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Bar Association Act

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18.12.2002	RT I 2003, 4, 22	23.01.2003
14.04.2004	RT I 2004, 30, 208	01.05.2004
28.06.2004	RT I 2004, 56, 403	01.03.2005
15.06.2005	RT I 2005, 39, 308	01.01.2006
15.12.2005	RT I 2005, 71, 549	01.01.2006
15.02.2007	RT I 2007, 24, 127	01.01.2008
21.11.2007	RT I 2007, 67, 413	28.12.2007
12.03.2008	RT I 2008, 15, 108	01.11.2008
19.06.2008	RT I 2008, 30, 191	01.07.2008
10.12.2008	RT I 2008, 59, 330	01.01.2009
03.12.2008	RT I 2009, 1, 1	01.01.2010
18.11.2009	RT I 2009, 59, 385	01.01.2010
09.12.2009	RT I 2009, 68, 463	01.01.2010
22.04.2010	RT I 2010, 19, 101	01.06.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Decision No 2010/416/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp 24–26).
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
17.02.2011	RT I, 14.03.2011, 3	24.03.2011
05.12.2012	RT I, 21.12.2012, 1	01.03.2013
12.06.2014	RT I, 21.06.2014, 11	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act.
09.12.2015	RT I, 31.12.2015, 1	01.03.2016
25.02.2016	RT I, 04.03.2016, 1	14.03.2016
07.06.2016	RT I, 22.06.2016, 21	01.08.2016
05.04.2017	RT I, 20.04.2017, 1	15.01.2018
09.05.2018	RT I, 31.05.2018, 2	10.06.2018, in part 01.01.2021
17.10.2018	RT I, 26.10.2018, 1	01.04.2022

05.12.2018	RT I, 20.12.2018, 1	01.01.2019
20.02.2019	RT I, 19.03.2019, 4	29.03.2019
09.12.2020	RT I, 22.12.2020, 34	01.01.2021
16.12.2020	RT I, 04.01.2021, 4	01.01.2022
13.04.2022	RT I, 05.05.2022, 1	01.02.2023

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of regulation

The Act establishes the organisation of the Estonian Bar Association (hereinafter also referred to as *the Bar*) and the legal grounds for the activities of an attorney, an associate member of the Bar and an attorney of a foreign country.

§ 2. Definition and legal status of the Bar

(1) The Estonian Bar Association founded on 14 June 1919 is a professional association of attorneys operating on the principles of self-governance for the purpose of organising the provision of the legal service in private and public interests and protecting attorneys' professional rights.

(2) The Bar is a legal person governed by public law.

(3) In its activities, the Bar follows the law, the legal instruments of the bodies of the Bar and good practices.

(4) The Bar is registered in the national register of state and local authorities in accordance with the procedure established in the statutes of the register.

[RT I 2002, 57, 357 – entry into force 01.08.2002]

§ 3. Competency of the Bar

The competency of the Bar includes the following:

- 1) admission to and exclusion from the Bar;
- 2) oversight of the legal practices of and adherence to the rules of professional ethics by members of the Bar;
- 3) oversight of the legal practices of and adherence to the rules of professional ethics by attorneys of foreign countries practising in Estonia;
- 4) organisation of the continuing training of attorneys;
- 5) organisation of the provision of state-funded legal aid and ensuring the provision of state-funded legal aid via its members;

[RT I 2009, 1, 1 – entry into force 01.01.2010]

- 6) management of the assets of the Bar;
- 7) resolution of other profession-related matters of attorneys.

§ 4. Ensuring the lawfulness of the activities of the Bar

(1) In regulatory enforcement of the organisation of state-funded legal aid and use of funds allocated for state-funded legal aid, the Ministry of Justice:

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 1) revokes in part or in full a legal instrument of a body of the Bar, which is in conflict with a statute or a regulation;
- 2) bans the making of an operation by a body of the Bar, which is in conflict with a statute or a regulation;
- 3) orders a body of the Bar to make an operation where the omission of the operation or a delay in making the operation by the body of the Bar is in conflict with a statute or a regulation.

(2) Where the Bar finds that the decree of the Ministry of Justice specified in clauses 1–3 of subsection 1 of this section is unlawful, the Bar files a complaint against it with the administrative court.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) Where the Ministry of Justice finds that in matters not specified in subsection 1 of this section a legal instrument or operation of a body of the Bar is in conflict with a statute, the Ministry of Justice files a protest against it with the administrative court.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) The Ministry of Justice has the right to contest decisions of the Ethics Tribunal in accordance with the procedure and to the extent set out in subsections 2, 3 and 4 of § 18 of this Act.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(5) An interested person may file a complaint against a legal instrument or an operation of a body of the Bar with the administrative court.

(6) A copy of a resolution of the General Assembly of the Bar is sent to the Ministry of Justice. The Ministry of Justice has the right to request that other documents of the bodies of the Bar be made available to it and to receive information related to the activities of the Bar. Information subject to the attorney-client privilege is omitted from the document sent to the Ministry of Justice to the extent that is reasonably necessary to ensure the attorney-client privilege, unless otherwise provided for in this Act. The Board of the Bar determines the extent to which the document is subject to the attorney-client privilege.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 5. Winding up of the Bar

The Bar may be wound up solely by a statute.

Chapter 2 ORGANISATION OF THE BAR

§ 6. Bodies of the Bar

(1) The Bar operates via its bodies.

(2) The bodies of the Bar are the General Assembly, the Board, the President, the Audit Committee, the Ethics Tribunal and the Admissions and Aptitude Assessment Committee.

(3) The competency of the bodies of the Bar is set out in a statute.

(4) The legal instruments, resolutions and decisions of the bodies of the Bar are mandatory for members of the Bar.

§ 6¹. Service of resolutions, decisions and notices

Resolutions, decisions and notices by the Bar are deemed as served on the attorney once these have been sent to the electronic mail address published on the website of the Bar based on subsection 6 of § 44 of this Act.
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 7. General Assembly

(1) The General Assembly is the highest body of the Bar. The General Assembly comprises all members of the Bar. Attorneys-at-law have the right to vote.
[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) The annual meeting of the General Assembly is convened by the Board at least once a year.

(3) A special meeting of the General Assembly is convened by the Board on its own initiative, on a proposal of the Audit Committee or where at least one-tenth of the members of the Bar demands this.

(4) A meeting of the General Assembly may be held as a fully physical meeting, as a partly physical and partly electronic meeting or as a fully electronic meeting. The Board communicates the time and form of the annual meeting of the General Assembly to attorneys at least one month in advance. The Board communicates the time and form of a special meeting of the General Assembly to attorneys at least two weeks in advance.
[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

(5) A quorum exists at a meeting of the General Assembly where over half of the voting attorneys take part therein. Where fewer attorneys participate, the Board convenes a further meeting of the General Assembly within two weeks of the meeting of the General Assembly and at that further meeting of the General Assembly a quorum will exist irrespective of the number of participants.

(6) An attorney can take part in a meeting of the General Assembly also via a representative, authorising another voting attorney to participate and vote in the meeting of the General Assembly in their name. An attorney cannot represent more than two attorneys at the same meeting of the General Assembly.
[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 7¹. Participating in a meeting of the General Assembly via electronic means

(1) Participation in a meeting of the General Assembly via electronic means takes place in accordance with the procedure set out in § 33¹ of the Act on the General Part of the Civil Code.

(2) On each occasion, the Board establishes a more detailed procedure for participation in a meeting of the General Assembly via electronic means.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

§ 8. Decision-making and election at a meeting of the General Assembly

(1) Resolutions of the General Assembly are adopted by way of public voting, unless the General Assembly decides otherwise. A resolution is adopted where over half of the voting attorneys who participated in the meeting of the General Assembly voted in favour of the resolution and where this Act does not provide for a requirement of higher majority.

(2) Each voting attorney has one vote in a meeting of the General Assembly.

(3) The bodies of the Bar are elected in a meeting of the General Assembly in accordance with the following principles:

- 1) votes are given separately to each candidate;
- 2) voting is by secret ballot;
- 3) the candidate that receives the highest number of votes is deemed as elected, unless a different voting requirement is established in this Act.

(4) In electing members of the bodies of the Bar, the President is elected first, followed by members and substitute members of the Board, members and substitute members of the Audit Committee and attorney members and substitute members of the Ethics Tribunal.

(5) In electing the President, the candidate that receives over half of the votes of those who took part in voting is deemed as elected. If no candidate has achieved the required majority, a second round of voting is held between two candidates that received the highest number of votes. In this round, the candidate that receives more votes than the other is deemed as elected. In the event of equal division of votes, a coin is tossed.

§ 8¹. Adoption of a resolution without convening a meeting of the General Assembly

(1) The voting attorneys of the General Assembly have the right, on a proposal of the Board, to adopt resolutions without convening a meeting of the General Assembly in matters placed within the competence of the General Assembly. In such an event the resolution process is carried out electronically.

(2) Without a compelling reason a voting attorney cannot refuse to participate in deciding on matters in accordance with the procedure set out in subsection 1 of this section.

(3) Where a resolution is made in accordance with the procedure set out in subsection 1 of this section, the resolution is deemed as adopted where over half of the votes of the voting attorneys have been given in favour of the resolution, unless a higher majority is required by this Act.

(4) The bodies of the Bar cannot be elected in accordance with the procedure set out in subsection 1 of this section.

(5) A detailed procedure for deciding matters in accordance with the procedure set out in subsection 1 of this section is set out in the Rules of Procedure of the Bar.

[RT I 2009, 1, 1 – entry into force 01.01.2010]

§ 8². Voting before a meeting of the General Assembly

(1) When convening a meeting of the General Assembly, the Board has the right to allow voting attorneys to vote on draft resolutions drawn up on the agenda items of the meeting of the General Assembly, sending their vote to the Bar in a form that is at least reproducible in writing before the meeting of the General Assembly, unless otherwise prescribed by the Rules of Procedure, provided that the identification of the voting attorneys in the voting process before the meeting of the General Assembly as well as the security and trustworthiness of voting is ensured.

(2) A voting attorney who voted before the meeting of the General Assembly is deemed as participating in the meeting of the General Assembly and their vote is included in the quorum of the meeting of the General Assembly, unless otherwise provided for in the Act or in the Rules of Procedure. Where draft resolutions not disclosed before a meeting of the General Assembly are being voted on in the meeting of the General Assembly on which a voting attorney has not sent their vote, the voting attorney is not deemed as participating in the meeting of the General Assembly in making the respective resolution.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

§ 9. Competency of the General Assembly

The General Assembly:

- 1) determines the number of the members and substitute members of the Board, the Audit Committee and the Ethics Tribunal;
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]
- 2) elects the President, the Board, the Audit Committee and the attorney-at-law members and substitute members of the Ethics Tribunal;
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]
- 3) approves a report on the implementation of the budget of the Bar in the preceding financial year and a budget for the upcoming financial year;
- 4) approves the Bar's annual report and the Audit Committee's annual report;
[RT I 2009, 1, 1 – entry into force 01.01.2010]
- 5) adopts the Rules of Procedure of the Bar and the rules of professional ethics of attorneys;
- 6) hears complaints filed against the resolutions of the Board and the operations of the President where at least one-tenth of the members of the Bar demand this;
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]
- 7) approves the symbols of the Bar;
- 8) decides the basis for remuneration of attorneys for work performed in the interests of the Bar;
- 9) establishes the conditions of and procedure for payment of the Bar membership fee and the amount of the membership fee, the conditions of and procedure for payment of other remuneration and compensation of costs and the amount of remuneration;
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]
- 10) [Repealed – RT I 2004, 56, 403 – entry into force 01.03.2005]
- 11) decides other matters set out in the Act and in the Rules of Procedure.

§ 10. President

- (1) The President represents the Bar in all legal operations. The President is a member of the Board of the Bar, organises the work of the Board and chairs the meetings of the Board.
- (2) The President is elected from among attorneys-at-law for three years.
- (3) In the absence of the President, their functions are performed by the Vice President.
[RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 11. Board

- (1) The Board is the permanent management body of the Bar. The Board has at least seven members.
- (2) The Board is elected from among attorneys-at-law for three years.
- (3) A member of the Board cannot be a member of the Audit Committee, the Ethics Tribunal or the Admissions and Aptitude Assessment Committee.
- (4) The Board adopts resolutions by a majority of the Board members. A Board member not participating in a meeting may vote via a means of communication which fact is recorded in the minutes. A resolution is adopted where over half of the Board members are in favour of the resolution.
[RT I, 14.03.2011, 3 – entry into force 24.03.2011]
- (5) A meeting of the Board is open to the public, unless the Board has declared the meeting or a part thereof closed to the public.
- (6) The Board may adopt resolutions also without convening a meeting in which case the President sends a draft resolution to the Board members in writing or electronically, setting a time limit for a reply. Votes are given in the form of a written or a digitally signed electronic reply. The voting results are recorded and the replies of the Board members are annexed to the minutes. Failure to reply within the set time limit is deemed a vote against.
[RT I, 14.03.2011, 3 – entry into force 24.03.2011]

§ 12. Competency of the Board

The Board:

- 1) manages the Bar;
- 2) manages the assets of the Bar and organises the Bar's accounting;
- 3) elects the Vice President of the Bar from among its members;
- 4) appoints the Executive Secretary who performs executive and organisational tasks given by the Board;
[RT I 2004, 56, 403 – entry into force 01.03.2005]

- 5) appoints attorney members of the Admissions and Aptitude Assessment Committee and their substitute members;
[RT I, 21.12.2012, 1 – entry into force 01.03.2013]
- 6) decides the admission to the Bar and the awarding of the professional title of an attorney-at-law;
[RT I, 22.06.2016, 21 – entry into force 01.08.2016]
- 7) decides the granting of the right to act as an associate member of the Bar;
- 7¹) [Repealed – RT I 2009, 1, 1 – entry into force 01.01.2010]
- 8) oversees the legal practices of and adherence to the rules of professional ethics by members of the Bar;
- 9) oversees the legal practices of and adherence to the rules of professional ethics by attorneys of foreign countries practising in Estonia;
- 10) appoints a patron for an assistant attorney-at-law;
- 11) at the request of an attorney or on another ground set out in this Act excludes the attorney from the Bar;
- 12) [Repealed – RT I 2009, 1, 1 – entry into force 01.01.2010]
- 13) organises the continuing training of attorneys;
- 14) organises the verification of the professional aptitude of attorneys;
- 15) where elements characteristic of a disciplinary offence become evident, makes a proposal to the Ethics Tribunal to institute proceedings against an attorney;
- 16) issues Bar membership cards and attorney certificates;
- 17) organises the provision of state-funded legal aid by attorneys in accordance with the State-funded Legal Aid Act and establishes a procedure for provision of legal aid;
[RT I 2004, 56, 403 – entry into force 01.03.2005]
- 18) performs other statutory functions or functions related to managing the Bar.

§ 13. Audit Committee

- (1) The Audit Committee checks the economic activities of the Bar and the clerical business of the President, the Board and the Executive Secretary. The organisation of provision of state-funded legal aid and the use of funds allocated from the state budget are also considered the Bar's economic activities.
[RT I 2009, 1, 1 – entry into force 01.01.2010]
- (2) The Audit Committee of at least three members is elected from among attorneys-at-law for four years.
- (3) The Audit Committee elects a chairperson from among its members.
- (4) The Audit Committee adopts resolutions by a majority of the votes of its members.
- (5) A member of the Audit Committee cannot be a member of the Board, the Ethics Tribunal or the Admissions and Aptitude Assessment Committee or have an employment relationship with the Bar.

§ 14. Auditing the economic activities of the Bar and the annual report

[RT I 2009, 1, 1 – entry into force 01.01.2010]

- (1) The financial year of the Bar is the calendar year.
- (2) Within six months after the end of the financial year, the Board submits the annual report to the Audit Committee for examination and expression of an opinion and thereafter to the General Assembly for approval.
[RT I 2009, 1, 1 – entry into force 01.01.2010]
- (3) The annual report is published in the Bar's yearbook.
[RT I 2009, 1, 1 – entry into force 01.01.2010]
- (4) At the request of the General Assembly, the Audit Committee or at least one-tenth of the members of the Bar the Board appoints an auditor to audit the economic activities or the annual accounts of the Bar.
[RT I 2009, 1, 1 – entry into force 01.01.2010]
- (5) The Audit Committee submits the audit report to the General Assembly.
- (6) The Ministry of Justice has the right to check the organisation of provision of state-funded legal aid and the use of funds allocated from the state budget, including to examine the related documentation, and receive information thereon. The Ministry of Justice has the right to, with the approval of the Board of the Bar, appoint an auditor at the state's expense to check other economic activities of the Bar.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 14¹. Financing of the activities of the Bar

- (1) The activities of the Bar are financed from the Bar membership fees and other charges of the Bar. The provision and organisation of state-funded legal aid is financed from the state budget in accordance with the statutory procedure.
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(2) The rate of the Bar membership fee is established by the General Assembly in an amount that ensures sufficient financing of the Bar.

[RT I 2009, 1, 1 – entry into force 01.01.2010]

§ 15. Ethics Tribunal

(1) The Ethics Tribunal hears disciplinary offence cases of attorneys and other matters placed within the competence of the Ethics Tribunal by a statute.

(1¹) By way of reconciliation procedure, the Ethics Tribunal may resolve disputes arising from a client agreement, including from a client agreement concluded with a consumer, on the grounds and in accordance with the rules set out in the Rules of Procedure of the Bar. The grounds and more detailed rules of the reconciliation procedure are set out in the Rules of Procedure and in the Operating Procedure approved by the Board.

[RT I, 31.12.2015, 1 – entry into force 01.03.2016]

(2) The Ethics Tribunal of at least seven members is established for a term of four years.

[RT I, 31.05.2018, 2 – entry into force 01.01.2021]

(3) The Ethics Tribunal consists of at least four attorneys-at-law elected by the General Assembly of the Bar, two judges elected by the Full Assembly of the Judiciary and at least one legal scholar appointed by a higher education institution that issues nationally recognised master's degrees in law.

[RT I, 31.05.2018, 2 – entry into force 01.01.2021]

(4) A member of the Ethics Tribunal cannot be a member of the Board, the Admissions and Aptitude Assessment Committee or the Audit Committee.

(5) An attorney-at-law who has practised as an attorney-at-law for at least ten years is eligible for election to the Ethics Tribunal.

(6) Members of the Ethics Tribunal elect the Head of the Ethics Tribunal from among attorney-at-law members.

(7) The Ethics Tribunal hears a case in a panel of at least three members.

(8) The Ethics Tribunal makes a decision by a majority of the members participating in hearing the case.

§ 16. Institution of Ethics Tribunal proceedings

(1) To institute Ethics Tribunal proceedings, an interested person may address the Ethics Tribunal or the Board. A request to institute Ethics Tribunal proceedings must be submitted within six months as of the day when the complainant learned or should have learned of the circumstances serving as the basis for the request.

(2) Where elements characteristic of a disciplinary offence become evident in the actions of an attorney, the Ethics Tribunal institutes proceedings on the initiative of an interested person, on its own initiative or on the initiative of a body of the Bar.

(3) The Ethics Tribunal decides the institution of proceedings within two months from the day of learning of the elements characteristic of a disciplinary offence.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(4) The Ministry of Justice may request the institution of Ethics Tribunal proceedings where it has come to suspect that elements characteristic of a disciplinary offence may have emerged in the actions of an attorney in connection with:

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

1) provision of state-funded legal aid;

2) acting as a bankruptcy trustee;

[RT I 2009, 1, 1 – entry into force 01.01.2010]

3) acting as a patent attorney.

[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

(5) The Ethics Tribunal institutes proceedings where the Ministry of Justice requests it based on subsection 4 of this section or where the court has fined an attorney or banned the attorney from making representations in proceedings or removed the attorney from proceedings or from providing state-funded legal aid. The Ethics Tribunal does not have to institute proceedings where the limitation period of the disciplinary offence has expired or where the hearing of the case is not within the Ethics Tribunal's competence.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(6) The Chamber of Enforcement Agents and Bankruptcy Trustees and the Chamber of Patent Attorneys (hereinafter either one referred to as *chamber*) may request the institution of Ethics Tribunal proceedings where it has come to suspect that an attorney in their activities as a bankruptcy trustee or as a patent attorney has violated a resolution or decision of a body of the chamber or a good professional practice of the chamber or committed a disciplinary offence specified in subsection 1 of § 19 of this Act.
[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

§ 17. Ethics Tribunal proceedings

(1) The Ethics Tribunal proceedings are mandatory for a member of the Bar.

(2) The attorney has the right to access the materials of the case, make statements to the Ethics Tribunal, make and submit objections, reasons and considerations regarding any and all issues raised in the proceedings, submit a recusal request against a member or secretary of the Ethics Tribunal where the circumstances cast doubt on their impartiality, submit requests and evidence, participate in an observation and examination of evidence, ask questions from persons summoned to the hearing and receive a copy of the decision of the Ethics Tribunal. If the attorney fails to attend the Ethics Tribunal hearing without a compelling reason, the case may be heard without the attendance of the attorney.

(3) The Ethics Tribunal may resolve a case by way of written procedure where the interested person or the attorney has not requested that the case be resolved by way of oral procedure.

(4) The Ethics Tribunal is required to establish circumstances of relevance in the heard case and, where necessary, collected evidence on its own initiative for such purpose. At the request of the Ethics Tribunal, the attorney is required to submit to the Ethics Tribunal the evidence that is at the attorney's disposal. The Ethics Tribunal may ask the administrative court for assistance in collecting or securing evidence. The administrative court adjudicates the Ethics Tribunal's request by a court order in accordance with provisions governing the granting of permission for an administrative operation under the Code of Administrative Court Procedure.
[RT I, 23.02.2011, 3 – entry into force 01.01.2012]

(5) The Ethics Tribunal decides a disciplinary offence case and makes a reasoned decision within six months after the institution of its proceedings. The Ethics Tribunal makes a reasoned decision also where it does not establish a disciplinary offence. For a compelling reason, the Ethics Tribunal may extend the time limit of hearing a disciplinary case by up to three months. The time during which a disciplinary offence case cannot be heard due to circumstances dependent on the attorney against whom the Ethics Tribunal proceedings were instituted is not considered the time of hearing the disciplinary offence case.

(6) Given the case heard and the personal characteristics of the attorney, the Ethics Tribunal may suspend the attorney's legal practice for the duration of the proceedings. The suspension of the legal practice for the duration of the Ethics Tribunal proceedings is not considered a disciplinary penalty.
[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(7) More detailed rules for Ethics Tribunal proceedings are established in the Rules of Procedure of the Bar. The provisions of the Administrative Procedure Act apply to Ethics Tribunal proceedings to the extent not regulated by this Act or the Rules of Procedure of the Bar.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(8) Where the disciplinary penalty imposed on an attorney involves the revocation of the attorney's right to act as a bankruptcy trustee or patent attorney, the Ethics Tribunal refers the decision to the chamber for enforcement.
[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

§ 18. Contestation of a decision of the Ethics Tribunal

(1) An interested person can file an appeal against a decision of the Ethics Tribunal with the administrative court.

(2) The Ministry of Justice can file a protest against a decision of the Ethics Tribunal with the administrative court where the disciplinary case is related to:
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 1) provision or organisation of provision of state-funded legal aid;
- 2) acting as a bankruptcy trustee;
- 3) acting as a patent attorney.

[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

(3) Decisions of the Ethics Tribunal against which the Ministry of Justice has the right to file a protest in accordance with subsection 2 of this section are sent to the Ministry of Justice without delay. The Ministry of Justice has the right to demand access to other documents of the Ethics Tribunal proceedings in such Ethics Tribunal cases.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) The Ministry of Justice can file a protest against a decision of the Ethics Tribunal with the administrative court within 30 days after receiving the decision of the Ethics Tribunal.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 19. Disciplinary liability

(1) For disregarding legislation regulating the activities of attorneys and law firms or rules of professional ethics the Ethics Tribunal may impose on a member of the Bar a disciplinary penalty, unless the limitation period of the disciplinary offence has expired by the time of the institution of the Ethics Tribunal proceedings.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(2) Disciplinary penalties include the following:
[RT I 2009, 1, 1 – entry into force 01.01.2010]

- 1) a reprimand;
- 2) a fine of 64 to 16,000 euros payable to the Bar;
[RT I 2010, 22, 108 – entry into force 01.01.2011]
- 3) suspension of the legal practice for up to one year;
- 4) disbarment;
- 5) revocation of the right to act as bankruptcy trustee for up to five years;
[RT I 2009, 68, 463 – entry into force 01.01.2010]
- 6) revocation of the right to act as patent attorney for up to five years.
[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

(3) Where the legal practice of an attorney has been suspended by way of a disciplinary penalty, the attorney is prohibited from providing legal services as well as from intermediating or organising the same. In the event of violation of the prohibition specified in this subsection, the attorney is disbarred.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(4) When imposing a disciplinary penalty, the Ethics Tribunal takes into account, among other things, the severity of the disciplinary offence, the nature of the case heard and whether the attorney has prior penalties.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(5) The Ethics Tribunal is allowed to impose only one disciplinary penalty for one disciplinary offence. A sanction imposed under the misdemeanour or criminal procedure for the same act as well as a disciplinary penalty imposed by another body or official is not taken into account in imposing a disciplinary penalty. A lasting disciplinary offence is considered a new disciplinary offence where the attorney does not cease the violation after the pronouncement of the decision of the Ethics Tribunal.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(6) A disciplinary penalty cannot be imposed after the limitation period of the disciplinary offence. The limitation period of a disciplinary offence is three years from the commitment of the offence. The limitation period of a disciplinary offence starts at the moment when the attorney ends the commitment of the act. The limitation period of a disciplinary offence is suspended during the proceedings of a disciplinary case in the Ethics Tribunal and in court, including during the time limit for application to a court of first instance, court of appeal and the Supreme Court. In spite of the expiry of the limitation period of a disciplinary offence, the Ethics Tribunal has the right to hear a disciplinary case.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(7) Records of a disciplinary penalty are erased after a period of three years has passed from the entry into force of the decision to impose the penalty. The records of a disciplinary penalty specified in clause 4 of subsection 2 of this section are not erased.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

§ 20. Rules of Procedure of the Bar

(1) Based on this Act, the Rules of Procedure of the Bar set out the following:

- 1) the procedure for becoming a member of the Bar and suspension and termination of membership in the Bar;
- 2) the attorney's rights and duties in relations with the Bar;
- 3) the rules of procedure of the bodies of the Bar;
- 4) the procedure for the adoption of the resolutions and decisions of the bodies of the Bar and election of the bodies of the Bar;
- 5) the procedure for substitution of members of the bodies of the Bar;
- 6) the procedure for issuance and revocation of the attorney certificate and Bar membership card;
- 7) organisation of Bar examinations;
- 8) other provisions which, according to the Act, must be set out in the Rules of Procedure.

(2) The Rules of Procedure of the Bar are adopted or amended where at least two-thirds of the voting attorneys participating in a meeting of the General Assembly vote in favour thereof.

(3) The Rules of Procedure of the Bar and amendments thereto are published in the *Riigi Teataja*.
[RT I 2010, 19, 101 – entry into force 01.06.2010]

§ 21. Register of the Bar

(1) The register of the Bar is kept by the Board of the Bar. The register of the Bar comprises register cards and attorney files.

(2) A register card is opened on an attorney and the following is entered on the card:

- 1) register number;
- 2) the name and personal identification code of the attorney;
- 3) information on education and academic degrees;
- 4) the fields of activity of the attorney;

[RT I, 14.03.2011, 3 – entry into force 24.03.2011]

5) the name and commercial registry code of the company of attorneys-at-law where the attorney practices law or the commercial registry code of the attorney who practices law as a self-employed person and the address, telecommunications and working hours of the law firm;

[RT I, 14.03.2011, 3 – entry into force 24.03.2011]

- 6) the time of becoming a member of the Bar;
- 7) the professional title of the attorney and the time of acquisition of the title;
- 8) a note on suspension of the Bar membership;
- 9) the time of and ground for exclusion from the Bar or disbarment.

(3) An electronically kept attorney file is opened on an attorney and the file must contain the following:

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

- 1) copies of documents certifying education and academic degrees;
- 2) the decision of the Admissions and Aptitude Assessment Committee on passing the Bar examination;
- 3) [Repealed – RT I, 04.03.2016, 1 – entry into force 14.03.2016]
- 4) the text of the attorney's oath signed by the attorney-at-law;
- 5) a copy of the passport or another identity document;
- 6) the Board's resolution on the admission of the attorney to the Bar;
- 7) the Board's resolution on the appointment of a patron for the attorney and on the appointment of the attorney as a patron;
- 8) the Board's resolution on granting a professional title to the attorney;
- 9) the resolution on the exclusion of the attorney from the Bar or on the disbarment of the attorney;
- 10) Ethics Tribunal decisions made on the attorney.

(4) On its own initiative or at the request of the attorney, the Board may add other documents reflecting the professional activities of the attorney to the attorney file.

(5) The attorney must inform the Board without delay of a change in the details specified in clauses 2–5 of subsection 2 and clauses 1, 3 and 5 of subsection 3 of this section in order to have the changes entered in the register.

(6) The details of the register card, except for the personal identification code and the place of residence of the attorney, are public and made available to the public in an electronic database.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(7) A person having a legitimate interest has the right to access the attorney file. The Board of the Bar decides whether the interest is legitimate.

Chapter 3 ATTORNEY

§ 22. Member of the Bar

(1) Members of the Bar (hereinafter *attorneys*) include attorneys-at-law and assistant attorneys-at-law.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) Any person who meets the requirements established in this Act and has passed the Bar examination can be a member of the Bar.

(3) In Estonia, legal services under the professional name of an attorney may be provided solely by members of the Estonian Bar Association, unless otherwise provided in this Act.

(4) Bar membership is proven by a Bar membership card and an attorney certificate. The attorney certificate must contain the details specified in clauses 2, 6 and 7 of subsection 2 of § 21 of this Act.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 22¹. Attorney emeritus

(1) The title of an attorney emeritus can be awarded to a person who has reached the retirement age and been excluded from the Bar.

(2) The granting of the title and the attorney emeritus status is regulated in the Rules of Procedure of the Bar.
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 23. Requirements for the attorney

(1) In order to be eligible for admission to the Bar, the person must:

1) have active legal capacity;
2) have a place of residence in Estonia or be a citizen of Estonia, another Member State of the European Union, a member state of the European Economic Area or Switzerland;

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

3) meet the education requirements applicable to a judge in accordance with clause 1 of subsection 1 of § 47 of the Courts Act or their foreign professional qualifications must have been recognised in accordance with § 65 of this Act;

[RT I 2008, 30, 191 – entry into force 01.07.2008]

4) speak and write in Estonian fluently;

5) be honest and ethical and have the abilities and personal characteristics required for the attorney practice.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) To become a member of the Bar, a person must submit a written application and pass the Bar examination. In the application, the person certifies that the circumstances specified in subsection 1 of § 27 of this Act, which preclude admission to the Bar, are absent.

(3) A person is admitted to the Bar by a resolution of the Board.

(4) An announcement of the admission of an attorney to the Bar is published by the Board of the Bar in the official publication *Ametlikud Teadaanded*.

§ 24. Assistant attorney-at-law

(1) A person who has passed the assistant attorney-at-law examination may be admitted to the Bar as an assistant attorney-at-law.

(2) An assistant attorney-at-law acts under the supervision of a patron.

§ 25. Senior assistant attorney-at-law

[Repealed – RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 26. Awarding the professional title of an attorney-at-law

(1) A member of the Bar who has practised as an assistant attorney-at-law for at least three years and passed the attorney-at-law examination can become an attorney-at-law on the basis of a written application.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(1¹) Where a person has, immediately before admission to the Bar, held for no less than two years an office or position the holding of which calls for a publicly recognised master's degree in law or equivalent qualifications for the purposes of subsection 2² of § 28 of the Republic of Estonia Education Act or equivalent foreign qualifications, the Board of the Bar may allow the person to take the attorney-at-law examination, provided that the person has practised as an assistant attorney-at-law for no less than one year in a row.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(1²) In allowing a person to take the examination in the event specified in subsection 1¹ of this section, the time of work is calculated as of the acquisition of the qualifications specified in the same subsection.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) The professional title of an attorney-at-law is awarded by a resolution of the Board.

(3) The following person may be admitted to the Bar as an attorney-at-law:

1) a person who has passed the attorney-at-law examination and holds a doctorate in law;

2) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

3) a person who has passed the attorney-at-law examination and has practised as a notary or assistant prosecutor for no less than three years and is admitted to the Bar within five years after ending their notary or prosecutor practice.

[RT I, 22.06.2016, 21 – entry into force 01.08.2016]

(3¹) A person who has practised as an attorney-at-law, judge, judge of the Court of Justice, the European Court of Human Rights or the General Court of the European Union, the Chancellor of Justice or a prosecutor for no less than three years, except as an assistant prosecutor, and applies for admission to the Bar within five years after being excluded from the Bar based on clause 1 or 4 of subsection 1 of § 36 of this Act or after ending their practice as a judge, Chancellor of Justice or prosecutor, may be admitted to the Bar as an attorney-at-law. Likewise, a person who has for no less than three years held no more than five years ago an office or position not specified in the first sentence of this subsection, where the complexity of tasks and responsibility correspond to the complexity and responsibility of the work of an attorney-at-law may be admitted to the Bar as an attorney-at-law.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3²) To admit a person to the Bar on the ground specified in subsection 3¹ of this section, the Admissions and Aptitude Assessment Committee holds an interview with the person for the purpose of assessing the person's compliance with the requirements of clause 5 of subsection 1 of § 23 of this Act and their knowledge of the legal practice and rules of professional ethics of an attorney. The Board decides the admission of the person based on the results of the interview.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) An attorney-at-law must be at least 24 years of age.

§ 27. Grounds for refusal to admit to the Bar

(1) The following person is not admitted to the Bar:

- 1) who does not meet the requirements applicable to an attorney;
- 2) who has been disbarred or removed from the notary practice;
- 3) who has been convicted of an intentional criminal offence;
- 4) who is in the public service under an employment or service contract;

[RT I 2009, 1, 1 – entry into force 01.01.2010]

- 5) who is a bankrupt;
- 6) who engages in a profession that conflicts with the rules of professional ethics or independence of an attorney;
- 7) who by a court judgment has been deprived of the right to be an attorney, judge, prosecutor, notary or entrepreneur.

(2) Employment in a teaching or research capacity does not prevent admission of the person to the Bar.

§ 28. Attorney-at-law oath

(1) After the Board of the Bar has decided to award to a person the professional title 'attorney-at-law,' the attorney takes the attorney-at-law oath. The attorney is permitted to practise as an attorney-at-law after taking the oath.

(2) An attorney-at-law takes the following oath before the Board of the Bar:

'I swear allegiance to the constitutional order of the Republic of Estonia and promise to perform any and all duties, tasks and functions that the attorney-at-law profession requires me to perform.'

§ 29. Admissions and Aptitude Assessment Committee

(1) The Admissions and Aptitude Assessment Committee of at least ten members is formed for five years.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2) A member of the Admissions and Aptitude Assessment Committee cannot be a member of the Board, the Ethics Tribunal or the Audit Committee.

(3) The Admissions and Aptitude Assessment Committee consists of:

- 1) no less than six attorneys-at-law appointed by the Board of the Bar and no less than two substitute members;

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 2) two judges elected by the Full Assembly of the Judiciary and two substitute members;

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

- 3) [Repealed – RT I, 31.05.2018, 2 – entry into force 10.06.2018]

3¹) where necessary, a representative of the Ministry of Justice appointed by the minister in charge of the policy sector;

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

- 4) a state prosecutor elected by the General Assembly of Prosecutors and their substitute member;

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

5) at least one legal scholar appointed by a higher education institution that issues nationally recognised master's degrees in law and their substitute member.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(4) The members of the Admissions and Aptitude Assessment Committee elect the chairperson of the committee from among the attorney-at-law members.

§ 30. Competency of the Admissions and Aptitude Assessment Committee

(1) The Admissions and Aptitude Assessment Committee:

- 1) examines applicants for Bar membership and applicants for the professional certificate of an attorney;
- 2) organises an aptitude test of professional qualifications obtained abroad;
- 3) periodically or at the Board's request assesses the aptitude of attorneys;
- 4) holds an interview with a person who has submitted a Bar membership application based on subsection 3¹ of § 26 of this Act.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(2) The Admissions and Aptitude Assessment Committee has a quorum where at least five members of the committee the majority of whom are attorney-at-law members are present. A meeting of the Admissions and Aptitude Assessment Committee is chaired by the chairperson of the committee or an attorney-at-law member of the committee appointed by the chairperson.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 31. Bar examination and fee

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(1) The Bar examination means verification of the specialisation-related knowledge and personal characteristics of an applicant for Bar membership or applicant for the professional certificate of an attorney.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) The Bar examinations are the assistant attorney-at-law examination and the attorney-at-law examination.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(3) The Bar examination is held when necessary but not less frequently than once a year. The frequency of Bar examinations and other organisational matters are set out in the Rules of Procedure of the Bar.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(4) The Admissions and Aptitude Assessment Committee sets the time and place of an examination.

(5) The fee for taking an attorney examination and a repeat examination must not exceed 300 euros. A fee is always charged for a repeat examination.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 32. Structure of the Bar examination

(1) The Bar examination may consist of an oral part and a written part.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) A more detailed arrangement of the oral and written parts of the Bar examination is set out in the Rules of Procedure of the Bar.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(3) [Repealed – RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(4) The suitability of the personal characteristics of an applicant for the legal practice of an attorney is assessed on the basis of an examination and an interview held in the course thereof. In assessing the suitability of personal characteristics, the Admissions and Aptitude Assessment Committee may also take into account other important information on the applicant, among other things, the Admissions and Aptitude Assessment Committee may make inquiries and ask for the patron's opinion.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 33. Grading of examination results

(1) The results of the parts of the Bar examination are graded on a scale of 1 to 10.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(2) The examination grade is the average of the grades given by the members of the committee, which is rounded to a full number. Any grade below 5 is a non-pass grade.

(3) If the examinee has received a non-pass grade for a part of the examination, they have failed the entire examination.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(4) The committee considers the personal characteristics of the applicant for Bar membership either suitable or unsuitable.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

(5) If the committee does not consider the examinee's personal characteristics suitable, the person has not passed the examination. The committee must state the reasons for the decision.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 34. Repeat examination

[Repealed – RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 34¹. Continuing training of attorneys

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(1) An attorney is required to periodically pursue continuing legal training. The Board may discharge a person from the duty to pursue continuing training during the prescribed period if they have defended a doctorate or a master's degree in a specialisation related to the legal practice of an attorney.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(2) The Board of the Estonian Bar Association establishes the grounds of and procedure for continuing training. In organising continuing training, the specialisation of the attorney-at-law in a certain field of law is taken into account. The grounds of and procedure for continuing training is revised by the Board, where necessary.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(3) Where a period of five years (hereinafter *assessment period*) has passed from the last Bar examination passed by an attorney, the attorney must, not later than within 15 days after the assessment period, submit to the Admissions and Aptitude Assessment Committee information on continuing training completed by the attorney during the assessment period.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(4) The Admissions and Aptitude Assessment Committee informs the attorney of the expiry of the assessment period prescribed in subsection 3 of this section at least three months in advance and explains what information the attorney needs to submit for the purpose of assessment of their aptitude.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(5) Based on the information submitted in accordance with subsection 3 of this section, the Admissions and Aptitude Assessment Committee assesses the compliance of the scope of the individual development of the attorney with the rules established on the basis of subsection 2 of this section. Where necessary, the Admissions and Aptitude Assessment Committee may demand that the attorney submit additional evidence in proof of completion of continuing training.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(6) Where an attorney has not completed continuing legal training to the required extent or in the prescribed manner or submitted to the Admissions and Aptitude Assessment Committee information on continuing training by the closing date, the Admissions and Aptitude Assessment Committee will arrange an assessment for the purpose of verifying the attorney's expertise. The assessment will take place within nine months after the end of the assessment period. A decision on the closing date of the aptitude assessment is communicated to the attorney no less than one month in advance.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(6¹) The fee for an assessment and a new assessment must not exceed 300 euros. The fee is always charged for a new assessment.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(7) The Admissions and Aptitude Assessment Committee informs an attorney who failed to attend an assessment or was declared unsuitable as a result of the assessment of the time of a new assessment at least one month before the new assessment. The new assessment will take place within nine months after the failure to attend the assessment or after declaring the attorney unsuitable for the legal practice of an attorney as a result of the assessment.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 35. Suspension of the Bar membership and legal practice of an attorney

(1) The Bar membership may be suspended by a resolution of the Board where a person:

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

1) temporarily is for health or other reasons unable to provide legal services consecutively for over a month;

1¹) has not complied with the continuing training requirement established in § 34¹ of this Act and the last Bar examination or aptitude assessment passed by them was six years ago;

[RT I 2004, 56, 403 – entry into force 01.03.2005]

2) joins the civil service or, under an employment or service contract, commences work in an office or position that calls for the completion of a university law programme, provided that the employer's field of activity and the substance of the work is not the provision of third parties with legal services;

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

3) has been elected a member of the *Riigikogu* or the European Parliament or the President of the Republic;

4) has been nominated a member of the Government of the Republic or the European Commission;

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

5) has submitted an application for the suspension of the membership for up to one year.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(1¹) The Board decides the period of suspension of the Bar membership. The Bar membership cannot be suspended for more than five years in a row. The suspension of the membership may be extended on the same ground once but not for longer than an additional five-year period.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(1²) Where Bar membership has been suspended in connection with the election or nomination of the person to an office specified in clause 3 or 4 of subsection 1 of this section, the Bar membership is suspended until the end of the term of office. Where Bar membership has been suspended in connection with the person joining the civil service, the Bar membership is suspended either for an unspecified term or until the end of the term arising from a contract.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(2) Being elected to a local council does not suspend Bar membership.

(3) The legal practice of an attorney may be fully or partially be suspended by a resolution of the Board where the person is a suspect or an accused in a criminal case.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(4) Where the ground for the suspension of Bar membership or legal practice has lapsed, the Board will reinstate the membership or the right to practice law. Where necessary, the Board reinstates Bar membership for the purpose of conducting Ethics Tribunal proceedings.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(4¹) Suspension of membership does not discharge a person from the continuing training requirement set out in § 34¹ of this Act, unless the person joins the civil service or is elected a member of the *Riigikogu* or a member of the European Parliament or the President of the Republic or is nominated a member of the Government of the Republic or the European Commission. In addition, a person whose membership has been suspended for health reasons or for a period of a maternity leave, paternity leave, adoptive parent leave or parental leave is discharged from the continuing training requirement.

[RT I, 26.10.2018, 1 – entry into force 01.04.2022]

(5) The legal practice of an attorney may be suspended by a decision of the Ethics Tribunal on the ground set out in subsection 6 of § 17 of this Act.

[RT I 2009, 1, 1 – entry into force 01.01.2010]

(6) The Board publishes a notice of the suspension of an attorney's Bar membership and legal practice as well as a notice of reinstatement of an attorney's Bar membership and the right to practise law in the official publication *Ametlikud Teadaanded*.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(7) An attorney whose membership or legal practice has been suspended pays the membership fee at the rate established by the General Assembly.

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

§ 36. Exclusion from the Bar

(1) An attorney is excluded from the Bar by a resolution of the Board of the Bar where:

1) the attorney has submitted a respective application;

2) [Repealed – RT I, 04.03.2016, 1 – entry into force 14.03.2016]

- 2¹) the attorney has not complied with the continuing training requirement established in § 34¹ of this Act and the last Bar examination or aptitude assessment passed by them was seven years ago;
[RT I 2004, 56, 403 – entry into force 01.03.2005]
- 3) the Admissions and Aptitude Assessment Committee has declared that the attorney does not meet the aptitude requirements, except in the event specified in clause 2¹;
[RT I 2004, 56, 403 – entry into force 01.03.2005]
- 4) the attorney has not practised as an attorney for over three consecutive years for health or other reasons;
- 4¹) the Bar membership of the attorney has been suspended on the basis of subsection 1 of § 35 of this Act and the attorney has not submitted an application for reinstatement of the membership by the end of the period of suspension of the membership;
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]
- 5) by a court judgment the attorney has been deprived of the right to be an attorney or an entrepreneur;
- 6) the attorney is a bankrupt;
- 7) the attorney engages in a profession that conflicts with the rules of professional ethics or the principle of the independence of an attorney;
- 8) the attorney has commenced work not specified in clause 2 of subsection 1 of § 35 of this Act under an employment or service contract;
[RT I 2009, 1, 1 – entry into force 01.01.2010]
- 9) the attorney does not meet the requirements set out in the Bar Association Act.
[RT I, 20.12.2018, 1 – entry into force 01.01.2019]

(2) On the basis of the attorney's application the attorney is not excluded from the Bar during Ethics Tribunal proceedings brought against the attorney as well as during a period for which the attorney's legal practice is suspended as a disciplinary penalty.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(3) An attorney is not excluded from the Bar where the attorney concludes an employment contract with the Bar, engages in teaching or research work or where the attorney's membership is suspended on the basis of clauses 2–4 of subsection 1 of § 35 of this Act.

§ 37. Disbarment

An attorney is disbarred:

- 1) as a penalty for a disciplinary offence, which has been imposed in accordance with the procedure established in this Act;
- 2) on the basis of a resolution of the Board once a judgment of conviction for an intentionally committed criminal offence or for another criminal offence that renders practising as an attorney impossible has become final with regard to the attorney;
- 3) on the basis of a resolution of the Board where the attorney has failed to pay the Bar membership fee by the due date without a compelling reason in spite of the Board's warning.

§ 38. Consequences of exclusion from the Bar and disbarment

(1) Where a person is excluded from the Bar or disbarred, they lose the right to practise as an attorney.

(2) In the event of exclusion from the Bar or disbarment, the documents related to the legal practice of the attorney and information on other data media remain with the company of attorneys-at-law. Where the disbarred or the excluded was the sole shareholder of the company of attorneys-at-law or practised as a self-employed person, the disbarred or excluded attorney ensures the preservation of the documents and data media in archives. Where necessary, the documents and data media are handed over to the Board of the Bar.
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(3) In the event of disbarment, the attorney certificate and the Bar membership card must be handed over to the Board of the Bar without delay.

(4) In the event of exclusion from the Bar, the attorney certificate must be handed over to the Board. At the request of the excluded, they can keep the Bar membership card. The Board of the Bar adds an exclusion-indicating marking to the Bar membership card.

(5) The Board publishes a notice of exclusion from the Bar or disbarment in the official publication *Ametlikud Teadaanded*.

§ 39. Patron

(1) A patron is an attorney-at-law under whose supervision an assistant attorney-at-law practises.

(2) An attorney-at-law who has granted respective consent may be appointed a patron. Remuneration of the assistant attorney-at-law and other mutual rights and obligations of the assistant attorney-at-law and the patron are agreed on in a patronage contract which is considered an authorisation agreement.

(3) An attorney-at-law may have up to three assistants. Where an attorney-at-law has the skills and experience and can afford it, the Board may allow them to have more than three assistants.

(4) Where an assistant attorney-at-law has not received patronage consent from any attorney-at-law, the Board of the Bar arranges the appointment of a patron for the assistant attorney-at-law.

Chapter 4

ATTORNEY PRACTICE

§ 40. Legal service

(1) A legal service is the legal practice of counselling, representing or defending a person in court, in pre-trial proceedings or elsewhere, preparation of a document for a person and making another legal operation in their interests.

(2) A legal service must be timely and competent and be based on thorough examination of the circumstances, evidence, legislation and case-law. Where necessary, the attorney must collect evidence in the client's interests.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(3) Persons who are not members of the Bar are not allowed to provide or intermediate a legal service via a law firm, except for patent attorneys on the conditions set out in subsection 4 of this section.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(4) A patent attorney is allowed to provide a legal service via a law firm in a field of professional activity set out in the Patent Attorneys Act. The owner of the law firm ensures the compliance of the activities of the patent attorney with the requirements applicable to an attorney.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

(5) Where, in accordance with a statute, a legal service may be provided or a person may be represented only by an attorney or where a person wishes to file a claim or complaint in connection with an act or omission by an attorney or a law firm and the person has not found themselves an attorney, the Bar will without delay find an attorney to provide the person with a legal service at the person's request. Unless the person in need of legal assistance and the attorney agree otherwise, the attorney is entitled to charge a fee as per standard price list of the attorney's services.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

§ 41. Competency of an attorney-at-law

(1) An attorney-at-law is competent to:

1) represent and defend a client in court and in pre-trial proceedings and elsewhere in Estonia as well as abroad;

2) collect evidence;

3) freely choose and use lawful means and ways in providing a legal service;

4) receive information required for the provision of a legal service from a state authority and municipality, access documents and receive copies and extracts thereof, unless it is prohibited by a statute to provide an attorney with information and documents;

4¹) process the personal data of a person other than a client, which have been obtained on the basis of a contract or a statute, including personal data of special categories, without the person's consent where it is necessary for the provision of a legal service;

[RT I, 22.12.2020, 34 – entry into force 01.01.2021]

5) certify copies of documents and signatures submitted to the court and other authorities in the framework of a legal service rendered to a client;

5¹) provide the contact person service specified in § 24 of the Commercial Register Act;

[RT I, 05.05.2022, 1 – entry into force 01.02.2023]

6) act as an arbitrator and, in accordance with the procedure established in the Reconciliation Act, as a reconciler;

[RT I 2009, 59, 385 – entry into force 01.01.2010]

7) act as a bankruptcy trustee, provided that the attorney is a member of the Chamber of Enforcement Agents and Bankruptcy Trustees.

[RT I, 19.03.2019, 4 – entry into force 29.03.2019]

(2) The certification specified in clause 5 of subsection 1 of this section has a meaning equivalent to official certification. Where an attorney-at-law certifies the signature of the principal on a power of attorney issued to the attorney by the principal, the given certification is equivalent to certification by a notary. A more detailed procedure for drawing up, registration and statistical reporting of certification operations that an attorney-at-law is competent to carry out is established by a regulation of the minister in charge of the policy sector.

[RT I 2009, 1, 1 – entry into force 01.01.2010]

§ 42. Legal competency of an assistant attorney-at-law

- (1) An assistant attorney-at-law has the legal competency of an attorney-at-law to a statutorily limited extent.
 - (2) An assistant attorney-at-law is not competent to perform the tasks specified in clauses 6 and 7 of subsection 1 of § 41 of this Act or to represent or defend a client in the Supreme Court, unless otherwise provided by a statute.
 - (3) An assistant attorney-at-law is allowed to perform the tasks specified in clause 6 of subsection 1 of § 41 of this Act with the consent to the Board of the Bar granted for the specific occasion.
 - (4) An assistant attorney-at-law is allowed to provide a legal service only under the supervision of their attorney-at-law patron.
- [RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 43. Attorney's guarantees

- (1) When providing a legal service, the attorney is independent and follows the law, the legal instruments and resolutions of the bodies of the Bar, the rules of professional ethics, good manners and their own conscience.
 - (2) Information entrusted with the attorney is subject to the attorney-client privilege. No questions may be asked or statements demanded from an attorney, an employee of the Bar or an employee of a law firm interviewed as a witness about circumstances learned by them in connection with the provision of a legal service.
 - (3) Data media related to the provision of a legal service by an attorney are privileged.
 - (4) The attorney must not be equated with the client or the client's case due to performing the client's assignments.
 - (5) An attorney cannot be arrested, searched or taken into custody based on circumstances arising from their legal practice, except on the basis of an order issued by a district court or a city court. Based on circumstances arising from the legal practice of an attorney, the law firm via which the attorney provides legal services cannot be searched either.
- [RT I 2001, 102, 676 – entry into force 10.01.2002]

§ 44. Attorney's duties

- (1) The attorney is required to:
 - 1) use in the client's interests any and all lawful means and ways, thereby keeping their practice-related honour and dignity;
 - 2) notify the client of an activity related to the provision of a legal service;
 - 3) keep a list of the matters that are being handled by the attorney;
 - 4) keep data media related to the provision of legal services separately from other data media in their possession.
- [RT I 2001, 102, 676 – entry into force 10.01.2002]
- (2) The attorney is required to constantly refresh their practice-related knowledge and skills.
 - (3) When providing a legal service, the attorney is not allowed to acquire the client's rights.
 - (4) The attorney is not allowed to provide a legal service where the attorney has rendered or renders a legal service to a person whose interests conflict with those of the client in the same matter or where a statute prohibits the provision of the legal service.
 - (5) On their own initiative and with the consent of the owner of the law firm, the attorney may waive the duties assumed under the client agreement or terminate the client agreement where the client has made a demand the following of would force the attorney to break the law or violate the rules of professional ethics or where the client is in breach of a fundamental term of the client agreement.
 - (6) Every attorney must have an electronic mail address for the purpose of serving procedural documents on them. It may be individual or shared by multiple attorneys across the law firm. The electronic mail address is published on the website of the Bar.
- [RT I 2008, 59, 330 – entry into force 01.01.2009]

§ 45. Attorney-client privilege

- (1) The attorney is required to maintain the confidentiality of data disclosed to them in the course of provision of a legal service, the fact that they have been addressed for the purpose of receiving a legal service and the size of the fee paid for a legal service. The attorney-client privilege does not have a time limit and it remains

in force also after the attorney's legal practice has terminated. The attorney-client privilege also applies to the employees of the law firm and to the employees of the Bar and to civil servants who have learned information subject to the attorney-client privilege in the course of performance of their service duties. The duty to maintain confidentiality of the fact that the attorney has been addressed for the purpose of receiving a legal service and the size of the fee paid to the attorney for a legal service does not apply to the provision of state-funded legal aid and the fee paid for it.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

(2) The client or their legal successor may discharge the attorney from the attorney-client privilege by written consent.

(3) The attorney-client privilege does not apply to the recovery of the legal service costs of an attorney that participated in the case.

(4) Disclosure of information to the Board exercising oversight and to the Ethics Tribunal hearing a disciplinary offence case is not considered a violation of the attorney-client privilege.

(4¹) Disclosure of information to the insolvency division in connection with regulatory enforcement in matters concerning the practice of a bankruptcy trustee is not considered a violation of the attorney-client privilege.
[RT I, 04.01.2021, 4 – entry into force 01.01.2022]

(5) To prevent a criminal offence of the first degree, an attorney has the right to submit to the president of the administrative court or to an administrative judge of the same court appointed by the president of the court a reasoned written application requesting that the attorney-client privilege be revoked. The judge hears the application without delay and either revokes the privilege or refuses to revoke it.

§ 46. Oversight of and supervision over the activities of an attorney

(1) The Board of the Bar oversees the activities of an attorney.

(2) The attorney whose activities are subject to oversight is, at the request of the Board, required to:

- 1) attend a meeting of the Board;
 - 2) submit to the Board or to a person appointed by the Board documents related to the clerical business of the law firm and to the legal practice of the attorney;
 - 3) make statements to the Board or the person appointed by the Board regarding the attorney's activities;
- [RT I, 04.03.2016, 1 – entry into force 14.03.2016]
- 4) allow a person appointed by the Board to access the rooms of the office of the law firm.

(3) In addition to the Board of the Bar, the insolvency division exercises regulatory supervision over the activities of an attorney in the capacity of a bankruptcy trustee. The attorney subject to supervision by the Ministry of Justice is, at the request of the Ministry of Justice, required to submit documents related to their activities and make statements about their activities.

[RT I, 04.01.2021, 4 – entry into force 01.01.2022]

(4) Where a recipient of state-funded legal aid files with the Ministry of Justice a complaint against an attorney who provided or provides legal aid to the recipient of state-funded legal aid, the Ministry of Justice may send the complaint of the recipient of the state-funded legal aid to the Board of the Bar for exercising supervision or ask the Ethics Tribunal to carry out proceedings.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 46¹. Confidentiality

Persons exercising supervision are required to maintain confidentiality of the information subject to statutory protection, which they have learned in the course of supervision.

[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 47. Pecuniary liability

The law firm owner and the attorney bear joint and several liability for damage caused in providing legal services. An agreement that precludes the law firm owner's or the attorney's liability for damage caused by intent or gross negligence is void.

[RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 48. Attorney's professional liability insurance

(1) To ensure compensation for damage caused by the owner of a law firm or an attorney, the law firm owner must conclude a professional liability insurance contract on the following terms:

- 1) the insurer is a company holding an insurance activity authorisation in Estonia;
- 2) the insured event is the causing of direct pecuniary damage by the law firm owner or an attorney in connection with the provision of a legal service, regardless of the place of provision of the legal service. Liability arising from an intentional breach of a practice-related duty does not have to be insured; [RT I 2004, 56, 403 – entry into force 01.03.2005]
- 3) the minimum sum insured per insured event is at least 63,910 euros; [RT I 2010, 22, 108 – entry into force 01.01.2011]
- 4) where the insurance contract has been made with excess, the insurer indemnifies the entire damage caused and recovers the amount of the excess from the policyholder.

(2) The minister in charge of the policy sector has the right to establish additional terms for the professional liability insurance contract of a law firm owner and an attorney, above all, regarding the insured event, reduction of the indemnity, grounds for refusal to indemnify and the time limit of indemnification.

(3) A copy of the professional liability insurance contract is submitted to the Board of the Bar without delay. The insurer is required to inform the Bar when the professional liability insurance contract terminates and the insurer has not concluded a new contract with the policyholder.

(4) Evidence of the attorney's professional liability insurance is retained in the Bar. [RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 49. Law firm

(1) An attorney provides legal services via a law firm. The provision of legal services by an attorney is the business of the owner of the law firm.

(2) The owner of a law firm is a company of attorneys-at-law or an attorney-at-law who practises as a self-employed person.

(2¹) Where an attorney-at-law has been admitted to the Bar on the basis of subsection 3¹ of § 26 of this Act, the attorney-at-law may become the owner of a law firm after they have practised as a member of the Bar for one year. [RT I, 31.05.2018, 2 – entry into force 10.06.2018]

(3) A company or a self-employed person may own a single law firm or multiple law firms.

(4) Attorneys-at-law practising as self-employed persons may conclude a partnership agreement to run the law firm.

(5) The relations between the law firm owner and an attorney are regulated by a contract.

(6) No other undertaking or a branch of a foreign company besides a company of attorneys-at-law or a branch of a foreign company of attorneys-at-law is allowed to operate in a law firm. In the event of a breach of this prohibition, a disciplinary penalty specified in clause 3 or 4 of subsection 2 of § 19 is imposed on the law firm owner who is a self-employed person or on the attorney-at-law who manages the company of attorneys-at-law running the law firm.

[RT I 2005, 71, 549 – entry into force 01.01.2006]

§ 49¹. Winding up a law firm

(1) The operations of a law firm are wound up:

- 1) on the basis of a resolution of the owner of the law firm;
- 2) in the event of the death of the law firm owner who is a self-employed person or in the event of death of the sole shareholder running the law firm;
- 3) in the event of liquidation or bankruptcy of the company of attorneys-at-law which runs the law firm;
- 4) where the law firm owner is deprived of the right to run a law firm.

(2) The operations of a law firm are wound up under the oversight of the Board of the Bar. In the event of bankruptcy of a law firm owner, the court appoints a bankruptcy trustee on a proposal of the Board of the Bar.

(3) The owner of a law firm that is being wound up or attorneys practising in a law firm that is being wound up notify the Board of the Bar of the winding up of the operations of the law firm or the emergence of the grounds for winding up specified in subsection 1 of this section without delay. In the event of death of the owner of a law firm, the notary who issued a succession certificate submits the notice, unless other attorneys practise in the law firm.

(4) Where the grounds for winding up a law firm, which are specified in subsection 1 of this section, become evident, the owner of the law firm that is being wound up is or attorneys practising in the law firm that is being wound up are required to:

- 1) without delay inform thereof all persons that have a valid legal assistance contract with the law firm;
- 2) ensure the performance of urgent and indispensable operations to be made under legal assistance contracts in force;

3) terminate legal assistance contracts in force and provide persons that have a valid legal assistance contract with the law firm with assistance in finding a new legal counsel.

(5) In the event of death of the owner of a law firm in a situation where no other attorneys practise in the law firm, the Board of the Bar or a person authorised by it organises the performance of the duties specified in subsection 4 of this section.

(6) The Board of the Bar retains the winding up records of the law firm.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 50. Company of attorneys-at-law

(1) Attorneys-at-law may establish a company of attorneys-at-law for the purpose of provision of legal services.

(2) A company of attorneys-at-law may operate as a general partnership, limited partnership, private limited company or public limited company. An attorney-at-law may be a shareholder in no more than one company of attorneys-at-law.

(3) Provisions regulating the chosen corporate type of the company of attorneys-at-law apply to the company, unless otherwise provided by a statute.

(4) The partnership agreement of a company of attorneys-at-law operating in the form of a general partnership or limited partnership must be made in writing. The agreement is annexed to the registration application submitted to the commercial register.

(5) [Repealed – RT I 2004, 56, 403 – entry into force 01.03.2005]

(6) A company of attorneys-at-law may be merged only with another company of attorneys-at-law.

§ 51. Attorney practising as a self-employed person

(1) An attorney-at-law may provide legal services as a self-employed person.

(2) An attorney-at-law practising as a self-employed person must be registered in the commercial register.

§ 52. Business name

The business name of an attorney operating as a company of attorneys-at-law or as a self-employed person must contain the word ‘advokaadibüroo’ [law firm] or ‘advokaat’ [attorney]. Where necessary, the Board of the Bar verifies whether the business name of a company of attorneys-at-law complies with the requirements established in § 12 of the Commercial Code and does not mislead clients. The Board of the Bar may obligate a company of attorneys-at-law to change its business name.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 53. Field of activity

(1) A company of attorneys-at-law is not allowed to have any other field of activity besides providing legal services.

(2) An attorney-at-law practising as a self-employed person cannot practise under the same business name in another field of activity besides the provision of legal services.

§ 54. Shareholder of a company of attorneys-at-law

(1) Only an attorney-at-law is permitted to hold shares in a company of attorneys-at-law.

(2) The successor of a shareholder can step in a company of attorneys-at-law operating as a general partnership or limited partnership only where the successor is an attorney-at-law.

(3) The share of a private limited company of attorneys-at-law may transfer to the successor in the event of the shareholder’s death only where the successor is an attorney-at-law. In another event, the company of attorneys-at-law compensates the successor for the value of the share within three months after the issuance of a succession certificate.

(4) Where the successor of a shareholder of a public limited company of attorneys-at-law is not an attorney-at-law, the successor is required to transfer the share within three months after the issuance of a succession certificate. Where the share is transferred, the shareholders of the public limited company of attorneys-at-law

have a right of pre-emption within one month as of the submission of the contract of transfer of the share to the shareholders.

(5) Where the successor of a shareholder of a public limited company of attorneys-at-law who is not an attorney-at-law has not transferred the share within the time limit specified in subsection 4 of this section, the company of attorneys-at-law is required to annul the share and compensate the successor for its value.

(6) Where a shareholder in a private or public limited company of attorneys-at-law is disbarred, they must transfer their share within three months. Where the share is transferred, the other shareholders of the private or public limited company of attorneys-at-law have a right of pre-emption within one month as of the submission of the contract of transfer of the share to the shareholders.

(7) Where a disbarred person or a person excluded from the Bar has not transferred their share within the time limit set out in subsection 6 of this section, the company of attorneys-at-law is required to annul the share and compensate the value thereof to the disbarred or the excluded.

(8) Where a disbarred person or a person excluded from the Bar is the sole shareholder of the private or public company of attorneys-at-law and has not transferred the share within the time limit set out in subsection 6 of this section, the company of attorneys-at-law must either be wound up or transformed into a different type of company.

(9) Where a company of attorneys-at-law has not annulled within the time limit prescribed by subsection 6 of this section the share held by a disbarred person or a person excluded from the Bar or in the event specified in subsection 8 of this section the company of attorneys-at-law has not been wound up or transformed into a different type of company, the Board of the Bar submits to the registrar of the commercial register an application for compulsory winding-up of the company of attorneys-at-law. In liquidating a company of attorneys-at-law, the provisions of § 49¹ of this Act are taken into account.
[RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 55. Client agreement

(1) To provide legal services, the owner of a law firm concludes with a person a client agreement that sets out the name of the attorney providing legal services, the attorney's authorisation and assignments as well as the form and amount or rate of the attorney fee.

(2) The law firm owner is not allowed to authorise an employee of the law firm who is not an attorney to provide the client with legal services or grant an attorney and a person who is not an attorney joint authorisation to provide legal services.

(3) A client agreement is governed by rules applicable to a mandate, taking into account the differences set out in this Act.

(4) The attorney must inform the law firm owner of the making of an oral agreement. An oral agreement cannot be made on defending a client in criminal proceedings or for representing a client in court or in another authority. A written agreement is signed by the law firm owner, the attorney who assumed the assignment and the client.

(5) Where legal services are provided by an assistant attorney-at-law, it must be declared upon conclusion of the agreement that the assignment will be carried out by the assistant attorney-at-law under the supervision of a patron.
[RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 56. Substitution of an attorney in performing a client agreement

(1) Where an attorney cannot perform a client agreement for a compelling reason, the law firm owner appoints another attorney to substitute for the initial attorney.

(2) A substitute may be appointed only with the written consent of the client.

§ 57. Power of attorney

[Repealed – RT I 2005, 39, 308 – entry into force 01.01.2006]

§ 57¹. Authorisation of attorney

[Repealed – RT I 2007, 67, 413 – entry into force 28.12.2007]

§ 58. Publication of details in the Bar yearbook

[Repealed – RT I, 14.03.2011, 3 – entry into force 24.03.2011]

§ 59. Working time of a law firm

- (1) The law firm owner must ensure that the law firm provides information on the office hours of attorneys.
- (2) Where the law firm is not open during standard working hours, the law firm owner has to ensure that information on the office hours of attorneys is in a visible place at the seat of the law firm and that the information is published on the website of the law firm or on that of the Bar.
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 60. Attorney fee

- (1) The attorney fee is agreed on in the client agreement.
- (2) The law firm owner or the attorney makes the first quote to the client and explains the principles of calculation of the fee.
- (3) The Bar is not permitted to set attorney fee limits.
- (4) The client pays the law firm owner in the agreed manner and by the agreed time on the basis of an invoice.
- (5) It may be stipulated in a client agreement that the client pays the legal service costs and the attorney fee in advance. Where the client agreement is terminated before the completion of the assignment, the law firm owner refunds the advance payment to the client, less the fee for the work performed and the legal service costs.
- (6) [Repealed – RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 61. Form of the fee

- (1) The fee is charged:
 - 1) based on time (hourly fee);
 - 2) in a fixed amount (flat fee);
 - 3) as a portion of the client's gains obtained owing to the provision of a legal service (proportional fee).
- (2) The fee must be paid in money.
- (3) By agreement with the client, the fee may be made bound to the attorney's work results and other circumstances.

§ 62. Legal service costs

- (1) The client compensates for necessary costs which the attorney or the law firm owner has incurred in providing a legal service.
- (2) The attorney is required to inform the client of any and all costs.

§ 63. Invoicing

The attorney is required to issue to the client an invoice on the attorney fee and the legal service costs, which separately indicates the fee and cost amounts.

§ 64. Contestation of the attorney fee and legal service costs

Where the client finds that the attorney fee or the cost of a legal service is not justified, the client may contest in the Ethics Tribunal of the Bar.

Chapter 4¹ **STATE-FUNDED LEGAL AID**

[RT I 2009, 1, 1 - entry into force 01.01.2010]

§ 64¹. Organisation of provision of state-funded legal aid

- (1) In each state-funded legal aid case, the Board of the Bar or a person designated by the Board appoints an attorney to provide state-funded legal aid. In an event and in accordance with the procedure established in the State-funded Legal Aid Act, a member of the Bar may refuse to accept and carry out an assignment given

to them. In organising the provision of state-funded legal aid, the Bar must not treat an attorney unequally in comparison with other attorneys without the attorney's consent.
[RT I, 21.06.2014, 11 – entry into force 01.07.2014]

(2) The Board of the Bar must ensure uninterrupted organisation and provision of state-funded legal aid and reasonable availability of state-funded legal aid. The organisation and provision of state-funded legal aid is deemed uninterrupted and state-funded legal aid is deemed reasonably available where the appointment of a sufficient number of state-funded aid-providing attorneys for the timely performance of procedural operations and the timely participation of the appointed attorneys in the procedural operations is ensured.
[RT I, 21.06.2014, 11 – entry into force 01.07.2014]

(3) The Board of the Bar must ensure that an attorney appointed to provide a person with state-funded legal aid provides the person with legal services in the same case until the case is finally decided, unless otherwise provided by a statute.
[RT I, 21.06.2014, 11 – entry into force 01.07.2014]

(4) The Board of the Bar keeps account of state-funded legal aid cases and the provision of state-funded legal aid by attorneys. The reporting period is a calendar year.
[RT I 2009, 1, 1 – entry into force 01.01.2010]

Chapter 5

RECOGNITION OF PROFESSION AND ASSOCIATE MEMBER OF THE BAR

§ 65. Recognition of professional qualifications

(1) A person who has the right to practice as a fully fledged attorney in a foreign country is admitted to the Bar on the basis of a written application and without having to take the attorney-at-law examination, provided that their professional qualifications have been recognised by way of an aptitude test in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Estonian Bar Association.
[RT I 2008, 30, 191 – entry into force 01.07.2008]

(2) The Government of the Republic establishes a list of the professional titles that entitle one to practise as a fully fledged attorney in a Member State of the European Union.

(3) In reviewing an application for recognition of professional qualifications, the provisions of this Act and of the Rules of Procedure of the Bar regarding the Admissions and Aptitude Assessment Committee apply.

(4) A fee of 190 must be paid to the Bar for reviewing an application for recognition of professional qualifications.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 66. Associate member of the Bar

(1) The right to practise as an associate member of the Bar (hereinafter *associate member*) is granted on the basis of an application to a person who wishes to permanently practise in Estonia, is a citizen of a Member State of the European Union and has the right to practise as a fully fledged attorney in a Member State of the European Union.
[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

(2) When applying for the right to practise as an associate member, the person must submit a certificate issued by a competent body of a Member State of the European Union in proof of the fact that the person has the right to practise as a fully fledged attorney in that state. The certificate is deemed valid where it has been issued to the person up to three months before submission to the Board of the Bar.

(3) An associate member is a member of the General Assembly of the Bar. An associate member has the right to vote in the elections of the President and members of the Board. As a member of the Bar and as a legal service provider, an associate member has the rights and duties set out in this Chapter.

(4) An associate member is entered in the register of the Bar in accordance with § 21 of this Act. Documents proving that the associate member is a law firm owner or a shareholder in a company of attorneys-at-law in a Member State of the European Union are placed in the attorney file as well.

(5) A notice of granting a person the right to practise as an associate member is published by the Board of the Bar in the official publication *Ametlikud Teadaanded*.
[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 67. Competency of an associate member

(1) Section 41 of this Act applies to an associate member providing a legal service, taking into account the specifications set out in this section.

(2) An associate member may represent or defend a client in court only in cooperation with an attorney-at-law.

(3) An associate member may represent or defend a client in the Supreme Court only jointly with an attorney-at-law.

(4) An associate member must follow the same legal practice and professional ethics requirements and perform the same legal practice and professional ethics duties as other members of the Bar.

(5) An associate member is not required to have professional liability insurance prescribed by this Act, provided that they have professional liability insurance in a Member State of the European Union, which allows for indemnification of damage in Estonia on the conditions set out in § 48 of this Act. The existence of another statutory guarantee of indemnification of damage is considered equivalent with professional liability insurance. Insofar as professional liability insurance does not cover damage to the extent set out in § 48 of this Act, the associate member must conclude a professional liability insurance contract.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 68. Using the professional title of an associate member

(1) When providing legal services in Estonia, an associate member must use the professional title that entitles them to practise as an attorney in a Member State of the European Union. The professional title must be accompanied by the name of the body that granted the right or the name of the court where the associate member practises in a Member State of the European Union.

(2) The professional title of an associate member must be expressed in at least one official language of the state specified in subsection 1 of this section in a manner that allows for clearly distinguishing it from the professional titles of Estonian attorneys.

(3) An associate member must add the name 'Eesti Advokatuuri assotsieerunud liige' [associate member of the Estonian Bar Association] to their professional title.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 69. Associate member as a law firm owner and as a shareholder in a private or public limited company of attorneys-at-law

(1) An associate member may, on the same grounds as an attorney-at-law, be a law firm owner and a shareholder in a private or public company of attorneys-at-law and inherit a share in a private or public company of attorneys-at-law. An associate member who practises as a self-employed person may conclude a partnership agreement for running a law firm on the same grounds as an attorney-at-law.

(2) Associate members may run a law firm also on the basis of a partnership agreement concluded in a foreign country, provided that all of the parties to the agreement are persons practising in a Member State of the European Union as fully fledged attorneys.

(3) A foreign company of attorneys-at-law or a branch thereof whose shareholder is an associate member may also operate as a private or public company of attorneys-at-law.

(4) A law firm cannot be owned by a foreign company whose shareholders are persons who do not have the right to practise as fully fledged attorneys in a Member State of the European Union.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 70. Oversight and exclusion from the Bar

(1) The legal practice of an associate member is overseen and an associate member is held liable under disciplinary liability rules on the same grounds and in accordance with the same procedure as members of the Bar.

(2) An associate member is excluded from the Bar where the associate member is deprived of the right to practise as a fully fledged attorney in a Member State of the European Union.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 71. Notifying the competent body of a Member State of the European Union

The Board of the Bar notifies the competent body of a Member State of the European Union of granting the right to act as an associate member, the institution of Ethics Tribunal proceedings against an associate member, the imposition of a disciplinary penalty on an associate member or the suspension of the practice of an associate member, providing relevant information.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 72. Duty to report

(1) The associate member must submit to the Board of the Bar information on their professional liability insurance and on practising in cooperation with other attorneys. At the request of the Board of the Bar, the associate member must submit other information on their legal practice.

(2) Where the competent body of a Member State of the European Union has instituted disciplinary proceedings against an associate member or where an associate member has been deprived of the right to practise as a fully fledged attorney in a Member State of the European Union, the associate member must inform the Board of the Bar thereof without delay.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 73. Awarding the professional title of an attorney-at-law to an associate member

(1) Where an associate member has practised in Estonia permanently in the field of Estonian law for no less than three years, the associate member is entitled to the professional title of an attorney-at-law.

(2) Where an associate member has practised in Estonia permanently for no less than three years but for less than three years in the field of Estonian law, the professional title of an attorney-at-law may be awarded to the associate member. The type of their legal practice, their knowledge of and experience in Estonian law and their individual development in Estonian law is taken into account in deciding on the matter.

(3) In the events specified in subsections 1 and 2 of this section, the person is not required to take the attorney-at-law examination. The associate member must submit to the Board of the Bar a written application and the details of their legal practice, which prove that they have actually practised in Estonia without any gaps. The Board of the Bar may request additional information.

(4) In the event specified in subsection 2 of this section, the Admissions and Aptitude Assessment Committee interviews the associate member in order to find out the type of their legal practice to date and their knowledge of Estonian law.

(5) The associate member is not granted the professional title of an attorney-at-law where a disciplinary offence case is being heard against them or where they have fundamentally disregarded the rules of legal practice or professional ethics while practising in Estonia.

(6) Where the professional title of an attorney-at-law has been awarded to an associate member, they lose the associate member status.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

Chapter 6 FOREIGN ATTORNEY

§ 74. Foreign attorney

(1) A foreign attorney is a person who has the right to practise as a fully fledged attorney in a Member State of the European Union but who is not a member of the Estonian Bar Association.

(2) Section 41 of this Act applies to the legal practice of a foreign attorney, taking into account the specifications set out in this section.

(3) A foreign attorney cannot permanently practise in Estonia as an attorney.

(4) In Estonia, a foreign attorney may represent a client in court or defend a client only jointly with an attorney-at-law.

(5) Where a foreign attorney practises in Estonia, they are bound by the rules of legal practice and professional ethics applicable to the members of the Estonian Bar Association.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 75. Using the professional title of a foreign attorney

(1) When providing legal services in Estonia, a foreign attorney must use the professional title that entitles them to practise as an attorney in a Member State of the European Union. The professional title must be accompanied by the name of the body that granted the right or the name of the court where the foreign attorney practises in a Member State of the European Union.

(2) The professional title of a foreign attorney must be expressed in at least one official language of the state specified in subsection 1 of this section in a manner that allows for clearly distinguishing it from the professional titles of Estonian attorneys.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 76. Oversight of the legal practice of a foreign attorney

(1) The Board of the Bar oversees the legal practice of a foreign attorney practising in Estonia.

(2) A foreign attorney has the duties specified in subsection 2 of § 46 of this Act. The Board of the Bar may demand that the foreign attorney prove their right to practise as an attorney in a Member State of the European Union.

(3) A foreign attorney must submit a notice of acting as a representative in court proceedings to the Board of the Bar.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 77. Institution of Ethics Tribunal proceedings against and imposing a disciplinary penalty on a foreign attorney

(1) Ethics Tribunal proceedings against a foreign attorney are instituted on the grounds and in accordance with the procedure established in this Act.

(2) The Ethics Tribunal may impose a penalty specified in clause 2 of subsection 2 of § 19 of this Act on a foreign attorney or revoke the foreign attorney's right to act as a foreign attorney in Estonia. A decision of the Ethics Tribunal that deprives a person of the right to practise in Estonia as an attorney of a foreign country enters into force once the Board of the Bar has approved it.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

§ 78. Notifying the competent body of a Member State of the European Union

(1) The Board of the Bar notifies the competent body of a Member State of the European Union of the institution of Ethics Tribunal proceedings against a foreign attorney or of the imposition of a disciplinary penalty on a foreign attorney, providing relevant information.

(2) The Board of the Bar must ensure confidentiality in using and retaining data obtained from the competent body of a Member State of the European Union about a foreign attorney.

[RT I 2004, 30, 208 – entry into force 01.05.2004]

Chapter 7 IMPLEMENTATION OF ACT

§ 79.–§ 80.[Omitted from this text.]

§ 81. Deletion of the Bar from the register of non-profit associations and foundations

(1) The Estonian Bar Association registered in the register of non-profit associations and foundations is deleted from the register without liquidation proceedings.

(2) Subsection 3 of § 53 of the Non-profit Associations Act does not apply to the deletion of the Estonian Bar Association from the register of non-profit associations and foundations.

§ 82. Bodies and legal instruments of the Bar

(1) Not later than by 31 May 2001 the Bar must establish bodies in accordance with this Act.

(2) The powers of the bodies of the Bar established on the basis of the Republic of Estonia Act on the Estonian Bar Association terminate once the bodies of the Bar have been established based on this Act.

(3) Not later than by 31 May 2001 the Bar must bring its legal instruments into compliance with this Act.

(4) Until 1 January 2003, the minister in charge of the policy sector establishes the grounds and terms of payment and the rates of the fee paid by the state for legal aid, having heard the opinion of the Board of the Bar. [RT I 2001, 102, 676 – entry into force 01.01.2002]

§ 82¹. Restrictions on the activities of an attorney

(1) An attorney who is a member of the management board or supervisory board of a legal person or the director of a branch of a foreign company or a shareholder having the right to represent the undertaking or a procurator of an undertaking (hereinafter *participating in management*) is required to withdraw from management where participating in management is incompatible with the legal practice of the attorney or the rules of professional ethics of the attorney or where it reasonably calls the attorney's independence into doubt. The attorney's participation in management must not impede or harm the attorney's legal practice or reputation. [RT I 2009, 1, 1 – entry into force 01.01.2010]

(2) The attorney must communicate to the Board of the Bar the legal person or the branch in the management of which the attorney wishes to participate. The attorney must also inform the Board of the Bar where the attorney terminates participation in the management of a legal person or branch. The Bar keeps account of attorneys' participation in management and publishes the relevant details on each attorney under the details of the law firm on the website of the Bar.

[RT I 2009, 1, 1 – entry into force 01.01.2010]

(3) The operations of an undertaking operating in a law firm and the operations of a branch of a foreign company in a law firm, except for the operations of a foreign company of attorneys-at-law or a branch of a foreign company of attorneys-at-law in a law firm must be wound up not later than by 1 January 2003. [RT I 2001, 102, 676 – entry into force 10.01.2002]

(4) By 10 January 2010 an attorney must communicate to the Board of the Bar the legal person or a branch of a legal person in the management of which the attorney participates, regardless of whether the attorney has informed the Board of participating in management in the past.

[RT I 2009, 1, 1 – entry into force 01.01.2010]

§ 82². First aptitude assessment of attorneys

(1) In the case of an attorney-at-law and a senior assistant attorney-at-law from whose last Bar examination a period of five years has passed before 31 December 2006 the first assessment period terminates on 31 December 2006 and they have to undergo an aptitude assessment prescribed in § 34¹ of this Act.

(2) The grounds of and procedure for continuing training of attorneys, which serves as the basis for the first aptitude assessment of attorneys are established in accordance with the procedure established in subsection 2 of § 34¹ of this Act not later than by 31 December 2005.

[RT I 2004, 56, 403 – entry into force 01.03.2005]

§ 82³. Transitional provisions applicable to assistant attorneys-at-law and senior assistant attorneys-at-law

(1) Senior assistant attorneys-at-law must take the attorney-at-law examination and, where necessary, a repeat examination in accordance with the effective examination procedure not later than by 28 February 2018.

(2) Until the deadline specified in subsection 1 of this section, a senior assistant attorney-at-law retains the right to use the former professional title and act with the competency of a senior assistant attorney-at-law effective before 1 March 2013, including to have the right to vote in a meeting of the General Assembly.

(3) Where a senior assistant attorney-at-law does not pass the attorney-at-law examination by the time specified in subsection 1 of this section, they will be titled an assistant attorney-at-law.

(4) Persons who have passed the assistant attorney-at-law examination before 1 March 2013 may take the attorney-at-law examination after having practised as an assistant attorney-at-law for two years.

[RT I, 21.12.2012, 1 – entry into force 01.03.2013]

§ 82⁴. Deviation from the implementation of subsection 7 of § 35

Subsection 7 of § 35 of this Act applies to a person whose membership or legal practice has been suspended before the entry into force of this section as of 1 March 2018.

[RT I, 04.03.2016, 1 – entry into force 14.03.2016]

§ 82⁵. Authorisation of members of the Admissions and Aptitude Assessment Committee appointed by the minister in charge of the policy sector

The authorisation of the representative of the Ministry of Justice and their substitute member appointed to the Admissions and Aptitude Assessment Committee by the minister in charge of the policy sector based on clause 3 of subsection 3 of § 29 of this Act terminates on 31 December 2018.
[RT I, 31.05.2018, 2 – entry into force 10.06.2018]

§ 83. Entry into force of Act

(1) The right of a senior assistant attorney-at-law to act as a bankruptcy trustee, which arises from subsection 2 of § 42 of this Act, enters into force on a date established by a separate Act.

(2) Clause 10 of § 9 and subsection 6 of § 60 of this Act enter into force on 1 January 2003.

(3) Section 48 of this Act enters into force on 1 January 2003.

(4) Sections 66–78 of this Act enter into force on a date established by a separate Act.
[RT I 2001, 102, 676 – entry into force 01.01.2002]