision of the Commissioner of Complaints may be made an appeal to the Disciplinary Committee within 15 (fifteen) days from the date of notification of the decision, by the complainant or by the Minister of Justice, in the instance of a complaint filed by the judge.

#### Article 43

#### **Composition, competences and decision-making of the Disciplinary Committee**

1. The Disciplinary Committee is a collegial body which enjoys legal personality through the Chamber of Advocacy of Albania.

2. The Disciplinary Committee is composed of:

a) 7 (seven) active advocates elected by secret ballot by the General Council of the Chamber of Advocacy of Albania. The Member of the Disciplinary Committee elected according to this paragraph may not carry out other steering duties in the steering bodies of the Advocacy Chamber of Albania;

b) a representative of the High Judicial Council;

c) a representative of the High Prosecutorial Council;

ç) a representative of the Ministry of Justice;

d) a representative of civil society or academia in the field of law.

The criteria and procedures of election of the representatives foreseen in letters 'a' and 'd' of this paragraph, shall be determined in the Statute and Regulation of the Chamber of Advocacy of Albania.

3. The Chairperson of the Disciplinary Committee shall be elected by the Steering Committee of the Chamber of Advocacy of Albania among the members elected in accordance with letter "a" of paragraph 2 of this Article. The Chairperson and the members of the Disciplinary Committee, elected as per letter 'a' of paragraph 2 of this article, shall be elected for a term of officer of four years with the right of re-election only once.

4. The Disciplinary Committee exercises these responsibilities:

a) examines the decisions of the Commissioner of Complaints regarding:

(i) the admissibility of the complaint and adoption of the disciplinary measure against the advocate;

(ii) the rejection of the complaint.

b) in case it decides to accept the complaint refused by the Commissioner of Complaints and to initiate the examination of the filed complaint, it appoints 1 (one) of its members as rapporteur of the case. The assigned rapporteur shall exercise the responsibilities of the Commissioner of Complaints and shall not take part in the final voting of the Disciplinary Committee.

5. The Disciplinary Committee holds meetings when the majority of members with voting right are present. The decisions of the Disciplinary Committee shall be taken by a majority of votes of the members present in the meeting.

6. The Disciplinary Committee shall examine the complaint and take a decision within 30 (thirty) days from the date of filing of the complaint. The reasoned decision shall be notified to the complainant and the advocate, party to the disciplinary proceeding.

7. Detailed rules on the conduct of the disciplinary proceeding, of the functioning of the Disciplinary Committee, modalities of the exercise of its responsibilities, as well as the remuneration of member, shall be set out in the Statute of the National Chamber of Advocacy and in the regulation on the disciplinary proceeding approved by the General Council of the Chamber of Advocacy of Albania.

#### Article 44

#### **Principles of the disciplinary proceeding**

1. The disciplinary measures shall be reasoned and taken based on a transparent procedure and in accordance with the right to a due process ensuring the right to be informed, to seek explanations about the facts, to be heard and to be defended. The principle of proportionality is the basic principle when imposing the disciplinary measure.

2. The parties to a disciplinary proceeding have the right to appear and to furnish explanations in the hearing by themselves or through representation with third parties. If one or both parties do not appear in the hearing without reasonable grounds, the Disciplinary Committee of the National Chamber of Advocacy will examine the case and take a decision in their absentia.

3. The explanations of the parties and testimonies in the hearing may be given verbally or in writing.

4. The advocate, subject to the disciplinary proceeding, shall present in writing his explanations on the complaint within a period of 15 (fifteen) days from the date when the notice is received. The notice for this purpose may be made by way of mail or electronic means. The absence of explanations to be submitted by the advocate does not constitute a ground for the interruption/suspension of a disciplinary proceeding.

5. The Disciplinary Committee of the Chamber of Advocacy of Albania accepts the testimonies of witnesses and documents presented before it, in the quality of evidence and deems them according to the belief established after their thorough review. The disciplinary proceeding shall be dealt only within the scope of the advocate's complaint application.

6. In each case, the examination in the disciplinary proceeding shall refer to the abuse of the right to practice the advocate's profession breaching the provisions of the law on advocacy, the Statute and Advocate's Code of Ethics. It cannot treat the complaint petitions in relation to civil disputes between the parties, whose adjudication is carried out in accordance to the provisions of the civil procedural legislation in force.

7. In case of criminal proceedings that emerge from the same circumstances as those leading to a disciplinary proceeding, the latter shall be suspended, and the time limit shall be extended until the termination of the criminal proceeding and every criminal sentence shall be deemed admissible in the disciplinary proceeding.

8. In complicated cases, the Commissioner of Complaints is entitled that to assign an advocate to co-represent the case against the advocate subject to complaint before the Disciplinary Committee.



Article 45

**Disciplinary measures**

1. The disciplinary measures shall be adopted based on the nature and gravity of the offence. The decision may provide for a measure consisting of two or more types of disciplinary measures, if appropriate and proportional to the violation.

2. As regards the violations classified as non-professional behaviours according to the provisions of article 39 letter "a" of this law and which do not constitute a ground to be subject to evaluation under article 46 of this law, the Disciplinary Committee shall take one of the following disciplinary measures:

- a) fine in the amount from 10 000 up to 1 000 000 ALL;
- b) restitution of the payment benefitted, in accordance with the share of unrealized service to the client;
- c) ordering the advocate to be subject to the exam in relation to professional ethics, within a specific period, in accordance with the rules set out in the Statute of the Chamber of Advocacy of Albania;
- ç) ordering the advocate to conduct additional continuous training, including also training in a special field of law;
- d) written reprimand;
- dh) counselling about proper behaviour in the future;
- e) obligation to apologize in writing to the complainant.

3. As regards the violations classified as improper professional service according to the provisions of article 39, letter "b", of this law, the Disciplinary Committee shall adopt one of the following disciplinary measures:

- a) obligation to apologize in writing to the complainant;
- b) restitution of the payment benefitted, in accordance with the share of unrealized service to the client;
- c) ordering the advocate to conduct supplementary continuous training, including also training in a special field of law;

4. The decision of the Disciplinary Committee which has become final constitutes an executive title. The enforcement of disciplinary measures, with the status of executive title shall be realized in accordance with the provisions of the Civil Procedure Code. The actions of the enforcement of disciplinary measures shall be supervised by the Chamber of Advocacy of Albania.

Article 46

**Revocation of the title and suspension of the permit to practice the profession**

1. The Disciplinary Committee of the Chamber of Advocacy of Albania, ex officio or upon the proposal of the local chamber of advocacy, courts, prosecutors' office, Ministry of Justice or concerned parties, in accordance

with article 40 of this law, shall be entitled to revoke the professional title of advocate, if one of the following cases is proven:

- a) the title of advocate was acquired in contravention to the requirements provided for in article 13 of this law;
- b) the advocate has used falsified documents to acquire the professional title of advocate;
- c) the advocate has seriously and repeatedly violated the legal obligations for practicing the profession of advocate foreseen in the procedural legislation in force, this law and the bylaws issued in its effectuation;
- ç) the advocate has been convicted by a final court decision:
  - (i) for a criminal offence committed intentionally, for which he/she is not expunged;
  - (ii) for a criminal offence committed by negligence, for which he/she has not been expunged and which impinges on the figure and integrity of the profession of advocate, as defined in the Statute of the Chamber of Advocacy of Albania;
  - (iii) for a criminal offence committed intentionally, for which he/she is expunged, when the criminal offence impinges on the figure and integrity of the profession of advocate, as defined in the Statute of the Chamber of Advocacy of Albania.

2. The Disciplinary Committee of the Chamber of Advocacy of Albania, ex officio or upon the proposal of the local chamber of advocacy, courts, prosecutor's office, Ministry of Justice or concerned parties in accordance with article 40 of this law, is entitled to suspend the permit to practice the profession for a time period from two months up to two years, when it is proven one of the following instances:

- a) the advocate has violated the legal obligations for practicing the profession of advocate foreseen in the legislation in force, this law and the bylaws issued in its effectuation;
- b) a criminal proceeding has been instituted against the advocate, evaluated in accordance with paragraph 7 of article 44 of this law;
- c) the advocate has not paid the membership contribution imposed by the Chamber of Advocacy of Albania;
- ç) the advocate suffers from mental or physical diseases, which render impossible the normal practice of the profession;
- d) the advocate is declared bankrupt, as long as the bankruptcy situation lasts.

3. Foreign advocates, that practice the profession of advocate in the territory of the Republic of Albania, according to the criteria of Article 23 of this law, save the general cases provided for in this article, have the right to practice the profession of advocate in the Republic of Albania removed, in the instance that against him/her was imposed the removal of the right to practice the profession of advocate in his/her state of origin.

4. The decision of the Disciplinary Committee of the Chamber of Advocacy of Albania for imposing a disciplinary measure on the foreign lawyer, shall be notified to the competent organs of the country of origin of that lawyer.

## Article 47

**Additional remedies and costs**

1. The Disciplinary Committee, in addition to the disciplinary measures provided for in this law, may order the advocate to undertake the necessary measures to remedy the situation emerged due to inadequacy of actions carried out by him/her, which constituted disciplinary infringements.
2. The Disciplinary Committee, in the event of the carrying out of additional actions for the purposes of the disciplinary proceeding which incur financial costs, may order the advocate to afford, by his/her own means, the amount of the costs incurred. The calculation of these costs shall be made in accordance to the rules defined by decision of the Steering Committee of the Chamber of Advocates of Albania.

## Article 48

**Registration and publications of disciplinary decisions**

1. The Chamber of Advocacy of Albania shall register decisions on the imposition of disciplinary measures against the advocates, in the register administered for that purpose. The format and manner of upkeep of the register of disciplinary measures shall be defined in the Statute of the Chamber of Advocacy of Albania.
2. Copies of the decision of the Disciplinary Committee for the imposition of disciplinary measures shall be made available to the subjects that have initiated the process and shall be published on the official website of the Chamber, while safeguarding the anonymity of advocates.
3. The Chamber of Advocacy of Albania shall have the obligation to make known to all the justice bodies and to those of the criminal proceeding the decisions of suspension or revocation of the title of advocate.

## Article 49

**Extinguishment of disciplinary sanctions**

1. Disciplinary measures foreseen in this law shall be considered extinguished in the instances when from the date of their imposition:
  - a) 3 years have passed from the date of notification, for disciplinary measure foreseen in article 45 of this law and the disciplinary measure of suspension of the practice of the profession, foreseen in article 46 paragraph 2 letter "b" of this law;
  - b) 5 years have passed from the date of notification, for the disciplinary measure of suspension of the practice of the profession, foreseen in article 46 paragraph 2 letter "a" of this law;
  - c) 15 years have passed from the date of notification, for the disciplinary measure of removal of the professional title of advocate, foreseen in article 46 paragraph 1 of this law;
2. The disciplinary measures of suspension of the permit for practicing the profession, foreseen in article 46 paragraph 2 letters "b", "ç" and "d" of this law shall not be registered in the register of disciplinary decisions. The disciplinary measures taken in the aforementioned instances shall become part of the personal dossier of the advocate.

## Article 50

### **Right to appeal**

The parties to a disciplinary proceeding shall have the right to submit an appeal according to the following provisions:

- a) against the decision of the Disciplinary Committee for suspension of the permit of practicing the profession of advocate and/or removal of the title of advocate as per Article 46 of this law, the advocate shall have the right to file an appeal before the competent court within 45 (forty-five) days of receipt of notification. The filing of the appeal does not suspend the decision of the Disciplinary Committee for the removal of the title or suspension of the permit of practicing the profession of advocate, unless the suspension is decided by the court;
- b) against the decision of the Disciplinary Committee as per Article 45 of this Law, the complainant and the lawyer have the right to file an appeal before the competent court, within 45 (forty-five) days of receipt of notification;
- c) against the decision of refusal of the complaint by the Commissioner of Complaints, an appeal may be filed within 15 days of receipt of notification in accordance with paragraph 5 of article 42 of this law. Against the decision of the Disciplinary Committee, an appeal may be filed to the competent court within 15 days of receipt of notification;
- ç) against the decision of refusal or suspension of the case by the Disciplinary Board, an appeal may be filed to the competent court within 45 days of receipt of notification.

#### Article 51

### **Competent court**

The Administrative First Instance Court of Tirana shall be the competent court to examine administrative disputes arising against decisions of the Disciplinary Committee foreseen by this law.

## CHAPTER VII

### **PROFESSIONAL EDUCATION OF ADVOCATES**

#### Article 52

### **Professional training system**

1. The Chamber of Advocacy of Albania is the only authority being responsible for drafting and developing the strategy of the professional education of advocates in the Republic of Albania. It has the duty that through a unified system, it shall coordinate the conduct of professional training seminars, including all advocates practicing the profession. The training system is oriented on the basis of the compulsory attendance by each advocate, for a specific period of time under provisions of the relevant Statute and Regulation on training seminars.
2. The training program is drafted in two main aspects, specifically:
  - a) initial training organized for the candidate advocates;
  - b) continuous training for the advocates practicing their profession.

3. The Chamber of Advocacy of Albania concludes cooperation agreements with the steering bodies of the professions providing legal services concerning organisation of common or specific trainings on these professions by the School of Advocates.

Article 53  
**Initial training**

1. The initial training is part of the professional education program, which aims to professionally develop the candidate advocates with adequate theoretical and practical professional knowledge, with a view of his/her access to the profession of advocate.
2. The initial training is a legal requirement to acquire the professional title of advocate.
3. The initial training of the candidate advocate is organized through programs drafted and certified by the Scientific Committee of the School of Advocates, which acts as a specialized unit of the Chamber of Advocacy of Albania.
4. By the end of the initial training program, the candidate advocate shall be supplied with the relevant certificate for this purpose.
5. Detailed rules on the contents and organisation of the initial training programme, attendance in training, duration and the manner of its conduct, the selection criteria, remuneration of trainers as well as evaluation of their performance shall be defined in the Statute of the Chamber of Advocacy of Albania.

Article 54  
**Continuous training**

1. The continuous training program aims to update the advocates with specific professional theoretical and practical knowledge. The attendance of continuous training program shall be compulsory for every advocate and upon the fulfilment of obligation, the advocate shall be supplied with the relevant certificate by the Chamber of Advocacy of Albania.
2. Advocates that offer defence to minors in conflict with the law or child victims shall undergo specialised training on criminal justice for children, as per the legislation in force.
3. The advocates to be included in the list of the Chamber of Advocacy of Albania to offer secondary legal aid services, shall undergo specific training on fields of law that relate to the categories benefiting secondary legal aid as per the legislation in force on state guaranteed legal aid.
4. Delivery of 'pro bono' advocacy services shall be recognised as credits in the fulfilment of the obligation for continuous training.
5. Non-attendance of continuous training programs from the advocate constitutes a ground for the initiation of the disciplinary proceeding against him/her.
6. The Scientific Committee of the School of Advocacy may determine criteria for the exclusion of certain categories of advocates from the obligation to attend continuous training. These criteria are related to the

advocate's job seniority and professionalism, scientific titles and degrees he/she holds and other criteria which may be assessed by this body.

7. Detailed rules on the organization, participation and method of the development of continuous training, as well for recognising 'pro bono' services into credits of continuous training shall be specified in the Statute of the Chamber of Advocacy of Albania and the School Regulation.

#### Article 55

#### **School of Advocacy**

1. The School of Advocacy aims to organize, prepare and implement the initial professional training programs of candidate advocates, as well as the continuous training programs for every advocate practicing the profession. The School of Advocacy is organized and functions as a structure of the Chamber of Advocacy of Albania and enjoys academic independence. The academic independence shall be guaranteed through academic scientific staff comprising the Scientific Committee of the School.

2. The Scientific Committee of the School of Advocacy is elected by the Steering Committee of the National Chamber of Advocacy, upon the proposal of the Chairperson of the Chamber of Advocacy of Albania, based on the criteria defined in the Statute of the Chamber and in the regulation of the School of Advocacy.

3. Detailed rules on the organization and functioning of the School of Advocacy, method of registration and number of participants in the training shall be specified in the school regulation approved by the General Council of the Chamber of Advocacy of Albania.

### CHAPTER VIII

#### **TRANSITORY AND FINAL PROVISIONS**

#### Article 56

#### **Transitory provisions**

1. Steering bodies of the National Chamber of Advocacy and of the local chambers of advocacy, elected in accordance with the provisions of law no. 9109, dated 17.7.2003, "On the profession of advocate in the Republic of Albania", as amended, remain in office until the end of the mandate.

2. The disciplinary procedures initiated and/or in process, in the day of entry into force of this law shall be completed in accordance to the provisions applicable before the entry into force of this law.

3. Candidate advocates that have initiated the professional traineeship before the entry into force of this law, shall be considered the same also in the meaning of this law and shall continue with the conclusion of the traineeship in accordance with the prior provisions.

4. The mandate of members of the Disciplinary Committee of the National Chamber of Advocates elected in accordance with the provisions of law no. 9109, dated 17.7.2003, "On the profession of advocate in the Republic of Albania", as amended, shall continue until the establishment of the High Judicial Council and the High Council of Prosecutor's Office.

5. The requirement for professional insurance contract, defined in articles 8 letter 'k' and 12 paragraph 1 letter 'ç' of this law shall be effectuated 1 year after publication of this law in the Official Journal.

6. The change of denomination of the steering forums of the Chamber of Advocacy of Albania and local chambers of advocacy shall enter into effect at the moment of entry into force of this law.

7. As many times as in the specific laws is referred to the term 'National Chamber of Advocacy' the reference is considered made to the 'Chamber of Advocacy of Albania'.

Article 57  
**Sublegal acts**

1. The Minister of Justice and the Chairperson of the Chamber of Advocacy shall be tasked with issuing the sublegal act in compliance with Article 16 paragraph 3 of this law, within 6 (six) months from the entry into force of this law.

2. The Minister of Justice and the minister responsible for Finance shall be tasked with approving the sublegal act in compliance with Article 16, paragraph 1, letter "c" of this law, within 6 (six) months from the entry into force of this law.

3. The Chamber of Advocacy of Albania within 6 (six) months after entry into force of this law shall take the measures for amending its statute, as well as the approval of the bylaws, in compliance with the provisions of this law.

Article 58  
**Repeals**

1. Law no. 9109, dated 17.7.2003, "On the profession of advocate in the Republic of Albania", as amended, is repealed.

2. Sublegal acts adopted pursuant to law no. 9109/2003, dated 17/7/2003, "On the profession of advocate in the Republic of Albania", remain in effect until the adoption of new sublegal acts, so long as they do not contradict the provisions of this law.

Article 59  
**Entry into force**

This law enters into force 15 days after its publication in the Official Gazette.

*Approved on 23.7.2018*