

REGULATIONS APPLYING TO ADVOCACY

A 2 DECISION BY THE MINISTRY OF JUSTICE ON THE RATIFICATION OF THE BY-LAWS OF THE GENERAL BAR ASSOCIATION (FINNISH BAR ASSOCIATION BY-LAWS) (29.10.04/934, last altered 10.6.2010/487)

Issued in Helsinki on 29 October 2004

Pursuant to Section 2, Subsection 2 of the Advocates Act dated 12 December 1958 (496/58), the Ministry of Justice has, at the motion of the Board of the general bar association, thus ratified the by-laws of the bar association known as the Finnish Bar Association (in Finnish: Suomen Asianajaliitto and in Swedish: Finlands Advokatförbund):

General provisions

§1 The Finnish Bar Association (Finnish: Suomen Asianajaliitto; Swedish: Finlands Advokatförbund) is the general Finnish Bar Association referred to in the Advocates Act of 12 December 1958 (1958/496).

The Association is the competent authority referred to in the Directive (98/5/EC) to facilitate practice of the profession of advocate on a permanent basis in a Member State other than that in which the qualification was obtained.

The domicile of the Association is the city of Helsinki.

§2 The objects of the Bar Association are:

- 1) the maintenance and enhancement of the sense of responsibility and the professional skills of its members as well as the development of advocacy in Finland generally in a manner conducive to the members forming a Bar that serves proper judicial administration and in general merits trust and respect;
- 2) the promotion of the professional unity and the common interests of advocates and
- 3) the supervision of the activities of advocates.

The Bar Association also aims to monitor the legal developments in Finland and to offer its experience to society by issuing statements and making proposals.

Furthermore, the Bar Association may establish funds to pursue its objects and to care for its members and their families. Section 3

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§3 The powers of decision of the members of the Bar Association are exercised by the Delegation, the members of which are elected in Chapter meetings.

The activities of the Bar Association are managed by the Board of the Bar Association, which is elected by the Delegation.

The Bar Association is divided into Chapters, each of which has its own Board.

The right of members to participate in the management of the activities of their Chapter is exercised by the members present at the Chapter meeting.

Membership

§4 Members of the Bar Association are persons who have been accepted as members of the Bar Association in accordance with the Advocates Act and these by-laws.

A member, who has been entered on the Roll of Advocates kept by the Board of the Bar Association is an advocate and has the right to use the professional title of “advocate”.

Provisions on an advocate from another Member State of the European Union (EU advocate), who has been entered onto the EU register of advocates according to Section 5 b (1249/1999) of the Advocates Act, and who is not a member of the Association, are contained below.

In addition to advocate members, the Bar Association may have inactive members and honorary members.

When reference is made in these by-laws to a member, it does not mean an inactive member or an honorary member.

§5 Persons satisfying the conditions of eligibility provided for in the Advocates Act and in these by-laws may be admitted as members.

Persons seeking membership must practice or begin to practice advocacy on a professional basis and reside in a state of the European Economic Area. They must have acquired the skills and practical experience necessary for the profession of advocate by practising, after completing legal training, for at least four (4) years in the field of judicial administration or in comparable duties requiring legal education, but in any case for at least two (2) years as an assistant lawyer, public legal counsellor or independent legal practitioner or in other tasks handling a comparable amount of matters of advocacy.

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Furthermore, persons seeking membership must show sufficient knowledge of the provisions and guidelines governing advocacy and of proper conduct as advocate by passing a separate examination in accordance with the requirements set by the Ministry of Justice (advocates examination). If an applicant has already earlier passed the examination or otherwise shown possession of the knowledge required, the Board may exempt him or her from the examination.

Persons qualified for the profession of advocate in another state in the European Economic Area may be accepted as members if they have passed an examination, given by the Faculty of Law of the University of Helsinki, corresponding to the qualification examination referred to in the Decree on the Recognition of Diplomas of Citizens of States in the European Economic Area (1993/1622) and conferring a qualification for duties requiring the degree of Master of Laws (Finnish: oikeustieteen kandidaatti; Swedish: juris kandidat), and if they have passed the examination referred to in Section 3, Subsection 2 of the Advocates Act (amendment 1993/31).

EU advocates may be admitted as members of the Finnish Bar Association despite not having completed the theses prescribed for judicial office in Finland, acquired the practical experience and skills referred to in paragraph 2 above, passed the advocate's examination or the examination and test referred to in paragraph 4 after having been on the EU register of the Finnish Bar Association for three (3) years. Such persons must prove that they have practised the profession of advocate in Finland regularly for at least as long and provide the Board with documentation or other information of matters they have dealt with and about their activities.

Under Section 3, Subsection 4 of the Advocates Act, the provisions on membership of persons in public office do not apply to public legal counsellors

An advocate shall not practise the profession of advocate abroad, except in a state of the European Economic Area, without permission by the Board of the Association.

§6

Applications for membership shall be in writing and addressed to the Board of the Bar Association; in the application the applicant shall affirm that he or she accepts these by-laws. Applications must include a report that the applicant satisfies the conditions of Section 3 of the Advocates Act and section 5 above. When membership is applied for by a person, other than a public legal aid counsellor, who holds a state or municipal post or who is in other service based on an employment relationship in the public sector, he or she shall also present proof that advocacy is not contrary to his official duties and a statement from his superior official to this effect.

The Board of the Bar Association shall deliver applications to the appropriate Chapter of the Bar Association, whose Board shall without delay issue a written statement as to whether the applicant satisfies the requirements for membership under Section 3, paragraph 1, Subsection 1 of the Advocates Act and section 5, paragraph 2 of these by-laws. (10.6.2010 487/2010)

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§7 An advocate from another Member State of the European Union, who regularly practises the profession of advocate in Finland under the professional title of his home member state, may be entered onto the EU register. A written application is needed to be entered on the register. Applicants shall present a certificate attesting to their registration with the competent authority that they have the right to practise the profession of advocate using a professional title in accordance with the Directive (98/5/EC) to facilitate the practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained. The certificate shall not be more than three months old when presented. The Finnish Bar Association shall inform the competent authority in the home member state of the advocate that he or she has been entered on the register.

Provisions in these by-laws concerning members of the Bar Association shall apply to EU advocates where applicable.

When practising as an advocate in Finland, an EU advocate shall use the professional title used in his home member state, in a language of that state and with reference to the professional organisation he or she belongs to.

§8 A member who enters into a service based on an employment relationship in the public sector as referred to in the first sentence of Section 3, Subsection 4 of the Advocates Act, or transfers to another such position, shall, in so far as he or she nonetheless wishes to continue practising advocacy, without delay seek the consent of the Board, as referred to in the same paragraph. The provisions on applications for membership in section 6 shall apply where appropriate.

§9 The Board of the Bar Association shall, when considering applications under sections 6, 7 and 8, obtain the additional information it deems necessary.

If an application is rejected, the Board shall give reasons for the decision.

The admittance of a member shall, without delay, be notified to the applicant and the Chancellor of Justice.

§10 An advocate that retires remains a member of the Bar Association if the Association's Board approves his or her application. The application shall be delivered to the appropriate Chapter of the Bar Association, whose Board shall issue a written statement as to whether the applicant satisfies the conditions for membership under Section 9, Subsection 6 of the Advocates Act.

The entry in the Roll of Advocates in respect of a retired advocate shall be endorsed with the word "retired". Retired advocates shall use their professional title in such a way that

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they cannot, in the context concerned or on any other basis, be construed as still practicing advocacy.

Retired advocates are exempt from having an office, liability insurance and other such obligations related to practicing advocacy and maintaining professional skills. Nevertheless, retired advocates remain within supervision as provided by Section 6, Subsection 1 of the Advocates Act.

§11 The Board of the Bar Association may, upon application, admit as an inactive member an advocate who ceases to practice advocacy.

Regardless of the conditions under section 5, the Delegation may, upon the proposal of the Board, invite a domestic or foreign person who has special merit in the practice of advocacy or in the promotion of the interests of the Bar, to become an honorary member. Also the Board of the Bar Association may unanimously invite a person, who is neither a member nor an inactive member, to become an honorary member.

Board

§12 The Board of the Bar Association, where different parts of the country and both linguistic groups shall be represented, consists of the Chairman of the Bar Association, the Vice Chairman and seven (7) other members. Each of the latter shall have a personal alternate. All shall be advocates.

The Chairman of the Bar Association, the Vice Chairman and the other members of the Board and their alternates are elected by the ordinary spring meeting of the Delegation, when their term of office begins. Their term of office is three years, ending at the ordinary spring meeting of the Delegation in the third year after election.

Persons who have been a member of the Board for six (6) consecutive years may be elected again to the same office at the earliest for the term that begins three years after the end of their previous term. This does not preclude a member of the Board who has been a member of the Board for the last six (6) years from being elected Chairman or Vice Chairman.

The Chairman of the Bar Association, the Vice Chairman, members of the Board and their alternates shall not be members of the Delegation or the Disciplinary Board.

In addition to the Chairman and the Vice Chairman, the Board shall have

1) two (2) members from the Helsinki Chapter;

and one (1) member

2) from the Turku or Satakunta chapters;

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- 3) the Häme, Päijät-Häme or Central Finland chapters;
- 4) the Kymi, Mikkeli or Eastern Finland chapters; and
- 5) the Vaasa, Oulu or Lapland chapters; and
- 6) a representative of the Swedish-speaking advocates.

13 § If the Chairman of the Bar Association, the Vice Chairman, another member of the Board or an alternate thereof dies or ceases to be a member of the Bar Association, a by-election shall be held, at the discretion of the Board; in the by-election another person shall be elected to the office for the remainder of the term.

The time a person serves in office after being elected in a by-election shall not be taken into account when the six-year period referred to in section 12, paragraph 3, is calculated.

§14 The Board shall represent the Bar Association and, in compliance with the law and the by-laws of the Bar Association and the guidelines issued by the Delegation, diligently manage the activities of the Bar Association.

In addition to the provisions elsewhere in these by-laws, it shall be the duty of the Board to:

- 1) keep the Roll of Advocates referred to in section 4, paragraph 2 and the EU register referred to in section 7 and, before the end January each year, send extracts of them to the Ministry of Justice;
- 2) supervise to ensure that members of the Bar Association appearing in court or before other authorities and in their other activities, fulfil their duties as advocates and observe proper conduct as advocates;
- 3) represent the Bar Association in supervision matters;
- 4) manage the finances and accounts of the Bar Association;
- 5) issue statements of the Bar Association requested by the authorities and make proposals for legislation necessary for the development of the Bar or otherwise due to legal developments; and
- 6) appoint the Secretary-General, Vice Secretary-General and other clerical employees of the Bar Association.

§15 Two members of the Board jointly or any member of the Board together with the Secretary-General sign for the Bar Association.

§16 The Board convenes a meeting upon the notice of the Chairman or, if he is prevented from attending, the Vice Chairman, in a place designated by the Board or the person convening the meeting. The Board shall convene if at least two (2) members of the Board so request.

Notices of Board meetings shall be verifiably sent to members of the Board at least seven (7) days prior to the meeting.

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§17 The Board shall be deemed quorate when at least five (5) members are present.

Matters are resolved by simple majority voting. The Chairman has the casting vote. However, when the issue is disbarment of a member, it is carried only if at least five (5) of the participants of the meeting so vote. The provisions on the disqualification of a judge apply to disqualification of those participating in the consideration of a matter concerning membership.

The Board may authorise the Secretary-General or a working committee to manage the day-to-day running of the Bar Association.

Delegation

§18 Each Chapter annually elects one (1) delegate and one (1) deputy delegate for every commencing forty (40) members. The delegates shall be advocates. Their term of office begins on 1 March in the year of their election and continues for three (3) years. When someone has been a delegate for six (6) consecutive years, he or she can be re-elected to the same office only for a term that commences three (3) years after the close of his or her previous term. This does not preclude a member of the Delegation who has been a member of the Board for the last six (6) years from being elected its Chairman or Vice Chairman. The Chairman of the Delegation may serve continuously as chairman for a maximum of six (6) years.

The Delegation elects its Chairman and Vice Chairman from among the delegates. Notwithstanding paragraph 1 of the by-laws, their terms continue until their successors have been elected.

§19 The Delegation holds two ordinary meetings yearly by no later than January (*winter meeting*) and June (*spring meeting*).

The winter meeting

- 1) elects the Chairman and Vice Chairman of the Delegation to succeed those about to step down;
- 2) furnishes the Ministry of Justice with a statement of outside members of the bar appointed to the Disciplinary Board;
- 3) presents the action plan and budget, taking into account the provisions under section 14, paragraph 1;
- 4) determines the dues payable by members and EU advocates to cover the expenses of the Bar Association and the annual dues of inactive members;
- 5) determines the bases for the reimbursement of travel expenses to the participants in the meetings of the Board, the Disciplinary Board and the Delegation;
- 6) approves the guidelines to be followed by the Association members when practising as

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advocates;

- 7) considers with the matters proposed by the Board;
- 8) considers the proposals by members made in writing to the Board by 15 November preceding the meeting.

The spring meeting

- 1) considers the report of the Board on the activities and finances of the Bar Association during the previous year, the report of the auditors and the release of the Board from liability;
- 2) elects the members of the Board to succeed those about to step down;
- 3) elects advocate members to succeed members of the Disciplinary Board about to step down and furnishes the Ministry of Justice with a statement of outside members of the bar appointed to the Disciplinary Board
- 4) elects two auditors and two deputy auditors, one of the auditors and the deputy auditor appointed to him shall be accredited by the Central Chamber of Commerce, to audit the accounts and finances of the Bar Association;
- 5) approves the guidelines to be followed by the Association members when practising as advocates;
- 6) considers matters the Board or, in accordance with section 22, paragraph 3 subparagraph 4, matters the Procedural Board presents to the meeting;
- 7) considers the proposals by members made in writing to the Board by 15 April preceding the meeting.

§20

The Delegation convenes a meeting at the invitation of its Chairman or, if he is prevented from attending, the Vice Chairman, in a place designated by the Delegation or the person convening the meeting.

An extraordinary meeting of the Delegation is held if the Board deems this necessary or if at least one third of the delegates so demand to the person entitled to convene a meeting.

Notices of meetings of the Delegation shall be verifiably sent to Delegation members at least two (2) weeks prior to the meeting. Notices of meetings shall be sent also to the Chapters.

The travel expenses incurred by attending a meeting of the Delegation shall be reimbursed from the assets of the Chapter sending the delegate.

§21

The Delegation shall be deemed quorate when at least one half of the delegates are present at a meeting.

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Each delegate has one vote. Decisions are made by simple majority voting except in cases referred to in section 23, paragraph 2, and section 55. The Chairman has the casting vote except in elections where lots are drawn.

§22 The Delegation has a Procedural Committee consisting of the Chairman of the Delegation and one member from each Chapter. Each Chapter annually appoints one of its delegates as a member and one as an alternate to the Committee. The Committee is chaired by the member from the Chapter of Helsinki and his alternate is Vice-Chairman.

The Procedural Committee convenes by invitation from its Chairman. Where applicable, the provisions concerning the Delegation are applied in respect of notices of meetings and the formation of a quorum. However, meeting agendas are not sent to the Chapters. During meetings of the Delegation the Committee may convene immediately without separate invitation, if necessary.

It is the duty of the Procedural Committee to

- 1) make nominations to the Delegation for the Chairman of the Bar Association, the Vice Chairman, the other members of the Board and their alternates;
- 2) make nominations to the Delegation for the Chairman and other bar members and alternates for members of the Disciplinary Board and nominations for members and alternate non-bar members for a statement to be given to the Ministry of Justice.
- 3) make nominations to the Delegation for the Chairman of the Delegation and the Vice Chairman;
- 4) issue a statement to the Delegation on the finances of the Bar Association, if the auditors or one of them deems that the Board should not be released from liability and, if the Procedural Committee agrees with the refusal to release, make a proposal to the Delegation on the measures warranted by management of the finances; and
- 5) consider the matters sent to it by the Delegation or the Board.

§23 The nominees of the Procedural Committee are candidates for the positions of Chairman and Vice Chairman of the Delegation. However, delegates have the right to nominate other candidates in the meeting. The candidate obtaining the most votes is elected.

The Procedural Committee nominates candidates for election to the positions of Chairman and Vice Chairman of the Bar Association, other members of the Board and alternates for members, the Chairman, bar members and alternates for members of the Disciplinary Board. However, delegates have the right to nominate other candidates in the meeting. Unless the other candidate has received at least two thirds of the votes cast in the meeting of the Delegation, the nominee of the Procedural Committee is deemed to have been elected.

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General Meeting of the Bar

§24 The Board may decide to hold a General Meeting of the Bar. The General Meeting considers issues important to the Bar in lectures and discussions. Topics may deal with professional organisation, the conditions of the practice of advocacy and the phenomena in a field of law.

Notice of the General Meeting shall be published in an appropriate manner no later than six (6) weeks prior to the meeting.

Office of the Bar Association

§25 The Bar Association has an office in Helsinki headed by the Secretary-General or in his absence by the Vice Secretary-General.

Only an advocate or a lawyer satisfying the qualifications for advocate, or, if the Board deems it right, another person, whose education, experience, skills and personal qualities make him or her suitable for the post can be appointed Secretary-General.

Accounts and auditing

§26 Final accounts are drawn up for each calendar year and are delivered to the auditors by March of the following year.

The auditors shall every year carefully audit the accounts and the management of the Bar Association and issue an audit report to the office of the Bar Association before the end of April. A proposal shall be made in the report for the release from liability or the denial of release. If the auditors or one of them deems that the Board should not be released from liability, the Secretary-General shall, without delay, notify the Chairman of the Procedural Committee thereof. The Committee shall at once be convened to decide on the proposals called for by the audit report.

Chapters of the Bar Association

§27 The Bar Association has the following Chapters:

- 1) the Chapter of Helsinki, whose district comprises the regions of Uusimaa and Eastern Uusimaa, except those municipalities belonging to the Chapter of Päijät-Häme;
- 2) the Chapter of Turku, whose district comprises the Province of Åland and the region of Varsinais-Suomi and from the region of Kanta-Häme the town of Forssa and the municipalities of Jokioinen, Tammela and Ypäjä;
- 3) the Chapter of Satakunta, whose district comprises the region of Satakunta except the municipality of Punkalaidun, and from the region of Pirkanmaa the municipality of

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Äetsä;

- 4) the Chapter of Häme, whose district comprises the regions of Kanta-Häme and Pirkanmaa, except the town of Forssa and the municipalities of Jokioinen, Tammela and Ypäjä. from the region of Satakunta the municipality of Punkalaidun belongs to the Chapter of Häme;
- 5) the Chapter of Päijät-Häme, whose district comprises the region of Päijät-Häme and from the region of Uusimaa the municipality of Mäntsälä and from the region of Itä-Uusimaa the municipalities of Askola, Myrskylä and Pukkila;
- 6) the Chapter of Kymi, whose district comprises the regions of Kymi and Etelä-Karjala;
- 7) the Chapter of Mikkeli, whose district comprises the region of Southern Savo;
- 8) the Chapter of Eastern Finland, whose district comprises the regions of Northern Savo and North Karelia;
- 9) the Chapter of Central Finland, whose district comprises the region of Central Finland;
- 10) the Chapter of Vaasa, whose district comprises the regions of Ostrobothnia, South Ostrobothnia and Central Ostrobothnia;
- 11) the Chapter of Oulu, whose district comprises the regions of Oulu and Kainuu; and
- 12) the Chapter of Lapland, whose district comprises the province of Lapland.

§28 A member and an EU advocate belong to the Chapter in whose district they mainly practise advocacy.

If there is dispute as to which Chapter a member shall belong to, the Board of the Bar Association resolves the matter.

§29 Each Chapter shall have by-laws ratified by the Board of the Bar Association.

The meeting of a Chapter has the right to impose dues payable by its members to cover the expenditures of the Chapter.

A copy of the minutes of a meeting of a Chapter or a meeting of the Board of a Chapter shall be sent to the Board of the Bar Association within two (2) weeks.

§30 The Board of the Bar Association shall, without delay, overrule a decision of a Chapter or the Board of a Chapter, if it is contrary to the by-laws of the Bar Association or the Chapter or to the interests or purposes of the Bar Association or if it places an unreasonable financial burden on the members of the Chapter.

31 § Each Chapter shall, as provided in section 18 above, annually, during January, elect its representatives to the Delegation, on the basis of its membership count on 31 December of the previous year, instead of those who are about to step down. The membership count includes EU advocates, who also have the right to vote in the meetings of the Chapter.

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The Secretary-General of the Bar Association shall, by no later than 10 January, send the Board of each Chapter a list of the members and EU advocates of that Chapter as at 31 December of the previous year.

Dues payable to the Bar Association

§32 Members and inactive members are liable to pay membership dues to the Bar Association as determined by the Delegation. The amount of dues may be determined separately for independent advocates, for advocates in service as assistants to another and for inactive and retired members, but shall be the same for everyone in the same group. Independent advocates and advocates in an employment relationship in the public sector may be divided into subgroups on the bases determined by the Delegation. The dues shall be the same for everyone in one subgroup.

An EU advocate is liable to pay a yearly registration fee to the Association, the amount of which is decided by the Delegation. The registration fee shall not exceed the amount of the membership fee.

§33 If the Bar Association has established funds referred to in section 2, paragraph 3, the Delegation may, upon the proposal of the Board, obligate a member to pay contributions to the fund, the amount of which are determined by the Delegation in accordance with the provisions on the determination of dues in section 32.

§34 For a special reason the Board of the Bar Association may grant an advocate or an inactive member full or partial exemption from membership dues or the contribution referred to in section 33.

Duties of a member

§35 Members shall honestly and conscientiously perform the tasks entrusted to them and in all their activities observe proper conduct as advocate and the guidelines set for the members.

When law or proper conduct as advocate so requires, members shall not divulge information that they have received in their practice.

§36 A member shall

- 1) keep appropriate accounts and records with diary references on the trial, collection and other commissions accepted and the measures undertaken; and
- 2) notify the Board of his postal address, residence and other facts as required by the Board for entry onto the Roll of Advocates.

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§37 Members are obliged to furnish the Board of the Bar Association with all the information necessary for the supervision referred to in section 14, paragraph 2, subparagraph 2. Members shall also allow an inspection on his premises by a person appointed by the Board or Disciplinary Board, if the Board deems this necessary for the purposes of supervision, and at this time produce the documents to be examined in the inspection.

Resignation from the Bar Association

§38 When a member or an inactive member wishes to resign from the Bar Association, he or she shall duly notify the Board in writing. However, members wishing to resign shall be liable for their dues for the full months corresponding to membership.

The resignation of a member takes effect two (2) months after notification, unless the Board, upon request, agrees to resignation taking effect prior to this.

39 § If a member or an inactive member fails to pay his dues to the Bar Association or its Chapter and, after having been requested to do so, does not pay within four (4) weeks, the Board has the right to strike off the member from the Roll of Advocates or, in the case of an inactive member, note that he or she has resigned from the Association.

§40 A member who moves permanently outside the European Economic Area ceases to be a member of the Bar Association and shall be struck off the Roll of Advocates.

If an inactive member no longer satisfies the qualifications referred to in Section 3, Subsection 1, Paragraph 1 of the Advocates Act, 1, or if he or she has committed an act that would injure the reputation of the Bar Association, the Board of the Bar Association shall debar him or her.

Procedure in supervision matters and fee disputes

§41 The Chairman and bar members of the Disciplinary Board and their personal alternates are elected at the Delegation's spring meeting. Their term of office begins at the start of August and lasts for three (3) years.

The Board shall have at least one (1) advocate member from the following:

- 1) the Chapter of Helsinki;
- 2) from the Turku or Satakunta chapters;
- 3) the Häme, Päijät-Häme or Central Finland chapters;
- 4) the Kymi, Mikkeli or Eastern Finland chapters; and
- 5) the Vaasa, Oulu or Lapland chapters.

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Members of the Disciplinary Board for six (6) consecutive years may be elected again to the same office at the earliest for the term that begins three (3) years after the end of their previous term. However, a member of the Disciplinary Board serving for six (6) consecutive years may be appointed Chairman. The Chairman of the Disciplinary Board may serve continuously as chairman for a maximum of six (6) years.

Members of the Disciplinary Board may not be members of the Delegation or the Board of the Bar Association.

If a member of the Disciplinary Board dies or is no longer qualified for the office, a new member may be appointed for the remaining term of office.

Non-bar members of the Disciplinary Board shall be paid a fee, to be determined by the Board, from the assets of the Bar Association.

§42 The provisions on the disqualification of a judge and advocate apply to disqualification of those participating in the consideration of supervision matters and fee disputes.

§43 The preparation of supervision matters and fee disputes takes place in the Bar Association's office and are presented by one of the Board's members.

Complaints, applications and other statements in supervision matters and fee disputes can be made using electronic data transmission, which can also be used to deal with correspondence regarding procedures. Notices, announcements and arrangement of the practical procedure can be dealt with in the most appropriate way at any given time.

The complainant, applicant or advocate are not charged for dealing with supervision matters or fee disputes. The parties to the proceedings cannot be obliged to indemnify each other for costs arising from the procedure.

§44 The advocate concerned will be notified immediately that a supervision matter has become pending.

If a supplement is given after the deadline imposed, a new disciplinary procedure can be commenced by virtue thereof.

If a supervision matter against a member active in another Member State of the European Union is opened for consideration, the commencement of proceedings shall be notified to the competent authority in the Member State where the advocate practises.

The Finnish Bar Association shall, before initiating proceedings, inform the competent authority in the advocate's home member state of a disciplinary matter against an EU advocate is open for consideration.

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§45 The advocate will be notified of a complaint or other documentary evidence based thereon in respect of a supervision matter. The drafter's understanding of what is at issue in the document can, if required, be appended to the notice.

Preparation of a disciplinary matter is continued, if required, by requesting the advocate and complainant to provide further clarification or by obtaining such in some other manner. The advocate will, if required, be afforded an opportunity to comment on the further clarification obtained.

The complainant will be notified of any further clarification obtained and afforded an opportunity to comment on it.

§46 The resolution of any supervision matter does not prevent it from being included in a matter pending in a court of law.

The Chairman of the Board or division can decide on oral consideration. The absence of the advocate or complainant does not prevent the resolution of a supervision matter.

If the advocate's membership of the Bar Association has expired after a disciplinary matter has become pending, the Board can continue proceedings and a statement issued as to whether the advocate concerned has, whilst a member, acted reproachfully and which sanction he would have deserved.

§47 The Chairman of the Board determines which division considers a fee dispute.

If the Board or division holds oral proceedings, the absence of the parties does not prevent the matter from being resolved.

The expiry of an advocate's membership of the Bar Association after a fee dispute has become pending does not prevent proceedings and the issue of a recommendation in the matter.

§48 A public record, in which all the matters the disciplinary committee has considered, shall be kept of supervision matters and fee disputes.

The person making the resolution, the division considering the matter or the whole Board can decide on the publicity of the documents in each supervision matter or fee dispute.

§49 The working order confirmed by the Disciplinary Board contains more detailed provisions on the procedure in drafting and resolving supervision matters and fee disputes.

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Appeal

- §50 A resolution in a supervision matter is notified by a verified copy from the minutes to
- 1) the advocate;
 - 2) the Chancellor of Justice
 - 3) the court which made the notification referred to in Chapter 15, Section 10 a of the Code of Judicial Procedure; and
 - 4) to the complainant unless he has withdrawn his complaint.

Any person not mentioned above who has made a notification resulting in the consideration of a supervision matter shall be notified of the decision or resolution in an appropriate manner determined by the Disciplinary Board or division settling the matter.

A decision against which an advocate has the right of appeal shall contain appeal instructions.

Miscellaneous provisions

- §51 The decision to disbar a member or to strike a person from the EU register as a disciplinary sanction, shall be notified to the members of the Bar Association without delay after it has become binding.

- §52 The Disciplinary Board shall issue an annual report containing in addition to statistical information brief descriptions of the matters relevant for reasons of policy and statements of the relevant reasons for the decisions. The report may contain also other information on matters considered by the Board and on the measures undertaken by the Board when supervising advocates.

The report shall be issued to the Delegation, the Ministry of Justice and the Chancellor of Justice by no later than the end of May following the year reported.

- §53 Notifications to members are sent by mail to the address given on the Roll of Advocates. Notifications may also be sent by fax or by other means of electronic communication if the member has announced that he or she has the necessary equipment for reception of notifications. Notifications in matters referred to in sections 39 and 40 must be verifiably delivered.

- §54 Minutes shall be kept of meetings of the Delegation, the Board, the Disciplinary Board, its divisions, the Chapters of the Bar Association and their Boards; the minutes shall be examined and signed by a member elected to the task in the meeting.

REGULATIONS APPLYING TO ADVOCACY

- §55 Any decision to amend these by-laws shall be made in a meeting of the Delegation by a majority of at least four fifths of the votes cast. The decision shall be ratified by the Ministry of Justice.
- Unless otherwise ordered by the Ministry of Justice, the amendment enters into force, when the Ministry's decision has been published in *The Statutes of Finland*.
- §56 If the Bar Association is disbanded, the Delegation decides how the assets of the Bar Association are to be used for the promotion of the objects referred to in section 2 above.