

LAW No. 03/L-117

ON THE BAR

Assembly of Republic of Kosovo,

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

Approves:

LAW ON THE BAR

CHAPTER I

BASIC PROVISIONS

**Article 1
Basic Provisions**

1. This law regulates the activity of the Bar and its organization. The Bar is a free and independent occupation.
2. The Bar provides services and legal assistance to natural and legal entities, in order to protect and accomplish their rights and interests, in compliance with legal order in society.
3. Independence of the Bar is achieved through:
 - 3.1. independent law practice as a free occupation,
 - 3.2. provision of legal assistance in a independent manner,
 - 3.3 organisation of lawyers through the Kosovo Chamber of Advocates, as an independent public organisation,
 - 3.4. authorisation of the Chamber of Advocates to issue normative acts aiming to regulate and organise the law practice.

CHAPTER II

LAWYER

**Article 2
Legal Assistance**

1. The service and legal assistance provided by a lawyer includes:
 - 1.1. provision of legal advice;
 - 1.2. representation and defence of clients in judicial and other governmental institutions enforcing the laws;
 - 1.3. defence and solicitation for clients in arbitration bodies and other independent organisations;

- 1.4. defence of clients in their legal relations with other physical and legal entities;
- 1.5. preparation of lawsuits, presentations for legal prosecution and appeal remedies;
- 1.6. preparation of legal documents conducive to or aiming at legal consistency, such as: contracts, wills, statutes, etc.
- 1.7. preparation of expertise for various legal issues, and
- 1.8. other actions as provided by Law.

2. Lawyer can be replaced by his practitioner, in the course of internship for qualification of candidates in law practice. The practitioner should have the written authorisation and should act under supervision of a lawyer in the case matter, when the representation by a practitioner is not prohibited by Law.

3. A lawyer can not exercise or mediate commercial activities on his or others' behalf, or exercise incumbency in terms of labour relation with public administration.

4. Services and legal assistance can not be provided by experts in other fields.

5. Permanent professors and senior lecturers of legal subjects in faculties of Kosovo are not entitled to provide legal assistance, except in terms of a legal advice or expertise.

6. Provision of services and legal professional assistance by other institutions, bodies or organisations can be regulated by a special law.

Article 3 Unauthorized legal assistance

The Chamber of Advocates may instigate judicial proceedings in cases when unauthorised persons provide legal assistance, except when differently provided by law.

CHAPTER III CONDITIONS FOR LAW PRACTICE

Article 4 Registration of the Law Practice

The right to practice law is obtained on the day of enrolment in the Bar register, maintained by the Chamber of Advocates.

Article 5 Bar Enrolment Procedure

1. Bar registration is done after the submission of a written registration application form with the Kosovo Chamber of Advocates. The Board of the Chamber of Advocates decides on the registration application within sixty (60) days following the submission of completed documentation by the requester.

2. The requester is obliged to submit the documentation for registration in the Bar Register and give a statement about his office where he/she exercises the profession of a lawyer.

3. A lawyer is obliged to pay the enrolment fee under licensed tax, set up by the Chamber of Advocates.

Article 6 Terms of registration in the Bar Register

1. Every person who meets the following criteria has the right to be enlisted in Bar Register:

- 1.1. posses professional acting skills;
 - 1.2. be permanent residence in Kosovo;
 - 1.3. completed faculty of Law;
 - 1.4. at least one (1) year experience as a lawyer or court practitioner or two (2) years of experience in Public Administration;
 - 1.5. the exam of Law passed in Kosovo;
 - 1.6. the solemn oath;
 - 1.7. not convicted for a criminal offence making him indecent to practice law in terms of the Code of Professional Ethics;
 - 1.8. not deprived, dismissed of suspended from the function of a judge or prosecutor. In cases when the applicant is dismissed, the application may be resubmitted after five years, entailing a binding court decision;
 - 1.9. not involved in a activity in contradiction to the profession of a lawyer and particularly an activity undermining his or her professional independence;
2. In cases of irregular enrolment, the registration may be annulled. In such cases, the registration procedure must be repeated.

Article 7 Solemn Oath

1. Prior to obtaining the license to exercise the profession of a lawyer, each candidate is obliged to make the solemn oath.

The oath is made as follows:

"I swear that I will exercise the profession of a lawyer with dignity, consciousness, independently and honourably, respecting the legal and constitutional order".

2. The oath is made in the presence of the Head of Chamber of Advocates and the competent person, assigned by the Board.

Article 8 Recognition of Specialization

1. In relation to graduation in Law, a lawyer may require the recognition of his/her specialization in a certain field of law.
2. Criteria and procedure for the recognition of specialization are defined by the Statute.
3. The lawyer that has been recognized his/her specialization obtains the right to establish the department of the field he/she is specialized in, on behalf of his office.

Article 9 Removal form the Register

1. The Board of Chamber of Advocates makes the decision on removal of a lawyer from the Bar Register in cases when:
 - 1.1. the lawyer has died or has been officially proclaimed dead;

- 1.2. the lawyer requests his/her removal from the register;
 - 1.3. the Lawyer has been deprived of the right to exercise the profession of a lawyer;
 - 1.4. he/she is convicted by an adjudication entailing more than six (6) months in prison.
2. The Board of the Chamber of Advocates may instigate the procedure for the removal of a lawyer from the Bar Register in conformity with the disciplinary provisions of paragraph 3 of Article 19 of this Law.
 3. The removal of a lawyer from the Bar Register must immediately be communicated to official bodies and courts.

Article 10 **Suspension of the right to practice law**

1. A Lawyer is suspended the right to practice law:
 - 1.1. if he/she is no longer able to work ;
 - 1.2. if he no longer able to exercise the duty of a lawyer as a consequence of a chronic disease;
 - 1.3. if voluntarily resigns from the profession of a lawyer;
 - 1.4. if unjustifiably does not exercise the profession of a lawyer for more than six (6) months;
 - 1.5. if he/she embarks on a labor relation elsewhere than in the Chamber of Advocates.
2. Upon the suspension of the right to exercise the profession of a lawyer, the procedure of removal from the Bar Register commences.

CHAPTER IV **RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF A LAWYER**

Article 11 **Obligations of a Lawyer**

1. Every lawyer is obliged to abide by the law, to honorably exercise his/her profession and justice and to behave in compliance with professional ethics.
2. The lawyer is obliged to provide legal assistance to any physical or legal entity, making no distinction or discrimination against clients, regardless of their national, ethnic, racial or religious backgrounds, gender or language, political affiliation or financial, educational or social situation or any other personal trait.
3. The lawyer is not entitled to solicit another person, when the legal interests of this person contradict the interests of his client. Neither a lawyer who works together with the client's solicitor in the same office can represent the opposite party.
4. The lawyer is obliged to keep the professional secrecy in relation to his client. He/she may not reveal or disseminate personal or confidential information belonging to his client.
5. The lawyer is not allowed to file criminal charges in the prosecution body and may not be interrogated as a witness for the person he/she has provided legal assistance to.
6. The obligation to silence is limited only by the Law, when the solicitor, in certain cases, is legally bound to file criminal charges.
7. A lawyer must ensure that there is no conflict of interest between him/her and the case he represents or solicits. In cases of suspicion about the probability of existence of a conflict, the lawyer is obliged to consult the represented or solicited party and act in accordance with the provisions of this law.

8. The lawyer is not entitled to represent or defend a person, if he/her and the judge or the investigative body hearing the same case are relatives or spouses.

9. A lawyer is not allowed to represent or defend an issue, in which he/she has earlier been involved as a judge, prosecutor or witness.

10. The lawyer is obliged to return to the client the documentation he/she submitted to him/her after the case is closed and throughout the period of the hearing or procedure, if the client requires so.

11. A lawyer is obliged to maintain the official memos pursuant to the Law for maintenance of official documents.

12. Every suit, request or other document, compiled by a lawyer should contain his/her signature, name and surname and contact details and office details.

Article 12 Annual Contribution

Lawyers are obliged to regularly pay the membership fee and fulfill other obligations towards the Chamber of Advocates.

Article 13 Archive

Lawyers are obliged to maintain the necessary documentation pursuant to the requests of the Chamber of Advocates and keep record of actions, services, contracts and other documents, archiving them in their offices.

Article 14 Participation of lawyers in public legal services

1. All the lawyers are obliged to participate in the free of charge system of the provision of legal assistance, financed in terms of public means. Respective procedures are determined by a law or special regulation.

2. In the cases when a lawyer represents or defends a client that has been qualified for free legal assistance, the lawyer is not entitled to ask for financial compensation from the client.

3. Lawyers are entitled to provide free legal assistance when soliciting poor clients.

4. In the abovementioned cases, lawyers are entitled to ask for tax reduction for their social engagement. According to lawyer's request, the decision on tax reduction is made by the competent fiscal authority in Kosovo.

Article 15 Continuous vocational training

1. Lawyers are obliged to participate in continuous legal trainings and other activities provided by the Statute and other legal documents.

2. Kosovo Chamber of Advocates by special act defines the continuous education program of advocates.

Article 16 The rights of lawyers in the course of solicitation

1. The state bodies and other competent bodies should provide lawyers with necessary information and documents in order to enable them provide solicitation in concrete cases, provided this means do not conflict the obligation of keeping the official and professional secrecy. The lawyer, in the course of exercising his profession, is entitled to require from public administration institutions explanations,

information and documents, related to the issue or the person who is provided solicitation or representation, in compliance with the law.

2. The lawyer has the right, in accordance with investigation procedures, to participate in proceedings, to pose questions to the person he/she is soliciting, to witnesses and experts, to read and be acquainted with all acts and documents related to the case and to sign them after the investigation is brought to a close.

Article 17

The rights of a lawyer in the course of proceedings

1. A lawyer has the right to meet the person he/she is soliciting in private and with no time restrictions entailed, and in any kind of situation when the freedom of the defendant is restricted. Competent institutions are entitled to observe the meeting between the solicitor and the defendant, but, in every case, they are they are not allowed to overhear their interlocution.

2. The prosecution, court, jail administration and police are obliged to send for the lawyer, when the defendant, the detained, the prisoner or the person serving the sentence requires so.

Article 18

Disciplinary accountability

1. Serious and minor violations made by lawyers and practitioners in the course of executing their tasks and also breaches of the rules related to the retention of professional prestige are defined by the Statute of the Chamber of Advocates, including the types of disciplinary measures.

2. A lawyer is imposed disciplinary measures in the cases when he acts in contradiction to the Law, the Statute or the Chamber of Advocates Code of Professional Ethics.

3. In cases of serious breaches of professional duties, the Chamber of Advocates may initiate the procedure of the removal from the register of the Chamber of Advocates. The Chamber of Advocates may initiate this procedure upon the request of an internal body or another official body.

4. Serious cases of breaches of duties are considered serious breaches of the Code of Professional Ethics, in particular:

4.1. cases when a lawyer breaches the obligation to keep the professional secrecy,

4.2. cases when a lawyer, in spite of many reprimands, keeps on breaching the duties or conducts activities which are indecent for the position of lawyer, or cases when a lawyer seriously damages the reputation of his trade,

4.3. cases when a lawyer is alleged the characteristics provided in Article 6 paragraph 1., subparagraphs 1.7 and 1.9. of this law.

5. The Chamber of Advocates may undertake other disciplinary measures in terms of a reprimand, formal warning or a charge in cases of other minor breaches.

6. If a lawyer behaves in contradiction to his duties determined by Law or other acts of the Chamber of Advocates, he may be imposed a reprimand or called for a public summon.

7. The Chamber of Advocates, in both cases of premeditated and unpremeditated breaches of duties, instead of calling the lawyer for a public summon, may charge the lawyer with up to 5.000 € (five thousand euros). The charge may be imposed when the circumstance of the occasion renders the public summon inefficient.

8. Before any disciplinary measure is undertaken, the lawyer must be heard. The lawyer has the right to solicitation in the course of disciplinary proceedings. The decision must be made in written and must be based on veridical testimony.

Article 19
Suspension of the right to practice law

1. If a lawyer is elected or assigned to carry out a paid public task, he/she is suspended the right to practice law in the course of performance.
2. With the exception of paragraph 1 of this Article, in other cases, when a lawyer on reasonable grounds is not able to exercise the duty of a lawyer for a longer time, the Chamber of Advocates assigns a temporary replacement, if the lawyer has not already assigned his replacement and has not brought it to the attention of the Bar.
3. The decision on suspension of the right to practice law determines also the duration of suspension.

CHAPTER V

ORGANISATION OF LAWYERS WITHIN KOSOVO CHAMBER OF ADVOCATES

Article 20
Chamber of Advocates

1. The lawyers exercising their profession in Kosovo are obliged to affiliate to Kosovo Chamber of Advocates. The Chamber of Advocates is a professionalized organization with the capacity of a legal entity.
2. The Kosovo Chamber of Advocates is based in Prishtina.
3. The main task of the Chamber of Advocates is to regulate and control the law practice in Kosovo.
4. The internal organization of the Chamber of Advocates is regulated by the Statute.
5. The Chamber of Advocates has its branches in Prishtinë/Pristina, Pejë/Pec, Gjakovë /Đakovica, Prizren/Prizren, Gjilan/Gnjilane, Ferizaj/Urosevac and Mitrovicë/Mitrovica.

Article 21
Chamber of Advocates Bodies

1. Chamber of Advocates bodies include:
 - 1.1. The General Assembly
 - 1.2. The President
 - 1.3. The Executive Council
 - 1.4. The Disciplinary Committee
 - 1.5. The Audit Committee
2. The election mandate of bodies of the Bar lasts four (4) years, with the exception of President's term of office that lasts two (2) years. Body members may be elected for consecutive mandates.
- 22.3. Functions of the bodies within the Bar are functions of honor. Carriers of these functions are entitled to compensation of expenses accrued in relation to these duties.

Article 22
Assembly

1. Bar Assembly represents the highest body of the Bar. Other bodies of the Bar are elected by the Assembly.

2. The Assembly is composed of all members of the Bar.
3. President of the Bar convenes the Assembly.
4. President is obliged to convene the Assembly if one tenth (1/10) of the members make a written request for this and, in this case, he/she should notify the Assembly on topic of discussion.
5. Competencies of Assembly include:
 - 5.1. election of the President and the Vice President;
 - 5.2. election of the Board;
 - 5.3. election of the Disciplinary Committee;
 - 5.4. election of the Audit Committee;
 - 5.5. adoption of the Statute;
 - 5.6. adoption of the Code of Professional Ethics, the Chamber of Advocates Statute, the scale of reimbursement and other acts of the Chamber of Advocates;
 - 5.7. adoption of the Bar's Budget;
 - 5.8. adoption of annual budget;
 - 5.9. determination of annual membership fee for Bar's activity;
 - 5.10. adoption of measures for continuous vocational training for lawyers
 - 5.11. decisions on other issues, envisaged by the Statute of the Chamber of Advocates.
6. Assembly decisions are made by the regular majority of the votes. The quorum is reached if 50% of the members of Assembly are present. If the Assembly can not reach the quorum to make a decision, it is reconvened. In this case, the Assembly reaches the quorum regardless of participation. All members should be sent a notification letter on the situation in advance. The points of agenda foreseen for the first Assembly, when the quorum was not reached, may be voted on.

Article 23 President

1. President represents the Chamber of Advocates.
2. President oversees the lawfulness of other bodies.
3. President chairs the meetings of the Board and Assembly. At his absence, the Vice President chairs the meetings.
4. President coordinates daily tasks and activities of the Chamber of Advocates and the Board. He/she also executes decisions made by the Board and the Bar.

Article 24 Board

1. Board is an executive and steering body of the Chamber of Advocates.
2. Board is composed of eleven (11) members.
3. President is the chairperson of the Board of Chamber of Advocates.

Article 25 Duties of the Board

1. The Board has to carry out the duties envisaged by Law and Statute. The Board must defend and advance tasks and issues related to the Chamber of Advocates.
2. In particular, the Board is responsible:
 - 2.1. to give advice and inform the members of the Chamber of Advocates about the issues of professional obligations;
 - 2.2. to decide on applications for affiliation to the Chamber of Advocates and complaints against the Bar;
 - 2.3. to reconcile disputes among members of the Chamber of Advocates;
 - 2.4. to monitor the fulfilment of obligations appertaining members of the Chamber of Advocates and execute decisions of the Disciplinary Board;
 - 2.5. to request the initiation of disciplinary procedure, if this procedure is not initiated by the Disciplinary Committee;
 - 2.6. to manage the budget of the Chamber of Advocates;
 - 2.7. to report annually to the Assembly of the Bar on the Administration of the Chamber of Advocates;
 - 2.8. to prepare expertise required by official bodies or a court;
 - 2.9. to contribute to the education and testing of law students and practitioners;
 - 2.10. to propose the member of the committee for the law exam;
 - 2.11. to prepare the annual report for the Assembly of Kosovo on the work of the Chamber of Advocates;
 - 2.12. to carry out tasks assigned by the Assembly of the Chamber of Advocates and envisaged by the Statute of the Chamber of Advocates.

Article 26 Disciplinary Committee

1. Disciplinary Committee initiates disciplinary procedure against lawyers based on the request of the bodies of the Chamber of Advocates or the request of other public bodies, according to their official obligation.
2. Disciplinary Committee is composed of five (5) members.
3. Disciplinary Committee elects the Committee Chairperson who leads the Committee.
4. President and members have the right to be re-elected only once.
5. Decisions of the Committee are made by the simple majority.
6. The Board of Directors executes the decisions made by the Committee.
7. A complaint against a decision made by the Committee may be filed with the respective administrative body within thirty (30) days after the decision has been made.

Article 27
Audit Committee

1. Audit Committee is obliged to monitor the execution of decisions made by the Assembly and bodies of the Chamber of Advocates. This is why it has access to all the documents of the Chamber of Advocates.
2. Audit Committee reviews appeals addressed to the Chamber of Advocates and refers them to the Board for adoption.
3. Audit Committee is made of five (5) members.
4. Audit Committee elects its Chairman out of the ranks of its members, who heads the Committee.
5. Decisions of Audit Committee are taken with the simple majority of the votes.

Article 28
Supervision and cooperation with other bodies

1. The Government of Kosovo monitors the lawfulness of general Chamber of Advocates acts and is authorized to suspend the application of a act conflicting the law pending the Supreme Court makes a decision on it. This monitoring is limited to the adherence to the law and legislation and must not undermine the autonomy of the Chamber of Advocates.
2. Chamber of Advocates co-operates with governmental institutions and other organizations in promoting the fundamental human rights and enhancing the democratic development of the society.
3. Chamber of Advocates is accountable to the Assembly of Kosovo, the Government of Kosovo and other governmental institutions about its work.
4. The Bar must be active in proposing initiatives for law preparation to competent legislative institutions.

Article 29
Annual report and election results

1. The Chamber of Advocates shall submit the annual report on her activities to the Assembly of Kosovo.
2. The Assembly of Kosovo and other relevant governmental institutions must be informed about other relevant governmental election.

CHAPTER VI
OFFICE OF A LAWYER

Article 30
Office of a lawyer

1. A lawyer may have only one office in the territory of Kosovo.
2. The Chamber of Advocates must be informed about any change of office address.
3. A lawyer may employ in his office other lawyers as well.

Article 31
Corporate Bar offices

1. To or more lawyers may open a joint office. The Statute, which sets up mutual obligations of the lawyers working in the same office, establishes a joint office.

2. The Statute of a joint office must be sent to the Chamber of Advocates in order to register it. The Office may have only a base and may start its operations only after it is included in Chamber of Advocates Register.
3. Lawyers working in such an office must be included in the Chamber of Advocates Register.
4. Upon the consent of clients, lawyers working in joint offices may replace each other in soliciting them.

Article 32
Responsibilities of a lawyer in a joint office

1. Lawyers working in a joint office have joint responsibilities for obligations related to the office. The same applies to responsibility towards other employees in the joint office.
2. Professional and personal responsibility remains an individual responsibility of the lawyers in the office.

Article 33
Bar Societies

1. Two or more lawyers registered in the Chamber of Advocates Register may establish a Bar Office in the capacity of a legal entity (Bar Societies).
2. Bar Societies, as legal entities, are established in compliance with legal provisions on trade associations.
3. Only a lawyer registered in the register of the Chamber of Advocates may become a member of society.
4. Activities within the Bar Society may be only entrusted to members of that respective society, lawyers engaged in the Bar Society and other practitioners engaged in the Bar Society.
5. The establishment, activities and dissolution of a Bar Society will be provided by the normative acts of the respective society.

CHAPTER VII

PRACTITIONERS IN THE OFFICE OF A LAWYER

Article 34
A Law practitioner

1. A practitioner of the Chamber of Advocates is a person who finishes the internship in a lawyer's office with the purpose of his/her professional qualification and it is registered in the Chamber of Advocates Register of Practitioners.
2. A practitioner is not allowed to exercise his/her profession independently, but only within the framework of the tasks assigned to him/her by his supervising lawyer.
3. The rights and obligations of the law practitioner are regulated with the status of Chamber's of Advocates in compliance with the law.

Article 35
Registration as a law practitioner

1. Registration of a Law practitioner is carried out in terms of a formal application for registration in the Chamber of Advocates Register of Practitioners. The Chamber of Advocates decides on the application.

2. Criteria for registration include:

- 2.1. ability for action;
- 2.2. graduated in the Faculty of Law;
- 2.3. the candidate has to meet also the criteria set up by Article 6 of this law.

3. Other applicable binding and disciplinary provisions has to be observed both by lawyers and practitioners.

4. Chamber of Advocates should develop both practical and theoretical training programs for interns.

5. A Law practitioner is removed from the Register of Practitioners if three years after he/she has started the activity as a practitioner, starting from the first year of inception, does not pass the law exam.

Article 36 Annulment of Registration

In cases of irregular registration, the procedure of the registration of a practitioner may be annulled. In such cases, the registration procedure must be repeated.

Article 37 Rights and obligations

1. A Law practitioner has the same obligations that a lawyer has.

2. A Law practitioner is entitled to represent his/her supervising lawyer in municipal courts. A law practitioner is obliged to follow the instructions of the supervising lawyer.

3. Independent work of a practitioner is prohibited.

Article 38 Responsibilities of a Law practitioner

1. The supervising lawyer is responsible for any damage caused by a Law practitioner in the course of his/her performance.

2. When these damages are made intentionally or as a cause of complete lack of caution, the practitioner is held accountable.

CHAPTER VIII NORMATIVE ACTS OF CHAMBER

Article 39 Authorizations

1. The Chamber of Advocates is obliged to issue the following normative acts:

- 1.1. the Statute of the Chamber of Advocates;
- 1.2. the Code of Professional Ethics;
- 1.3. regulation on reimbursements for lawyers and the fee table for reimbursements;
- 1.4. regulation on joint offices;
- 1.5. regulation on establishment, organisation and functioning of Bar societies;

- 1.6. regulation on disciplinary procedures;
 - 1.7. regulation on the registration of foreign lawyers;
 - 1.8. other necessary acts for organisation and regulation of the Bar.
2. Legal acts issued by Kosovo Chamber of Advocates should be made public.

CHAPTER IX

FINAL PROVISIONS

Article 40 Temporary and final provisions

1. Applications for registration of the Bar filed prior to the date when this law is put into effect, are reviewed through applicable procedures at the time when the application is made.
2. Disciplinary procedures initiated before this law is put into effect, are undertaken in terms of applicable provisions upon the initiation of procedure.
3. Procedures of getting appointed as law practitioner and the period of probation for persons that were appointed before this law enters into force are not envisaged by this law.
4. The Chamber of Advocates is obliged to adjust and amend the Statute and the Code of Professional Ethics within eight (8) months in compliance with this law.
5. Provisions of the Statute and the Code of Professional Ethics adopted after this law enters into force will be applied pending their amending, as far as they do not conflict provisions and aims of this Statute.

Article 41 Final Provisions

1. This law supersedes the Law on the Bar and other Legal Assistance, Official Gazette of KSAK, No: 011-69/79.
2. This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 03/L-117
20 November 2008**

Promulgated with the decision of the Assembly of Republic of Kosovo, No. 03-V-085, dated 12 February 2009.