Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

29 January 1998 [shall come into force on 19 February 1998];

4 June 2002 [shall come into force on 5 June 2002];

30 October 2003 [shall come into force on 28 November 2003];

19 February 2004 [shall come into force on 1 March 2004];

27 May 2004 [shall come into force on 18 June 2008];

19 June 2008 [shall come into force on 23 July 2008];

28 October 2010 [shall come into force on 1 January 2011];

9 November 2017 [shall come into force on 23 November 2017];

18 February 2021 [shall come into force on 16 March 2021].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The Supreme Council of the Republic of Latvia has adopted a law:

**Advocacy Law of the Republic of Latvia**

**PART ONE**

**General Provisions**

**1.** This Law regulates the professional and corporate activities of advocates.

**2.** Advocacy shall be an integral element of the judicial system of a law-governed state.

**3.** An advocate shall be an independent and professional lawyer who provides legal aid in defending and representing the lawful interests of persons in court proceedings and pre-trial investigations, providing legal consultations, preparing legal documents and performing other legal activities.

[*27 May 2004*]

**4.** In accordance with the procedures laid down in this Law, the following persons may work as advocates in Latvia:

1) sworn advocates;

2) assistants to sworn advocates;

3) citizens of European Union Member States who have obtained the qualification of an advocate in one of the European Union Member States (hereinafter – the advocates of European Union Member States).

Foreign advocates, except for the advocates of the European Union Member States, may practice in Latvia in accordance with the international agreements on legal aid binding on the Republic of Latvia.

[*27 May 2004*]

**5.** Advocates shall be persons belonging to the court system for conducting cases in any court and pre-trial investigation institution of the Republic of Latvia upon being commissioned and chosen by the parties, the accused and other participants (clients) of the case, and also in cases specified in the Law upon being commissioned by court judges, chairpersons of pre-trial investigation institutions and the Latvian Council of Sworn Advocates. Advocates shall also provide other legal aid in accordance with the procedures laid down in law.

[*19 February 2004*]

**6.** Advocates shall be independent and shall be subject only to the Law in their professional activities.

State and local government authorities, courts, prosecutors and pre-trial investigation institutions shall guarantee the independence of advocates.

It is prohibited to:

1) interfere in the professional activities of advocates, exert influence or bring pressure upon them;

2) request information and explanations from advocates, and also interrogate them as witnesses regarding the facts which have become known to them in providing legal aid;

3) control postal and telegraph correspondence and the documents which advocates have received or prepared in providing legal aid, to examine or confiscate them, and also to execute a search in order to find and confiscate such correspondence and documents;

4) control, also by applying the procedural measures referred to in Clause 3 of this Section, the information systems and means of communication, including electronic means of communication, used by advocates in providing legal aid, to remove information from them and to interfere with the operation thereof;

5) request information from clients on the fact of aid provided by advocates and the contents thereof;

6) subject advocates to any sanctions or threats in relation to the provision of legal aid to clients in accordance with the Law;

7) hold advocates liable for written or oral announcements which they have made while performing their professional duties in good faith.

An unlawful action of an advocate in the interests of a client, and also an action for the promotion of an unlawful offence of a client shall not be recognised as a provision of legal aid.

[*29 January 1998*]

**7.** Advocates shall not be identified with their clients or the cases thereof in relation to the fulfilling of the professional duties of an advocate.

**8.** Clients have the right to freely choose an advocate for the defence and representation of their interests and to meet the advocate without any restrictions and hindrance. All detained, arrested, imprisoned, and convicted persons shall be provided with the possibility, time, and resources to meet privately with or contact an advocate in order to receive legal aid without delay, interference, or censorship, respecting complete confidentiality.

**9.** All persons shall be provided with equal rights to legal aid. Natural persons shall be provided with legal aid irrespective of their citizenship, origin, social, financial, official and other status, race, nationality, language, sex, education, religious, political and other views, party affiliation, type and nature of occupation and place of residence.

**10.** State and local government authorities, courts, prosecutors, pre-trial investigation institutions and any individual shall ensure that the provisions for providing legal aid specified in laws and regulations are fulfilled in relation to advocates and their clients.

**11.** The procedures and regulations which, in accordance with the Law, exist in the places in which legal aid is provided shall be binding to advocates and their clients.

**12.** The State shall pay for legal aid provided by advocates and the expenses related to the provision thereof in the cases specified in law.

The compensation and reimbursable expenses which have occurred to the elder of the sworn advocates when organising the performance of defence and representation provided by the State shall be covered from the funds from the State budget which are intended for such purposes.

The procedures for the determination of compensation of the elder of the sworn advocates and amounts thereof, the types of reimbursable expenses, the procedures for the determination of reimbursable expenses and amounts thereof, and also the procedures for the granting of compensation and reimbursable expenses of the elder of the sworn advocates and the content of the report on the use of the abovementioned financial resources and the procedures for the submission thereof shall be determined by the Cabinet.

[*19 June 2008; 28 October 2010*]

**13.** The State authorities have an obligation to listen to the Latvian Collegium of Sworn Advocates regarding matters related to the development of laws and regulations and the drafts thereof.

[*19 February 2004*]

**Part Two**

**Sworn Advocates**

**14.** Persons may be admitted as sworn advocates if they:

1) are citizens of the Republic of Latvia;

2) have a faultless reputation;

3) have attained the age of twenty five years;

4) after completion of an accredited study programme in a higher education institution, have obtained a second-level higher vocational education in law and the professional qualification of a lawyer, and also have obtained Master’s Degree in Law;

5) have knowledge of the official language at the highest level;

6) have acquired work experience working in one of the following positions:

a) at least three years – in the position of a judge;

b) at least five years – in the position of a prosecutor, a sworn bailiff, or a sworn notary, or an assistant to a sworn advocate;

c) at least seven years – in the position of academic personnel specialising in law at a higher education institution or in any other position of legal speciality after obtaining the professional qualification of a lawyer;

7) have passed the advocate examination.

Doctors of Law shall be partly exempted from taking the examination of a sworn advocate.

[*19 February 2004; 27 May 2004; 28 October 2010; 18 February 2021*]

**15.** Persons may not be admitted as sworn advocates if:

1) they do not meet the requirements specified in Section 14 of this Law;

2) they are under trusteeship;

3) insolvency proceedings of a natural person have been declared and are conducted against them;

4) they have been declared suspects or the accused in criminal proceedings regarding committing an intentional criminal offence;

5) the criminal proceedings regarding committing an intentional criminal offence have been terminated against them for reasons other than exoneration;

6) they have been convicted for committing an intentional criminal offence regardless of extinguishing or setting aside the criminal record;

7) they have committed an intentional criminal offence earlier, but have been released from serving a sentence;

8) they have been withdrawn the right to hold the position of the advocate or the positions specified in Section 14, Paragraph one, Clause 6 of this Law by a judgment of the court in the criminal proceedings;

9) on the basis of a decision in a disciplinary matter they have been dismissed from the position of judge, sworn bailiff, assistant to a sworn bailiff, sworn notary or assistant to a sworn notary, have been debarred from the number of sworn advocates, assistants to sworn advocates or dismissed from the position of prosecutor until five years have not passed since the coming into effect of the decision taken in the disciplinary matter;

10) the Latvian Council of Sworn Advocates regards their occupation as incompatible with the position of sworn advocate in the society due to ethical reasons;

11) they are employed in a direct or indirect State administrative institution, derived public person, other State institution or State (local) government capital company, except for teaching staff in educational establishments and persons performing the duties of legal adviser in accordance with an agreement, or they have not fulfilled the requirements specified in Section 42 of this Law;

12) they have acquired the status of a debtor in accordance with the Maintenance Guarantee Fund Law.

[*19 June 2008; 18 February 2021*]

**16.** Persons shall be debarred from the number of sworn advocates if:

1) [18 February 2021];

2) they are under trusteeship;

3) the criminal proceedings regarding committing an intentional criminal offence have been terminated against them for reasons other than exoneration;

4) they have been convicted for committing an intentional criminal offence regardless of extinguishing or setting aside the criminal record;

5) they have committed an intentional criminal offence, but have been released from serving the sentence;

6) they have been deprived from the right to hold the position of advocate by a judgment of the court in the criminal proceedings;

7) they have falsely declared in the submission referred to in Section 39 of this Law that there are no obstacles to their admission to the number of sworn advocates;

8) they have not terminated the activity referred to in Clause 10 or 11 of Section 15 of this Law upon the proposal of the Latvian Council of Sworn Advocates;

9) they have been imposed a disciplinary sanction – debarring from the numbers of sworn advocates.

[*19 June 2008; 18 February 2021*]

**16.1** The Latvian Council of Sworn Advocates may suspend the activities of a sworn advocate for a time period while he or she is employed in a direct or indirect State administrative institution, derived public person, other State institution or State (local) government capital company, or for the time period of studies or prolonged illness, and also upon justified request of the advocate in other cases.

The Latvian Council of Sworn Advocates shall suspend the activities of such sworn advocate whom the court has sentenced with the deprivation of liberty for a crime committed unintentionally – for the time period while he or she is held in the place of imprisonment.

[*19 February 2004; 27 May 2004; 19 June 2008*]

**17.** Upon receipt of the information in writing from the person directing the proceedings, sworn advocates who are suspects or the accused for committing an intentional criminal offence which is not connected to the performance of professional duties of a sworn advocate may be suspended from performing the duties of sworn advocates during the time period of the pre-trial criminal proceedings and court proceedings in the criminal case.

Upon receipt of the information in writing from the person directing the proceedings, sworn advocates who are suspects or the accused for committing an intentional criminal offence which is connected to the performance of professional duties of sworn advocate, or for whom a prohibition from a specific employment has been applied as a security measure in accordance with the procedures laid down in the Criminal Procedure Law shall be suspended from performing the duties of sworn advocates during the time period of the pre-trial criminal proceedings and court proceedings in the criminal case.

If a sworn advocate is the suspect or accused in criminal proceedings for committing an intentional criminal offence which is not connected to the performance of professional duties of a sworn advocate, he or she shall be suspended from the provision of State ensured legal aid during the time period of the pre-trial criminal proceedings and court proceedings in the criminal case.

A sworn advocate against whom insolvency proceedings of a natural person have been declared and are conducted shall be suspended from the performance of the duties of sworn advocates during the time period of the insolvency proceedings.

The Latvian Council of Sworn Advocates shall announce the information on the suspension of a sworn advocate in the official gazette *Latvijas Vēstnesis*.

[*19 June 2008; 18 February 2021*]

**Part Three**

**Corporate Activity of Sworn Advocates**

**Division One**

**Collegium of Sworn Advocates**

**18.** The Latvian Collegium of Sworn Advocates is an independent professional corporation of Latvian sworn advocates which unites all sworn advocates practising in Latvia. Only the Latvian Collegium of Sworn Advocates has the rights and duties specified in this Law.

**19.** Natural persons shall be united in the Latvian Collegium of Sworn Advocates following the principle of profession in order to maintain the prestige of their profession, promote the professional development, the improvement of the creative abilities and the obtaining of the experience of sworn advocates, in order to fulfil the tasks specified in this Law and other Laws.

**20.** The Latvian Collegium of Sworn Advocates shall operate on the basis of this Law and by-laws as a self-governing, autonomous body governed by public law.

[*27 May 2004*]

**21.** The institutions of the Latvian Collegium of Sworn Advocates shall be the general meeting of Sworn Advocates, the Latvian Council of Sworn Advocates, the Audit Board, and the Disciplinary Proceedings Commission.

In performing the duties in an institution of the Latvian Collegium of Sworn Advocates or in another institution in which the participation of a sworn advocate is provided for by the law, the sworn advocate is a not a public official. The participation in the examination commission shall also not result in the status of a public official for other persons.

A sworn advocate as a member of the institution referred to in this Section shall not take decisions, participate in decision-making, or perform other activities which affect or may affect the personal or economic interests of the sworn advocate, his or her relatives, or counterparties within the meaning of the law On Prevention of Conflict of Interest in Activities of Public Officials.

[*27 May 2004; 18 February 2021*]

**22.** The resources of the Latvian Collegium of Sworn Advocates shall be constituted by sums paid according to the procedures and in the amount stipulated by the Latvian Council of Sworn Advocates for the membership in the Latvian Collegium of Sworn Advocates.

The Latvian Council of Sworn Advocates is entitled to specify a fee for the membership in the Latvian Collegium of Sworn Advocates for a sworn advocate or assistant to a sworn advocate whose activity in the Latvian Collegium of Sworn Advocates has been suspended.

[*28 October 2010; 18 February 2021*]

**23.** In order to provide advocates with material support, the Latvian Collegium of Sworn Advocates may create special funds from the contributions of advocates, and also from the donations of natural and legal persons.

**Division Two**

**General Meeting of Sworn Advocates**

**24.** The Latvian Council of Sworn Advocates shall convene a general meeting of Sworn Advocates.

**24.1** A sworn advocate whose activity has been suspended, and also an advocate of a European Union Member State who has registered with the Latvian Council of Sworn Advocates in accordance with Section 121 of this Law, also may participate in the general meeting of Sworn Advocates with the right to vote.

[*18 February 2021*]

**24.2** A sworn advocate who has been suspended from the performance of the duties of a sworn advocate may participate in the general meeting of Sworn Advocates without the right to vote.

[*18 February 2021*]

**25.** Only the general meeting of Sworn Advocates shall:

1) determine the number of members of the Latvian Council of Sworn Advocates, the Audit Board, and the Disciplinary Proceedings Commission;

2) elect the chairperson, vice-chairperson of the Latvian Council of Sworn Advocates, the members of the Council, the Audit Board, and the Disciplinary Proceedings Commission for three years;

3) approve the report on the activities of the Latvian Council of Sworn Advocates;

4) approve the budget and the report on the implementation of the budget of the previous year;

5) approve the articles of association of the Latvian Collegium of Sworn Advocates, the code of advocate ethics, and other acts related to the internal activities of advocacy.

[*27 May 2004*]

**26.** The Latvian Council of Sworn Advocates shall convene annual general meetings and extraordinary general meetings. An extraordinary general meeting shall be convened as appropriate, the convening thereof may also be requested by not less than one-tenth of all sworn advocates. An annual general meeting and an extraordinary general meeting may be organised in a remote form if it is not possible to convene an on-site general meeting due to objective reasons.

[*18 February 2021*]

**27.** In a general meeting, decisions shall be considered taken if more than one-third of all sworn advocates has participated in the voting. Voting may be organised in a remote form in an online system.

[*18 February 2021*]

**28.** If, due to a lack of quorum, elections of the Latvian Council of Sworn Advocates have not taken place in a general meeting, the chairperson of the Council shall convene a new general meeting within a time period of not more than one month. If taking of a decision in such general meeting is also not possible due to a lack of quorum, the minutes thereof shall be prepared, new elections shall not be organised, and the Council shall retain its authority until the next annual general meeting.

[*18 February 2021*]

**29.** An on-site general meeting shall be presided over by persons who have been elected for this purpose by the sworn advocates present and from amongst the numbers thereof and the minutes shall be approved by the sworn advocates who have been assigned to such duty in the general meeting. A remote general meeting shall be organised and the minutes shall be approved by members of the Latvian Council of Sworn Advocates.

[*18 February 2021*]

**30.** Elections of the Latvian Council of Sworn Advocates in the general meeting shall be conducted after the general meeting has discussed the activity report and the report on the implementation of the budget of the previous year and has determined the number of members of the Latvian Council of Sworn Advocates to be elected.

**31.** The Latvian Council of Sworn Advocates, the chairperson, vice-chairperson, Audit Board and the Disciplinary Proceedings Commission thereof shall be elected by secret ballot with a simple majority of votes.

Other issues shall be determined by the general meeting by open ballot with a simple majority of vote.

[*27 May 2004*]

**32.** The newly elected Latvian Council of Sworn Advocates shall commence the fulfilment of the duties thereof two weeks after the day it was elected.

**Division Three**

**Latvian Council of Sworn Advocates, Audit Board and Disciplinary Proceedings Commission**

[*27 May 2004*]

**33.** The Latvian Council of Sworn Advocates is an administrative, supervisory, and executive institution of the Latvian Collegium of Sworn Advocates.

**34.** The Latvian Council of Sworn Advocates shall:

1) take a decision on the admission and inclusion of sworn advocates and assistants to sworn advocates, and the debarring, suspension, or dismissal of sworn advocates and assistants to sworn advocates, and also the suspension of the activities of individual sworn advocates and assistants to sworn advocates;

2) compile lists of sworn advocates and assistants to sworn advocates, and also of elders of sworn advocates practising in the court operation territory and lists of offices of sworn advocates, and ensure public access to these lists;

3) manage the organisational matters of the Latvian Collegium of Sworn Advocates;

4) supervise the activities of sworn advocates and assistants to sworn advocates, examine the issued complaints regarding their activities, and also initiate disciplinary proceedings;

5) manage the training of assistants to sworn advocates;

6) taking into account the location of courts, the Office of the Prosecutor and pre-trial investigating institutions, and also the number of inhabitants in the relevant court operation territory, determine the minimum number of sworn advocates therein which is required in order to ensure sufficient legal aid, but not limit the maximum number of sworn advocates practising within this court operation territory;

7) approve the elder of the sworn advocates practising in the court operation territory, and also dismiss him or her from the duties of the elder of the sworn advocates upon his or her request or if he or she fails to fulfil the duties specified in this Law;

8) issue certificates of sworn advocates and assistants to sworn advocates;

9) assign advocates to conduct cases in courts, pre-trial investigation institutions and in other institutions in return for payment for those persons who due to a good reason cannot find an advocate to conduct their case, and also upon request of the elders of the sworn advocates of the court operation territory assign advocates to perform defence and representation provided by the State in the criminal proceedings or to provide State ensured legal aid in the cases specified in the Law;

10) establish consultations for the provision of legal aid to poor persons or persons of low-income;

11) see to the settling of the cases of such sworn advocates and assistants to sworn advocates who have died, are missing without information as to his or her whereabouts, have fallen ill or are unable to handle their own cases and the cases of their clients;

12) determine the amount of compensation for an advocate and other expenses related to the provision of legal aid according to Section 57 of this Law if the advocate and his or her client have differences of opinion related to this matter and they do not have a written mutual agreement;

13) determine the procedures for and the amounts of payments required from sworn advocates and assistants to sworn advocates for the maintenance of the Latvian Collegium of Sworn Advocates;

14) determine the procedures by which the elders of the sworn advocates organise the work of advocates practising in the court operation territory, and also determine the procedures for drawing up the duty schedule for advocates necessary for the performance of State ensured defence and representation in the criminal proceedings;

15) ensure the organisation of the work of advocates for the performance of defence and representation in the criminal proceedings upon request of the person directing the proceedings, and also for the provision of State ensured legal aid in the cases specified in the Law;

16) administer the financing granted from the State budget for the elders of the sworn advocates of the court operation territory in accordance with the procedures provided for in the Cabinet Regulation referred to in Section 12, Paragraph three of this Law;

17) determine the procedures for the selection of the elder of the sworn advocates practising in the court operation territory;

18) in the cases specified and in accordance with the procedures laid down in this Law, verify the conformity of offices of sworn advocates with the requirements of this Law and issue a consent for their establishment and making of changes in the entries and documents of the Commercial Register.

[*30 October 2003; 19 February 2004;27 May 2004; 19 June 2008; 28 October 2010; 18 February 2021*]

**35.** Meetings of the Latvian Council of Sworn Advocates shall have a quorum if not less than half of all members of the Council participate therein, including the chairperson or vice-chairperson of the Council.

**36.** The Latvian Council of Sworn Advocates shall take decisions by open ballot with a simple majority. In the event of a tied vote, the vote of the chairperson of the Council shall be the deciding vote.

The decision shall enter into effect the next day after it has been taken if it has not been stated otherwise in the decision.

[*27 May 2004*]

**37.** The decisions of the Latvian Council of Sworn Advocates may be appealed in accordance with the procedure laid down in the Administrative Procedure Law.

Appeal of a decision of the Latvian Council of Sworn Advocates on the debarring, suspension, or dismissal of a sworn advocate from the number of the advocates or on the suspension of the activities of a sworn advocate shall not suspend the operation of such decision until the day of the coming into effect of the final adjudication in the matter.

[*19 February 2004; 19 June 2008*]

**38.** The Audit Board shall control the financial operation of the Latvian Council of Sworn Advocates.

The chairperson of the Audit Board shall be elected from amongst the members of the Board.

[*27 May 2004*]

**38.1** The Disciplinary Proceedings Commission shall examine the disciplinary proceedings of sworn advocates.

The chairperson of the Disciplinary Proceedings Commission shall be elected from amongst the members of the Commission.

[*27 May 2004*]

**38.2** Sworn advocates whose activities have been suspended due to being employed in an institution of direct or indirect State administration, derived public person, other State institution or State (local) government capital company or who have been suspended from the performance of the duties of sworn advocates are not entitled to operate in institutions of the Latvian Collegium of Sworn Advocates.

[*18 February 2021*]

**Division Four**

**Admission to and Inclusion in the Numbers of Sworn Advocates**

**39.** A person who wishes to join the number of sworn advocates shall submit an application and the relevant documents to the Latvian Council of Sworn Advocates. In the application, the applicant shall confirm that are no obstacles to his or her admission referred to in Section 15 of this Law.

[*19 June 2008*]

**40.** The Latvian Council of Sworn Advocates shall post the list of the persons who have submitted documents for admission to the numbers of sworn advocates on its website, send it to the elder of the sworn advocates practising in the territory of operation of each court and to sworn advocates to the electronic mail indicated by them, and to the Court Administration, and invite to submit a written review regarding such persons within one month.

[*18 February 2021*]

**41.** The Latvian Council of Sworn Advocates shall examine the submission and documents of the applicant, gather and consider all the necessary information and evaluate the compliance of the applicant with the requirements of this Law. If the applicant conforms to the requirements of this Law, the Latvian Council of Sworn Advocates shall accept him or her to take the advocate examination.

[*19 February 2004*]

**41.1** The Latvian Council of Sworn Advocates shall organise an examination and a qualification testing of a sworn advocate. The Latvian Council of Sworn Advocates shall organise the qualification testing not later than within a year from the day when the sworn advocate has been sent to the qualification testing. The Latvian Council of Sworn Advocates shall organise the examination of a sworn advocate not less than once in six months. The examination and the qualification testing of a sworn advocate shall be conducted by a commission the composition of which shall include:

1) three Doctors of Law delegated by the legal science promotion council;

2) three senators assigned by the President of the Supreme Court;

3) three sworn advocates assigned by the Latvian Council of Sworn Advocates;

4) an authorised representative of the Minister for Justice.

The Minister for Justice shall approve the composition of the examination board.

The chairperson of the examination board shall be elected from amongst the members of the Commission.

[*19 February 2004; 18 February 2021*]

**41.2** The Cabinet shall determine the amount of the fee for the examination of a sworn advocate, also if a person is partly exempted from the taking thereof. The expenses related to the organisation of the examination shall be covered and a compensation to members of the examination board shall be disbursed from the fee for the examination of a sworn advocate.

The Cabinet shall determine the procedures for the examination of a sworn advocate and the fields in which the knowledge and skills of the candidate for the position of a sworn advocate are examined, also if the person is partly exempted from the taking thereof, and also the procedures for the assessment of the examination of a sworn advocate.

[*18 February 2021* / *The new wording of the Section shall come into force on 30 April 2021. See Paragraph 17 of Transitional Provisions*]

**41.3** If the applicant has passed the examination for the position of advocate and the Latvian Council of Sworn Advocates has not received additional information that the obstacles referred to in Section 15 of this Law have arisen, the Latvian Council of Sworn Advocates shall admit him or her to sworn advocates.

If the applicant has not passed the examination for the position of advocate, he or she has the right to take this examination repeatedly no sooner than after 12 months. If the applicant has not passed the examination for the position of advocate repeatedly, it shall be permitted to take this examination each next time when at least three years have elapsed after the previous non-passed examination.

[*19 June 2008; 28 October 2010*]

**42.** If an application regarding admission to the numbers of sworn advocates has been submitted by a person who has an occupation which cannot be combined with the duties of an advocate (Section 15, Clauses 10 and 11 of this Law), the Council may take a decision on the admission of such person, yet the decision shall enter into effect and the person shall be allowed to take the oath and be included in the list of sworn advocates only after such person has terminated the abovementioned occupation.

[*27 May 2004; 28 October 2010*]

**43.** [19 February 2004]

**44.** [30 October 2003]

**45.** When admitting a sworn advocate, the Latvian Council of Sworn Advocates shall determine in which regional court these sworn advocates shall work and in the territory of operation of which court these sworn advocates shall practice.

[*19 June 2008*]

**46.** The Latvian Council of Sworn Advocates shall report on the admission of a sworn advocate to the President of the Supreme Court who shall receive the oath of the newly admitted sworn advocate:

“I swear to be faithful to Latvia, to observe the State laws in good faith and with conviction, to treat the courts and national authority with respect, not to write and speak anything in my work as an advocate that could harm the State, society, family and morality, to honestly fulfil the duties of a sworn advocate, to defend the interests of my authorising persons or the interests of such persons whose cases I conduct, aware that I shall be liable for my actions before the Law.”

**47.** After giving the oath, the advocate admitted to the numbers of sworn advocates shall be included in the list of sworn advocates. The Latvian Council of Sworn Advocates shall announce the information on the admission of the person to the numbers of sworn advocates in the official gazette *Latvijas Vēstnesis*, inform the elder of the sworn advocates practising in the territory of operation of the relevant court and the Minister for Justice, and issue a certificate to the sworn advocate certifying his or her status. The sample of the certificate of sworn advocates shall be approved by the Latvian Council of Sworn Advocates.

[*18 February 2021*]

**Part Four**

**Duties, Rights and Liabilities of Sworn Advocates**

**Division Five**

**Rights and Duties of Sworn Advocates**

**48.** In providing legal aid, a sworn advocate is entitled to:

1) defend and represent a person requesting legal aid and his or her rights and legal interests in all courts, the Offices of the Prosecutor and pre-trial investigation institutions, and also in all State and local government authorities, and also in other institutions, organisations, and companies (undertakings);

2) amass evidence, also requesting all documents necessary for the provision of legal aid from State and local government authorities, and also from other institutions, organisations, and companies (undertakings) which must submit these documents or true copies thereof in accordance with the procedures and cases laid down in the Law and shall ensure the advocate with the opportunity to become acquainted with them, and also to receive the opinion of experts in issues which require the relevant knowledge, in accordance with the procedures related to the provision of legal aid laid down in the Law;

3) become acquainted with the laws and regulations and individual enactments of State and local government authorities, court, the Offices of the Prosecutor and pre-trial investigation institutions, and also other information related to the provision of legal aid, and also to receive true copies of these documents.

State and local government authorities, and also other institutions shall issue the documents referred to in Paragraph one, Clause 2 of this Section or true copies thereof upon request of a sworn advocate within one month, unless otherwise specified in the Law.

[*19 June 2008; 28 October 2010*]

**48.1** The authorisation of the sworn advocate and the scope thereof, and also the right to fulfil the tasks specified in Section 48 of this Law shall be attested by an order. The sample and content of the order and the procedures for the use thereof shall be determined by the Latvian Council of Sworn Advocates.

[*18 February 2021*]

**49.** The sworn advocate shall use all resources and methods provided for in the Law in defending and representing the rights and legal interests of persons requesting legal aid.

**49.1** The advocate has an obligation to ensure timely legal aid, providing it without undue delay. If the advocate cannot participate in a court hearing, he or she shall ensure that another advocate arrives instead of him or her for the provision of legal aid, agreeing with the client and informing the court thereon in advance.

[*18 February 2021*]

**50.** Sworn advocates shall wear special clothing – a gown.

**51.** Sworn advocates shall provide legal aid to any person in civil proceedings, administrative proceedings or in other matters in cases specified in the law upon agreement with clients or in cases specified in this Law – upon being commissioned by the Latvian Council of Sworn Advocates or the elder of the sworn advocates.

[*19 June 2008 / The new wording of Section shall come into force on 1 January 2009. See Transitional Provisions*]

**52.** In criminal cases, sworn advocates shall undertake to defend persons who have the right to defence and convicted persons, represent victims and provide legal aid to any person in the criminal proceedings.

A sworn advocate shall perform the activities referred to in Paragraph one of this Section:

1) upon agreement with a person or representative thereof;

2) in the cases specified in this Law – upon being commissioned by the Latvian Council of Sworn Advocates or the elder of the sworn advocates;

3) upon being commissioned by the person directing the proceedings – separate procedural activities specified in the Criminal Procedure Law.

[*19 June 2008 / The new wording of Section shall come into force on 1 January 2009. See Transitional Provisions*]

**52.1** Sworn advocates have a duty to perform the State ensured defence and representation in separate procedural activities specified in the Criminal Procedure Law in the time indicated by the person directing the proceedings in accordance with the duty schedule for advocates drawn up in accordance with the procedures stipulated by the Latvian Council of Sworn Advocates.

If a sworn advocate cannot participate in separate procedural activity himself or herself in the time indicated by the person directing the proceedings, he or she shall ensure that another sworn advocate arrives instead of him or her for the provision of legal aid and shall inform the person directing the proceedings thereof.

[*19 June 2008; 28 October 2010*]

**53.** A client may request a sworn advocate to conduct his or her case to the full extent until the conclusion thereof or to authorise him or her to complete a particular task. It is not prohibited to hire several sworn advocates for the same case.

**54.** The Latvian Council of Sworn Advocates shall assign a sworn advocate to conduct cases only after co-ordination with the elder of the sworn advocates of the relevant court operation territory.

[*19 June 2008 / The new wording of Section shall come into force on 1 January 2009. See Transitional Provisions*]

**54.1** The elder of the sworn advocates shall:

1) organise the work of advocates practising in the court operation territory, and also shall draw up the duty schedules for advocates for the performance of the State ensured defence and representation in the criminal proceedings upon request of the person directing the criminal proceedings or upon being commissioned by the Latvian Council of Sworn Advocates – also in other matters;

2) immediately but not later than within three working days after receipt of the request from the person directing the proceedings, notify him or her regarding participation of the advocate in the criminal proceedings;

3) assign the performance of the State ensured defence and representation to the advocates practising in the relevant court operation territory;

4) provide the support to other elders of the sworn advocates of the court operation territory for the provision of the State ensured defence and representation.

The elder of the sworn advocates has the right to receive the compensation from the funds from the State budget which are intended for such purposes for organising the work of advocates for the performance of State ensured defence and representation, and also reimbursement for covering of the expenses which have occurred performing the abovementioned functions.

[*19 June 2008; 28 October 2010*]

**55.** Sworn advocates may not refuse the agreement entered into or to fulfil the duties assigned to them without providing justification.

[*19 June 2008*]

**56.** [27 May 2004]

**57.** Sworn advocates or offices of sworn advocates shall enter into a written agreement with the client regarding undertaking to conduct a case. The agreement shall include:

1) the parties – the client and the legal aid provider;

2) the type of legal aid;

3) the compensation of the sworn advocate or the procedures for the calculation thereof;

4) the procedures for the payment of the compensation;

5) the sworn advocates who will provide legal aid if the agreement has been entered into by an office of sworn advocates.

The advocate shall issue the agreement entered into to the client upon his or her request.

The client may hire one sworn advocate to replace another at any time or to undertake the conducting of the case himself or herself, remunerating the advocate for the job he or she has performed in accordance with the written agreement.

In case of a dispute, if the agreement between a sworn advocate and a client has not been entered into writing, the compensation in double amount, and also other reimbursable expenses related to the provision of legal aid shall be determined for the advocate in amounts specified in laws and regulations regarding the remuneration for the State ensured legal aid. The compensation for the advocate and other reimbursable expenses shall be covered by the client. In addition to the compensation and other expenses related to the provision of legal aid, the expenses related to acquiring of written evidence shall be reimbursed in actual amount of such expenses.

The compensation for the advocate and other reimbursable expenses related to the provision of legal aid in the case referred to in Paragraph four of this Section shall not be covered from the funds from the State budget.

[*19 June 2008; 18 February 2021*]

**58.** [19 June 2008]

**59.** Sworn advocates shall keep records of client cases in accordance with the procedures stipulated by the Latvian Council of Sworn Advocates and under the control thereof.

[*27 May 2004*]

**59.1** Sworn advocates, including those whose activity has been suspended or who have been suspended, have an obligation to raise their qualification. Each sworn advocate must dedicate not less than 16 academic hours for raising of qualification during one calendar year. The Latvian Council of Sworn Advocates shall determine the procedures for raising the qualification.

[*18 February 2021*]

**60.** Sworn advocates shall have a stamp with their given name and surname.

**61.** [19 June 2008]

**62.** [19 June 2008]

**63.** It is prohibited for a sworn advocate to purchase or acquire in some other way the rights of authorising persons in their cases not only in his or her name, but also in such a way as if he or she acquired these rights for other persons. Any deals of this kind shall be deemed invalid.

**64.** A sworn advocate may not act in court as the authorised person of his or her relatives in ascending and descending line, spouse, brothers or sisters of whole blood, and also the brothers and sisters of his or her father or mother.

**65.** A sworn advocate may not simultaneously be both the advisor and the authorised person of both parties, and he or she may not change sides from one party to the other in one and the same case.

**66.** A sworn advocate may not undertake to conduct a case or the duties of defender if the judge of this case or the official examining this case is his or her spouse, his or her relative or a relative of his or her spouse in a direct line without any restrictions as to the degree of kinship, but in collateral lines – kinship of the first three degrees or affinity of two degrees.

**67.** A sworn advocate may not divulge the secrets of his or her authorising person not only while conducting the case, but also after being relieved from the conducting of the case or after the completion of the case. The advocate shall ensure that these requirements are also observed in the work of his or her staff.

**68.** A sworn advocate shall notify the Latvian Council of Sworn Advocates of a change of the address of his or her practice.

[*28 October 2010*]

**69.** A sworn advocate shall be dismissed from the numbers of sworn advocates on the basis of his or her application or due to his or her death, or upon initiative of the Latvian Council of Sworn Advocates if he or she is unable to perform the duties of a Sworn Advocate due to his or her health condition, and also if he or she has not made payments for the maintenance of the Latvian Collegium of Sworn Advocates for more than six months due to unjustified reasons. The procedures for dismissal shall be determined by the articles of association of the Latvian Collegium of Sworn Advocates.

[*27 May 2004*]

**Division Six**

**Liability of Sworn Advocates**

**70.** Sworn advocates shall have disciplinary and material liability for their actions in accordance with the procedures laid down in this Law.

**70.1** Sworn advocates shall, in accordance with the procedures laid down in this Law regarding the performance of duties of the elder of the sworn advocates, be held disciplinary liable.

[*19 June 2008 / Section shall come into force from 1 January 2009. See Transitional Provisions*]

**71.** For violations of the Law and other laws and regulations, the articles of association of the Latvian Collegium of Sworn Advocates, and also for violations of the instructions regulating the work of sworn advocates and the norms of the professional ethics of sworn advocates, the Latvian Council of Sworn Advocates may initiate disciplinary proceedings upon proposal of the court or prosecutor, and also on the basis of the complaints of persons or upon their own initiative, sending the case materials for examination to the Disciplinary Proceedings Commission.

The Latvian Council of Sworn Advocates is entitled to explain to sworn advocates the wrongfulness of their conduct, without initiating disciplinary proceedings.

Materials of disciplinary proceedings of sworn advocates shall be restricted access information.

[*27 May 2004; 18 February 2021*]

**71.1** Meetings of the Disciplinary Proceedings Commission shall be recorded in minutes. The chairperson of the committee and the recorder of minutes shall sign the minutes.

[*27 May 2004*]

**71.2** After an examination of disciplinary proceedings the Disciplinary Proceedings Commission shall take one of the following decisions:

1) on the imposition of disciplinary sanction upon a sworn advocate;

2) on the termination of disciplinary proceedings.

The Disciplinary Proceedings Commission is entitled to take a decision if more than one half of the members thereof is present at the Commission meeting.

The Disciplinary Proceedings Commission shall take decisions with a simple majority of votes. In the event of a tied vote, the vote of the chairperson of the Commission shall be the deciding vote. If any of the members of the Commission of Disciplinary Matters have a different opinion, it shall be mentioned in the minutes.

All members of the Disciplinary Proceedings Commission present at the meeting shall sign the decision.

The decision shall indicate whether the activities performed by the sworn advocate are qualified as a disciplinary violation and what kind of punishment is imposed upon him or her.

[*27 May 2004*]

**72.** When initiating disciplinary proceedings or during the examination of a disciplinary matter, the Latvian Council of Sworn Advocates has the right to suspend a sworn advocate from fulfilling his or her duties.

[*27 May 2004*]

**73.** The Disciplinary Proceedings Commission has the right to impose the following sanctions:

1) to issue a reproof;

2) to issue a reprimand;

3) to determine another location for a practice or to prohibit to practice in a location for a time period of up to three years;

4) to prohibit to perform the duties of an advocate for a time period not longer than one year;

5) to debar from the numbers of sworn advocates;

6) to send to a qualification testing if the sworn advocate has not fulfilled the requirements of Section 59.1 of this Law.

On the basis of the decision referred to in Paragraph one, Clause 5 of this Section, the Latvian Council of Sworn Advocates shall debar a person from the numbers of sworn advocates.

The content and procedures of a qualification test, and also the assessment procedures and payment shall be determined by the Cabinet.

For activities as a result of which the requirements of the laws and regulations in the field of prevention of money laundering and terrorism financing are violated, the Disciplinary Proceedings Commission shall, in accordance with the procedures laid down in this Law, apply the sanctions determined in the Law on the Prevention of Money Laundering and Terrorism Financing.

If the sworn advocate has not successfully passed the qualification testing within a year from the imposing of the disciplinary sanction specified in Paragraph one, Clause 6 of this Section, the advocate shall be suspended from the performance of the duties until repeated passing of the qualification testing. The sworn advocate who does not pass the qualification testing shall re-take it not later than within six months (counting from the initial qualification testing). If the sworn advocate repeatedly does not pass the qualification testing, he or she shall be debarred from the numbers of sworn advocates.

[*27 May 2004; 9 November 2017; 18 February 2021* / *Amendment regarding the supplementation of Section with a new Paragraph three shall come into force on 30 April 2021. See Paragraph 17 of Transitional Provisions*]

**74.** A disciplinary sanction – a debarring from the numbers of sworn advocates – may be imposed:

1) for an intentional violation of the Law;

2) for a severe violation of the norms of the ethical code of sworn advocates;

3) if a disciplinary sanction has been repeatedly imposed;

4) if a sworn advocate does not perform the duty imposed by a disciplinary sanction.

[*27 May 2004*]

**75.** [27 May 2004]

**76.** A disciplinary sanction may be imposed upon the sworn advocate not later than three months after the day the disciplinary violation was disclosed, but not later than within two years after committing the violation or within the time period specified in the Law on the Prevention of Money Laundering and Terrorism Financing in relation to violations of requirements of the prevention of money laundering and terrorism financing.

[*27 May 2004; 9 November 2017*]

**77.** The Disciplinary Proceedings Commission may not impose any of the sanctions referred to in Section 73 of this Law upon a sworn advocate if it has not previously requested a written explanation from such sworn advocate.

[*27 May 2004*]

**78.** When examining a disciplinary matter, the Disciplinary Proceedings Commission shall invite a sworn advocate to provide an oral explanation.

[*27 May 2004*]

**79.** If a sworn advocate does not provide explanations within the time period stipulated by the Disciplinary Proceedings Commission or fails to attend the meeting of the Disciplinary Proceedings Commission without justifying reasons, the Disciplinary Proceedings Commission shall take a decision on the basis of the circumstances ascertained in the matter and the information at its disposal.

[*27 May 2004*]

**80.** When examining disciplinary matters, the Disciplinary Proceedings Commission has the right to also listen to the explanations of other persons and to request the opinions of experts, to request information and documents from State and local government authorities, and also from other institutions, organisations, companies (undertakings) and the officials thereof.

[*27 May 2004*]

**81.** A person upon whom a disciplinary punishment has been imposed may appeal to the court the decisions of the Disciplinary Proceedings Commission in accordance with the procedures laid down in the Administrative Procedure Law.

[*27 May 2004*]

**82.** The Disciplinary Proceedings Commission shall make an announcement regarding the punishment of a sworn advocate to the submitter of the complaint, the Latvian Council of Sworn Advocates and the Minister for Justice after entering into effect of the decision. The Latvian Council of Sworn Advocates shall also announce the debarring of a sworn advocate in the official gazette *Latvijas Vēstnesis*.

[*27 May 2004; 18 February 2021*]

**82.1** If, within a year after imposing of a disciplinary sanction, a new disciplinary sanction has not been imposed on the sworn advocate, he or she shall be considered as not being disciplinarily punished.

[*18 February 2021*]

**Part Five**

**Assistants to Sworn Advocates**

**Division Seven**

**General Provisions**

**83.** An assistant to a sworn advocate may be a citizen of Latvia who has attained the age of twenty-one and who:

1) conforms to the provisions provided for in Section 14, Paragraph one, Clauses 2, 4, and 5 of this Law;

2) has indicated which of the sworn advocates has agreed to be his or her patron – who has undertaken to guide, teach, employ, and supervise the assistant;

3) has successfully passed the admittance examination of an assistant to a sworn advocate.

[*27 May 2004; 28 October 2010; 18 February 2021*]

**84.** The patron of an assistant to a sworn advocate may be a sworn advocate who has practised as a sworn advocate for at least seven years and is capable of guiding, employing, and supervising the assistant. The Latvian Council of Sworn Advocates shall make a case-by-case judgement regarding this.

[*28 October 2010*]

**85.** A sworn advocate may have not more than one assistant.

[*19 February 2004; 28 October 2010*]

**86.** The persons referred to in Section 15, Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of this Law may not be admitted as assistants to sworn advocates, and the persons referred to in Section 16, Clauses 1, 2, 3, 4, 5, 6, and 8 of this Law shall be debarred from the number of assistants sworn advocates.

The activities of assistants to sworn advocates shall be suspended or they shall be suspended from the fulfilment of their duties in accordance with the provisions of Sections 16.1 and 17 of this Law.

[*19 June 2008*]

**Division Eight**

**Admission as an Assistant to Sworn Advocates**

**87.** The Latvian Council of Sworn Advocates shall admit assistants to sworn advocates not less than twice per year, determining in advance the time period of admission.

[*19 February 2004*]

**88.** [19 February 2004]

**89.** An applicant for the position of assistant to a sworn advocate shall submit the documents referred to in Section 39 of this Law to the Latvian Council of Sworn Advocates. If the applicant conforms to the requirements of this Law, the Latvian Council of Sworn Advocates shall take a decision to admit him or her to the numbers of assistants to sworn advocates.

[*19 February 2004*]

**90.** The chairperson or the vice-chairperson of the Latvian Council of Sworn Advocates shall announce in the Council meeting the decision on the admission to the numbers of assistants to sworn advocates, shall give the newly admitted person the general instructions regarding the work and duties of an assistant to a sworn advocate, but persons who have been admitted to the numbers of assistants to sworn advocates shall give an oath to honestly and conscientiously fulfil his or her duties.

**91.** The Latvian Council of Sworn Advocates shall make an announcement in the official gazette *Latvijas Vēstnesis* and shall inform the Minister for Justice, and also the elder of the practising sworn advocates of the relevant court operation territory of the persons who have been admitted to the numbers of assistants to sworn advocates, and also of where and with which patron he or she shall work.

[*19 June 2008; 18 February 2021*]

**Division Nine**

**Duties and Rights of Assistants to Sworn Advocates**

**92.** Assistants to sworn advocates shall work under the guidance and supervision of sworn advocates.

[*30 October 2003*]

**93.** Assistants to sworn advocates may not conduct cases in courts and pre-trial investigation institutions during the first year after their admission. During this period, assistants to sworn advocates shall prepare themselves for the fulfilling of the duties of an advocate, working under the guidance of a patron and performing separate tasks under the supervision of the patron.

[*19 February 2004; 27 May 2004; 18 February 2021*]

**94.** After one year an assistant to a sworn advocate shall take the first examination of an assistant to a sworn advocate according to the procedures stipulated by the Professional Preparedness, Activity Supervision and Examination Commission of Assistants to Sworn Advocates. After passing this examination, the assistant to a sworn advocate may conduct cases in courts, the Offices of the Prosecutor and pre-trial investigation institutions upon the basis of the reauthorization of a patron and under the guidance thereof.

If an assistant to a sworn advocate does not pass the examination within a time period of two years, the Latvian Council of Sworn Advocates shall take a decision on his or her debarring from the number of assistants to sworn advocates.

[*27 May 2004; 19 June 2008; 28 October 2010*]

**95.** After two years an assistant to a sworn advocate shall take the second examination of the assistant to the sworn advocate according to the procedures stipulated by the Professional Preparedness, Activity Supervision and Examination Commission of Assistants to Sworn Advocates.

If the second examination has been passed and the relevant pre-trial investigation institutions, the Offices of the Prosecutor, the courts, and also the elder of the sworn advocates of the relevant court operating territory have not given negative comments regarding legal aid provided by the assistant to the sworn advocate, the Latvian Council of Sworn Advocates may allow the assistant to the sworn advocate to conduct cases in pre-trial investigation institutions, the Offices of the Prosecutor and courts without reauthorization, except for criminal cases in regional courts and the Supreme Court; the assistant to the sworn advocate may conduct these cases upon the reauthorization of a patron and under the guidance thereof.

[*19 June 2008; 28 October 2010*]

**96.** After an assistant to a sworn advocate has worked under the guidance of a patron for five years, he or she may take the advocate examination.

[*27 May 2004; 28 October 2010*]

**97.** [27 May 2004]

**98.** The Latvian Council of Sworn Advocates shall issue the relevant certificate to the assistant to a sworn advocate for the conducting of cases without the reauthorization of a patron in accordance with the procedures specified in Section 95 of this Law.

[*27 May 2004*]

**99.** Each assistant to a sworn advocate shall register all the cases conducted by him or her in accordance with the procedures approved by the Latvian Council of Sworn Advocates and the list of such cases shall be submitted to the Council together with explanations regarding his or her activities which have been certified by a patron.

**100.** It is mandatory that assistants to sworn advocates participate in all events organised by the Latvian Council of Sworn Advocates for the raising of qualifications, and also shall perform all other duties imposed upon them by the Council.

Assistants to sworn advocates shall, after passing the examinations of an assistant to a sworn advocate specified in Sections 94 and 95 of this Law, perform State ensured defence and representation in the criminal proceedings in all court operation territories upon being commissioned by the Latvian Council of the Sworn Advocates or in the cases specified in this Law – upon being commissioned by the elder of the sworn advocates of the relevant court operation territory, or upon invitation of the person directing the proceedings in the cases specified in Section 52.1 of this Law.

[*19 June 2008; 28 October 2010*]

**101.** An assistant to a sworn advocate shall work for five years. An assistant to a sworn advocate who is not admitted to the numbers of sworn advocates within the time period of the next two years shall be debarred from the numbers of assistants to sworn advocates. The Latvian Council of Sworn Advocates may extend the term for a time period of one year due to justified reasons.

[*19 February 2004; 28 October 2010*]

**102.** In relation to the rights and duties of assistants to sworn advocates, the provisions of Sections 48–69 of this Law shall be applied.

**Part 10**

**Preparation, Supervision and Liability of Assistants to Sworn Advocates**

**103.** The Latvian Council of Sworn Advocates shall establish the Professional Preparedness, Activity Supervision and Examination Commission of Assistants to Sworn Advocates for the professional training of assistants to sworn advocates, supervision of the activity thereof and guidance.

The Professional Preparedness, Activity Supervision and Examination Commission of Assistants to Sworn Advocates shall develop and approve questions and procedures for the admission examination of an assistant to a sworn advocate, and also shall grade this examination.

[*28 October 2010*]

**104.** The direct supervision of the activities of an assistant to a sworn advocate shall be performed by a patron whose instructions shall be binding to the assistant.

**105.** In relation to the liability of assistants to sworn advocates, the provisions of Sections 70-82 of this Law shall be applied.

**Part Six**

**Financial Activities of Sworn Advocates**

**106.** Sworn advocates shall practice a liberal profession.

**107.** The professional activities (practice) of sworn advocates is intellectual work for which the sworn advocate has the right to receive a compensation, however, the objective thereof is not the making of a profit.

[*18 February 2021*]

**108.** The practice of sworn advocates shall be organised exclusively in the manner specified in this Law.

**109.** Sworn advocates shall commence their practise only after their admission into the list of sworn advocates.

[*30 October 2003; 28 October 2010*]

**110.** The client has the right to request a compensation for loss from the advocate who has provided legal aid to him or her. An outcome of a case which is unfavourable to the client or another unfavourable result of providing legal aid shall not be grounds for the liability of the advocate if all preconditions for the compensation of losses have not been detected.

A claim for damages which have arisen in relation to the professional activities of the advocate may be brought against the advocate to a court within three years from the moment of infringement of the rights by submitting such claim to the city (district) court according to the location of the practice of the advocate or the address of the office of sworn advocates.

[*18 February 2021*]

**111.** In the cases specified in Section 110 of this Law, a sworn advocate shall be liable for the damages caused to the client which have occurred as a result of legal aid provided by such an assistant to a sworn advocate performing duties under his or her guidance who has not passed the second examination of an assistant to a sworn advocate, and also the result of the conducting of cases upon the basis of the reauthorization of a patron.

[*27 May 2004*]

**112.** An assistant to a sworn advocate shall be responsible to his or her client in the cases specified in Section 110 beginning with the moment when the assistant to a sworn advocate has received the permission of the Latvian Council of Sworn Advocates (Section 98 of this Law) and has begun to conduct cases without the reauthorization of a patron.

**113.** Only Latvian sworn advocates and assistants to sworn advocates are entitled to offer the aid of an advocate for the conducting of cases in courts, and also to advertise such aid.

The advertising provisions of Latvian sworn advocates and assistants to sworn advocates shall be determined by the articles of association of the Latvian Collegium of Sworn Advocates.

[*30 October 2003*]

**114.** The risk of potential loss resulting from the professional activities of advocates shall be insured. The Latvian Council of Sworn Advocates shall enter into an insurance contract for the risk insurance of the professional activities of all advocates (group insurance contract).

An advocate or an office of sworn advocates may enter into an additional individual risk (civil liability) insurance contract of the professional activities regarding himself or herself or advocates practising in the office of sworn advocates.

The Cabinet shall determine the minimum amount of insurance for a group insurance contract, and also the mandatory conditions of the insurance contract.

The insurance contract shall specify a period of three years for the submission of a notification regarding the occurrence of an insurable event.

If an advocate, in performing the professional activities, has caused losses to anyone due to his or her action or failure to act, such losses shall be covered from the group insurance contract of the Latvian Council of Sworn Advocates. If the amount of losses exceeds the limit of liability provided for in the group insurance contract or such contract does not provide for the compensation of such losses, the losses or the remaining part of losses is covered from the insurance compensation of the advocate on the basis of the individual insurance contract if such has been entered into and it is provided for in the provisions of such contract.

[*18 February 2021* / *The new wording of the Section shall come into force on 30 April 2021. See Paragraph 18 of Transitional Provisions*]

**115.** Sworn advocates shall be financially independent in their professional activities.

**116.** Sworn advocates shall practice individually or in cooperation with other sworn advocates.

Sworn advocates may establish an office of sworn advocates for the performance of the professional activities in which one or more sworn advocates may practise for an indefinite period of time.

An office of sworn advocates shall be established as a partnership or a limited liability company and shall be registered in the Commercial Register in accordance with the procedures laid down in the Commercial Law. The provisions of the Commercial Law shall be applied to such companies insofar as it has not been laid down otherwise in this Law.

Only a sworn advocate may be a member or shareholder of the office of sworn advocates. A sworn advocate may be a member or shareholder of only one office of sworn advocates.

Only a sworn advocate who is a member or shareholder of the relevant office of sworn advocates may be a member of the board and the council of the office of sworn advocates.

Sworn advocates and assistants to sworn advocates shall make the mandatory State social insurance contributions in accordance with the law On State Social Insurance.

If an office of sworn advocates attracts a sworn advocate who is not a member or shareholder of the relevant office, including a sworn advocate practising in another office, for the provision of legal aid, such person shall receive revenues from the office of sworn advocates only for the legal aid provided to the office of advocates. The revenues of such sworn advocate are taxable according to the form of activity chosen by the recipient thereof.

[*18 February 2021*]

**116.1** A consent of the Latvian Council of Sworn Advocates shall be appended to the application for the registration of an office of sworn advocates in the Commercial Register and for the making of changes in the entries and documents of the Commercial Register.

In order to receive a consent for the founding of an office of sworn advocates, the founder of the office of sworn advocates shall submit a submission to the Latvian Council of Sworn Advocates and the documents of incorporation specified in the Commercial Law according to the legal form of the office of sworn advocates. In order to make changes in the entries of the Commercial Register and the submitted documents, the person entitled to represent the office of sworn advocates shall submit the documents confirming the relevant changes to the Latvian Council of Sworn Advocates.

The person entitled to represent the office of sworn advocates shall submit the documents necessary for receiving a consent to the Latvian Council of Sworn Advocates within 10 days from the day when the last document necessary for registration or making of changes in the entries or documents of the Commercial Register (other than the consent of the Latvian Council of Sworn Advocates) was signed.

The Latvian Council of Sworn Advocates shall examine the abovementioned documents within 30 days and shall decide on granting a consent or on refusal to grant a consent.

The Latvian Council of Sworn Advocates shall refuse to grant a consent if:

1) the composition of the founders, members, shareholders, members of the board or the council of the office of sworn advocates does not conform to the requirements of this Law;

2) the founders, members, or shareholders of the office of sworn advocates are members or shareholders of another office of sworn advocates;

3) the legal form of the office of sworn advocates does not conform to the requirements of this Law;

4) the articles of association, the memorandum of association, the decision on foundation, or the partnership agreement do not conform to the requirements of this Law.

[*18 February 2021*]

**116.2** The time period which has been specified in the Commercial Law for the submission of an application shall be counted from the day when a consent of the Latvian Council of Sworn Advocates has been provided.

[*18 February 2021*]

**116.3** An office of sworn advocates shall additionally use the designation “office of sworn advocates” or the abbreviation “OSA” in their name. Only offices of sworn advocates have the right to use the abovementioned designation and the abbreviation thereof in their name.

[*18 February 2021*]

**116.4** If a sworn advocate who practices at an office of sworn advocates is debarred from the numbers of sworn advocates in the cases specified in this Law, the Latvian Council of Sworn Advocates shall include this information in the Register of Sworn Advocates and Sworn Advocates’ Offices of the website of the Latvian Council of Sworn Advocates, and also send for announcing in the official gazette *Latvijas Vēstnesis*. After the final decision on debarring of the sworn advocate has entered into effect, the Latvian Council of Sworn Advocates shall send this decision to the office of sworn advocates in which the debarred sworn advocate is a member, shareholder, member of the board or of the council. The person entitled to represent the office of sworn advocates has an obligation to prepare an application to the Commercial Register Office for making changes in the list of members or shareholders, in the composition of the board or council of the office of sworn advocates.

The sworn advocate debarred from the numbers of sworn advocates shall, within one month, alienate the equity capital shares belonging to him or her to the office of sworn advocates in which he or she was practising. If, within one month, the sworn advocate does not alienate the equity capital shares belonging to him or her, the office of sworn advocates shall disburse a compensation to the sworn advocate which is not less than the nominal value of the equity capital shares unless an agreement regarding another value has been reached. In such case the equity capital shares shall be cancelled in accordance with the procedures laid down in the Commercial Law.

A sworn advocate debarred from the numbers of sworn advocates who was practising in an office of sworn advocates – partnership – has the right to receive the amount which would be due to him or her in case of final accounting if the partnership were to be terminated at the moment of his or her debarring and if it is not provided for otherwise in the agreement entered into by members.

If there are not more than two members in the office of sworn advocates – partnership – and death of one member of the partnership sets in or he or she is debarred from the numbers of sworn advocates, the other member may, within two months, invite a new member and, in accordance with the procedures laid down in this Law, submit an application to the Commercial Register Office for making changes in the composition of members of the office of sworn advocates. If the abovementioned changes are not made within two months, the office of sworn advocates shall be liquidated and the other member has the right to receive the amount which would be due to him or her in case of final accounting if the company were to be terminated at the moment of his or her debarring and if it is not provided for otherwise in the agreement entered into by members.

If death of the only shareholder of the office of sworn advocates sets in or the only shareholder of the office of sworn advocates is debarred from the numbers of sworn advocates, the Latvian Council of Sworn Advocates shall take the decision on termination of the operation of the office of sworn advocates and appointing of a liquidator and, within three working days after entering into effect of such decision, send it to the Commercial Register Office for entering in the Commercial Register. A written consent of the liquidator to be a liquidator shall be appended to the application to the Commercial Register Office. The liquidator shall indicate the name and registration number of such office of sworn advocates in the written consent for which he or she agrees to become a liquidator and the location for applying creditors’ claims.

The Latvian Council of Sworn Advocates shall determine the compensation for the liquidator to be disbursed from the property of the office of sworn advocates to be liquidated.

[*18 February 2021*]

**117.** Sworn advocates shall practice directly and personally. The practice of a sworn advocate shall not constitute employment relationship.

[*18 February 2021*]

**118.** Sworn advocates or offices of sworn advocates may hire technical, economic, or advisory staff on the basis of an employment contract or work-performance contract for whose activities they shall be liable and who are prohibited to engage in the providing of legal aid. All laws and regulations governing employment relationship and State social insurance shall be binding on sworn advocates and offices of sworn advocates as employers.

[*18 February 2021*]

**119.** Sworn advocates shall arrange the record-keeping of their revenues and expenses as natural persons who perform economic activity. Offices of sworn advocates shall arrange the accounting in accordance with the procedures laid down in the laws and regulations which are provided for the relevant legal form of the office of sworn advocates.

Revenues from the practice of a sworn advocate shall consist of the payments of clients or the office of sworn advocates for the legal aid provided. Expenses from the practice of a sworn advocate shall consist of the expenses related to the maintenance of the practice of the sworn advocate and the provision of legal aid.

[*18 February 2021*]

**119.1** It is prohibited to pledge or otherwise encumber the equity capital shares of the office of sworn advocates with property rights.

Heirs who do not wish or who, in accordance with this Law or the partnership agreement, cannot be members of an office of sworn advocates – partnership – or to whose admission as a member other members do not agree shall not join the partnership, but shall, in inheriting, only obtain the right to receive the amount that would be due to the deceased member of the partnership (estate-leaver) in case of final accounting if the partnership were to be terminated at the time of the opening of succession.

Heirs who do not wish or who, in accordance with this Law or the articles of association of the company, cannot be shareholders of an office of sworn advocates – limited liability company – shall obtain the right to alienate the inherited equity capital shares from the company and to receive a compensation according to such liquidation quota which would be received by the deceased shareholder at the time of the opening of succession.

If an office of sworn advocates has been founded as a limited liability company, its equity capital shares may be alienated only for a sworn advocate or office of sworn advocates in the cases provided for in the Commercial Law or this Law.

[*18 February 2021*]

**120.** [30 October 2003]

**Part Seven**

**Activities of Advocates of European Union Member States in Latvia**

[*30 October 2003 / See Transitional Provisions*]

**Division Eleven**

**Procedures for the Registration of Advocates of European Union Member States and the Professional Activities thereof under their Home-country Professional Titles**

**121.** If an advocate of a European Union Member State submits a certificate attesting to his or her registration with the competent authority of his or her home Member State (the European Union Member State in which the advocate has acquired the rights to use the vocational title of an advocate prior to the commencement of activities in Latvia) to the Latvian Council of Sworn Advocates, the Latvian Council of Sworn Advocates shall register the advocate of the European Union Member State in a separate register. Such certificate shall be valid for registration in Latvia for three months from the day it was issued.

[*19 June 2008*]

**122.** The Latvian Council of Sworn Advocates shall inform the competent authority of the home Member State of an advocate regarding the registration of the advocate and the given name and surname of the registered advocate shall be published in the official gazette *Latvijas Vēstnesis*.

[*18 February 2021*]

**123.** When registering in accordance with the provisions of Section 121 of this Law, an advocate of a European Union Member State shall receive a certificate with an indication regarding the right to perform professional activities under their home-country professional title. The professional title shall be expressed in the official language of the home Member State in such a way as to avoid the confusion of such title with the professional title of Latvian sworn advocates.

The professional body of which the advocate of a European Union Member State is a member in his or her home Member State, or the judicial body before which he or she is entitled to practice in accordance with the laws of his or her home Member State shall be indicated in the certificate.

**124.** An advocate of a European Union Member State who practices with under their home-country professional title is entitled to participate in court proceedings in criminal cases only together with an advocate of the Latvian Collegium of Sworn Advocates.

[*27 May 2004*]

**125.** Advocates of European Union Member States who practice in Latvia under their home-country professional title may establish a joint practice under the same conditions as Latvian sworn advocates.

**126.** Advocates of European Union Member States may establish branches of the advocate associations of their home Member State in Latvia, and also use the names of the advocate associations of their home Member State if full-fledged advocates of European Union Member States have joined together in the advocate association of the home Member State.

**127.** The Latvian Council of Sworn Advocates has the right to initiate disciplinary proceedings against an advocate of a European Union Member State regarding a violation of laws and other laws and regulations, and also the norms of the professional ethics of Latvian sworn advocates.

Prior to the initiation of disciplinary proceedings, the Latvian Council of Sworn Advocates shall inform the competent authority of the home Member State of the advocate of all the relevant facts and, during the examination of disciplinary matters, shall collaborate with the competent authority of the home Member State of the advocate. The competent authority of the home Member State of the advocate shall take a decision on the imposing of a disciplinary sanction in accordance with the material and procedural legal norms of their State.

**128.** If the competent institution of the home Member State of an advocate of a European Union Member state prohibits the advocate from practising in the State territory thereof, the advocate of the European Union Member State may not practice in Latvia under their home-country professional title.

**129.** A decision of the Latvian Council of Sworn Advocates to refuse or to annul the registration of an advocate of a European Union Member State may be appealed to a court.

**Division Twelve**

**Recognition of the Professional Qualification of an Advocate of a European Union Member State as Adequate for Permanent Activity**

**130.** If an advocate of a European Union Member State certifies his or her knowledge of the official language and Latvian laws and the Latvian Council of Sworn Advocates recognises the professional qualification of the advocate of the European Union Member State as adequate for permanent activity, he or she has the same right to professional activities and duties as a sworn advocate of Latvia.

**131.** If an advocate of a European Union Member State has performed professional activities in Latvia under their home-country professional title for at least three consecutive years and if he or she has certified the necessary knowledge and practice obtained in the field of Latvian law to the Latvian Council of Sworn Advocates, he or she shall be issued a certificate for the recognition of professional qualification.

**132.** In order to certify the necessary skills and knowledge, an applicant shall submit an application and the relevant documents regarding the number and content of the cases, which he or she has handled to the Latvian Council of Sworn Advocates. The Latvian Council of Sworn Advocates shall examine the efficiency and regularity of the activities of the relevant advocate, additionally requiring explanations from the advocate in oral or written form.

**133.** If an advocate of a European Union Member State has not been working in Latvia under their home-country professional title for at least three years, he or she shall submit to the Latvian Council of Sworn Advocates an application and the evidence confirming his or her qualification and the rights recognised in his or her home Member State. The Latvian Council of Sworn Advocates shall organise an examination of the conformity of the professional qualification in accordance with the law On the Regulated Professions and the Recognition of Professional Qualifications. After the successful passing of such examination, the advocate shall be issued a certificate for the recognition of professional qualification.

**134.** The Latvian Council of Sworn Advocates may refuse to recognise the professional qualification of an advocate pursuant to a substantiated decision if the professional qualification of the advocate is not in conformity with the provisions of the professional qualification of a Latvian sworn advocate or if there have been disciplinary and other infringements in the professional activities of the advocate. A decision of the Latvian Council of Sworn Advocates to refuse to recognise the professional qualification may be appealed to the court.

**Transitional Provisions**

1. Amendment to Section 4 of the Law regarding the practising of advocates of European Union Member States in Latvia and Part Seven of the Law shall come into force on 1 May 2004.

[*30 October 2003*]

2. The Latvian Council of Sworn Advocates shall elect the Disciplinary Proceedings Commission the first time for the remaining term of office of the Council chairperson, vice-chairperson, Council members and the Audit Board.

[*27 May 2004*]

3. The Latvian Council of Sworn Advocates shall, until 1 January 2009, taking into account the procedures for the selection of the elders of the sworn advocates in force until 1 January 2009, approve the elders of the sworn advocates of a court operation territory for one year, which commence their operation on 1 January 2009.

[*19 June 2008*]

4. The Latvian Council of Sworn Advocates shall, not later than by 1 January 2009, taking into account the procedures for drawing up the duty schedule for advocates in force until 1 January 2009, ensure that the duty schedules for advocates applicable from 1 January 2009 are drawn up for all court operation territories for at least one month.

[*19 June 2008*]

5. The Latvian Council of Sworn Advocates shall, not later than by 1 November 2009, organise the selection of the elders of the sworn advocates of court operation territories and approve the elders of the sworn advocates of court operation territories who commence their activity from 1 January 2010.

[*19 June 2008*]

6. Until the day of coming into force of the Cabinet Regulation referred to in Section 41.2, Paragraph two of this Law, but not longer than until 1 January 2009, the Cabinet Regulation No. 160 of 27 February 2007, Regulations Regarding Procedures of Advocate Examination and Amount of Minimum Knowledge, shall be applied, insofar as they are not in contradiction with this Law.

[*19 June 2008*]

7. Amendments to Sections 12, 34, 51, 52, 54, and 100 of this Law which provide for the participation of the Latvian Council of Sworn Auditors, the elders of the sworn auditors, and sworn auditors in the provision of the State ensured legal aid shall come into force on 1 January 2009.

[*19 June 2008*]

8. Sections 52.1, 54.1, and 70.1 of this Law shall come into force on 1 January 2009.

[*19 June 2008*]

9. Amendments to Sections 14, 94, 95, 96, and 101 of this Law which alter the provisions for admission of assistants to sworn advocates to the number of sworn advocates shall not apply to a person who has become an assistant to a sworn advocate prior to the day of coming into force of these amendments.

[*28 October 2010*]

10. Amendment to Section 84 of this Law which alter the requirements for the patrons of assistants to sworn advocates shall not apply to a sworn advocate who has become the patron of an assistant to a sworn advocate prior to the day of coming into force of this amendment.

[*28 October 2010*]

11. Amendment to Section 85 of this Law which deny a sworn advocate being a patron for more than one assistant to the sworn advocate shall not apply to a sworn advocate who has become the patron for two assistants to sworn advocates prior to the day of coming into force of this amendment.

[*28 October 2010*]

12. Amendments to Section 14, Paragraph one, Clause 4 of this Law determining that persons who have acquired a Master’s degree may be admitted as sworn advocates shall be applicable to the persons who are admitted in the numbers of sworn advocates after the coming into force of these amendments.

[*18 February 2021*]

13. An office of sworn advocates shall, within six months after amendments to Section 116 of this Law come into force providing for the establishment of offices of sworn advocates as partnerships or limited liability companies and the registration in the Commercial Register, submit an application to the Commercial Register in compliance with the requirements of this Law. The office of sworn advocates registered in the Commercial Register shall be the successor to rights and liabilities of such office of sworn advocates which had been established until the day when amendments to Section 116 of this Law came into force. Transfer of assets and liabilities to the office of sworn advocates registered in the Commercial Register shall not be considered alienation of assets and liabilities. If the office of sworn advocates has not addressed the Latvian Council of Sworn Advocates within this time period for the receipt of a consent for the registration of the office of sworn advocates in the Commercial Register, the Latvian Council of Sworn Advocates shall take the decision on the loss of legal capacity thereof and, within three working days, send this decision to the State Revenue Service. The State Revenue Service shall, on the basis of the decision of the Latvian Council of Sworn Advocates, exclude the office of sworn advocates from the Taxpayer Register of the State Revenue Service. If the office of sworn advocates is excluded from the Taxpayer Register of the State Revenue Service in accordance with the procedures laid down in this Paragraph of Transitional Provisions, all members of the office of sworn advocates shall be solidarily responsible for the late tax payments of the excluded office of sworn advocates.

[*18 February 2021*]

14. Upon taking the decision on the consent to register an office of sworn advocates in the Commercial Register, the Latvian Council of Sworn Advocates shall concurrently decide on the exclusion of such office of sworn advocates from the Taxpayer Register of the State Revenue Service which was established until the day of coming into force of amendments to Section 116 of this Law. The Latvian Council of Sworn Advocates shall, within three working days, send the decision to the State Revenue Service. The State Revenue Service shall, on the basis of the decision of the Latvian Council of Sworn Advocates, exclude the office of sworn advocates from the Taxpayer Register of the State Revenue Service.

[*18 February 2021*]

15. Economic operators which are registered in the Commercial Register until the moment when amendments to Section 116 of this Law come into force, providing for that offices of sworn advocates shall be established as partnerships or limited liability companies and registered in the Commercial Register, and which are using the designation “advocate office”, “office of sworn advocates” or the abbreviation “OSA” in the name shall, within three months from the day of coming into force of these amendments, submit a consent of the Latvian Council of Sworn Advocates for the performance of the professional activities in an office of sworn advocates and submit it to the Commercial Register Office within 10 working days from the day when the consent was received. If the economic operator has not fulfilled the requirements of this Transitional Provision within this period of time, the Latvian Council of Sworn Advocates shall bring a claim regarding termination of the activities of the economic operator in accordance with the procedures laid down in Section 98 or 314 of the Commercial Law.

[*18 February 2021*]

16. The Cabinet shall, by 30 April 2021, make amendments to Cabinet Regulation No. 227 of 10 March 2009, Procedures for the Examination of a Sworn Advocate, and Cabinet Regulation No. 609 of 20 July 2004, Regulations Regarding the Fee for the Examination of an Advocate, in accordance with amendments to Section 41.2 and Section 73, Paragraph three of this Law.

[*18 February 2021*]

17. Amendments to Section 41.2 of this Law in relation to the procedures for the examination of a sworn advocate, the fee, the fields in which the knowledge and skills of a candidate for the office of a sworn advocate are tested, and the cases when a person is partly exempted from taking the examination of a sworn advocate, and amendments to Section 73, Paragraph three in relation to the content and procedures for the qualification test, and also the assessment procedures and payment shall come into force on 30 April 2021.

[*18 February 2021*]

18. Amendments to Section 114 of this Law in relation to the insurance of the professional activities of sworn advocates and assistants to sworn advocates shall come into force on 30 April 2021. The Latvian Council of Sworn Advocates shall enter into an insurance contract for the risk insurance of the professional activities of all advocates (group insurance contract) by 30 August 2021.

[*18 February 2021*]

**Informative Reference to European Union Directives**

[*30 October 2003*]

The Law includes legal norms arising from European Union Directives 77/249/EEC and 98/5/EC.

Chairperson of the Supreme Council of the Republic of Latvia A. Gorbunovs

Secretary of the Supreme Council of the Republic of Latvia I. Daudišs

Rīga, 27 April 1993