

A 1 ADVOCATES ACT (496/1958, last amended 17 June 2011/716)

Adopted in Helsinki on 12 December 1958

In accordance with a decision of Parliament, the following is enacted:

Section 1 An “advocate” is a person who is registered in the Roll of Advocates as a member of the general Finnish Bar Association.

In the present Act, the Association referred to above, shall be called the “Bar Association”

Section 2 (30 July 2004/697) The by-laws of the Bar Association shall state at least the following:

- 1) the name of the Association;
- 2) the municipality in Finland where the Association has its domicile;
- 3) the purpose of the Association;
- 4) the dues which the members are required to pay and how such dues shall be determined;
- 5) how the Board of the Association shall be set up and the term of office of the Board;
- 6) when the accounts of the Association shall be balanced and how the audit of the accounts and administration shall be arranged;
- 7) how the Delegation shall be elected and its activities otherwise arranged, as well as when the ordinary meeting of the Delegation shall be held and, if there are several such meetings, what matters shall be dealt with at each meeting;
- 8) how notices to the members of the Association shall be delivered;
- 9) how the by-laws of the Association shall be adopted; and
- 10) how the assets of the Association shall be used if the Association is disbanded or abolished.

In addition, the by-laws of the Association may contain other provisions on the Association and its members, as is necessary for the activities of the Association.

Once adopted in accordance with the relevant provisions in the by-laws, the by-laws of the Bar Association and any amendments thereto shall be ratified by decision of the Ministry of Justice and published in *The Statutes of Finland*.

Section 2a (28 February 1992/197) The powers of decision in matters regarding the Association are exercised by the Delegation, elected by the members of the Association. The activities of the Association are managed by the Board, elected by the Delegation, and the members of the Board must be advocates.

Section 3 (17 June 2011/716) A person who has attained the age of 25 years may be accepted as an advocate provided that he or she:

1) is known to be honest and in respect of his or her other characteristics and way of life suitable for the profession of advocate;

2) has completed a Master of Laws degree in Finland, other than a master of international and comparative law degree, or has completed a law degree outside Finland and has received a decision by the Finnish National Board of Education on the eligibility for the post requiring a Master of Laws degree, other than a master of international and comparative law degree, in accordance with the Act on the Recognition of Professional Qualifications (1093/2007 as amended) or the Act on Eligibility Provided by Foreign Higher Education Degrees for Public Posts in Finland (531/1986 as amended) and has completed any additional requirements required in the decision;

3) has achieved the competence needed to practise as an advocate and the practical experience as defined in the by-laws of the Bar Association;

4) has passed an examination on the provisions concerning the activities of an advocate and the requirements of the proper rules of professional conduct for advocates (*Bar examination*); and

5) is not a bankrupt and has full legal capacity.

In accordance with international commitments that have entered into force in Finland, a person referred to under subsection 1, who holds the professional qualifications to practice as an advocate in one of the states of the European Economic Area, may be accepted as an advocate notwithstanding the provisions of subsection 1, paragraph 2. In such cases referred to in this subsection, the applicant must pass the Bar examination. (17 June 2011/716)

Notwithstanding the provisions of subsection 1(2) and subsection 2, also a person referred to in subsection 1 who has the professional competence to practice as an advocate in some other member state of the European Union may be accepted as an

advocate. In the cases referred to in this subsection, acceptance as an advocate requires the applicant to have been registered for three (3) years in the EU register kept by the Bar Association as referred to in Section 5b(1) and to prove the regular pursuit of the profession of an advocate in Finland, as specified in the Decision by the Ministry of Justice (191/1959) on the ratification of the by-laws of the Bar Association, for a least that period. (23 December 1999/1249)

A person who holds a State or municipal office or who is in other service based on an employment relationship in the public sector cannot be an advocate, unless the Board of the Bar Association agrees thereto for special reasons. Furthermore, a person who is in the service of another or who is engaged in other gainful employment in a manner which can be presumed to be detrimental to his independence as an advocate shall not be an advocate. (8 January 1993/31)

The Ministry of Justice shall confirm the examination regulations for the Bar examination. (17 June 2011/716)

If the applicant has earlier taken the Bar examination or otherwise demonstrated that he or she has the knowledge required, the Board of the Bar Association may exempt the applicant from having to take the examination referred to. (17 June 2011/716)

Section 4 The Board of the Bar Association shall have the power to admit the members of the Bar Association. Should an application be rejected, the reasons for such a decision must be given.

The Board of the Association shall keep the Roll of Advocates and the EU register referred to in Section 5b(1) and an extract of them must annually be sent to the Ministry of Justice. The Board must keep the Rolls for public inspection and everybody has the right to receive a copy of the Rolls or the EU register or part of them for a reasonable fee. (23 December 1999/1249)

Section 5 (29 August 2008/569) An advocate shall honestly and conscientiously fulfil the tasks entrusted to him or her and he or she shall, at all times, observe the rules of proper professional conduct for advocates. Furthermore, Chapter 2 of the Consumer Protection Act (38/1978 as amended) provides for procedures that are inappropriate from the consumer perspective or which are contrary to good practice.

The practice of advocacy in a company is not allowed, except with another advocate, unless the Board of the Bar Association grants a permit based upon specific grounds. The practice of advocacy in the form of a limited liability company is allowed only by permit from the Board of the Bar Association and upon the specific conditions set forth in it. The articles of association of such a limited liability company may be amended only if a similar permit has been obtained. If a mandate is handled by someone who is not an advocate-shareholder, or if it is not known who is responsible for the mandate, every advocate-shareholder is jointly and severally with the

company responsible for an obligation which has emanated while he held such a position in the company. An advocate is not allowed to practise law abroad, outside the states of the European Economic Area, without permission by the Board of the Bar Association. (8 January 1993/31).

An advocate must keep any funds and other assets of his clients separate from his own assets.

The obligation of an advocate to assist or represent someone in a trial, if ordered by a court of law, shall be governed by separate provisions.

Section 5a (8 January 1993/31) Anyone entitled to practise advocacy in one of the states of the European Economic Area must, when pursuing a mandate in Finland, use the professional title used in his home member state, expressed in one of the languages of that state, with an indication of the professional organisation of which he is a member, or the court of law before which he is entitled to practise. When representing a client before a court of law or an authority and also when pursuing other practice, an advocate shall observe the rules of professional conduct of Finland, as well as his obligations in his home member state.

Concerning the obligations of the Board of the Bar Association to supervise the activities of an advocate mentioned under subsection 1 in Finland, the rules stipulated below, where applicable, apply to a member of the Bar Association. A decision, in which an advocate is declared to have acted in breach of the rules of proper conduct as an advocate, shall be notified by the Board of the Bar Association to the appropriate authority in the home member state of the advocate.

Section 5b (23 December 1999/1249) An advocate qualified to practise law in a member state of the European Union, is entitled to be included in the register kept by the Bar Association of advocates using the professional title of their home member state and qualified to practise advocacy in another member state (*EU register*).

The provisions on advocates in law and the Decision of the Ministry of Justice on the by-laws of the Finnish Bar Association apply to an advocate registered in the EU register, where applicable. An advocate registered in the EU register shall pursue his or her practice in accordance with the provisions concerning the practice of advocacy in Finland.

Before beginning a disciplinary matter against an advocate registered in the EU register, the Bar Association shall notify the proper authority in the home member state of the advocate. The disciplinary matter is conducted in cooperation with this authority, but without prejudice to the right of decision by the Bar Association.

Section 5c (21 April 1995/626) An advocate or his assistant shall not, without due permission, disclose the secrets of an individual or family or business or professional secrets which have come to his or her knowledge in the course of his professional activity.

Breach of the obligation of confidentiality provided for under subsection 1 above shall be punishable in accordance with Chapter 38, Section 1 or 2 (578/1995), of the Criminal Code of Finland, unless the law otherwise provides for more severe punishment for the act.

Section 6 (30 July 2004/697) The Board of the Bar Association shall supervise to ensure that advocates fulfil their obligations when appearing in a court of law or before another authority as well as in their other activities. An advocate has an obligation to furnish the Board with the information required for this supervision. Moreover, an advocate shall, where the Board deems this necessary for the exercise of the supervision, permit a person designated by the Board to carry out an audit in his or her office and in this context present the documents required for performing the audit. A member of the Board and the auditor shall not, without authorisation, disclose any secret information obtained in the context of supervision.

When deciding issues pertaining to membership in the Bar Association, the members of the Board shall have the responsibility of public officials.

The Chancellor of Justice has the right to initiate a disciplinary matter referred to in section 7c, if he deems that the advocate is in violation of his or her duties. The Chancellor of Justice has likewise the right to demand that the Board of the Bar Association undertake measures against an advocate, if he deems that the latter has no right to serve as an advocate. The Board of the Bar Association and the advocates shall supply the Chancellor of Justice with the information and accounts necessary for the performance of the duties assigned to him under this Act.

Section 6a (17 June 2011/716) An independent Disciplinary Board and an independent Disciplinary Unit, who are tasked with the supervision of advocacy provided for in this Act, operate in conjunction with the Bar Association. As provided by the Act on State Legal Aid Offices (258/2002 as amended) and by the Act on Licenced Counsels (715/2011), the tasks of the Disciplinary Board and Disciplinary Unit also include tasks relating to the supervision of public legal aid attorneys and licenced counsels.

The Disciplinary Board considers and resolves the disciplinary matters referred to in Section 7c and issues recommendations in fee disputes between an advocate and client as referred to in Section 7e.

The Disciplinary Unit prepares the disciplinary and fee dispute matters referred to in subsection 2 for consideration by the Disciplinary Board. The activities of the Disciplinary Unit are headed by a jurist responsible for supervision. This jurist must hold a Master of Laws degree, other than a master of international and comparative law degree, and must be well-versed in advocacy.

In addition to the jurist responsible for supervision, the Disciplinary Unit also has a sufficient number of Disciplinary Board secretaries who must have completed a

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Master of Laws degree, other than a master of international and comparative law degree. Furthermore, the Disciplinary Unit has other personnel.

An employee at the Disciplinary Unit may not participate in consideration of the Bar Association's matters, other than those referred to in subsection 1, where this could be detrimental to the Disciplinary Unit's independence and impartiality when considering such matters.

Section 7 (17 June 2011/716) If, on the basis of circumstances discovered in the consideration of a disciplinary matter, an advocate is found to have acted contrary to the provisions of Section 5(1), the Disciplinary Board shall impose a *disciplinary sanction* on the advocate: disciplinary sanctions are disbarment from the Bar Association, a penalty payment, warning and reprimand.

If an advocate acts dishonestly or otherwise intentionally violates the right of another person while practicing advocacy, the advocate shall be disbarred from the Bar Association. If there are mitigating circumstances, a penalty payment or a warning may be imposed instead.

If an advocate otherwise acts in violation of proper professional conduct, a warning or a reprimand shall be imposed. If an advocate acts repeatedly in the manner referred to in this subsection of subsection 2, or if there are otherwise aggravating circumstances, the advocate may be disbarred from the Bar Association or he or she may be ordered to pay a penalty payment. The provision above in this subsection shall also apply if an advocate commits an act that is conducive to lowering the reputation of the profession of lawyers.

The penalty payment shall be no less than €500 and no more than €15,000. Determination of the penalty payment shall be based, *inter alia*, on the censurability of the advocate's act, the advocate's experience and financial position so that the penalty is in proportionality to the act. Penalty payments are payable to the Bar Association and used to cover the costs incurred by the Disciplinary Board and Disciplinary Unit.

No penalty payment shall be imposed if a case concerning the same offence is commenced in a pre-trial investigation, consideration of charges or as a criminal case in court or if the advocate has been finally sentenced to punishment for the offence in question.

In cases referred to in subsection 3, it may be decided not to impose a sanction if by his or her action, the advocate has only to a minor extent violated the obligations of an advocate and if compared to its injuriousness, the act can also be deemed as being minor when assessed as a whole.

An advocate entered into the EU register shall be struck off that register under the same conditions that govern the disbarment of an advocate.

If an advocate's membership of the Bar Association has ended when a disciplinary matter has commenced, the Disciplinary Board may continue to deal with the matter and state whether or not the advocate, during membership, acted censurably and what sanction he or she would have deserved.

The Disciplinary Board may, notwithstanding appeal, order compliance with a decision concerning disbarment from the Bar Association or being struck off the EU register.

Section 7a (17 June 2011/716) The Disciplinary Board shall be composed of the chairperson and eleven (11) other members, as well as their personal deputies. The chairperson, his or her deputy, six (6) other members and their deputies must all be advocates. Three (3) members and their deputies must not be members of the Bar, but must hold a Master of Laws degree other than a master of international and comparative law degree, must be well versed in advocacy and in adjudication or the academic research or teaching of law. Two (2) members and their deputies must be licenced counsels as referred to in the Act on Licenced Counsels (715/2011). The term of office of members of the Disciplinary Board and their deputies shall be three (3) years.

The Delegation of the Bar Association shall elect the chairperson of the Disciplinary Board, his or her deputy and the members and deputies who are members of the Bar. The Government shall appoint the members and deputies who are non-members of the Bar on the proposal of the Ministry of Justice. Before making the proposal, the Ministry of Justice must request a statement from the Bar Association on the eligibility of the candidates for the job. This statement shall be favourable in respect of the candidates referred to in subsection 1 who are non-members of the Bar and who are not licenced counsels. The request for a statement shall be made for double the number of candidates compared to positions. The Disciplinary Board elects three deputy chairpersons each year from among its members.

Members of the Disciplinary Board who have served continuously for a period of six (6) years may only be elected or appointed to the same office for a term starting at the earliest three (3) years since the member's previous term of office ended. However, a member of the Disciplinary Board who has served continuously for a period of six (6) years may be elected chairperson of the Board. The position of chairperson of the Disciplinary Board may be held continuously for a maximum of six (6) years. Members and deputy members of the Disciplinary Board are granted dismissal from the Board by the body they were elected or appointed by, and which, in compliance with the procedure prescribed, elects or appoints a replacement to serve for the remainder of that term of office.

Section 7b The Disciplinary Board may operate in four (4) divisions, each of which has three (3) members. The Disciplinary Board shall specify the composition of each division so that each is composed of a maximum of two (2) advocates and two (2) non-members of the Bar. The chairperson and three (3) deputy chairpersons of the

Disciplinary Board chair the divisions. However, when dealing with a fee dispute, the member referred to in Section 7a(1), who is neither an advocate nor a licenced attorney, shall act as the chairperson. (17 June 2011/716)

A plenary session of the Disciplinary Board is quorate when the chairperson or deputy chairperson and at least eight (8) other members are present. A division of the Disciplinary Board is quorate when all its members are present. (17 June 2011/716)

If there is no consensus, the case shall be resolved by voting in accordance with the procedure applied in a multi-member court of law. However, when dealing with a disciplinary matter, the voting procedure provided by Chapter 10 of the Criminal Procedure Act (689/1997 as amended) shall be complied with.

Section 7c (30 July 2004/697) A disciplinary matter commences when a written complaint against an advocate, a notice by the Chancellor of Justice or a notice issued by a court of law under chapter 15 (150/1958 as amended), Section 10a, of the Code of Judicial Procedure is received at the Office of the Bar Association. A matter also commences when the Board of the Bar Association has decided to refer a matter before it to be dealt with by the Disciplinary Board. (17 June 2011/716)

If a complaint contains such shortcomings that the matter cannot be taken up for a decision on the basis thereof, the complainant shall be requested to remedy the shortcomings within a deadline. In the same context, the complainant shall be advised of the nature of the shortcomings and of the fact that the Disciplinary Board may decline to consider the matter if the complainant fails to heed the request. The Disciplinary Board shall not reopen the consideration of an already decided case on the basis of a new complaint, unless the complaint contains relevant new information.

If more than five (5) years have elapsed since events covered by the complaint occurred, the Disciplinary Board may decline to consider the complaint.

Section 7d (30 July 2004/697) Disciplinary matters shall be dealt with by a division of the Disciplinary Board or by the whole Board in plenary session. Matters so assigned by the chairperson of the Disciplinary Board or reassigned by the divisions shall be dealt with in plenary session. Decisions on disbarment from the Bar Association and the imposition of a penalty payment shall always be made in plenary session.

Written procedure shall be applied in consideration of a disciplinary matter. However, a decision on disbarment or the imposition of a penalty payment may be made only if an oral hearing has been held in the matter. The Disciplinary Board or a division may hold oral hearings also under other circumstances. The advocate concerned and the complainant shall be summoned to the oral hearing.

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The advocate shall be afforded an opportunity to be heard before the matter is decided. The advocate shall provide the required information and accounts openly and truthfully. The complainant shall be afforded an opportunity to comment on the response of the advocate. The Disciplinary Board and a division shall also otherwise ensure that a matter is adequately investigated.

Section 7e (30 July 2004/697) A fee dispute shall be commenced when the written application of the principal or some other client of an advocate is received at the Office of the Bar Association. If the application contains such shortcomings that the matter cannot be taken up for a decision on the basis thereof, the applicant shall be requested to remedy the shortcomings within a deadline. In the same context, the applicant shall be advised of the nature of the shortcomings and of the fact that the Disciplinary Board may decline to consider the matter if the applicant fails to heed the request. (17 June 2011/716)

The parties to a fee dispute shall be the advocate and the firm to whose account the advocate has acted, as well as the applicant. The advocate and the firm shall be afforded an opportunity to be heard before the case is decided. The applicant shall be afforded an opportunity to comment on the response of the advocate and the firm.

A fee dispute shall be dealt with by a division of the Disciplinary Board, applying written procedure. The division may hold an oral hearing; the parties shall be summoned to the oral hearing.

No recommendation shall be issued if the applicant's right to demand a fee reduction has expired.

A recommendation cannot be compulsorily enforced and it does not have the legal effects of a court judgment.

Section 7f (30 July 2004/697) If the same fee dispute is pending both in a court of law and in the Disciplinary Board, and the client of the advocate so notifies the court before responding to the substance of the case, the court shall stay the proceedings until such time as the Disciplinary Board has issued its recommendation.

Section 7g (30 July 2004/697) The decision issued in a disciplinary matter or a fee dispute shall be issued as a specific document, which must state:

- 1) the type of the case and date of issue of the decision;
- 2) the names of the parties and the complainant;
- 3) a description of the claims and responses made in the case, with grounds;
- 4) a statement of the grounds for the decision;

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5) the legal provisions, sections in the by-laws of the Bar Association and rules of proper professional conduct applied in the case;

6) the outcome of the case; and

7) the names and positions of the persons participating in the decision and a note of whether voting took place; if voting took place, the dissenting opinions shall be attached to the decision document.

Instructions shall be attached to a decision on a fee dispute, informing the applicant of the procedure to follow if the applicant wishes to bring the dispute to be decided by a court of law.

Section 7h (30 July 2004/697) A public diary shall be kept on the disciplinary matters and fee disputes dealt with by the Disciplinary Board, containing information on the complainant or applicant, the advocate, the firm where applicable, the type of case, the date of issue of the decision and the outcome of the case. The diary shall also indicate the status of pending cases. The public diary shall also contain an indication of whether the advocate has complied with the recommendation issued by the Disciplinary Board in a fee dispute. (17 June 2011/716)

Entries shall be deleted from the public diary:

1) in ten (10) years, when the information concerns disbarment or the imposition of a penalty payment;

2) in six (6) years, when the information concerns a warning; and

3) in three (3) years, when the information contains a reprimand or a disciplinary matter where no sanction has been imposed.

Entries shall be deleted from the public diary in three (3) years from the issue of the recommendation.

However, an entry shall not be deleted if the public diary contains more recent information on the advocate concerning a sanction or fee reduction, and that information cannot yet be deleted under subsections 2 or 3.

Section 7i (17 June 2011/716) The Disciplinary Board must draw up a decision report of the decisions it issues in disciplinary matters and fee disputes. This report must state:

1) the type of case and date of issue of the decision;

2) the name of the advocate concerned and, in a fee dispute, also the name of the firm;

- 3) a summary description of the case and the grounds for the decision;
- 4) the legal provisions, sections in the by-laws of the Bar Association and rules of proper professional conduct applied in the case;
- 5) the outcome of the case;
- 6) the names and positions of the persons in the composition deciding the case and a note of whether or not voting took place; if voting took place, the outcome supported by those in dissent, with grounds, must be annexed to the decision report.

The Disciplinary Board shall keep the decision report available for public inspection for as long as the entry is maintained in the public diary in accordance with Section 7h.

Section 7j (17 June 2011/716) The same disqualification rules shall be applied in the consideration of disciplinary and fee dispute matters as are provided for the disqualification of an attorney or a judge.

Unless otherwise provided by law, the consideration of disciplinary matters and fee disputes in the Disciplinary Board and the Disciplinary Unit shall be governed by the provisions of the Administrative Procedure Act (434/2003 as amended), the Language Act (423/2003 as amended) and the Sámi Language Act (1086/2003 as amended).

Access to the documents provided to the Disciplinary Board for the consideration of a disciplinary matter or fee dispute shall be governed by the provisions on an official document in the Act on the Openness of Government Activities (621/1999 as amended), unless otherwise provided by an advocate's obligation of confidentiality. However, a document may not be accessed before the Disciplinary Board has issued its decision or is available to the parties.

Section 7k (17 June 2011/716) Members of the Disciplinary Board act under a judge's liability and may not unlawfully disclose such information they have obtained when considering a disciplinary matter or fee dispute that must be kept secret by law.

When dealing with matters referred to in Section 6a(1) above, an official in the Disciplinary Unit is subject to the provisions applying to offences in office. The liability for damages of an official when dealing with the duties referred to is provided by the Tort Liability Act (412/1974 as amended).

Section 8 (23 December 1999/1249) A person disbarred from membership in the Bar Association or struck from the EU register as a disciplinary sanction, may, after three years have passed from the disbarment or removal, on application be re-entered as a member of the Association or correspondingly be re-registered in the EU register.

A person whose licence to act as a licenced counsels and legal counsel as provided by the Act on Licenced Counsels (715/2011) has been revoked as a disciplinary sanction may not be re-admitted as a member of the Bar Association until three (3) years have elapsed since revocation of the licence. (17 June 2011/716)

Section 9 (30 July 2004/697) An advocate who is bankrupt or who no longer has full legal capacity shall cease to be a member of the Bar Association and the Board shall strike him or her from the Roll of Advocates. (17 June 2011/716)

If an advocate listed in the EU register ceases to be an advocate in his or her home Member State, he or she shall be struck from the EU register.

If an advocate no longer meets the qualifications referred to in Section 3, subsection 1, paragraph 1, the Board shall disbar him or her.

If an advocate ceases to practise the profession of advocate or if he or she, for a reason referred to in Section 3(4), is no longer entitled to serve as an advocate, he or she shall resign from the Bar Association. If he or she does not resign without delay, the Board shall disbar him or her.

Before initiating the measures referred to in subsections 3 and 4 above, the advocate must be afforded an opportunity to be heard in oral proceedings held by the Board.

The Board of the Bar Association may, in derogation of that provided in subsection 4, grant an advocate who, because of retirement, is giving up practicing advocacy permission to remain a member of the Bar provided that the advocate concerned has practiced advocacy for at least ten (10) years immediately prior to retirement.

Section 10 (30 July 2004/697) A person whose application under Section 3(4), or Section 4(1) has been rejected or who has not been entered into the EU register, has the right to appeal against the decision of the Board of the Bar Association to Helsinki Court of Appeal. The advocate whom the disciplinary matter concerns has the right to appeal to Helsinki Court of Appeal against a decision issued by the Disciplinary Board in a disciplinary matter referred to in Section 7c. Furthermore, a person who has been disbarred from the Bar Association or struck off the Roll of Advocates or the EU register has the right to appeal to Helsinki Court of Appeal against a decision issued by the Board of the Bar Association in a matter referred to in Section 9. (17 June 2011/716)

The Chancellor of Justice has the right to appeal the decisions of the Board or the Disciplinary Board on matters referred to in Sections 7 and 9.

The deadline for submitting an appeal is thirty (30) days. The appeal period commences on the date the decision has been served on the recipient. At the latest on

the last day of appeal period, before the end of office hours, a written appeal addressed to Helsinki Court of Appeal shall be submitted to the Office of the Bar Association. The Bar Association shall, without delay, submit the appeal, including annexes, a copy of the contested decision and its own statement on the appeal to the Court of Appeal. (17 June 2011/716)

When hearing the appeal, the Court of Appeal shall afford the Chancellor of Justice, the Bar Association and the complainant an opportunity to be heard on the appeal and, where necessary, to submit evidence and other information.

Section 11 Should a person who is not an advocate use the professional title of advocate to refer to himself, or refer to his office as an advocate's office, or otherwise announce his professional field in a way that he may erroneously be presumed to be a member of the general Bar Association, he or she shall be fined.

A demand for punishment based upon the act referred to in subsection 1 may be instigated by a public prosecutor or the Bar Association. (13 May 2011/443)

Section 12 The Bar Association may establish funds to pursue its aims and to care for advocates and their families, by gathering special dues from its members.

Section 13 The provisions of this Act shall not restrict the right to represent or assist someone in a court of law.

Section 13a (31 August 2001/765) The provisions of this Act and of the Decision by the Ministry of Justice (191/1959) on the ratification of the by-laws of the Bar Association on a person qualified to practice advocacy in a Member State of the European Union shall apply also to a person qualified to practice advocacy in a state with which the European Union and the Member States thereof have concluded an agreement on the mutual recognition of professional qualifications.

Section 13b (17 June 2011/716) The working order adopted by the Disciplinary Board may provide more detailed provisions about how work is to be organised in the Disciplinary Board and the Disciplinary Unit.

Section 14 This Act shall enter into force on 1 July 1959, subject, however, to the provisions in Section 11 of the Act entering into force on 1 December 1959. It is the responsibility of the Ministry of Justice to appoint twelve (12) persons whom the Ministry deems fit and whom have given their consent as members of an interim Board to the Bar Association. The interim Board, which shall elect a chairperson and deputy chairperson from among its members and whose term of office ends in the first ordinary general meeting, must submit a proposal for the by-laws of the Bar

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Association, establish interim functioning bodies and initiate other measures needed to start the activities of the Bar Association once the Act has entered into force. The by-laws of the Bar Association must be adopted before this Act enters into force.

Entry into force and application of amendment provisions:

17 June 2011/716:

This Act enters into force on 1 January 2013.

This Act applies also to disciplinary matters and fee disputes pending at its entry into force.

The term of office of members of the Disciplinary Board at the entry into force of this Act shall continue until the end of the term for which they have elected or appointed. Notwithstanding the provision in Section 7a(1), the first appointment of the licenced attorneys and their deputies as members of the Disciplinary Board shall be subject to the qualification requirements in the subsection referred to which apply to other than advocates and licenced attorneys. The term of office for one member and his or her deputy shall be one (1) year and the term of office for the other member and his or her deputy shall be two (2) years.

When calculating the length of membership of the Disciplinary Board as referred to in Section 7a(3), consideration shall be given to the length of membership also before the Act entered into force.

Pursuant to this Act, the person acting as the lawyer with responsibility for supervision and persons acting as secretaries to the divisions of the Disciplinary Board when this Act enters into force transfer, to the Disciplinary Unit with responsibility for the duties of the lawyer with responsibility for supervision and secretaries to the Disciplinary Board. The personnel transferring shall retain the rights and obligations in relation to their service relationship, together with their pay in euros that exists at the date of transfer.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.