

Adopted by a resolution of the General Assembly of the Estonian Bar Association on 24 April 2013

AMENDED by Resolution No. 3 of the General Assembly of the Estonian Bar Association on 30 April 2015

AMENDED by Resolution No. 3 of the General Assembly of the Estonian Bar Association on 3 March 2016

AMENDED by Resolution No. 3 of the General Assembly of the Estonian Bar Association on 11 May 2018

AMENDED by Resolution No.1 of the voting attorneys of the Estonian Bar Association on 19 January 2021 without convening the General Assembly

AMENDED by Resolution No. 1 of the voting attorneys of the Estonian Bar Association on 18 June 2021 without convening the General Assembly

AMENDED by Resolution No. 3 of the General Assembly of the Estonian Bar Association on 5 May 2023

RULES OF PROCEDURE OF THE ESTONIAN BAR ASSOCIATION

The General Assembly of the Estonian Bar Association has adopted these Rules of Procedure of the Estonian Bar Association (hereinafter *the Rules*) based on clause 5 of § 9 of the Bar Association Act.

Chapter 1 GENERAL PROVISIONS

§ 1. Estonian Bar Association

- (1) The Bar operates on the basis of the Bar Association Act.
- (2) The records of the Bar are managed in accordance with the Clerical Business Rules of the Bar and the legislation in force in the Republic of Estonia governing the field.

§ 2. Translation of the name ‘Eesti Advokatuur’

- (1) The English translation of the name ‘Eesti Advokatuur’ is ‘Estonian Bar Association.’
- (2) The French translation of the name ‘Eesti Advokatuur’ is ‘Association des Avocats d’Estonie.’
- (3) The German translation of the name ‘Eesti Advokatuur’ is ‘Rechtsanwaltskammer Estlands.’
- (4) The Russian translation of the name ‘Eesti Advokatuur’ is ‘Эстонская Адвокатура.’

§ 3. Seat of the Bar

- (1) The seat of the Bar Association is Tallinn, Republic of Estonia.
- (2) The postal address of the Bar Association is the address of the Board of the Bar.

§ 4. Symbols of the Bar

- (1) The Bar has its own symbols whose design and rules of use are regulated by its Rules on Symbols. The Rules on Symbols are adopted by the General Assembly of the Bar.
 - (2) The Bar has its own flag.
 - (3) The Bar has a circle-shaped seal with a diameter of 35 mm with the symbol of the Bar in the middle and the circular text 'Eesti Advokatuur * Estonian Bar Association' around it. In addition to the above, the seal of a body of the Bar bears the name of the body.
 - (4) The Bar has a medal of office of the President.
 - (5) The Bar has a medal for merits, which is awarded to members of the Bar and third parties by a resolution of the Board. A badge of the medal for merits is given to the awardee along with the medal.
- [Amended 30 April 2015]
- (6) The Bar has a badge that symbolises membership in the Estonian Bar Association.
 - (7) The Bar has a token with the symbol of the Bar in the middle and the circular text 'Eesti Advokatuur * Estonian Bar Association' around it.

§ 5. Participation of the Bar in other legal persons

- (1) By a resolution of the General Assembly, the Bar may acquire and terminate participation in other legal persons where it is necessary for performing the functions of the Bar.
- (2) The Bar cannot be a partner in a general partnership or the general partner in a limited partnership.

§ 6. Bodies of the Bar

- (1) The bodies of the Bar are the General Assembly, the President, the Board, the Audit Committee, the Ethics Tribunal and the Admissions and Aptitude Assessment Committee. The General Assembly and the Board of the Bar can set up advisory committees that do not have the legal status of a body of the Bar.
 - (2) In its activities, a body of the Bar follows the Constitution of the Republic of Estonia, the Bar Association Act and other legislation, including the legal instruments and resolutions of the bodies of the Bar and these Rules. The bodies of the Bar can adopt regulations to organise their activities.
 - (3) A person who is a suspect or an accused in a criminal case or who has been convicted of an intentional criminal offence cannot be a member or a substitute member of a body of the Bar (except for the General Assembly). An attorney-at-law whose disciplinary penalty has not expired or whose legal practice or Bar membership has been suspended cannot be a member or a substitute member of a body of the Bar (except for the General Assembly).
- [Amended 19 January 2021]
- (3¹) Where a member or a substitute member of a body of the Bar does not meet the requirements established for a member of the body, their powers are suspended as of the time when the Bar gives them a respective notice.
- [Amended 19 January 2021]
- (3²) Where a member or a substitute member of a body of the Bar does not meet the requirements established to a member of the body and fails to tender their resignation without delay after the receipt of a notice specified in subsection 3¹, the Board of the Bar makes to the body or person that elected or appointed the member a proposal to remove the member and to elect or appoint a new member.
- [Amended 19 January 2021]
- (4) No fee is paid for membership of a body of the Bar or performance of duties in a body of the Bar, unless the Board decides otherwise. The President and Vice President of the Bar are remunerated for the performance of their functions in an amount and in accordance with the

procedure established by the Board. The Bar compensates for necessary and proven costs related to membership in a body of the Bar and performance of duties in a body of the Bar.
[Amended 30 April 2015]

(5) A member of a body of the Bar is not allowed to disclose confidential information disclosed to them as a member of the Bar, unless otherwise prescribed by a statute.

(6) The working language of the bodies of the Bar is Estonian.

Chapter 2

PROCEDURE FOR BECOMING A MEMBER OF THE BAR AND SUSPENSION AND TERMINATION OF MEMBERSHIP IN THE BAR

§ 7. General provisions

(1) A person becomes a member in the Bar and their membership is suspended and terminated at a time specified in a resolution of the Board, unless otherwise provided by a statute.

(2) The procedure for becoming a member of the Bar and suspension and termination of membership in the Bar is established by a statute.

(3) This Chapter sets out the procedure for obtaining the professional title of an attorney.

§ 8. Bar membership application

(1) To become a member of the Bar, a person wishing to become a member of the Bar (hereinafter *the candidate*) submits to the Board a written or electronic application.

(2) In the Bar membership application, the candidate certifies that they meet the statutory requirements applicable to an attorney and that circumstances precluding their admission to the Bar are absent.

(3) The Bar membership application must indicate the professional title of an attorney applied for.

(4) The Bar membership application must be accompanied by the following documents:

1) a personal details form;

2) a copy of a document certifying higher education in law;

3) a diploma supplement on the examination results;

4) in the event of an academic degree and/or an academic profession, copies of documents certifying the degree and/or the profession;

5) the consent of an attorney-at-law to become a sponsor, unless otherwise provided by a statute;

6) a copy of an identity document;

7) two coloured photographs sized 40 x 50 mm;

8) copies of other documents that prove that the candidate meets the statutory requirements;

9) the consent of the law firm owner to hire the candidate or to continue their employment relationship.

(5) When admitting a person to the Bar Association, the Board has the right to demand the submission of additional documents regarding important circumstances.

§ 9. Review of a Bar membership application in a Board meeting

(1) The Board is required to discuss a Bar membership application within one month after the submission of the candidate's documents to the Board.

(2) The Board decides whether to allow a candidate to take the Bar examination.

[Amended 19 January 2021]

(3) Where the Board considers the submission of additional information necessary, the Board postpones the making of a decision.

§ 10. Deciding of admission to the Bar

(1) Within one month after the Admissions and Aptitude Assessment Committee has forwarded the candidate's examination results to the Board, the Board discusses whether to admit the candidate to the Bar.

(2) The Board decides whether to admit the candidate to the Bar. The Board communicates the decision to the candidate without delay.

[Amended 19 January 2021]

§ 11. Application for a higher-level professional title

(1) To get a higher-level professional title, an attorney submits to the Board a written or electronic application.

(2) In the application for the higher-level professional title, the attorney certifies that they meet the requirements for the title.

(3) The higher-level professional title of an attorney applied for must be specified in the application for the title.

(4) The application for the higher-level professional title must be accompanied by a personal details form, two coloured photographs sized 40 x 50 mm, an opinion of the sponsor regarding the application and a report on the applicant's activities as an assistant attorney-at-law.

[Amended 19 January 2021]

§ 12. Preliminary procedure for an application for a higher-level professional title

(1) The Executive Secretary verifies whether an application for a higher-level professional title meets the established requirements.

(2) After the verification, the Executive Secretary submits the received documents to the Board for the purpose of deciding whether to allow the attorney to take the Bar examination organised by the Admissions and Aptitude Assessment Committee or makes the attorney a proposal to eliminate deficiencies, setting a time limit for that purpose.

(3) Within one month after receiving an application for a higher-level professional title the Board decides whether to allow the attorney to take the Bar examination.

[Amended 19 January 2021]

§ 13. Deciding the awarding of a higher-level professional title

(1) Within one month after the Admissions and Aptitude Assessment Committee has forwarded the examination results to the Board, the Board discusses whether to award a higher-level professional title.

(2) The Board decides whether to award a higher-level professional title to an attorney. The Board communicates the decision to the attorney without delay.

[Amended 19 January 2021]

§ 14. Suspension of Bar membership

(1) The suspension of Bar membership is decided by the Board on the basis of an attorney's application or on the Board's own initiative.

[Amended 19 January 2021]

(2) An attorney is required to submit to the Board a written application for the suspension of their Bar membership where a ground for the suspension of their Bar membership exists for the purposes of subsection 1 of § 35 of the Bar Association Act.

(3) The Board is required to discuss a Bar membership suspension application within one month after the submission of the attorney's application to the Board.

(4) Where the Board considers the submission of additional information necessary, the Board postpones the making of a decision and assigns to the Executive Secretary the task of making a proposal to the attorney to submit additional information.

(5) The Executive Secretary submits the Board's decision to suspend or refuse to suspend the Bar membership to the attorney and their sponsor without delay.

§ 15. Suspension of the legal practice of an attorney by a resolution of the Board

(1) The Board may decide to suspend the legal practice of an attorney where the Board has information on the attorney being a suspect or an accused in a criminal case.

[Amended 19 January 2021]

(2) The Executive Secretary submits the Board's decision on the suspension of the attorney's legal practice to the attorney and their sponsor without delay.

§ 16. Suspension of the legal practice of an attorney by a decision of the Ethics Tribunal

(1) The Ethics Tribunal may decide the suspension of the legal practice of an attorney on the ground provided for in subsection 5 of § 35 of the Bar Association Act. A decision to suspend the legal practice of an attorney must be reasoned.

(2) The Executive Secretary submits the Ethics Tribunal's decision on the suspension of the attorney's legal practice to the attorney and their sponsor without delay.

§ 17. Reinstatement of the Bar membership and legal practice of an attorney

(1) A person whose membership in the Bar or the legal practice of an attorney have been suspended is required to inform the Board without delay of the cessation of the ground for the suspension of the Bar membership or legal practice.

(2) The Board is required to discuss the cessation of the ground for the suspension of the Bar membership or legal practice of an attorney not later than within one month after the informing of the Board of the situation by the attorney or otherwise learning thereof.

(3) The Board decides the reinstatement of the Bar membership or the attorney's legal practice.

[Amended 19 January 2021]

(4) Where the Board considers the submission of additional information necessary, the Board postpones the making of a decision and assigns to the Executive Secretary the task of making to the attorney a proposal to submit additional information or claiming information from the attorney.

(5) The Executive Secretary submits the Board's decision to reinstate or refuse to reinstate the Bar membership or the attorney's legal practice to the attorney and their sponsor without delay.

§ 18. Exclusion from the Bar

(1) The Board decides without delay the exclusion of an attorney from the Bar where the Board has enough information on the existence of grounds for exclusion.

[Amended 19 January 2021]

(2) The Board decides the exclusion of an attorney from the Bar based on the attorney's own application not later than within one month after receiving the application. The application is not granted in an event specified in subsection 2 of § 36 of the Bar Association Act.

[Amended 19 January 2021]

(3) An attorney is required to inform the Board of the emergence of grounds for the exclusion of the attorney from the Bar.

(4) The Admissions and Aptitude Assessment Committee is required to inform the Board of the existence of grounds for the exclusion from the Bar, which are provided for in clauses 2¹ and 3 of subsection 1 of § 36 of the Bar Association Act.

[Amended 3 March 2016]

(5) The Executive Secretary submits the Board's decision on the exclusion of the attorney from the Bar to the attorney and their sponsor without delay.

(6) In the event of the death of an attorney, the attorney is deemed as excluded from the Bar. The exclusion is realised by a resolution of the Board.

(7) The title of an attorney emeritus can be awarded to a person who has reached the retirement age and been excluded from the Bar. The rules of awarding and revoking the title of an attorney emeritus and the rights and duties of an attorney emeritus in relations with the Bar are provided for in the Attorney Emeritus Rules. The Attorney Emeritus Rules are adopted by the Board of the Bar.

[Amended 3 March 2016]

§ 19. Disbarment

(1) The Board decides the disbarment of an attorney without delay where the Board has enough information on the existence of grounds for disbarment.

[Amended 19 January 2021]

(2) The Ethics Tribunal may impose the penalty of disbarment for a disciplinary offence.

(3) The Executive Secretary is required to inform the Board of the existence of a ground for disbarment provided for in clause 3 of § 37 of the Bar Association Act.

(4) The Executive Secretary submits the Board's decision on the disbarment to the attorney and their sponsor without delay.

Chapter 3

RIGHT AND DUTIES OF ATTORNEY AND LAW FIRM OWNER IN RELATIONS WITH THE BAR

§ 20. Exercise of rights and performance of duties

In exercising their rights and performing their duties, the attorney must act in accordance with statutes and other legislation, including the legal instruments and resolutions and decisions of the bodies of the Bar and the professional ethics rules of the Bar. The attorney must exercise their rights and perform their duties towards the Bar in good faith.

§ 21. Attorney's rights in relations with the Bar

(1) The attorney has the right to:

1) participate in the activities of the Bar;

2) participate in a hearing of their case in a body of the Bar;

3) be heard in a body of the Bar;

4) make proposals for the inclusion of an issue in the agenda of a meeting of a body of the Bar;

5) receive protection of their rights related to their legal practice from the Bar;

6) without delay receive a copy of a legal instrument or decision or resolution of a body of the Bar and, within one month, the official position of the body (except for the General Assembly) on the interpretation of the legal instrument or clarification of the decision or resolution if the attorney requests interpretation or clarification.

(2) The attorney has the right to have a seal with their name, the symbols of the Bar and a small national coat of arms, which is registered in accordance with a statute. The standard impression of the seal is established by the Board.

§ 22. Attorney's duties in relations with the Bar

The attorney is required to inform the Board without delay of the following circumstances:

- 1) a change of their name;
- 2) a change in their contact details;
- 3) receipt and change of their education, academic degree and academic position;
- 4) a change in their place of business;
- 5) absence from their place of business, which lasts for over two months;
- 6) statutory grounds for winding up the operations of the law firm having become evident, provided that the law firm owner has not informed the Board thereof;
- 7) other material circumstances.

§ 23. Law firm owner's duties in relations with the Bar

The law firm owner is required to inform the Board without delay of the following circumstances:

- 1) a change in the business name or the name of the law firm;
- 2) commencement and winding up of the activities of the law firm as well as of statutory grounds for winding up the law firm having become evident;
- 3) a change in the contact details of the law firm;
- 4) where the law firm owner does not operate as a self-employed person, a change in the personal details of the members of the management or supervisory bodies of the law firm owner;
- 5) where the law firm owner is a self-employed person, the conclusion of a civil partnership contract for running the law firm and termination of the validity of the contract;
- 6) conclusion of a professional insurance contract, submitting a copy of the contract to the Board without delay;
- 7) other material circumstances.

§ 24. Requirements applicable to the establishment of a law firm

(1) When establishing a law firm, the law firm owner is required to submit to the Board the following documents:

- 1) a notice of the establishment of the law firm, indicating the contact details of the law firm, including the e-mail addresses of the attorneys for service of procedural documents;
- 2) where the law firm owner does not operate as a self-employed person, a notice of the personal data and contact details of the law firm owner, its management or supervisory bodies and the details of the shareholders of the company of attorneys-at-law;
 - a) a copy of a professional insurance contract;
 - a) a copy of the document proving the right of use of the rooms of the law firm and a copy of the layout of the rooms of the law firm.

(2) Prior to establishing a law firm, the owner of the law firm must have drawn up rules and instructions required for the operations of the law firm.

(3) The law firm owner must be prepared to submit, at the request of the Board, the documents specified in the preceding subsection of this section.

§ 25. Requirements for the law firm owner

(1) In relations with the Bar, the law firm owner is required to:

- 1) oversee adherence to the rules of professional conduct and ethics by the attorneys practising in the law firm as well as ensure that other employees of the law firm adhere to these rules;
- 2) ensure the continuing training of the attorneys practising in the law firm;

3) ensure that an attorney that has agreed to provide state-funded legal aid would do so in accordance with the statutory procedure as well as the procedure established by the legal instruments and resolutions of the bodies of the Bar.

(2) The law firm owner is required to ensure adherence to the statutory requirements and the professional ethics rules by the attorneys and other employees of the law firm, including:

1) ensure that an assignment is accepted correctly and a client agreement is concluded;

2) ensure the prevention of a conflict of interest;

3) notify the client of circumstances related to the provision of the legal service;

4) ensure the keeping of the materials of the client's case;

5) explain to the client the bases of formation of the legal service fee;

6) ensure the attorney-client privilege;

7) organise the clerical business of the law firm.

(3) Where a law firm is owned by a company of attorneys-at-law, the attorneys performing the management function ensure and are liable for the performance of the duties of the law firm owner. Where persons who are not members of the Bar perform the management function in a law firm or where it is not possible to identify the attorney that performs the management function in a law firm, the shareholding attorneys-at-law of the company of attorneys-at-law ensure the performance of the duties of the law firm owner.

Chapter 4 GENERAL ASSEMBLY

§ 26. General provisions

(1) The main form of work of the General Assembly is a meeting.

(2) The General Assembly is chaired by one or multiple chairpersons elected by the General Assembly.

§ 27. Convening the General Assembly

(1) The General Assembly is convened by giving attorneys a notice of a meeting of the General Assembly. A notice of a meeting of the General Assembly is published on the website of the Bar, unless otherwise provided by a statute. The law firm owner may be tasked with forwarding a notice of a meeting of the

General Assembly to all of the attorneys practising in the law firm. A notice of a meeting of the General Assembly may be given in writing or electronically.

(2) A notice of a meeting of the General Assembly must contain the following information:

1) the time and manner of the meeting of the General Assembly and where the General Assembly is to convene in full or in part in the form a physical meeting, the venue of the meeting of the General Assembly;

[Amended 19 January 2021]

2) the agenda of the meeting of the General Assembly;

3) where a general meeting is held in part or in full via electronic means, the exact procedure for participant registration, participation and voting;

[Amended 19 January 2021]

4) draft resolutions of the General Assembly in an event specified in § 8² of the Bar Association Act;

[Amended 19 January 2021]

5) other essential circumstances pertaining to the meeting of the General Assembly.

§ 28. Quorum of the General Assembly

- (1) A quorum exists at a meeting of the General Assembly where over half of the voting attorneys are represented.
- (2) Where half or less than half of the voting attorneys are represented, the Board convenes a further meeting of the General Assembly within two weeks of the meeting of the General Assembly and at that further meeting of the General Assembly a quorum will exist irrespective of the number of votes represented.
- (3) If the requirements of the Bar Association Act or the Rules have been violated in convening a meeting of the General Assembly, the General Assembly is not entitled to adopt resolutions, unless at least two thirds of the members of the Bar are represented at the meeting of the General Assembly.
- (4) Matters of urgency not specified in the notice of a meeting of the General Assembly may be decided by the General Assembly where at least two thirds of the voting attorneys participating at the meeting of the General Assembly are represented.

§ 29. Minutes of a meeting of the General Assembly

- (1) The minutes of a meeting of the General Assembly of the Bar are taken by one or multiple attorneys appointed by the Board beforehand.
- (2) The following information is recorded in the minutes of a meeting of the General Assembly (hereinafter *the minutes*):
 - 1) the time and manner of the meeting of the General Assembly and where the General Assembly will meet in full or in part in the form a physical meeting, the venue of the meeting of the General Assembly as well as whether the meeting of the General Assembly is annual or special;
[Amended 19 January 2021]
 - 2) the names of the participating attorneys, represented attorneys and other persons attending the meeting of the General Assembly;
 - 3) the names of the chairpersons and secretaries of the meeting;
 - 4) the agenda of the meeting of the General Assembly;
 - 5) the names of the persons that made a presentation on the agenda items and a short description of the presentation if no short summary of the presentation has been submitted in writing beforehand;
 - 6) the questions asked at the meeting of the General Assembly and a description of the substantive discussion;
 - 7) the resolutions adopted at the meeting of the General Assembly along with the voting results;
 - 8) the substance of an attorney who had a dissenting opinion on a resolution of the General Assembly, provided that the attorney wishes to have their dissenting opinion recorded in the minutes;
 - 9) other significant circumstances.
- (3) The notice of the meeting of the General Assembly along with annexes, written proposals and written dissenting opinions submitted to the General Assembly and other written materials given or made available to the attorneys are annexed to the minutes.
- (4) The minutes are signed by the chairpersons and the secretaries of the meeting of the General Assembly.

§ 30. Making the minutes available, approval and retention of the minutes

- (1) The minutes must be available at the place where the Board of the Bar is located.
- (2) The minutes and annexes thereto are retained for an unspecified period.

§ 31. Adoption of the resolutions of the General Assembly

(1) An attorney participates in the adoption of a resolution of the General Assembly either personally or authorises another voting attorney to participate and vote at a meeting of the General Assembly on their behalf. An attorney cannot represent more than two attorneys at the same meeting of the General Assembly.

(2) Each voting attorney has one vote.

(3) An attorney is not entitled to vote if their membership or legal practice in the Bar has been suspended by a resolution of the Board or by a decision for the Ethics Tribunal or their interests in a matter that is being voted on conflict with those of the Bar. In the event of a strong suspicion, the existence of a conflict of interest is established by the chairperson of the meeting of the General Assembly before the voting.

§ 32. Election of members and substitute members of a body of the Bar

(1) In electing members of the bodies of the Bar, voting is by secret ballot. Subsection 5 of § 8 of the Bar Association Act applies to the election of the President of the Bar. Subsection 3 of § 8 of the Bar Association Act applies to the election of the members of the other bodies of the Bar.

(2) Before the election of the members of a body of the Bar, the General Assembly decides the number of the members and substitute members of the Board, the Audit Committee and the Ethics Tribunal.

[Amended 11 May 2018]

(3) Every member of the Bar may nominate candidates to be elected to the bodies of the Bar. The candidates must be nominated not later than seven calendar days before a meeting of the General Assembly. Late nominations are disregarded. If the number of candidates nominated in a timely manner is smaller than the number of the members and substitute members of a body of the Bar, candidates may also be nominated at the meeting of the General Assembly.

[Amended 30 April 2015]

(3¹) To nominate a candidate for the position of the President of the Bar, the candidate's CV, written consent and a motivation letter must be submitted. To nominate candidates for the position of the members of other bodies, the candidate's written consent must be submitted. The consent must indicate that the candidate consents to being elected a member and/or substitute member of the body of the Bar. If a candidate is nominated at the meeting of the General Assembly, they grant the consent orally.

[Amended 30 April 2015]

(4) Voting may take place only on a candidate regarding whom the documents listed in subsection 3¹ of this section have been submitted within the prescribed time limit, unless the candidate has been nominated at a meeting of the General Assembly.

[Amended 30 April 2015]

(5) The Election Committee approves a candidate regarding whom the documents listed in subsection 3¹ of this section have been submitted within the prescribed time limit, unless the candidate has been nominated at a meeting of the General Assembly, and who meets the statutory requirements established for candidature.

[Amended 30 April 2015]

(5¹) After the Election Committee has approved the candidature, the candidates have the right to introduce themselves and their views by an oral presentation. Candidates make a presentation in the order of nomination. The time given for the presentation is set by the chairpersons of the meeting of the General Assembly. Members of the Bar have the right to ask questions from the candidates within the time limit set by the chairpersons of the meeting of the General Assembly. The chairpersons of the meeting of the General Assembly give the floor for questions in the order of signalling.

[Amended 30 April 2015]

(6) In the event of equal division of votes in electing the bodies of the Bar and if neither candidate withdraws their candidature, a coin is tossed. A member appointed by the Election Committee tosses a coin (heads or tails) in the presence of the running attorneys and other members of the Election Committee. The coin tossing process and the results are recorded in the minutes of the Election Committee.

(7) If a member of a body of the Bar is to be removed before the end of their term, a proposal to elect a new member of the body of the Bar must contain the name of the member to be removed from the body of the Bar. The member-to-be-removed is deemed as removed as of the election of a new member of the body.

§ 33. Voting by secret ballot and establishment of voting results

(1) For the purpose of voting by secret ballot and establishment of the voting results, the General Assembly elects the Election Committee by an open ballot. Up to seven members and up to three substitute members are elected to the Election Committee. The substitute members get their powers in alphabetical order when a member of the Election Committee runs for membership in a body of the Bar.

(2) Before voting, the Election Committee prepares ballot papers for each election of the members and substitute members of a body of the Bar. The Election Committee makes ballot papers freely available to the participants of the meeting of the General Assembly at the venue of the meeting of the General Assembly.

(3) The name of the body to which members are elected and the type of the members to be elected (member or substitute member) are entered in the header of the ballot paper and if the list of candidates is displayed on a screen or otherwise made available to all of the attorneys on the spot, the surnames and forenames or numbers of the candidates are entered in a column below the header.

(4) When electing members to a body of the Bar, the attorney puts a cross after the name or number of the candidate or candidates for whom the attorney votes.

(5) When the attorney receives a ballot paper, the attorney writes their signature next to their name in the list of the voting attorneys. The attorney drops the ballot paper in a sealed ballot box. The ballot box is checked and sealed by the Election Committee before the voting starts.

(6) The voting is deemed as ended once all of the voting attorneys have had an opportunity to vote within a reasonable time. A representative of the Election Committee announces deeming the voting ended and also announces the initial time of announcement of the results.

(7) After the announcement of deeming the voting ended, the Election Committee opens the ballot box, establishes the voting results and announces them. The Election Committee counts how many times a cross has been put after the name of the candidate on ballot papers in support of the candidate.

(8) Upon counting, only valid ballot papers are taken into account. The Election Committee declares a ballot paper invalid by its majority decision if:

1) the ballot paper has not been issued by the Election Committee;

2) the ballot paper does not bear a stamp that is to be added before dropping the paper into the ballot box;

3) on the ballot paper votes have been given for a number of candidates that exceeds the number of the members to be elected by the General Assembly as per decision of the body of the Bar, the Bar Association Act or resolution of the General Assembly;

4) the ballot paper does not clearly indicate the intent of the attorney.

(9) Votes may be counted electronically. In the event of electronic counting of votes, subsections 2–5, 7 and 8 do not apply.

(10) The course and results of the voting are entered in the minutes of the Election Committee, each page of which is signed by all of the members of the Election Committee. A

representative of the Election Committee reads the minutes of the Election Committee to the General Assembly. The minutes of the Election Committee constitute an annex to the minutes of the meeting of the General Assembly.

(11) Where the General Assembly meets in part or in fully via electronic means, the Board establishes a more detailed procedure for secret voting and it is communicated to attorneys along with the notice of the meeting of the General Assembly.

[Amended 19 January 2021]

§ 34. Signature and entry into force of a resolution of the General Assembly

(1) A resolution of the General Assembly is signed by the chairpersons and secretaries of the meeting of the General Assembly.

(2) A resolution of the General Assembly enters into force upon adoption thereof, unless otherwise provided for in the resolution.

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

(1) In accordance with § 8¹ of the Bar Association Act, the voting attorneys of the General Assembly have the right to, on a proposal of the Board, adopt resolutions electronically, without physically convening the General Assembly, except in the event of an election of the bodies of the Bar.

(2) In the Board's resolution on making a proposal to the voting attorneys of the General Assembly the need for such a manner of decision-making is explained, the draft resolution is approved, the time limit for voting, which cannot be shorter than two weeks from the date of the Board's proposal, is set and from among attorneys-at-law who are not Board members at least three secretaries to record the voting results are appointed. The draft resolution approved by the Board, an explanatory note (if any) and the opinions of the bodies of the Bar on the draft are annexed to the Board's proposal.

(3) The Board's proposal and draft resolution along with the annexes are issued via the Administrative Office of the Bar to the voting attorneys by e-mail to the e-mail address last communicated to the Board by the attorney. The Board's proposal and the draft resolution along with the annexes are also made available on the website of the Bar. The law firm owner may be tasked with forwarding the Board's proposal and draft resolution to all of the attorneys practising in the law firm. The circle of the voting attorneys is determined as of the date of making the Board's proposal.

(4) The voting attorneys give their vote, in other words, express their intent towards the draft resolution in a digitally signed form and send it to the Administrative Office of the Bar by e-mail not later than by 24:00 on the closing date of the voting period. Votes sent after the deadline are not taken into account. To the remaining extent, § 31 of the Rules applies.

(5) After the end of the time limit set for voting, the secretaries appointed by the Board to record the voting results, check the correctness of carrying out the procedure, register the number of the voting attorneys and count the votes in favour, the votes against and the impartial votes separately. In counting the votes, e-mail messages sent for voting the contents of which do not clearly express the intent of the attorney or where the expression of intent is not given in a digitally signed form are disregarded by a majority decision of the secretaries, indicating the respective circumstances in the minutes.

(6) A resolution is adopted where over half of the votes of the voting attorneys are in favour of the resolution, unless a higher majority requirement is prescribed by a statute. The course and results of the voting, a short summary of the received dissenting opinions where the attorney who submitted a dissenting opinion has asked that it be recorded in the minutes as well as other circumstances of great importance are entered in the minutes of the voting results. Each page of the minutes is signed by all of the secretaries. The minutes of the voting

results are made available to attorneys on the website of the Bar. The Board's proposal serving as the basis for the minutes, the draft resolution put on vote and the minutes of the voting results are preserved at the seat of the Board of the Bar for an unspecified time.

(7) A resolution of the General Assembly adopted by voting attorneys electronically enters into force as of its publication on the website of the Bar, unless a different time of entry into force has been set in the resolution.

§ 36. Publication of a resolution

(1) All of the resolutions of the General Assembly are published on the website of the Bar.

(2) For a fee that covers the costs of making the copy the Executive Secretary issues to persons having a justified interest an unattested copy of a resolution of the General Assembly of the Bar.

Chapter 5 CHAIR, BOARD AND EXECUTIVE SECRETARY

§ 37. President of the Bar

(1) The President of the Bar (hereinafter *the President*) represents the Bar in all legal operations and organises the work of the Board and chairs the meetings of the Board. The President of the Bar is a member of the Board.

(2) To perform the functions specified in subsection 1, the President:

2) concludes contracts and makes transactions in the name of the Bar in accordance with statutes and the Rules;

2) represents the Bar as an employer;

3) issues decrees that are mandatory to the members of the Bar;

4) establishes the Bar's Clerical Business Rules;

5) ensures compliance with the resolutions of the General Assembly and the Board;

6) ensures a modern and practical arrangement of the administration of the Bar.

§ 38. Vice President of the Bar

(1) In the absence of the President, their functions are performed by the Vice President.

(2) The Board elects the Vice President from among its members.

§ 39. Board

(1) The General Assembly decides the number of Board members and elects Board members.

(2) The Board reports to the General Assembly and the Audit Committee.

§ 40. Substitution of a Board member

(1) A Board member is substituted by a substitute member.

(2) A substitute member's powers as a Board member commence at the time specified in a decree of the President.

(3) By a decree, the President appoints a substitute member of a Board member from among the substitute members where:

1) the Board member is unable to perform the functions of a Board member;

2) multiple Board members simultaneously have a conflict of interest in voting, depriving the meeting of the Board of a quorum;

3) the Board member has submitted to the President an application for the appointment of a substitute member in their stead along with compelling reasons;

4) the Board member has been removed before the expiry of their term of office or has dropped out of the Board for other reasons.

(4) The substitute member's powers as a Board member terminate as of the expiry of the term specified in the decree of the President or at the time specified in a decree issued for termination of the substitution.

[Amended 19 January 2021]

§ 41. Board meeting

(1) The main work format of the Board is a meeting.

(2) The Board may adopt resolutions also without convening a meeting in which case the President sends a draft resolution to the Board members in writing or electronically, setting a time limit for a reply. Votes are given in the form of a written or a digitally signed electronic reply. The voting results are recorded and the replies of the Board members are annexed to the minutes. Failure to reply within the set time limit is deemed a vote against.

(3) Board meetings are regular or special. Regular meetings are held when necessary, but not less frequently than once a month. The dates of regular meetings in the next half-year are approved by the Board annually by 30 June and 31 December.

(4) Regular meetings of the Board are held at the seat of the Bar, unless the President has informed the Board members of a different place of the meeting in the Republic of Estonia.

(5) The convening of a special meeting of the Board may be demanded by the President or at least three Board members. A notice of a special Board meeting is sent by the President to the Board members at least three days before the meeting.

(6) The President decides the inclusion of an issue in the agenda. Where a proposal to include an issue in the agenda has been made by a Board member or at least one fifth of the members of the Bar, the President is required to include the issue in the agenda of the meeting.

(7) At least two working days before the Board meeting the Executive Secretary of the Bar makes the materials of the meeting available to the Board members via the Administrative Office on the website of the Bar.

(8) The meetings of the Board are open to the members of the Bar. The Board may declare a meeting or a part thereof closed.

(9) Board members are required to participate in Board meetings.

§ 42. Board meeting procedure

(1) The Board adopts resolutions by a majority of the Board members. A Board member not participating in a meeting may vote via a means of communication which fact is recorded in the minutes. A resolution is adopted where over half of the Board members are in favour of the resolution.

(2) Where a Board meeting does not have a quorum, the President decides the convening of a special meeting, where necessary. A Board meeting convened under such circumstances has a quorum irrespective of the number of the attending Board members.

(3) The Board adopts resolutions in a meeting by way of an open vote of a majority of the attending Board members. If even one Board member so requests, the voting is made secret.

(4) Minutes of a Board meeting are taken by a secretary appointed by the chairperson of the meeting. The minutes are signed by the chairperson and the secretary of the Board meeting. The following information is included in the minutes:

1) the time and place of the meeting as well as whether the meeting is regular or special;

2) the names of the Board members and other persons attending the meeting;

3) the names of the chairperson of the meeting and the secretary;

4) the agenda of the meeting;

5) [Revoked 19 January 2021]

6) a substantive description of the issues discussed at the meeting;

7) resolutions adopted at the meeting (without the voting results);

- 8) the contents the opinion of a Board member having a dissenting opinion on a resolution of the Board, provided that the Board member requests that their dissenting opinion be recorded in the minutes;
- 9) other significant circumstances.

§ 43. [Revoked 19 January 2021]

§ 44. Executive Secretary

- (1) The Board appoints an Executive Secretary for a term of five years and the President concludes an employment contract with the Executive Secretary in the name of the Bar.
- (2) The Executive Secretary:
 - 1) organises the clerical business of the Bar;
 - 2) directs the work of the Administrative Office of the Bar and, where necessary, appoints Administrative Office employees in charge of the performance of the functions or operations of the Executive Secretary;
 - 3) communicates the announcements, notices and resolutions of the bodies of the Bar;
 - 4) organises the publication of the resolutions of the bodies of the Bar in the official publication *Ametlikud Teadaanded* in events prescribed by a statute;
 - 5) participates in a Board meeting without the right to vote;
 - 6) signs documents and letters for and on behalf of the Bar, unless the signing thereof has been placed within the competence of other persons by a statute, these Rules or a resolution of a body of the Bar;
 - 7) performs other tasks given by the Board or provided for in the Rules.

Chapter 6 AUDIT COMMITTEE

§ 45. Audit Committee

- (1) The number of the members and substitute members of the Audit Committee is determined and the members and substitute members of the Audit Committee are elected by the General Assembly. The Audit Committee has at least three members.
- (2) The work of the Audit Committee is organised and the meetings of the Audit Committee are chaired by the chairperson of the Audit Committee.
- (3) A member of the Audit Committee is substituted by a substitute member.
- (4) The substitute member's powers as a member of the Audit Committee commence at the time specified in a decree of the President of the Bar. Every member of the Audit Committee may make a proposal to the President of the Bar to appoint a substitute member for the member of the Audit Committee.
- (5) By a decree, the President of the Bar appoints a substitute member for a member of the Audit Committee from among the substitute members where:
 - 1) a member of the Audit Committee is unable to perform the duties of a member of the Audit Committee;
 - 2) a member of the Audit Committee has a conflict of interest in voting;
 - 3) a member of the Audit Committee has submitted to the President of the Bar an application for the appointment of a substitute member in their stead along with compelling reasons;
 - 4) a member of the Audit Committee has been removed before the expiry of their term of office or has dropped out of the Audit Committee for other reasons.
- (6) The substitute member's powers as a member of the Audit Committee terminate as of the expiry of the term specified in a decree of the President or at the time specified in a decree issued for termination of the substitution.

[Amended 19 January 2021]

(7) The Audit Committee reports to the General Assembly.

(8) The Audit Committee has the right to demand that the Board appoint an auditor or involve other experts to check the economic activities or the annual report of the Bar.

§ 46. Work organisation of the Audit Committee

(1) The work format of the Audit Committee is a meeting.

(2) Meetings of the Audit Committee are held where necessary, but not less frequently than four times a year.

(3) Meetings of the Audit Committee are held at the seat of the Bar, unless the chairperson of the Audit Committee has informed the members of the Audit Committee of a different place of the meeting in the Republic of Estonia.

(4) A meeting of the Audit Committee is convened on the initiative of the chairperson of the Audit Committee or at the request of the other members of the Audit Committee, the President of the Bar or the Board of the Bar.

(5) At least five days before a meeting of the Audit Committee, the chairperson of the Audit Committee sends the agenda of the meeting of the Audit Committee to the members of the Audit Committee. The agenda may be sent in writing or electronically.

(6) The chairperson of the Audit Committee decides the inclusion of an issue in the agenda. Where a proposal to include an issue in the agenda has been made by a member of the Audit Committee or the President or the Board or at least ten attorneys, the chairperson of the Audit Committee is required to include the issue in the agenda of the meeting.

§ 47. Audit Committee meeting procedure

(1) A meeting of the Audit Committee has a quorum where all of the members of the Audit Committee participate in the meeting.

(2) Where a meeting of the Audit Committee does not have a quorum, the chairperson on the Audit Committee decides the convening of a special meeting, where necessary. The meeting of the Audit Committee convened under such circumstances has a quorum irrespective of the number of the participants in the meeting of the Audit Committee.

(3) The Audit Committee adopts resolutions in a meeting by way of an open vote of a majority of the attending members.

(4) A meeting of the Audit Committee is closed. Persons invited by the Audit Committee may attend a meeting of the Audit Committee.

(5) The minutes of a meeting of the Audit Committee are taken by a secretary appointed by the chairperson of the meeting. The minutes are signed by the chairperson and the secretary of the meeting. The following information is included in the minutes:

1) the time and place of the meeting as well as whether the meeting is regular or special;

2) the names of the members of the Audit Committee participating in the meeting and other persons attending the meeting;

3) the names of the chairperson and the secretary of the meeting;

4) the agenda of the meeting;

5) [Revoked 19 January 2021]

6) the questions asked at the meeting and a description of the substantive discussion;

7) the resolutions adopted at the meeting along with personalised voting results;

8) the contents the opinion of a member of the Audit Committee having a dissenting opinion on a resolution of the meeting, provided that the member of the Audit Committee requests that their dissenting opinion be recorded in the minutes;

9) other significant circumstances.

Chapter 7
ETHICS TRIBUNAL AND THE RULES OF PROCEDURE OF ETHICS TRIBUNAL
PROCEEDINGS

§ 48. Competency of the Ethics Tribunal

The Ethics Tribunal:

- 1) hears cases involving disciplinary offences by attorneys;
- 2) by way of the reconciliation procedure, decides matters related to the justification of the attorney fee or legal service costs disputed by a client and disputes between attorneys which arise from legal practice;
- 2¹) by way of the reconciliation procedure, decides disputes arising from a client agreement concluded with a consumer;
[Amended 3 March 2016]
- 3) discusses other cases placed within the competence of the Ethics Tribunal by a statute.

§ 49. Establishment of the Ethics Tribunal

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

[Amended 11 May 2018]

(1¹) The Board of the Bar decides from which higher education institution a legal scholar and their substitute member is appointed to the Ethics Tribunal of the Bar.

[Amended 11 May 2018]

(2) A member of the Ethics Tribunal cannot be a member of the Board, the Admissions and Aptitude Assessment Committee or the Audit Committee. An attorney-at-law who has worked as an attorney-at-law for at least ten years is eligible for election to the Ethics Tribunal.

(3) The work of the Ethics Tribunal is organised by the Head of the Ethics Tribunal elected by the members of the Ethics Tribunal from among the attorney-at-law members of the Ethics Tribunal.

(4) A member of the Ethics Tribunal is substituted by a substitute member. The substitute member must meet the requirements established for a member of the Ethics Tribunal. The number of the members and substitute members of the Ethics Tribunal is determined and the attorney-at-law members and substitute members of the Ethics Tribunal are elected by the General Assembly.

[Amended 19 January 2021]

(5) A substitute member's powers as a member of the Ethics Tribunal commence at the time specified in a decree of the Head of the Ethics Tribunal. Each member of the Ethics Tribunal may make a proposal to the Head of the Ethics Tribunal to appoint a substitute member for the member of the Ethics Tribunal.

(6) By a decree, the Head of the Ethics Tribunal appoints a substitute member of a member of the Ethics Tribunal from among the substitute members where:

- 1) a member of the Ethics Tribunal is unable to perform the duties of a member of the Ethics Tribunal;
- 2) a member of the Ethics Tribunal has a conflict of interest in hearing and/or deciding the case and other members of the Ethics Tribunal cannot be appointed to the panel of the tribunal;

3) a member of the Ethics Tribunal has submitted to the Head of the Ethics Tribunal an application for the appointment of a substitute member in their stead along with compelling reasons;

4) a member of the Ethics Tribunal has been removed prematurely or has dropped out of the Ethics Tribunal for other reasons.

[Amended 19 January 2021]

(7) A substitute member's powers as a member of the Ethics Tribunal terminate as of the expiry of the term specified in a decree of the Head of the Ethics Tribunal or at the time specified in a decree of the Head of the Ethics Tribunal issued for termination of the substitution.

[Amended 19 January 2021]

(8) Meetings of the members of the Ethics Tribunal are held at the seat of the Bar, unless the President of the Bar has informed the members of the Ethics Tribunal of a different place for the meeting in the Republic of Estonia. At the meetings of the members of the Ethics Tribunal, organisational issues related to the activities of the Ethics Tribunal and other matters of general interest are discussed. At least five days before a meeting of the members of the Ethics Tribunal, the Head of the Tribunal sends the agenda of the meeting and copies of the materials of the issues to be discussed to the members of the Ethics Tribunal via the Executive Secretary. The agenda may be sent in writing or electronically.

§ 50. Institution of Ethics Tribunal proceedings

Ethics Tribunal proceedings are instituted on the grounds and in accordance with the procedure set out in the Bar Association Act.

§ 51. Formation of the Ethics Tribunal

(1) The Ethics Tribunal hears cases in a panel of at least three members (hereinafter *the panel*). The panels of the Ethics Tribunal, including the presiding member leading the hearing of cases (hereinafter *the presiding member*) is appointed by the Head of the Ethics Tribunal.

[Amended 19 January 2021]

(2) A case is heard from the start to the end by the same panel. Where the panel of the Ethics Tribunal changes while a case is being heard, the case will be heard from the start where the attorney against whom the Ethics Tribunal proceedings have been instituted requests it or the Ethics Tribunal considers it necessary. Where the former panel has heard the testimony of a witness, the new panel does not always have to repeat the operation and in such an even the Ethics Board discloses the testimony of the witness at the Ethics Tribunal hearing.

§ 52. Preparation of an Ethics Tribunal hearing

(1) Where a case is heard by way of oral proceedings, the presiding member decides the time and place of an Ethics Tribunal hearing in the Republic of Estonia.

(2) The presiding member appoints the member of the panel of the Ethics Tribunal, who will prepare the case for hearing. The member of the Ethics Tribunal preparing the hearing of the case makes a proposal to the presiding member to summon attorneys and other relevant persons to attend an Ethics Tribunal hearing. The presiding member summons attorneys and other relevant persons to attend the Ethics Tribunal hearing. In the event of oral as well as written proceedings before the Ethics Tribunal, the member of the Ethics Tribunal preparing the case makes a proposal to the presiding member to instruct that additional materials be submitted. The presiding member instructs that additional materials be submitted.

§ 53. Summoning to attend an Ethics Tribunal hearing

- (1) Summonses are sent to persons to be summoned to attend an Ethics Tribunal hearing either by registered mail or electronically to the e-mail address communicated to the Bar or handed over against signature.
- (2) Summonses to attend an Ethics Tribunal hearing are sent in such a manner that the person summoned has enough time to prepare their case and appear at the hearing on time.
- (3) A summons to attend an Ethics Tribunal hearing is addressed personally to the attorney and sent to the law firm via which the attorney provides the legal service or to the attorney's electronic mail address designated for procedural documents. Where an attorney has interrupted their practise in a law firm or there is no information on their place of practise, a summons is sent to the address communicated by the attorney in accordance with clause 2 of § 22 of the Rules. In the event of sending a summons by post, the summons is deemed as received by the attorney after two working days have passed from handing the summons over to the postal agency. An electronically sent summons is deemed as delivered when it has been sent to the attorney's electronic mail address designated for procedural documents.
- (4) The law firm owner or the attorney's sponsor may be tasked with the delivery of a summons to attend an Ethics Tribunal hearing to an attorney. The law firm owner or the attorney's sponsor issues to the Ethics Tribunal a notice of the fact and time of the receipt of the summons signed by the attorney.
- (5) The summons to attend an Ethics Tribunal hearing specifies the name of the person summoned to the hearing, the time and place of the oral hearing of the Ethics Tribunal, the case in which the person is summoned and the purpose of summoning the person. In a summons sent to an attorney against whom the Ethics Tribunal proceedings have been instituted the attorney is informed that they are required to attend the Ethics Tribunal hearing and that failure to attend the hearing without a compelling reason does not preclude the hearing of the case.
- (6) A summons to attend an Ethics Tribunal hearing is deemed as served on the attorney also where it has been handed over against signature to an adult family member living together with the attorney.
- (7) To a person who is not an attorney, a summons to attend an Ethics Tribunal hearing is sent by electronic mail to the address communicated by them or by post to the address of their place of residence.

§ 54. Hearing of a case in the Ethics Tribunal

- (1) The language of the Ethics Tribunal proceedings is Estonian.
- (2) The Ethics Tribunal hearing is opened by the presiding member of the Ethics Tribunal. The tribunal hearing clerk is appointed and announced by the presiding member. After the hearing has been opened, all of the persons summoned in connection with the hearing of the case are removed from the room of the Ethics Tribunal hearing, except for the attorney against whom the Ethics Tribunal proceedings have been instituted. Other persons may take part in the hearing with the permission of the Ethics Tribunal. The attorney against whom the Ethics Tribunal proceedings have been instituted, other persons summoned to attend the Ethics Tribunal hearing and persons participating in the Ethics Tribunal hearing do not have the right to record the Ethics Tribunal hearing, except where the Ethics Tribunal considers it necessary and the position has been recorded in the minutes.
- (3) Opening the Ethics Tribunal hearing, the presiding member informs the attorney against whom the Ethics Tribunal proceedings have been instituted of the panel of the Ethics Tribunal and the rights and duties provided for in § 55 of the Rules. The Ethics Tribunal decides recusal requests and other requests by an order.

(4) The member of the Ethics Tribunal who prepared the hearing of the case gives a summary of the specific circumstances surrounding the commission of the offence and the documents included in the materials of the case.

(5) In hearing a disciplinary offence case, the Ethics Tribunal is not bound by information known at the time of the institution of the Ethics Tribunal proceedings or the scope of the request to institute the proceedings. The Ethics Tribunal has the right to collect evidence on its own initiative or at the request of the attorney or an interested person and at the request of the Ethics Tribunal the attorney is required to submit to the Ethics Tribunal the evidence that is at their disposal.

(6) Having heard the attorney against whom the Ethics Tribunal proceedings have been instituted as well as the persons summoned to attend the hearing and disclosed the materials of relevance in the case, the Ethics Tribunal decides whether hearing the case on the merits may be terminated.

(7) Where the Ethics Tribunal considers it necessary to identify additional circumstances or collect additional evidence, the Ethics Tribunal sets the time and place for the next hearing of the case.

(8) A disciplinary offence case is heard with the participation of the attorney against whom the Ethics Tribunal proceedings have been instituted. If the attorney cannot attend the Ethics Tribunal hearing for a compelling reason, the attorney must inform the Ethics Tribunal thereof and of the reasons not later than by the time of the Ethics Tribunal hearing. If the attorney fails to attend the Ethics Tribunal hearing without a compelling reason, the Ethics Tribunal may hear the case without the attendance of the attorney. The Ethics Tribunal may reinstate the Ethics Tribunal proceedings where the attorney who failed to attend requests within ten days after the Ethics Tribunal hearing that the proceedings be reinstated and submits evidence proving a compelling reason for not attending the oral hearing. The Ethics Tribunal decides the reinstatement of the proceedings by an order. If the Ethics Tribunal has made a decision in a disciplinary offence case, it is deemed in the event of reinstatement of the proceedings that the decision of the Ethics Tribunal has not entered into force. The reinstated proceedings continue before the Ethics Tribunal from where the proceedings were discontinued.

(9) If the Ethics Tribunal decides that the hearing of the case on the merits can be terminated, the Ethics Tribunal announces the time of making the decision of the Ethics Tribunal public.

(10) Minutes are taken of the course of the hearing before the Ethics Tribunal by a person appointed by the Head of the Ethics Tribunal. The hearing of the Ethics Tribunal is audio recorded if the Ethics Tribunal decides so. The minutes of the hearing of the Ethics Tribunal must reflect the course of hearing the case and matters of significance from the point of view of solving the case. The attorney against whom the Ethics Tribunal proceedings have been instituted has the right to demand that minutes be taken of the circumstances that the attorney considers important. The minutes are signed by the presiding member and the secretary.

[Amended 30 April 2015]

(11) The Ethics Tribunal makes a decision within six months of the institution of the Ethics Tribunal proceedings. This time limit does not include the time during which the Ethics Tribunal proceedings were suspended. The Ethics Tribunal proceedings are suspended for a time during which a disciplinary offence case cannot be heard due to circumstances dependent on the attorney against whom the Ethics Tribunal proceedings were instituted. Where a decision of the Ethics Tribunal may depend on the existence or absence of a circumstance that is the subject matter of pending court proceedings or whose existence must be established in administrative proceedings or other proceedings, the Ethics Tribunal may suspend the proceedings until the other proceedings have ended.

[Amended 19 January 2021]

(12) The suspension of the legal practice for the duration of Ethics Tribunal proceedings (§ 16 of the Rules) is not considered a disciplinary penalty.

§ 55. Attorney's rights and duties

(1) An attorney against whom Ethics Tribunal proceedings have been instituted has the right to access all of the materials of the case, make oral or written statements to the Ethics Tribunal, make and submit objections, reasons and considerations regarding any and all issues raised in the Ethics Tribunal proceedings, submit a recusal request against a member or secretary of the Ethics Tribunal, participate in an observation and examination of evidence, ask questions from persons summoned to the hearing, receive a copy of the decision of the Ethics Tribunal and a copy of the minutes of Ethics Tribunal hearing and listen to the audio recording of the Ethics Tribunal hearing, provided that the hearing has been audio recorded.

(2) The attorney against whom Ethics Tribunal proceedings have been instituted is required to attend the Ethics Tribunal hearing. The requirement to attend the hearing in person does not deprive the attorney of the right to use a representative in the case.

§ 56. Termination of Ethics Tribunal proceedings

(1) The Ethics Tribunal terminates the proceedings by its order in the event of the death of the attorney against whom the Ethics Tribunal proceedings were instituted.

(2) The Ethics Tribunal terminates the proceedings in a disciplinary case by its order if the time limit for the imposition of a disciplinary penalty (subsection 6 of § 19 of the Bar Association Act) has expired. The Ethics Tribunal may conduct proceedings for the purpose of making a professional ethics assessment of the conduct of the attorney even after the time limit for the imposition of a disciplinary sentence has expired.

(3) The Ethics Tribunal may terminate the proceedings by its order if:

1) the person who submitted the request to institute the Ethics Tribunal proceedings withdraws their request;

2) the Ethics Tribunal approves a settlement between the person who submitted the request to institute the Ethics Tribunal proceedings and the attorney against whom the Ethics Tribunal proceedings were instituted.

(4) Once the proceedings have been terminated, the person cannot bring the same disciplinary offence case before the Ethics Tribunal again.

§ 57. Decision of the Ethics Tribunal

(1) A decision of the Ethics Tribunal is a disposition by which the Ethics Tribunal decides the case on the merits.

(2) The Ethics Tribunal makes a decision by a majority of the members participating in hearing the case. If the votes of the members of the Ethics Tribunal are divided equally, the vote of the presiding member is the casting vote. A minority member of the Ethics Tribunal may make a dissenting opinion on the decision of the Ethics Tribunal. In such an event the dissenting members of the Ethics Tribunal are indicated at the end of the decision of the Ethics Tribunal. A brief summary of the dissenting opinion is given after the signatures and it is signed by the dissenting member of the Ethics Tribunal.

(3) The decision of the Ethics Tribunal must be lawful and reasoned. The introductory part of the decision sets out the time of making the decision, the time of the last Ethics Tribunal hearing, the names of the members of the Ethics Tribunal who made the decision and the name of the attorney against whom the disciplinary proceedings have been instituted. The descriptive part of the decision sets out the main substance, describing the elements of the disciplinary offence based on which the Ethics Tribunal proceedings were conducted, the submissions and objections made regarding them and the submitted evidence. The reasons-

stating part of the order sets out the reasons that serve as the factual and legal bases for the decision. The operative part of the decision clearly and unambiguously sets out the disposition of the disciplinary offence case. If the Ethics Tribunal finds that the attorney has not committed a disciplinary offence, the reasons for the decision of the Ethics Tribunal may be given in the form of a short summary.

(3¹) If the Ethics Tribunal does not institute its proceedings, the Ethics Tribunal may publish its decision without the descriptive and reason-stating parts. A decision made in the form of an operative part is supplemented by the Ethics Tribunal with the descriptive and reason-stating parts if a party to the proceedings informs the Ethics Tribunal within 15 days after the publication of the operative part of the decision of the intent to file an appeal or protest against the decision with the administrative court in accordance with the Bar Association Act. A declaration of the intent to file an appeal or protest does not need to be accompanied by reasons. Such a decision must be published in its entirety within 30 days after the submission of a declaration of intent.

[Amended 19 January 2021]

(4) A decision of the Ethics Tribunal is made in writing and signed by all of the members of the Ethics Tribunal who participated in deciding the case.

(5) The Ethics Tribunal publishes a decision via the Administrative Office of the Bar within 30 days of the completion of hearing the case on the merits. Where necessary, the Head of the Ethics Tribunal may extend the deadline of publication of the decision to 60 days.

[Amended 19 January 2021]

(6) A decision of the Ethics Tribunal enters into force as of its publication. A decision of the Ethics Tribunal that deprives a person of the right to practise in Estonia as an attorney of a foreign country enters into force once the Board has approved it.

(7) An appeal or protest against a decision of the Ethics Tribunal, which has entered into force, may be filed with the administrative court in accordance with the Bar Association Act.

(8) On its own initiative or on the basis of an application by the attorney against whom the Ethics Tribunal proceedings have been instituted, the Ethics Tribunal may correct typing and calculation errors and other clear inaccuracies contained in a decision, which do not affect the substance of the decision. Before correcting the decision, the Ethics Tribunal may hold a hearing. An appeal may be filed against an order of correction of errors.

(9) Where multiple cases involving elements of a disciplinary offence have been joined into the same Ethics Tribunal proceedings, the Ethics Tribunal may make a separate decision regarding each of them.

§ 58. Order of the Ethics Tribunal

(1) An order of the Ethics Tribunal is a disposition by which the Ethics Tribunal does not make a decision on the merits.

(2) The Ethics Tribunal makes an order by a majority of the members who participated in hearing the case. If the votes of the members of the Ethics Tribunal are divided equally, the vote of the presiding member is the casting vote.

(3) An order of the Ethics Tribunal is made orally or in writing. An oral order is communicated on the spot and recorded in the minutes of the Ethics Tribunal hearing.

§ 59. Disciplinary liability

(1) For disregarding the requirements of the legislation regulating the activities of attorneys or the professional ethics requirements the Ethics Tribunal may impose a disciplinary penalty in accordance with the procedure and to the extent provided for in the Bar Association Act.

[Amended 19 January 2021]

(2) Where a disciplinary penalty is imposed on an attorney, the attorney pays the Bar compensation for the case costs in the amount set by the General Assembly.
[Amended 19 January 2021]

§ 60. Reconciliation proceedings

- (1) Reconciliation proceedings are proceedings conducted by the Ethics Tribunal with the aim of reconciling the parties to a dispute.
- (2) To institute reconciliation proceedings, the client who wishes to contest the justifiability of the attorney fee or legal service costs or the attorney who seeks the deciding of a dispute arising from the legal practices of attorneys may submit a respective request to the Ethics Tribunal or the Board.
- (3) The Ethics Tribunal decides the institution of reconciliation proceedings within two months after the receipt of a request specified in subsection 2.
- (4) The Ethics Tribunal conducts the reconciliation proceedings by way of a simplified procedure in accordance with just discretion, ensuring respect for fundamental rights and hearing a party to the dispute at their request. In conducting reconciliation proceedings, the requirements of § 50, subsection 2 of § 51, §§ 52–55 and §§ 57–59 of the Rules do not need to be followed.
- (5) The opinion of the Ethics Tribunal adopted in a reconciliation case is advisory and cannot be appealed.
- (6) Where in the course of reconciliation proceedings the elements of a disciplinary offence become evident in an act of the attorney, the Ethics Tribunal institutes disciplinary proceedings with regard to which the provisions of the Ethics Tribunal procedure governing disciplinary proceedings apply.

§ 60¹. Consumer reconciliation proceedings

The reconciliation procedure for resolving a dispute arising from a client agreement made with a consumer (clause 2¹ of § 48) is established by a resolution of the Board.
[Amended 3 March 2016]

Chapter 8 ADMISSIONS AND APTITUDE ASSESSMENT COMMITTEE AND ORGANISATION OF THE BAR EXAMINATION

§ 61. Admissions and Aptitude Assessment Committee

(1) The Admissions and Aptitude Assessment Committee examines those who wish to join the Bar and apply for the professional certificate of an attorney, organises an aptitude test of professional qualifications obtained abroad and periodically or at the Board's request assesses the aptitude of attorneys. The Admissions and Aptitude Assessment Committee holds an interview with a person who has submitted a Bar membership application based on subsection 3¹ of § 26 of the Bar Association Act. The interview is held at the time of the attorney examination, unless the Admissions and Aptitude Assessment Committee decides otherwise.

[Amended 5 May 2023]

- (2) The Admissions and Aptitude Assessment Committee is established in accordance with the statutory procedure.
- (3) Not later than one month before the expiry of the term of office of the formation of the Admissions and Aptitude Assessment Committee, the Board of the Bar appoints to the new formation of the Admissions and Aptitude Assessment Committee at least six attorneys-at-law and at least two substitute members for them. Not later than one month before the expiry of

the term of office of a formation of the Admissions and Aptitude Assessment Committee, the Board of the Bar makes a proposal to the Full Assembly of the Judiciary to elect to the new formation of the committee two judges and two substitute members for them, a proposal to the Minister of Justice to appoint to the new formation a representative of the Ministry of Justice and their substitute member, a proposal to the General Assembly of Prosecutors to elect to the new formation of the committee a state prosecutor and their substitute member and a proposal to a higher education institution that issues nationally recognised master's degrees in law to appoint to the new formation of the committee at least one legal scholar and their substitute member.

[Amended 11 May 2018]

§ 62. Rules of procedure of the Admissions and Aptitude Assessment Committee

(1) In a meeting of the Admissions and Aptitude Assessment Committee, the oral part of the Bar examination is held and other matters prescribed for resolution in a meeting under a statute and the Rules are decided. The Admissions and Aptitude Assessment Committee has the right to decide other matters within its competence by way of electronic or written voting.

(2) The first meeting of the new formation of the Admissions and Aptitude Assessment Committee is convened by the eldest member of the attorney-at-law members of the committee. At the first meeting of the new formation of the Admissions and Aptitude Assessment Committee, the members of the committee elect the chairperson of the committee from among the attorney-at-law members to organise the work of the committee.

(3) The chairperson of the Admissions and Aptitude Assessment Committee is elected by way of an open vote. Each member of the committee has one vote. The candidate that has received over half of the votes of the members of the committee that participated in voting is considered as having been elected chairperson of the committee. If no chairperson of the Admissions and Aptitude Assessment Committee was elected as a result of the voting, the second round of voting is held between the two candidates that received the most votes in the first round.

(4) When a member of the Admissions and Aptitude Assessment Committee drops out of the committee, a new member is appointed in their stead in accordance with the procedure provided for in subsection 2 of § 61 of the Rules. Where the chairperson of the committee drops out of the committee, a new chairperson of the committee is elected in accordance with the procedure provided for in subsection 3 of this section.

(5) If the meeting does not have a quorum, the chairperson of the Admissions and Aptitude Assessment Committee decides the time of a new meeting without delay, which must be held not later than within two weeks.

§ 63. Purpose and grading of the Bar examination

(1) A person who wishes to take the Bar examination submits an application to the Board of the Bar and the Board decides whether to allow the person to take the examination.

(2) The purpose of the Bar examination is to establish whether the theoretical knowledge of the examinee and the skills of using the knowledge in the capacity of an attorney meet the ordinary requirements applicable to, depending on the examination type, an assistant attorney-at-law or an attorney-at-law. The examinee must be able to provide an initial assessment in a matter of substantive and procedural law without preparation and in a matter concerning the legal practice and professional ethics of an attorney. The purpose of the Bar examination is to also establish whether the personal characteristics of the applicant are suitable for the legal practice of an attorney.

[Amended 5 May 2023]

(3) In the assistant attorney-at-law examination, the sufficiency of the examinee's theoretical knowledge in all of the main fields of law is evaluated: private law and the civil court procedure; the constitutional order of the state, public law and administrative court procedure; criminal law and criminal procedure. In addition, the suitability of the examinee's personal characteristics for the legal practice of an attorney and the examinee's knowledge of the professional ethics requirements is assessed.

[Amended 5 May 2023]

(4) In the attorney-at-law examination, the knowledge of the examinee and the skills of using the knowledge in the capacity of an attorney based on the highest standards expected of an attorney are evaluated. The attorney-at-law must be familiar with legislation and case-law, be able to provide quality legal aid even in complicated legal disputes, have thorough theoretical and practical knowledge in one of the fields chosen from among the following: private law and the civil court procedure; the constitutional order of the state, public law and the administrative court procedure; criminal law and criminal procedure. An attorney-at-law must be able to act as a sponsor and a law firm owner.

[Amended 5 May 2023]

(5) In assessing the personal characteristics of an applicant for membership in the Bar, the committee takes into account the moral qualities of the applicant derived from the interview and other information, the applicant's oral and written argumentation skills, communication skills, knowledge of the official language and other circumstances characterising the person.

§ 64. Organisation of the Bar examination

(1) The Bar examination is held at least twice a year.

(2) To organise the Bar examination, the Admissions and Aptitude Assessment Committee prepares lists of the fields covered by the written and oral part of the examination.

(3) The lists of the fields covered by the examination are public and anyone wishing to take the Bar examination can familiarise themselves with these. Test questions, case exercises and questions of the oral examination are not subject to disclosure.

(4) [Revoked 5 May 2023]

§ 65. Consequences of failure to attend the Bar examination

If the examinee fails to attend the examination without a compelling reason, the examination fee is not refunded. If the failure to attend has a compelling reason, the examination fee is refunded or kept as an advance payment. For the purpose of assessment of the existence of a compelling reason, the examinee is required to submit the reasons for not attending the examination along with supporting evidence within ten days from the day of failing to attend the examination.

[Amended 5 May 2023]

§ 66. Parts of the Bar examination

To pass the Bar examination, the examinee takes the written part first and thereafter the oral part. The prerequisite for being allowed to solve a case exercise in the written part of the examination is the passing of a test. The prerequisite for being allowed to take the oral part of the examination is the passing of the written test and the case exercise.

§ 67. Written part of the Bar examination

(1) In the written part of the examination, the examinee takes a test covering theoretical questions and solves a case exercise in writing.

(1¹) In the attorney-at-law examination, the examinee does not have to take a test in the written part of the examination provided that the examinee takes the attorney-at-law

examination within 5 years of the passing of a test of the written part of the assistant attorney-at-law examination or of the written part of the attorney-at-law examination. The aforementioned 5-year term starts to run as of taking the test of the written part of the assistant attorney-at-law examination or of the written part of the attorney-at-law examination, respectively, and ends in the half-year when the attorney-at-law examination is held.

[Amended 18 June 2021]

(1²) The attorney-at-law examination must be passed as a whole within 5 years of the passing of a test of the written part of the assistant attorney-at-law examination or of the written part of the attorney-at-law examination, otherwise the test, the case exercise and the oral part must be taken anew in the attorney-at-law examination.

[Amended 5 May 2023]

(2) A person taking the attorney-at-law examination chooses the case exercise from among the fields specified in subsection 4 of § 63 of the Rules.

(3) Auxiliary materials cannot be used when taking the test. In solving the case exercise, the examinee is permitted to use legislation, the case-law of the Supreme Court and other auxiliary materials permitted by the Admissions and Aptitude Assessment Committee as well as a computer and a printer. It is prohibited to communicate with other people and use auxiliary materials not specified in this subsection when taking the examination.

(4) To take the test and solve the case exercise, the examinee has a reasonable time which is decided by the Admissions and Aptitude Assessment Committee.

(5) If the examinee uses prohibited auxiliary materials or communicates with other people when taking the examination, the note 'removed' is written in the examination report instead of a grade. The note 'removed' is considered equivalent to a negative grade.

§ 68. Oral part of the Bar examination

(1) In the oral part of the examination, the examinee answers questions concerning the legal practice of an attorney and professional ethics in a meeting of the Admissions and Aptitude Assessment Committee.

(2) [Revoked 18 June 2021]

(3) If the examinee does not pass the oral part of the examination, the examinee has the right to only take the oral part of the examination in the directly next repeat examination to be held. If the examinee is unable, with good reason, to participate in the oral examination in the directly next examination to be held, the Board may allow the examinee to only take the oral part in the repeat examination also in the next examination to be held thereafter.

[Amended 18 June 2021]

(4) If the examinee does not pass the oral part of the examination in the repeat examination either, the examinee must take both the written and oral part of the examination in the next repeat examination. No test must thereby be taken in the written part of the next attorney-at-law repeat examination if the 5-year term specified in subsection 1¹ of § 67 has not expired by the time the next repeat examination is held.

[Amended 18 June 2021]

§ 69. Grading and communication of examination results

(1) A test covering theoretical questions of law is passed when at least 70% of the answers are correct; thereby the portion of correct answers must not be less than 51% in any of the following fields: private law and the civil court procedure; the constitutional order of the state, public law and administrative court procedure; criminal law and criminal procedure. The examinee is informed of the test results on the day of taking the test.

[Amended 5 May 2023]

(2) Each member of the committee grades the solution of the case exercise on a scale of one to ten full numbers without discussing the grade with the members of the committee beforehand. The grade of the solution of the case exercise is the average of the grades given by the members of the committee, which is rounded to a full number. The case exercise of the written part of the examination is passed if the examinee has received a grade of at least 5. A grade given by a member of the Admissions and Aptitude Assessment Committee is not disclosed.

[Amended 5 May 2023]

(2¹) The examinee is notified of the passing or failing of the case exercise before the oral part of the examination is held.

[Amended 5 May 2023]

(3) Each member of the committee grades the answers given by the examinee in the oral part of the examination on a scale of one to ten full numbers without discussing the grade with the members of the committee beforehand. The grade of the oral examination is the average of the grades given by the members of the committee, which is rounded to a full number. The oral part of the examination is passed if the examinee has received a grade of at least 5. The Admissions and Aptitude Assessment Committee communicates the result of the oral part of the examination at the meeting of the committee in the presence of the examinee immediately after the results have become clear. A grade given by a member of the Admissions and Aptitude Assessment Committee is not disclosed.

[Amended 5 May 2023]

(4) [Revoked 18 June 2021]

(5) The average grades are rounded to a full number; thereby a grade that ends with five or more tenths is rounded up, while a grade that ends with four or less tenths is rounded down.

(6) The personal characteristics of an applicant for Bar membership are declared suitable for the legal practice of an attorney if at least a half of the members of the committee that participated in the meeting have deemed the examinee's personal characteristics suitable.

(7) The committee makes a written decision on the results of the Bar examination, which sets out the following:

[Amended 5 May 2023]

1) the date and number of the decision;

2) the names of the persons that participated in the meeting of the committee;

3) the name of the examinee;

4) the type of the examination (assistant attorney-at-law examination, attorney-at-law examination);

[Amended 3 March 2016]

5) the suitability of the personal characteristics of the applicant for Bar membership. The committee must state the reasons for unsuitability;

6) decision of the committee on whether the examinee has passed the Bar examination.

(8) [Revoked 5 May 2023]

(9) The Board of the Bar issues the committee's decision to the examinee within seven days after the examination results have become clear.

[Amended 5 May 2023]

(10) If the decision of the committee needs to be reasoned in accordance with clause 5 of subsection 7 of this section, the Board issues a reasoned decision of the committee to the examinee within two weeks after the meeting of the committee.

(11) The chairperson of the Admissions and Aptitude Assessment Committee sends the decision of the committee to the Board along with the examination results. The decisions of the committee are retained by the Board of the Bar and a copy is put in the file of the attorney whom the decision concerns.

(12) The provisions of this section also apply to a repeat examination.

§ 70. Challenging of examination results

(1) The examinee has the right to request a reasoned decision on their solution of the case exercise and the oral part of the examination within two weeks after the receipt of the committee's decision. The Admissions and Aptitude Assessment Committee issues a reasoned decision to the examinee within two weeks after the submission of a request. The examinee may challenge the examination results of the case exercise or oral part of the examination by submitting a written complaint to the Board of the Bar within two weeks after the receipt of a reasoned decision of the Admissions and Aptitude Assessment Committee. The examination results of the test may be challenged by submitting a written complaint to the Board within two weeks after the receipt of a decision of the Admissions and Aptitude Assessment Committee. No reasoned decision is issued on the test.

[Amended 5 May 2023]

(2) The Board makes a decision on the complaint within one month after receiving the complaint.

(3) On the basis of the complaint the Board can annul examination results if the Admissions and Aptitude Assessment Committee has seriously violated legal rules or these Rules in conducting the examination or establishing the examination results. In hearing the complaint, the Board does not have the right to assess the knowledge of the complainant.

(4) If the Board annuls the examination results, the Admissions and Aptitude Assessment Committee is required to, within two weeks of the receipt of the decision of the Board, discuss the aptitude and examination results of the examinee again.

§ 71. Assessment of the attorney's aptitude

(1) The Admissions and Aptitude Assessment Committee assesses the attorney's aptitude on the basis of a resolution of the Board of the Bar. In the resolution, the Board of the Bar specifies the circumstances under which it is necessary to assess the attorney's aptitude.

(2) Having received a resolution from the Board of the Bar, the members of the committee examine the documents reflecting the legal practice of the attorney and, where necessary, court case files. A written summary signed by the members of the committee that examined the attorney's legal practice is drawn up on the results of the examination. The summary is given to the attorney at least two weeks before the meeting of the committee.

(3) The attorney's aptitude is assessed by the Admissions and Aptitude Assessment Committee in a meeting attended by the attorney.

(4) The aptitude of the attorney is assessed by the committee on the basis of the information given in a summary of the legal practice of the attorney, an assessment interview and answers given to the questions asked by the members of the committee. The members of the committee can ask the attorney questions arising from the attorney's legal practice to date as well as questions about various branches of law in order to verify if the attorney has the theoretical knowledge and practical skills required for successful legal practice.

(5) The compliance of the attorney with the aptitude requirements is assessed by each member of the Admissions and Aptitude Assessment Committee without discussing their assessment with the members of the committee beforehand. The committee declares the attorney inapt for practising as an attorney if over half of the members who participated in the meeting of the committee have given such an assessment.

(6) The decision of the committee by which an attorney has been declared inapt for practising as an attorney must be reasoned. A copy of the reasoned decision of the committee is given to the attorney within two weeks after the meeting of the committee.

§ 72. Periodical assessment of the attorney's aptitude

(1) The Admissions and Aptitude Assessment Committee periodically assesses the extent of the attorney's professional development on the grounds and in accordance with the procedure provided for in subsections 3–5 of § 34¹ of the Bar Association Act.

(2) On the grounds provided for in subsections 6–7 of § 34¹ of the Bar Association Act, the Admissions and Aptitude Assessment Committee carries out an assessment of the attorney for the purposes of verifying the knowledge of the attorney.

[Amended 3 March 2016]

(3) In the course of the assessment specified in subsection 2 of this section, the members of the committee can ask the attorney questions from various branches of law in order to find out whether the attorney has the theoretical knowledge and practical skills required for successful practise as an attorney.

[Amended 3 March 2016]

(4) The compliance of the attorney with the aptitude requirements based on the assessment results is assessed by the committee who draws up a decision in accordance with the procedure provided for in subsections 5–6 of § 71 of the Rules.

[Amended 3 March 2016]

§ 73. Assessment of professional qualifications acquired abroad

(1) The professional qualifications of a person holding the right to practice law abroad as a fully fledged attorney are assessed by the committee on the basis of an aptitude test.

(2) The aim of the aptitude test is to assess whether the theoretical knowledge and practical experience of the person meet the requirements usually applied to an attorney-at-law in Estonia and whether the person is sufficiently familiar with the rules of professional conduct established to attorneys as well as to assess the person's characteristics, skills and proficiency for practising as an attorney-at-law in Estonia.

(3) To pass the aptitude test, the person must be sufficiently familiar with Estonian legislation, the main legal instruments and professional ethics requirements governing the activities of the Estonian Bar Association and attorneys.

(4) The results of the aptitude test are assessed in a meeting of the Admissions and Aptitude Assessment Committee. The results of the aptitude test are assessed by each member of the committee without discussing their assessment with the members of the committee beforehand.

(5) The committee recognises the professional qualifications of a person holding the right to practise law abroad as a fully fledged attorney to practise law as an attorney-at-law if over half of the members of the committee who participated in the meeting have given such an assessment.

(6) The committee makes a written decision on the results of the aptitude test and all of the members that participated in the meeting sign it. The decision sets out the following:

- the date and number of the decision;
- the names of the members that participated in the meeting of the committee and the name of the person taking the aptitude test;
- the foreign country where the person has been granted the right to practise as a fully fledged attorney;
- the decision of the committee on the recognition of the professional qualifications.

(7) The decision of the committee by which the professional qualifications of a person are not recognised must be reasoned.

(8) The decision of the Admissions and Aptitude Assessment Committee on the passing of the aptitude test is communicated in the same meeting of the committee right after the result has

become clear in the presence of the person who took the aptitude test. The voting result in the committee is not disclosed.

(9) A copy of the decision on the passing of the aptitude test is issued by the Board at the request of the person who took the test within five days of the submission of the respective request. To a person who did not pass the aptitude test the Board issues a reasoned decision within two weeks of the meeting of the Admissions and Aptitude Assessment Committee.

(10) A person whose professional qualifications were not recognised due to not passing the aptitude test can take a new aptitude test no earlier than in six months.

(11) The provisions applicable to the oral part of the Bar examination under § 65 of the Rules applies to failure to attend the aptitude test.

(12) An opinion on the eligibility of an associate member of the Bar for receiving the professional title of an attorney-at-law is given by the Admissions and Aptitude Assessment Committee on a proposal of the Board of the Bar. To express an opinion, the members of the committee interview the associate member in a meeting of the committee in order to find out the type of their legal practice to date and their knowledge of Estonian law.

(13) The committee expresses an opinion on the eligibility of the associate member for receiving the professional title of an attorney-at-law in accordance with the procedure provided for in subsections 1–11 of this section.

Chapter 9

PROCEDURE FOR ISSUANCE AND REVOCATION OF THE ATTORNEY CERTIFICATE AND BAR MEMBERSHIP CARD

§ 74. Attorney certificate

(1) The attorney certificate is a document certifying Bar membership, which is presented to a client for examination where the client requests it.

(2) The following is indicated on the attorney certificate:

- 1) the name and personal identification code of the attorney;
- 2) the time of becoming a member of the Bar;
- 3) the professional title of the attorney and the time of acquisition of the title.

(3) The attorney certificate is drawn up in Estonian.

(4) The attorney certificate is issued the attorney for an unspecified time.

§ 75. Bar membership card

(1) The Bar membership card is a document certifying Bar membership, which is presented to any relevant person, where necessary.

(2) The following is indicated on the Bar membership card:

- 1) the number of the Bar membership card;
- 2) the name and personal identification code of the attorney;
- 3) the professional title of the attorney;
- 4) the date of issue of the Bar membership card;
- 5) the attorney's signature specimen.

(3) The attorney can prove their identity in court and in law enforcement bodies and in the Bar with their Bar membership card.

(4) The Bar membership card is issued to the attorney for an unspecified time.

§ 76. Form of the attorney certificate and Bar membership card

The form and design of the attorney certificate and the Bar membership card is approved by a resolution of the Board.

[Amended 30 April 2015]

§ 77. Issuance of the attorney certificate and Bar membership card

- (1) The Board issues attorney certificates and Bar membership cards.
- (2) The Board issue the attorney certificate and the Bar membership card after the person has been admitted to the Bar, the higher-level professional title has been awarded to the attorney and the Board has been informed of a change in the details indicated on the attorney certificate or on the Bar membership card.
- (3) The attorney certificate and the Bar membership card is handed over to the attorney at a Board meeting by the President or Vice President of the Board.
- (4) The attorney certificate and the Bar membership card is handed over to an attorney-at-law after giving the attorney-at-law oath before the Board. For compelling technical reasons, the Board may postpone the issuance of the attorney certificate and the Bar membership card.
- (5) When issuing the attorney certificate or the Bar membership card due to changes in the details entered on the attorney certificate or Bar membership card, the Executive Secretary hands the attorney certificate or the Bar membership card over to the attorney or their representative.

§ 78. Grounds for and legal consequences of revocation of the attorney certificate and Bar membership card

- (1) The attorney certificate and the Bar membership card are revoked if:
 - 1) the attorney has lost possession of the attorney certificate or the Bar membership card;
 - 2) the attorney has been excluded from the Bar or disbarred and their attorney certificate or the Bar membership card has not been handed over to the Board of the Bar;
 - 3) in the event of suspension of the Bar membership or legal practice, the attorney fails to hand the attorney certificate or the Bar membership card over to the Board;
 - 4) the attorney fails to promptly submit the attorney certificate or the Bar membership card to the Board for making changes to the details indicated on it.
- (2) In the event of the revocation of the attorney certificate or the Bar membership card, the term of validity of the attorney certificate or the Bar membership card is deemed as terminated as of the making of a revocation decision.

§ 79. Procedure for revocation of the attorney certificate and the Bar membership card

- (1) The Board is required to, on its own initiative, discuss the revocation of the attorney certificate and Bar membership card at the first meeting held after the Board has learned of the existence of a ground for the revocation of the attorney certificate and the Bar membership card.
- (2) The Board decides whether to revoke the attorney certificate and the Bar membership card.
[Amended 19 January 2021]
- (3) The Executive Secretary sends the Board's decision to revoke the attorney certificate or the Bar membership card to the attorney or their sponsor.
- (4) The revoked attorney certificate or Bar membership card must be sent to the Board without delay.
- (5) Revoked attorney certificates and Bar membership cards are retained in the archives of the documents of the Bar for ten years.

§ 80. Entry into force of the Rules

- (1) The Rules of Procedure of the Estonian Bar Association enter into force as of their publication on the website of the Bar.

(2) The Rules of Procedure of the Estonian Bar Association adopted on 24 May 2001 are revoked.

(3) Provisions governing the organisation of Bar examinations enter into force on 1 January 2014. Until 31 December 2013, Bar examinations are organised in accordance with the provisions of the Rules of Procedure in force until 28 February 2013.

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

(5) Subsections 1¹ and 1² of § 67 enter into force on 1 January 2022 and apply to assistant attorneys-at-law who have passed a test of the written part of the assistant attorney-at-law examination or of the written part of the attorney-at-law examination in the examination of the second half-year of 2016 or later. Assistant attorneys-at-law who have passed a test in the Bar examination of the second half-year of 2016 or of the first half-year of 2017 do not have to take a test in the written part of the attorney-at-law examination if they take the attorney-at-law examination in the first half-year of 2022.

(6) Subsections 3 and 4 of § 68 of the Rules also apply retroactively to the examinees who did not pass the oral part of the examination in the examination of the first half-year of 2021. The aforementioned examinees have the right to only take the oral part of the examination in the repeat examination in the examination to be held in the second half-year of 2021.