

Decision of the general council of 1 December 2014 establishing the legal profession regulation (Legal Profession Regulations)

The general council;

Having regard to Section 4(1)(c), and Section 60(2) of the Dutch Act on Advocates (*Advocatenwet*);

Having regard to Article 2.27, Article 2.28, Article 2.29, Article 2.30, Article 2.35, Article 2.36, Article 3.5, Article 3.14, Article 3.25, paragraph 5, Article 4.4, paragraph 5, Article 4.8, paragraph 2, Article 4.10, paragraph 2, Article 4.12, paragraph 2, Article 4.14, paragraph 2, Article 5.12, paragraph 3, Article 6.2, paragraph 2, Article 6.4, paragraph 2, Article 6.6, Article 6.16, paragraph 2, Article 6.22, paragraph 10, and Article 6.24, paragraph 5 of the Legal Profession Bye-Law;

adopts the following regulation:

[1] As amended by a decision of the general council of 14 December 2014, by a decision of the general council of 22 January 2015, by a decision of the general council of 9 March 2015 (amendment to Article 32 of the Legal Profession Regulation), by a decision of the general council of 7 December 2015, by a decision of the general council of 6 June 2017 (collective regulation 2016) and by a decision of the general council of 27 November 2017 (amending regulation category 2 financial contribution).

Chapter 1 Definitions

Article 1 Definitions

In this regulation the term Bye-Law means: the Legal Profession Bye-Law.

Chapter 2 Financial provisions

Paragraph 2.1 Financial contribution

Article 2 Classification in categories

1. An advocate is classified under category 1 for the financial contribution referred to in Section 32(2) of the Act on Advocates.

2. In derogation of the provisions of paragraph 1, for the financial contribution referred to in Section 32(2) of the Act on Advocates, an advocate will be classified under category 2 if:

- a. they prove that their gross income in the second year preceding the year in question was equal to or less than €37,000; or

b. on 1 January of the year in question they had not yet been registered with the Netherlands Bar for a total of three years.

3. Classification in category 2 exclusively pursuant to paragraph 2(b) will not apply to any advocate registered pursuant to Section 1 in conjunction with Section 2a of the Act on Advocates.

4. Any advocate who on 1 January of the year in question is registered pursuant to Section 16h of the Act on Advocates will be governed by the provision of subsections 1 and 2(a) by analogy.

Article 3 Calculation of gross income

1. The gross income referred to in Article 2(2)(a) will include all gross income from work, regardless of whether this is related to the legal profession, plus any benefit received under the Unemployment Insurance Act (*Werkloosheidswet*, “WW”) or Sickness Benefits Act (*Ziektewet*, “ZW”). The following do not need to be considered as other gross income from work:

- a. pension, early retirement and incapacity for work benefits (Invalidity Insurance Act, *Wet op de arbeidsongeschiktheidsverzekering*, “WAO”, Work and Income According to Labour Capacity Act, *Wet werk en inkomen naar arbeidsvermogen*, “WIA”, etc.);
- b. interest payments on capital contributed to a practising legal entity;
- c. cessation profit.

2. If the gross income includes one of the elements mentioned in paragraph 1, parts (a) to (c), then the advocate will make separate mention of this.

3. In addition to paragraph 1, for any advocate practising as self-employed the gross practice profit after deduction of practice costs only will count towards the gross income referred to in Article 2, paragraph 2(a). The following cannot be deducted from the gross practice profit:

- a. tax deductions including self-employed persons’ deduction, investment credit, SME profit exemption, the general expenses fully or partially excluded from deduction under the Income Tax Act 2001 (*Wet inkomstenbelasting*), etc.;
- b. national insurance contributions on the self-employed person’s income;
- c. contribution for disability insurance;
- d. income tax on the self-employed person’s income;

4. In addition to paragraph 1, for any advocate practising through the vehicle of a practising legal entity the gross practice profit, after deduction of practice costs only, will count towards the gross income referred to in Article 2, paragraph 2(a). The following will not count towards practice costs:

- a. the salary of the advocate/shareholder,
- b. the social security charges and pension charges pertaining directly to this salary and

- c. the corporation tax owed by the company;
- d. the general costs fully or partially excluded from deduction under the Income Tax Act 2001.

5. In addition to paragraph 1, for any advocate practising as an employee the following will count towards the gross income referred to in Article 2, paragraph 2(a): all income from work before levy of national insurance contributions and wage tax or income tax. This includes: all income subject to wage tax – including options on shares – and the addition to taxable income from a company car.

Article 4 Evidence of gross income

1. Objections to classification in category 1, referred to in Article 2, paragraph 1, will be accompanied by a copy of all pages relating to Box 1 and Box 2 of the (electronic) income tax return for the year in question and, for businesses, a copy of the electronic business income tax return for the year in question.

2. If the advocate finds it problematic to send the documents referred to in paragraph 1, a statement from a registered accountant or an accounting consultant will suffice.

3. The statement from a registered accountant or an accounting consultant must mention the following as a minimum:

- a. the advocate's name;
- b. the amount of the audited gross income from work;
- c. the year for which the audit took place and on which the gross income from work is calculated;
- d. that the gross income from work for the year in question was established based on the filed income tax return and, for businesses, based on the filed business income tax return;
- e. that the amount of gross income from work for the year in question has been calculated in accordance with the method set out in Article 3 of the Legal Profession Regulation.

Paragraph 2.2 Attendance fees and payments

Article 5 Level of attendance fee

1. The attendance fee referred to in Article 2.31, paragraph 1 of the Bye-Law is:

- a. for a meeting of the Advisory Board: €500;
- b. for a meeting of the Board of Representatives or the finance committee: €250;
- c. for a session of the disciplinary court: €393; for a session of the disciplinary board: €299;
- d. for an editorial meeting of the *Advocatenblad* (advocates gazette): €160;
- e. for a test by the cassation committee for:
 - an examination: €500
 - a test of competence: €750
- f. for a meeting of the board of the Foundation for the Vocational Training of Advocates, per half-day session: €500.

2. Several meetings, sessions or tests in one day will be seen as one meeting, session or test.

3. If different attendance fees apply in one day, the highest amount will be awarded once only.

Article 6 Remuneration of clerk of the disciplinary board

The clerk of the disciplinary board will receive the fees and other disbursements referred to in Section 50a(2) of the Act on Advocates, from the Foundation for the Support of Disciplinary Tribunals for the Legal Profession (*Stichting Ondersteuning Tuchtcolleges Advocatuur*).

Article 7 Remuneration of clerk of the disciplinary court

The clerk of the disciplinary court will receive the fees and other disbursements referred to in Section 60(2) of the Act on Advocates, from the Foundation for the Support of Disciplinary Tribunals for the Legal Profession (*Stichting Ondersteuning Tuchtcolleges Advocatuur*).

Article 8 Travelling allowance

1.	Travelling expenses within the Netherlands will be reimbursed for no more than:	
a.		for train travel: the costs for first class travel;
b.		for travel by car: €0.39 allowance per kilometre, plus parking charges;
c.		the tram, bus, metro or taxi charges at the place of departure and arrival and during the stay.
2.	Travelling expenses abroad will be reimbursed for no more than:	
a.		for train travel: the costs for first class travel with an allowance for international trains and sleeping cars;
b.		for air travel: the costs of a flight ticket in (premium) economy, unless the general council is of the opinion that, in view of the purpose of the trip and the other circumstances of the case, the costs of flying in another class should be reimbursed, plus airport parking charges;
c.		for travel by car: €0.39 allowance per kilometre, on the understanding that for journeys of more than 700 kilometres, only the costs of public transport will be reimbursed;
d.		the tram, bus, metro or taxi charges at the place of departure and arrival and during the stay.

Paragraph 2.3 Rules on expense claims

Article 9 Claiming expenses

1. Anyone who is entitled to an allowance as referred to in paragraph 2.2.3 of the Bye-Law must submit an expense claim to the general council for reimbursement.
2. The expense claim will be submitted within six months of the end of a quarter in which expenses are incurred or the right to an allowance or attendance fee has been established. Expense claims submitted after this date will not be processed.
3. The expense claim will be accompanied by adequate records.

Paragraph 2.4 Fees

Article 10 Cassation examination fee

Any advocate taking the examination referred to in Article 4.12 of the Bye-Law will owe the general council a fee of €1100 for each exam or resit.

Article 11 Civil cassation test of competence fee

Any advocate taking the test of competence referred to in Article 4.14 of the Bye-Law will owe the general council a fee of €1700 for each test or resit.

Chapter 3 Traineeship and vocational training

Article 12 Form for approval of traineeship

The general council will adopt the form referred to in Article 3.5 of the Legal Profession Bye-Law:

- a. for the self-employed trainee: the Form for request of approval of traineeship and principal for self-employed trainees, referred to in Appendix 1a of this regulation;
- b. for the external trainee: the Form for request for exemption from maintaining an office with the principal and approval of traineeship and principal, referred to in Appendix 1b of this regulation;

- c. for the trainee employed by an employer as referred to in Article 5.9(e), (f) and (g): the Form for request of approval of traineeship and principal for 'traineeship in employment', referred to in Appendix 1c of this regulation;
- d. for other trainees: the Form for request of approval of traineeship and principal, referred to in Appendix 1d of this regulation;
- e. for a change of principal: the Form for request for change of principal, referred to in Appendix 1e of this regulation.

Article 13 Accreditation framework

The general council will adopt as the accreditation framework referred to in Article 3.25 of the Legal Profession Bye-Law: the accreditation framework for vocational training for advocates, referred to in Appendix 2.

Chapter 4 Professional competence

Paragraph 4.1 Training credits

Article 14 Activities earning training credits

1. Pursuant to Article 4.4, paragraph 4, opening words and part (d), advocates can obtain a training credit by:
 - a. writing legal opinions for an advisory committee of the Netherlands Bar, with a maximum of one credit per opinion;
 - b. performing duties in a case as substitute judge, arbitrator or member of the disciplinary board or disciplinary court, with a maximum of one credit per case in the year that the case ended and a maximum of four credits per year;
 - c. one hour's participation in forms of structured feedback, with a maximum of four credits per day, if the conditions referred to in paragraph 2 are met;
 - d. participation in case law meetings, with a maximum of four credits per year;
 - e. drawing up tests for the vocational training for advocates, with a maximum of one credit per test and four credits per year;
 - f. demonstrably maintaining professional knowledge and skill in a similar way.

2. Credits can be obtained for structured feedback as referred to in paragraph 1(c) in the form of intervision if:

- a. this is done in a group of at least three and no more than ten people;
- b. the participants contribute one or more dilemmas;
- c. the participants lay down rules for the confidentiality of information discussed during intervision;
- d. the intervision takes place under the supervision of a facilitator;
- e. the facilitator has followed a course in facilitation for intervision comprising at least two half-day sessions and a follow-up meeting; and
- f. the facilitator and the participants are able to submit a certificate of participation.

Article 15 Activities not earning training credits

Pursuant to Article 4.4, paragraph 5, opening words and subparagraph (a) of the Bye-Law, advocates cannot obtain training credits:

- a. through membership of one of the organs of the Netherlands Bar or the Local Bar;
- b. by following the vocational training for advocates;
- c. by participating in local activities referred to in Article 3.10 of the Bye-Law, which are only being organised as part of the traineeship.

Paragraph 4.2 Accreditation of training institutions

Article 16 Request for accreditation

1. A training institution can apply to the general council for accreditation as referred to in Article 4.4, paragraph 5(b) of the Bye-Law, whereby the training institution:

- a. can notify its (potential) participants of the number of training credits that can be obtained by following the training programmes on offer;
- b. may use the logo in Appendix 3 for its training programmes.

2. The training institution will apply for accreditation using a form made available by the general council, accompanied by the following documents:

- a. a quality plan that sets out in writing:

i.	the training institution's vision and strategy;
ii.	the way in which a course contributes to the maintenance or development of advocates' professional knowledge and skill, and how the course is designed to achieve that goal;
iii.	the way in which they test that knowledge transfer has been achieved;
iv.	the way in which the academic level of a course is assured;
v.	the way in which the training institution makes use of contributions from advocates in the creation, evaluation and improvement of a course;
vi.	the organisation of the course;
vii.	the course offering;
viii.	the way in which the course lecturers are selected and supervised;
ix.	how the quality of the training programme is assured;

- b. information about the intended training programmes.

Article 17 Grounds for refusal

1. The general council will refuse a request for accreditation if:
 - a. the training institution
 - i. has been granted moratorium or been declared bankrupt;
 - ii. does not have training as its main activity and does not have a separate department that has training as a main activity;
 - b. the training programmes
 - i. are not aimed at the following target groups:

- advocates;
 - academically qualified legal experts;
 - practitioners of an admitted liberal profession;
 - a combination of these target groups.
- ii. do not contribute sufficiently, if at all, to the advocate's competence;
- c. the quality plan
- i. does not contribute sufficiently, in the general council's opinion, to the improvement and quality assurance of the teaching;
 - ii. offers insufficient assurance that the training is of an academic level and is in alignment with the advocate's practice;
 - iii. offers insufficient assurance that knowledge transfer is being achieved.

2. The general council can refuse a request for accreditation if it believes that the institution does not or cannot comply with the provisions of Article 18.

Article 18 Obligations of accredited institutions

1. The accredited training institution will ensure continuity of training and appoint a dedicated contact person.
2. The accredited training institution will arrange for at least five courses to be held each year that are of an academic level and that benefit advocates' practice.
3. The accredited training institution will complete the quality monitoring form provided by the Netherlands Bar within two months of accreditation and thereafter at least once a year.
4. The accredited training institution will allow the general council to inspect the results from the quality monitoring form that it has completed, on request.
5. The accredited training institution will evaluate the teaching and take into account the results from the quality monitoring form and the evaluation.
6. The accredited training institution will assure and improve, where possible, the level of the training and its alignment with the advocate's practice.
7. The accredited training institution will have a written complaints scheme.

8. Any accredited training institution that has delegated the training to a separate training department will include the quality plan and the monitoring form in the annual plan and ensure that these activities are demarcated from the other activities of the institution.

9. The accredited training institution will establish participation in a training programme for each participant and provide them with evidence of the number of training credits actually obtained for the study programme followed and the logo included in Appendix 3, which mentions the number of credits actually obtained.

10. The accredited training institution will only award training credits to the training programmes that comply with Article 4.4, paragraph 4(a) of the Bye-Law.

11. The accredited training institution will use, where possible and where relevant, the logo included in Appendix 3, which mentions the number of credits that an advocate can obtain from the training programme in question.

12. The accredited training institution will owe an annual fee of €300.

13. The accredited training institution will cooperate with any investigation by the general council into compliance with the obligations set out in this article.

Article 19 Validity and withdrawal of accreditation

The general council can withdraw the accreditation if:

- a. the training institution fails to comply with the obligations referred to in Article 18;
- b. one of the grounds for refusal under Article 17, paragraph 1, arises;
- c. the quality plan is not complied with or is amended, so that it does not contribute to the objectives referred to in Article 17, paragraph 1(c)
- d. the training institution requests this in writing.

Paragraph 4.3 Cassation

Article 20 Applying for an examination or test

1. The advocate can apply to sit an examination referred to in Article 4.12 of the Bye-Law or a test of competence referred to in Article 4.14 of the Bye-Law. The advocate will be given the opportunity to do so within 26 weeks of the application. The general council will notify the advocate within four weeks when the examination or test is to be taken.

2. In order to sit the examination or test, the advocate or the advocate at the Supreme Court of the Netherlands:

- a. will register with the cassation committee at least three months before the date of the testing opportunity;
- b. will give the cassation committee the information to allow it to establish that the advocate has met the requirement of Article 4.11(1)(a) of the Bye-Law or the requirements of Article 4.13 (a) and (b) of the Bye-Law, at least one month before the date of the testing opportunity;
- c. will have paid the fee set by the general council, as referred to in Article 10 and 11 of these Regulations, for sitting the examination or test, at least one month before the date of the testing opportunity.

3. Where applicable, the chair of the cassation committee is authorised to derogate from the deadline mentioned in paragraph 2(a).

4. When registering for the examination, the advocate will give a Supreme Court judgment of their choice as referred to in Article 21(b)(2).

5. At the request of one of the members of the cassation committee the advocate or the advocate at the Supreme Court will identify themselves using a valid form of ID, for example their advocate's pass.

Article 21 Civil cassation examination material

The examination material referred to in Article 4.12 of the Bye-Law comprises the following components:

- a. the latest edition of:
 - Asser Procesrecht/Bakels, Hammerstein & Wesseling-van Gent 4, Kluwer Deventer;
 - Asser Procesrecht/Veegens-Korthals Altes-Groen 7, with the exception of Chapter I (history and legal comparison), Kluwer Deventer;
- b. case law:
 - four Supreme Court judgments listed on the Netherlands Bar website by the committee for each testing opportunity;
 - a Supreme Court judgment, published in the NJ, of the examinee's choice and representative of their own practice;
- c. administrative and fiscal aspects of cassation practice, in particular regarding court registry fees and assigned cases.

Article 22 Taking the examination

1. During the examination the knowledge described in Article 21 will be tested, with the following layout being used as a guideline:
 - a. civil procedural law, including appeal and cassation procedural law in conjunction with private law and the prescribed case law;
 - b. cassation technique;
 - c. administrative and financial aspects of cassation practice.
2. The examination is passed if the result for each of the components included in the previous paragraph can be considered satisfactory.

Article 23 Taking the cassation test of competence

1. The advocate at the Supreme Court will submit to the cassation committee two full case files of proceedings completed in the Supreme Court, one in which they acted for the plaintiff and one in which they acted for the defendant.
2. The cassation advice forms part of the case file.

Article 24 Listing and allocation of cassation cases

1. The advocate will list the cassation cases handled by them, as referred to in Article 4.9(1) of the Bye-Law.
2. The list will include:
 - a. the case names;
 - b. whether they were acting for the plaintiff or the defendant;
 - c. the ECLI, cause-list or petition number in relation to cases that led to a decision by the Supreme Court;
 - d. the date of the opinions;
 - e. whether more than one advocate handled the case;
 - f. the content of the exemption granted to them, if applicable.

3. If the cassation case was handled by two advocates and both have had more or less an equivalent contribution, each of the advocates can claim half a cassation case.
4. If a cassation case was handled by more than two advocates, only two advocates can each claim half a cassation case.

Chapter 5 Office organisation

Paragraph 5.1 Professional charter

Article 25 Model professional charter

1. The general council will adopt the model in Appendix 4 as the model for the professional charter.
2. The model referred to in paragraph 1 applies to professional charters agreed before the inception of this article, if these are being amended.

Paragraph 5.2 Advocate's pass and means of authentication

Article 26 Applying for an advocate's pass

1. When applying, the advocate will give the names of any authorised persons, along with the name of an office associate or contact person for the issue of the advocate's pass and means of authentication.
2. When applying, the advocate will give a personal e-mail address for each means of authentication.
3. When applying, the advocate will make use of the website and forms made available by the general council.

Article 27 Validity of advocate's pass and means of authentication

The advocate's pass and means of authentication are valid for a maximum of five years.

Paragraph 5.3 Confidential information holders' numbers

Article 28 Numbers to be given for all advocates

Every advocate will give the secretary of the general council the following numbers as their confidential information holder's number, if they have the equipment in question:

- a. the direct dial number for their fixed line;
- b. their mobile phone number;
- c. the direct dial number of the fax machine that is only used by the advocate, other confidential information holders or persons with a legal professional privilege derived from them;
- d. the direct dial number for the advocate's secretary, who has a legal professional privilege derived from them;
- e. The number of a fixed (separate) telephone connection in the advocate's home, where this connection is only intended and used for business, and the advocate has another (fixed) connection that is intended and used for personal use.

Article 29 All advocates with the exception of those with an employment contract or in mixed offices

Any advocate, not being an advocate working in an office with individuals who are not confidential information holders or an advocate with an employment contract, will also give the following numbers to the secretary of the general council as their confidential information holder's numbers, if they have the equipment in question:

- a. the general number(s) for their office, fixed or otherwise;
- b. the general fax number for their office;
- c. the bundle number(s);
- d. the direct dial number for paralegals, student trainees and staff members in financial accounts with a legal professional privilege derived from them.

Article 30 Advocates in mixed offices

Any advocate working in an office with individuals who are not confidential information holders, not being an advocate with an employment contract, will also give the following numbers to the secretary

of the general council as their confidential information holder's numbers, if they have the equipment in question:

- a. the direct dial number for paralegals and student trainees with a legal professional privilege derived from them;
- b. if bundle numbers in the switchboard are separated into those for holders of confidential information and those who are not, the bundle number which can only be used by confidential information holders and individuals with a legal professional privilege derived from the confidential information holder.

Paragraph 5.4 Description of procedure

Article 31 File management

The advocate will ensure that files can be easily found and display relevant details in a clear and accessible way, even for authorised third parties.

Article 32 Office manual

Under Article 6.4 of the Bye-Law, the advocate will write down the following aspects as a minimum:

- a. competence:
 - i. how the advocate or the firm devotes attention to the advocates' competence;
- b. office organisation:
 - i. which authorised persons within the office have a means of authentication and what should be done with the advocate's pass and means of authentication in the event of their loss or damage;
 - ii. how and with whom professional liability is insured;
 - iii. whether, and if so, in what way it has been agreed with client that the professional liability is limited in accordance with Article 6.26 of the Bye-Law, and how that is otherwise disclosed;
 - iv. what procedures apply with regard to making and accepting payments, including cash payments and the procedures with regard to taking receipt of securities and valuables;
- c. accounts:
 - i. how the advocate implements Articles 2:10 and 3:15a of the Dutch Civil Code ("DCC") and Article 6.5 of the Bye-Law, if and insofar as these apply to them;
 - ii. the way in which the advocate, or the firm, ensures that the accounting details relating to the case are managed in such a way that they can be found quickly and contain relevant information for the exercise of the profession;

- iii. the way in which the advocate has set up the accounts so that it is evident that they are complying with the provisions of the Money Laundering and Terrorist Financing (Prevention) Act (*Wet ter voorkoming van witwassen en financiering van terrorisme*);
- d. client monies:
- i. which foundation is available to them;
 - ii. what procedures apply to client monies;
 - iii. whether the foundation has a bank account and if so, what the number is;
 - iv. whether, and if so, which bank account number is shown on the stationery;
- e. the Money Laundering and Terrorist Financing (Prevention) Act;
- i. whether the firm offers services that fall under the Money Laundering and Terrorist Financing (Prevention) Act and, if so,
 - ii. what procedures the office has with regard to the identification of the client and any intermediaries, the acceptance of engagements and the reporting of unusual transactions;
 - iii. how the firm guarantees that the advocate and other associates are well-informed about the Money Laundering and Terrorist Financing (Prevention) Act and the procedures referred to in this paragraph, point ii.
- f. file and case management:
- i. the way in which the advocate manages the files;
 - ii. the way in which the advocate has adapted their availability to the client's expectations and given the legal practice exercised by the advocate;
 - iii. the way in which the advocate commits to dealing promptly with the case and guarantees that deadlines will not be exceeded;
 - iv. the way in which the advocate, in their absence, arranges for another advocate to act as a suitable replacement or arranges for transfer of a file;
 - v. the way in which the advocate ensures a careful closure and archiving of the file;
- g. information management;
- i. the way in which – where applicable – information management is applied in respect of e-mails, the firm's website and personal data protection;
- h. risk management:
- i. the way in which the risk analysis and the reporting of risks takes place and what the procedures are
 - ii. what work a firm will not do because of risks that it deems unacceptable
 - iii. an overview of the general risks and causes of claims in relation to the areas in which the firm works and
 - iv. an instruction for work undertaken even though it entails a greater than normal risk for the firm, including different supervision and reporting obligations;
- i. relationship with the client:

- i. in what way the advocate satisfies themselves of the identity of the client and the legality of the engagement in accordance with Articles 7.1 and 7.2 of the Bye-Law and if necessary refuses these in accordance with Article 7.3 of the Bye-Law;
 - ii. in what way the engagement is confirmed and what is usually included in the confirmation of engagement;
 - iii. the way in which the advocate establishes the nature and scope of the case during the initial contact with the client and, if possible, makes an estimate of the feasibility of what the client wants;
 - iv. the way in which the advocate discusses the financial consequences with the client at the start, so that the client is aware of the consequences of giving the engagement;
 - v. the way in which the advocate guarantees the confidentiality of data regarding their client and safeguards the items entrusted to them;
 - vi. the way in which the advocate promptly provides the client with solicited and unsolicited (financial) information that is important to them;
 - vii. the way in which the advocate assures the quality of the third parties engaged and informs the client of the engagement in advance;
 - viii. the way in which the advocate considers clients' opinions in the improvement of their services;
- j. conflicts of interest
- i. the way in which conflicts of interest are identified and what action is taken if they exist.

Article 32

Amended by decision of the general council of 9 March 2015 with effect from 1 July 2015 and by decision of 6 July 2017.

Paragraph 5.5 Client monies foundation

Article 33 Model articles for client monies foundation

1. The general council will adopt the model in Appendix 5 as the model for the articles.
2. The model referred to in paragraph 1 applies to foundations being set up and articles that will be otherwise amended after the effective date of this article.

Article 34 Agreement for client monies foundation

1. The general council will adopt the model in Appendix 6 as the model for the agreement between the client monies foundation and the advocate or their firm.

2. The model referred to in paragraph 1 applies to agreements concluded or amended after the effective date of this article.

Paragraph 5.6 Professional liability

Article 35 Protection from professional liability

The general council will adopt the model in Appendix 7 as the model agreement for protection from professional liability by the State.

Paragraph 5.7 Registration of areas of law

Article 35a Registration of areas of law

1. The advocate will register the areas of law, as referred to in Article 6.32(1) of the Bye-Law, immediately after obtaining the aforementioned training credits, but no later than 1 March after the calendar year in which the required training credits were obtained.
2. The advocate will announce their registration as referred to in Article 6.32(2) of the Bye-Law within a month of registration.

Article 35b Model for disclosure and list of areas of law

1. The general council will adopt the model in Appendix 8 as the model for the publicly accessible disclosure.
2. The general council will adopt the list in Appendix 9 as the list of areas of law.

Chapter 6 Time limit for reinstatement following disbarment

Article 36 Time limit for reinstatement following disbarment under Section 8c(3) of the Act on Advocates

The general council sets the deadline referred to in Section 4(1), opening words and (c) of the Act on Advocates at five years.

Chapter 7 Final provisions

Article 37 Provisions on entry into force

1. The Legal Profession Bye-Law comes into effect on 1 January 2015.
2. This decision comes into effect on 1 January 2015.

Article 38 Short title

This decision is cited as: the Legal Profession Regulations.

Appendices

Appendix 1: Forms for approval of traineeship

Appendix 1a: Form for request of approval of traineeship and principal for self-employed trainees

Appendix 1b: Form for request for exemption from maintaining an office with the principal and approval of traineeship and principal

Appendix 1c: Form for request of approval of traineeship and principal for 'traineeship in employment'

Appendix 1d: Form for request of approval of traineeship and principal

Appendix 1e: Form for request for change of principal

Appendix 2: Accreditation framework for vocational training for advocates

Appendix 3: Logo for training credits at accredited training institutions

Appendix 4: Professional charter for advocate in employment

Appendix 5: Model articles for client monies foundation

Appendix 6: Model agreement for client monies foundation

Appendix 7: Model agreement for protection by the State from professional liability

Appendix 8: Model for the publicly accessible disclosure of registration

Appendix 9: List of areas of law