

## **On advocate practice and legal assistance**

### *Unofficial translation*

Law of the Republic of Kazakhstan dated July 5, 2018 № 176-VI.

### **U n o f f i c i a l                      t r a n s l a t i o n**

Footnote. Throughout the text, the words “and financing of terrorism” shall be replaced with the words “financing of terrorism and financing of the proliferation of weapons of mass destruction” pursuant to the Law of the Republic of Kazakhstan dated 19.09.2025 № 219 (takes effect sixty calendar days after the date of its first official publication).

## **SECTION 1. GENERAL PROVISIONS Chapter 1. BASIC PROVISIONS**

### **Article 1. Basic concepts used in this Law**

The following basic concepts are used in this Law:

1) advocate practice - legal assistance rendered on a professional basis by advocates in the manner prescribed by this Law, in order to protect and assist in realization of the rights, freedoms and legitimate interests of individuals and legal entities;

2) the activity of legal consultants - the professional activity of legal consultants on rendering legal assistance in order to protect the rights, freedoms and legitimate interests of individuals and legal entities;

3) legal assistance – activity, aimed at ensuring realization of the right of everyone to receive qualified legal assistance, enshrined in paragraph 3 of Article 13 of the Constitution of the Republic of Kazakhstan, including using special legal knowledge and skills in the manner prescribed by this Law and other Laws of the Republic of Kazakhstan;

4) participants of legal assistance – persons, rendering legal assistance, clients, other persons involved in the provision of legal assistance;

5) an authorized state body in the field of rendering legal assistance (hereinafter - the authorized body) - the central executive body, providing organization of legal assistance, as well as control over its quality;

6) client – an individual or a legal entity (representative) who has applied for legal assistance;

7) legal informing - a type of legal assistance, rendered to an indefinite circle of persons by providing information on the legislation of the Republic of Kazakhstan in oral, written forms, in the form of an electronic document or in the form of a visual acquaintance;

8) legal consulting - a type of legal assistance, rendered to individuals and legal entities in the form of oral and written consultations, including those related to the issue of drafting applications, complaints, petitions and other documents of a legal nature;

9) conflict of interest - a contradiction between the personal interests of the person, rendering legal assistance and the interests of the client, which may lead to non-provision or poor quality provision of legal assistance.

## **Article 2. Legislation of the Republic of Kazakhstan on advocate practice and legal assistance**

1. The legislation of the Republic of Kazakhstan on advocate practice and legal assistance shall be based on the Constitution of the Republic of Kazakhstan, consist of this Law and other regulatory legal acts of the Republic of Kazakhstan, regulating advocate practice and legal assistance.

2. Legal assistance shall be provided in accordance with the norms of this Law and taking into account the specifics established by the legislation of the Republic of Kazakhstan.

3. If an international treaty, ratified by the Republic of Kazakhstan establishes other rules than those contained in this Law, the rules of the international treaty shall apply.

4. The conditions and procedure for rendering legal assistance to individuals shall be established by the laws of the Republic of Kazakhstan.

**Footnote. Article 2 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

## **Article 3. Principles of rendering legal assistance**

Rendering of legal assistance shall be based on the principles of:

- 1) supremacy of the law;
- 2) independence of persons, rendering legal assistance;
- 3) respect and protection of the rights and freedoms of the client;
- 4) provision of legal assistance in the interests of the client;
- 5) keeping professional secrets;
- 6) compliance with the norms of professional and ethical behavior;
- 7) freedom to determine the limits and measures for rendering legal assistance;
- 8) compliance with standards of rendering legal assistance;
- 9) respect for the court, the rules of justice and colleagues by profession;
- 10) availability of legal assistance.

## **Article 4. The importance of the principles of rendering legal assistance**

1. The principles of rendering legal assistance shall be the fundamental bases of rendering legal assistance, determining its content and ensuring the general conditions for realization of the rights and obligations of participants in legal assistance.

2. The principles of legal assistance are interrelated and form their system. Implementation of each of the principles shall be carried out in cooperation with other principles of rendering legal assistance.

3. Non-observance of the principles of rendering legal assistance shall entail the obligation, established by this Law and other laws of the Republic of Kazakhstan.

## **Article 5. Supremacy of the Law**

Legal assistance shall be provided on the basis of equality of all before the law, the obligation to comply with the requirements of the Constitution of the Republic of Kazakhstan, as well as of this Law and other normative legal acts of the Republic of Kazakhstan.

#### **Article 6. Independence of persons, rendering legal assistance**

Persons, rendering legal assistance shall be independent in exercising their rights and performing their professional duties.

Intervention in their activity by the prosecutor's office, courts, other state bodies, organizations and persons, except for the cases, directly provided for by the laws of the Republic of Kazakhstan, shall be inadmissible.

#### **Article 7. Respect and protection of the client's rights and freedoms**

Legal assistance shall be provided in order to protect and assist in implementation of the rights, freedoms and legitimate interests of individuals, as well as the rights and legitimate interests of legal entities.

When rendering legal assistance, actions degrading the honor or diminishing the dignity of the client, encroaching on the inviolability of his private life, violating his (her) personal and family secrets, confidentiality of personal deposits and savings, correspondence, telephone conversations, postal, telegraph and other communications shall be prohibited.

#### **Article 8. Provision of legal assistance in the interests of the client**

The person, rendering legal assistance shall be obliged to properly perform their professional duties, taking necessary measures to prevent harm to the interests of the client.

When rendering legal assistance, the person, rendering legal assistance shall be obliged to explain the client the possible results and consequences of legal assistance, including the nature and amount of financial expenses.

The choice of measures for rendering legal assistance should be based on the interests of the client.

The person, rendering legal assistance in the performance of professional duties shall be obliged to take measures to prevent conflicts of interest.

#### **Article 9. Keeping professional secret**

Professional secret cannot be disclosed without the consent of the client.

When rendering legal assistance, measures shall be taken to keep professional secret, unless otherwise provided for by the laws of the Republic of Kazakhstan. The duty of keeping professional secret is not limited in time.

#### **Article 10. Compliance with the standards of professional and ethical behavior**

Legal assistance shall be provided in compliance with high professional and ethical standards. The formation of these norms shall be carried out by persons, rendering legal assistance on the basis of generally accepted norms of behavior, morality and standards of rendering legal assistance.

#### **Article 11. Freedom of determining limits and measures of rendering legal assistance**

The limits and measures of rendering legal assistance shall be determined at the discretion of the person, rendering legal assistance, and shall be limited, if it is provided for by the laws of the Republic of Kazakhstan.

#### **Article 12. Compliance with the standards of rendering legal assistance**

Standards of rendering legal assistance shall be ensured by introducing the best practices in the quality of rendering legal assistance on the basis of the legislation of the Republic of Kazakhstan.

In order to ensure the quality of legal assistance, persons, having appropriate professional training and periodically improving their qualifications shall be allowed to its implementation

#### **Article 13. Respect for the court, the rules of judicial proceeding and colleagues by profession**

Persons, rendering legal assistance should treat their professional colleagues in a spirit of respect, fairness, and cooperation.

Rendering of legal assistance should be based on the respect for the court and the rules of judicial proceeding.

#### **Article 14. Availability of legal assistance**

Everyone shall have the right to receive legal assistance.

In cases, stipulated by this Law and other laws of the Republic of Kazakhstan, legal assistance shall be provided free of charge.

#### **Article 15. Types of legal assistance**

Legal assistance shall be provided in the form of:

- 1) legal information;
- 2) legal consulting;
- 3) protection and representation of interests of individuals and legal entities in the courts, criminal prosecution bodies, other state bodies and non-state organizations in cases and in the manner, established by this Law and other laws of the Republic of Kazakhstan;
- 4) committing other legal actions to protect legal interests of the client in cooperation with any persons, being the participants in existing or possible legal relations with the client.

Legal information, legal consulting, protection and representation by advocates of the interests of individuals shall be the minimum social standards in the sphere of rendering state-guaranteed legal assistance in accordance with the Law of the Republic of Kazakhstan " On minimum social standards and their guarantees".

#### **Article 16. Forms of legal assistance**

The forms of legal assistance shall be:

- 1) legal assistance, rendered a reimbursable basis;
- 2) state-guaranteed legal assistance;
- 3) complex social legal assistance.

#### **Article 17. Rendering legal assistance on a reimbursable basis.**

Legal assistance provided to individuals and legal entities for a fee based on a written agreement on the provision of legal assistance unless otherwise provided by this Law and the laws of the Republic of Kazakhstan shall be considered as legal assistance on a reimbursable basis.

**Footnote. Article 17 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 18. State-guaranteed legal assistance.**

Legal assistance, rendered to individuals and legal entities, having the right to receive it on the basis of and in the manner prescribed by this Law and other laws of the Republic of Kazakhstan, on a free basis, shall be recognized as legal assistance, guaranteed by the state.

#### **Article 19. Complex social legal assistance**

1. Complex social legal assistance is provision in accordance with the contract of gratuitous legal assistance to persons, specified in paragraph 2 of this Article, which consists in legal support of the client from the moment of his (her) application for legal assistance until the adoption in the manner prescribed by the laws of the Republic of Kazakhstan, the final legal decision on the case (resolution of the legal situation).

The scope and procedure for provision of complex social legal assistance shall be established by the chambers of legal consultants and the Republican collegium of advocates. Information on the scope and procedure for provision of complex social legal assistance shall be sent to the authorized body.

Rendering complex social legal assistance is one of the forms of realization of social responsibility and shall be carried out voluntarily.

2. Complex social legal assistance can be rendered to:

1) persons in need of special social services, in accordance with the legislation of the Republic of Kazakhstan on social protection;

2) the persons entitled to targeted social assistance;

3) the participants of the Great Patriotic War and persons equated to them;

4) persons with disabilities of the first and second categories;

5) the retired by age;

6) the elderly and persons with disabilities living in special social services centers;

**7) Excluded by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);**

8) persons raising children with disabilities alone or having adult persons with disabilities in their care.

Complex social legal assistance shall not be provided for business-related disputes in civil proceedings.

3. Making a significant contribution to the provision of comprehensive social legal assistance is stimulated by the state.

Footnote. Article 19 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication); dated 27.06.2022 № 129-VII (shall be enforced ten calendar days after the date of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).

#### **Article 20. Persons, rendering legal assistance**

Legal assistance within its competence shall be rendered by:

- 1) state bodies;
- 2) advocates, notaries, private bailiffs, legal consultants;
- 3) individuals, rendering legal assistance and not being the members of non-commercial organizations, rendering legal assistance, based on mandatory membership in the chambers of legal consultants.

#### **Article 21. State policy in the sphere of legal assistance rendering**

1. State policy in the sphere of legal assistance rendering shall be ensured by a set of organizational-legal, socio-economic, technical, informational, accreditation, licensing and control, and other measures, taken to implement the guarantee of the rights of individuals and legal entities to receive legal assistance.

2. The main directions of state policy in the sphere of legal assistance rendering shall be determined by the President of the Republic of Kazakhstan.

3. The Law may establish the bases, procedure and conditions for the activities of state advocacy in the Republic of Kazakhstan.

#### **Article 22. Competence of the Government of the Republic of Kazakhstan**

The Government of the Republic of Kazakhstan is developing the main directions of state policy in the field of legal aid.

Footnote. Article 22 - as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).

#### **Article 23. Competence of the authorized body**

The authorized body:

- 1) forms and implements the state policy in the field of legal aid;
- 2) coordinates the activities of persons, rendering legal assistance guaranteed by the state;
- 3) develops the drafts of regulatory legal acts on the issues of legal assistance rendering;
- 4) monitors the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, the completeness of the scope and quality of legal assistance rendering;
- 5) carries out international cooperation in the sphere of legal assistance rendering;
- 6) coordinates the standards of legal assistance rendering;
- 7) coordinates the quality criteria for legal assistance rendering;

8) develops and approves quality criteria for rendering of state-guaranteed legal assistance ;

9) is the administrator of budget programs for all types of state-guaranteed legal assistance;

10) ensures the functioning and development of the system of state-guaranteed legal assistance;

10-1) establishes the amount of payment for state-guaranteed legal assistance provided by a lawyer, legal consultant, and reimbursement of expenses related to legal advice, protection and representation, as well as conducting conciliation procedures;

11) ensures publication at least once a year in periodicals, distributed throughout the territory of the Republic of Kazakhstan and posting information about the system and main results of rendering state-guaranteed legal assistance on its Internet resource;

12) develop and approve the procedure for accounting state-guaranteed legal assistance provided by a lawyer, and a legal consultant;

13) approve the rules for payment of state-guaranteed legal assistance provided by a lawyer, a legal consultant, and reimbursement of expenses related to legal advice, protection, and representation, as well as conducting conciliation procedures;

14) exercises control over the quality of rendered state-guaranteed legal assistance;

15) exercises control over the activities of the chambers of legal consultants;

16) provides legal information to the population about the persons, rendering legal assistance, mechanisms, on the grounds and conditions for rendering legal assistance; 17) develops and approves the model charter of the chamber of legal consultants; 18) keeps the register of chambers of legal consultants;

19) develops and approves a standard insurance contract for the professional liability of lawyers in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations;

20) develops and approves a standard insurance contract for the professional liability of legal consultants in agreement with the authorized body for regulation, control and supervision of the financial market and financial organizations;

21) exercises other powers provided for by this Law, other laws of the Republic of Kazakhstan, acts of the President and the Government of the Republic of Kazakhstan.

**Footnote. Article 23 as amended by the Law of the Republic of Kazakhstan dated 03.07.2019 № 262-VI (shall be enforced from 01.01.2020); dated 20.06.2022 № 128-VII ( shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

#### **Article 24. Unified information system of legal assistance**

The unified information system of legal assistance shall be an information system designed for automation of advocate practice and activities of legal consultants.

Upon functioning of the unified information system of legal assistance, the confidentiality shall be ensured.

The facilities of informatization of the unified information system of legal assistance shall be transferred to the trust management of the Republican Bar Association and the Republican Collegium of Legal Assistants in the manner prescribed by the Law of the Republic of Kazakhstan "On State Property".

**Footnote. Article 24 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

## **SECTION 2. STATE - GUARANTEED LEGAL ASSISTANCE Chapter 2. THE SYSTEM OF STATE - GUARANTEED LEGAL ASSISTANCE**

### **Article 25. Persons, rendering state-guaranteed legal assistance and the procedure for its providing**

State-guaranteed legal assistance shall be rendered by:

- 1) the state bodies free of charge in the form of legal information within their competence in the manner established by the Law of the Republic of Kazakhstan "On access to information";
- 2) the advocates in the manner prescribed by this Law;
- 2-1) legal consultants in the manner prescribed by this Law;
- 3) notaries free of charge in cases and in accordance with the procedure established by the Law of the Republic of Kazakhstan "On Notary";
- 4) the private bailiffs free of charge in the performance of a socially significant category of cases in cases and in the manner established by the Law of the Republic of Kazakhstan "On enforcement proceedings and the status of bailiffs".

In cases, provided for by the laws of the Republic of Kazakhstan, state-guaranteed legal assistance may be provided free of charge by other persons.

**Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).**

### **Article 26. Persons entitled to receive state-guaranteed legal assistance**

1. All individuals and (or) legal entities shall have the right to receive state-guaranteed legal assistance in the form of legal information free of charge.

2. State-guaranteed legal assistance in the form of legal advice shall be provided in the manner prescribed by this Law and the legislation of the Republic of Kazakhstan:

- 1) to individuals on the issues of collecting alimony, assigning pensions and benefits, rehabilitation, obtaining refugee or compatriot status, and minors left without parental care;

2) to the victims of sexual violence, human trafficking, an act of terrorism, or subjected to torture on issues of ensuring and protecting their rights and legitimate interests related to this status or situation;

3) to individuals on the issues of compensation for harm caused by the death of the breadwinner;

4) to individuals on the issues of compensation for harm caused by damage to health associated with work, or caused by a criminal offense;

5) to individuals who are participants of the Great Patriotic War, persons equated in benefits to participants of the Great Patriotic War, as well as veterans of military operations on the territory of other states, army conscripts, persons with disabilities of the first and second groups, pensioners by age, on issues not related to the entrepreneurial activity;

6) to large families on issues not related to the entrepreneurial activity;

7) to low-income persons (families) with an average per capita income per month below the poverty line established in regions, cities of republican significance, and the capital, on issues not related to entrepreneurial activity.

3. State-guaranteed legal assistance in the form of protection and representation of individuals' interests in the courts, criminal prosecution bodies, other state bodies, and non-state organizations shall be provided in the manner established by this Law and the legislation of the Republic of Kazakhstan:

1) to a person brought to administrative responsibility in accordance with the legislation of the Republic of Kazakhstan on administrative offenses;

2) to the plaintiff or the defendant in accordance with the civil procedural legislation of the Republic of Kazakhstan and to the plaintiff in accordance with the legislation of the Republic of Kazakhstan on administrative proceedings;

3) to a suspect, accused, defendant, convicted, acquitted, victim in accordance with the criminal procedure legislation of the Republic of Kazakhstan.

4. The persons specified in paragraphs 1, 2 and 3 of this Article shall have the right to receive state-guaranteed legal assistance on the territory of the Republic of Kazakhstan, regardless of their place of residence and location.

5. In the interests of a person in need of state-guaranteed legal assistance, his/her representative may apply for such assistance in accordance with the procedure established by laws.

**Footnote. Article 26 is in the wording of the Law of the Republic of Kazakhstan dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).**

#### **Article 27. Rights and obligations of a person, needing a state-guaranteed legal assistance**

1. A person, needing a state-guaranteed legal assistance shall have the right to:

1) equal access to state-guaranteed legal assistance;

- 2) obtain information on his (her) rights, obligations and conditions for rendering state-guaranteed legal assistance;
- 3) apply for the provision of free legal assistance to the persons, rendering state-guaranteed legal assistance;
- 4) receive state-guaranteed legal assistance or refuse to receive it in the manner prescribed by the legislation of the Republic of Kazakhstan;
- 5) appeal against action or inaction of the persons, rendering state-guaranteed legal assistance in the manner provided for by this Law and the legislation of the Republic of Kazakhstan;
- 6) on the confidentiality of the issue on which a state-guaranteed legal assistance has been provided.

2. A person, applied for rendering a state-guaranteed legal assistance provided for in subparagraphs 2) and 3) of Article 15 of this Law shall be obliged to:

- 1) submit documents, confirming his right to receive state-guaranteed legal assistance, the list of which shall be approved by the authorized body;
- 2) timely notify on the changes in circumstances, affecting the conditions for rendering state-guaranteed legal assistance;
- 3) ensure accuracy of the information on which the need to provide state-guaranteed legal assistance is based.

#### **Article 28. Organization, procedure for rendering and registration of state-guaranteed legal assistance provided by advocates**

1. The participation of advocates in the provision of state-guaranteed legal assistance shall be organized by the bar association of a region, a city of republican significance, the capital through a unified legal aid information system in the manner determined by the Republican Bar Association in agreement with the authorized body.

The advocates' collegium of the region, the city of republican significance, the capital city annually no later than the 1<sup>st</sup> of December shall send a list of advocates, participating in the system of rendering state-guaranteed legal assistance to the territorial justice body.

2. The criteria for selection of advocates for participation in the system of rendering state-guaranteed legal assistance shall be approved by the Republican collegium of advocates.

3. The preferential right to be included in the list of advocates, participating in the system of rendering state-guaranteed legal assistance shall be granted to the advocates, rendering complex social legal assistance.

The list shall include the last name, first name and patronymic (if any) of the advocate, the number and date of issuance of the license to advocate practice, the form of organization of advocate practice, name and place of advocate practice conducting.

4. The list of advocates shall be periodically updated by the presidium of the advocates' collegium and be kept up to date.

The choice of advocate to provide qualified legal assistance for the appointment of bodies conducting criminal proceedings, courts or bodies (officials) authorized to consider cases of administrative offences may be carried out using a unified information system for legal assistance.

5. The territorial body of justice annually, no later than the 15<sup>th</sup> of December, shall conclude an agreement with the advocates on rendering state-guaranteed legal assistance.

The form of the agreement, developed and approved by the authorized body, taking into account the recommendations of the Republican collegium of advocates, should contain the duties of advocates and conditions for the full provision of legal assistance to the population living in the region, the city of republican significance, the capital city.

6. The territorial body of justice annually, no later than December 25, shall publish on its Internet resource a list of lawyers participating in the system of providing state-guaranteed legal assistance.

The Republican Bar Association, no later than December 25, shall place in the unified information system of legal assistance a list of advocates participating in the system of providing state-guaranteed legal assistance.

7. Rendering of state-guaranteed legal assistance in the form of legal consulting shall be carried out in the advocate's office immediately at the time of the applicant's appeal.

If it is impossible to provide legal assistance immediately after the applicant's application, it should be provided within a period not exceeding three working days. The applicant shall be notified in an accessible form by a advocate about the day and time of admission.

8. Legal consulting shall be carried out at the location of the applicant if he is unable to appear at the reception site, appointed by a advocate due to serious illness, disability due to difficulties in moving or other circumstances.

On the same issue, a person may receive state-guaranteed legal assistance once.

9. Registration of state-guaranteed legal assistance shall be conducted by a advocate, providing such assistance, in the manner determined by the authorized body.

10. Monthly, advocates shall form a report on the state-guaranteed legal assistance provided by them no later than the fifth day of the month following the reporting one, through a unified legal assistance information system.

The form of the report shall be approved by the authorized body, taking into account the recommendations of the Republican Bar Association.

11. The bar association of a region, a city of republican significance, the capital annually, no later than July 5 and January 5, shall submit to the territorial body of justice through a unified legal assistance information system a summary report on state-guaranteed legal assistance provided by advocates in the form approved by the authorized body, taking into account the recommendations of the Republican Bar Association.

The summary report of the advocates' collegium of the region, the city of republican significance, the capital city shall contain information on ensuring state-guaranteed legal assistance to rural settlements.

**Footnote.** Article 28 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication); dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 28-1. The procedure for the provision of state-guaranteed legal assistance by legal consultants**

The participation of legal consultants in the provision of state-guaranteed legal assistance shall be organized by the chambers of legal consultants in the manner determined by the authorized body.

**Footnote.** Chapter 2 is supplemented by Article 28-1 in accordance with the Law of the Republic of Kazakhstan dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 29. Refusal to render state-guaranteed legal assistance**

1. In rendering state-guaranteed legal assistance in the form of legal information shall be refused, if the appeal of the applicant is not of a legal nature.

2. In rendering state-guaranteed legal assistance in the form of legal consulting, protection and representation shall be refused if one of the following reasons exists:

1) the applicant does not belong to the category of persons entitled to receive state-guaranteed legal assistance provided for by paragraphs 2 and 3 of Article 26 of this Law ;

2) the appeal of the applicant is not of a legal nature.

3. Refusal to provide state-guaranteed legal assistance shall be motivated and may be appealed to the authorized body, the court in the manner prescribed by the laws of the Republic of Kazakhstan.

**Footnote.** Article 29 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall come into effect from 01.07.2021); dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).

#### **Article 30. Financing of state-guaranteed legal assistance**

Financing of state-guaranteed legal assistance shall be carried out at the expense of budget funds in the manner established by the legislation of the Republic of Kazakhstan.

### **SECTION 3. ADVOCATE PRACTICE Chapter 3. ADVOCATE AND ADVOCATE'S STATUS**

#### **Article 31. Purpose of advocacy**

1. The advocacy in the Republic of Kazakhstan is designed to promote realization of human rights guaranteed by the state and enshrined in the Constitution of the Republic of

Kazakhstan for the judicial protection of their rights, freedoms and legal assistance, as well as to facilitate the peaceful settlement of a dispute.

2. The Bar Association shall organize the activities of advocates for the defence in criminal cases, cases of administrative offences, as well as representation in criminal, civil and administrative cases and cases of administrative offences, as well as for the provision of other types of legal assistance to protect and assist in the implementation of rights, freedoms and legitimate interests of individuals, as well as the rights and legitimate interests of legal entities.

3. Legal assistance rendered by advocates in the framework of their advocate practice shall not be an entrepreneurial activity.

**Footnote. Article 31 as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall come into effect from 01.07.2021).**

### **Article 32. Advocate**

1. An advocate is a citizen of the Republic of Kazakhstan that has a law degree, obtained a license for carrying out advocate practice, a member of the advocates' collegium and rendering legal assistance on a professional basis within the framework of advocate practice, regulated by this Law.

2. A person who has been recognized by a court as incapable or of limited capacity, or who has an outstanding or unexpunged conviction in accordance with the procedure established by law shall not be an advocate.

The following persons shall not be advocates as well:

released from criminal liability based on paragraphs 3), 4), 9), 10) and 12) of the first part of Article 35 or Article 36 of the Criminal Procedure Code of the Republic of Kazakhstan - within three years after the occurrence of such events;

dismissed for negative reasons from the state and military service, from law enforcement, special state bodies, as well as dismissed from the position of a judge - within three years from the date of dismissal (release);

committed an administrative corruption offence - within three years after the occurrence of such events;

deprived of a license to engage in advocacy on the grounds provided for in subparagraphs 1) and 2) of paragraph 4 of Article 44 of this Law - within three years from the date of entry into force of the court decision;

excluded from the register of the Chamber of Legal Consultants for negative reasons - within three years from the date of exclusion.

**Footnote. Article 32 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 33. Rights and duties of an advocate**

1. An advocate shall have the right to render to a person who has applied for assistance any legal assistance that he (she) needs.

2. Advocate, on his/her behalf, shall conclude a written agreement on the provision of legal assistance with the person who applied to him/her, except for the case provided for by paragraph 7 of Article 63 of this Law.

3. Advocate, acting as a defence counsel or representative, shall be entitled to:

1) to protect and represent the rights and interests of persons, having applied for legal assistance in all courts, state and other bodies and organizations, whose competence includes the resolution of relevant issues;

2) to request and receive in all state bodies, bodies of local self-government and legal entities information necessary for implementation of advocate practice;

3) in accordance with the procedure and limits, established by the legislation of the Republic of Kazakhstan, independently collect the actual data necessary for rendering legal assistance and submit them to the state bodies and officials;

4) to get acquainted with the materials, relating to the person who requested assistance, including procedural documents, investigative and court cases, and record the information contained in them in any way not prohibited by the laws of the Republic of Kazakhstan;

5) from the moment of admission to participation in the case, to have meetings in private with his client without limiting their number, duration and conditions, ensuring the confidentiality of such meetings;

6) to request on a contractual basis expert opinions to clarify issues, arising in connection with rendering legal assistance and requiring special knowledge in the field of science, technology, art and other fields of activity;

7) to file petitions, bring in the established order complaints against decisions and actions (inaction) of state authorities, local self-government, public associations, organizations, officials and state servants, infringing the rights and legally protected interests of persons, having applied for help;

8) get acquainted with information constituting state secrets, as well as containing military, commercial, official and other secrets protected by law, if it is necessary for the implementation of protection or representation during an inquiry, pre-trial investigation, in court, in the manner prescribed by the laws of the Republic of Kazakhstan;

9) to use all means and methods, not prohibited by the Law to protect the rights and legitimate interests of persons, having applied for legal assistance;

10) to conduct conciliation proceedings;

11) to provide complex social legal assistance;

12) to perform other actions, not contradicting the legislation.

4. A state body or official may not refuse to recognize the right of an advocate to represent the interests of the person, having applied for legal assistance, except in cases provided for by the laws of the Republic of Kazakhstan.

An advocate shall enjoy the right of free access to the administrative buildings of courts, prosecutor's office, bodies, conducting criminal proceedings, in the manner prescribed by the legislation of the Republic of Kazakhstan, upon presentation of an advocate's certificate.

Access of an advocate to the places of detention of detainees, held in custody and serving a sentence shall be carried out in accordance with the established access regime.

5. A lawyer has the right to social protection guaranteed by the state, carried out at the expense of compulsory insurance.

Social insurance contributions are paid by lawyers in accordance with the legislation of the Republic of Kazakhstan on social protection.

A lawyer has the right to pension provision in accordance with the legislation of the Republic of Kazakhstan on social protection.

6. Advocates shall have the right to take part in court sessions in advocates' robes.

The form and description of advocate's robes shall be developed and approved by the Republican collegium of advocates.

7. An advocate shall be obliged to:

1) observe the Constitution of the Republic of Kazakhstan and the legislation of the Republic of Kazakhstan in the performance of their professional duties;

2) observe the oath of the advocate of the Republic of Kazakhstan, the Code of professional ethics of advocates;

3) be a member of advocates' collegium;

4) insure their professional liability;

5) provide the client with information on the membership in the advocates' collegium;

6) inform the client about the impossibility of his (her) participation in rendering legal assistance due to the occurrence of circumstances, preventing its rendering;

7) submit a copy of the advocate's professional liability insurance contract upon the client's request;

8) conclude an agreement with him (her) not to disclose confidential information upon the client's request of;

9) keep secret the information that has become known to him in connection with provision of legal assistance, and not to disclose it without the consent of the person, having applied for assistance;

10) perform any actions not prohibited by the Law on establishing factual circumstances, aimed at ensuring the rights, freedoms and legitimate interests of the client;

11) submit a report on implementation of a written contract on rendering legal assistance upon the client's request;

12) keep copies of documents, used in rendering legal assistance, in paper or electronic media or in the form of electronic documents for three years from the date of completion of rendering legal assistance upon the client's request;

13) constantly improve their qualification;

14) within a month after becoming a member of the advocates' collegium, as well as after the establishment of a commercial organization, transfer to the trust management shares (stakes) in the authorized capital of commercial organizations and other property, being in his (her) ownership, the use of which shall entail the receipt of income, except for money legally owned by him (her), as well as property, transferred to the property lease. The contract of trust management of property shall be subject to notarization. An advocate shall have the right not to transfer to trust management the bonds, shares of open and interval mutual investment funds, belonging to him (her). The advocate shall have the right to receive income from the property, transferred to the trust management or property lease;

15) perform other duties, stipulated by the laws of the Republic of Kazakhstan and the agreement on rendering legal assistance.

8. An advocate shall be prohibited to render legal assistance in:

the presence of a conflict of interest;

the availability circumstances, provided for by procedural legislation, excluding participation of an advocate in the case.

In these cases, an advocate shall be obliged to refuse to render legal assistance.

9. An advocate shall be prohibited to take a legal position in the case, worsening the position of the person, having applied for assistance, to use his (her) powers to the detriment of the person, whose interests he (she) is defending or representing.

10. An attorney shall not have the right to refuse an accepted assignment in a criminal case in the absence of the circumstances specified in paragraph 8 of this article, and in the case of a decision of an unjust, from the point of view of the defendant or the attorney himself, the sentence must appeal it in the prescribed manner.

11. Advocate shall be prohibited from being in the public service and engaging in entrepreneurial activities, holding any other paid position, except for cases of membership in the Supreme Judicial Council of the Republic of Kazakhstan and the supervisory board (board of directors) of a commercial organization, election or appointment as an arbitrator of the relevant arbitration to resolve the dispute, as well as teaching, scientific or creative activities.

If he/she is a member of the supervisory board (board of directors) of a commercial organization, the advocate shall not be entitled to provide legal assistance to this organization and its affiliates.

Advocates shall have the right to combine advocacy with work in paid elected and appointed positions in the Bar Association, the Republican Bar Association, international public associations of advocates.

**Footnote. Article 33 as amended by the Law of the Republic of Kazakhstan dated 21.02.2019 № 227-VI (the order of enforcement see Art. 2); dated 09.06.2021 № 49-VII (shall come into effect upon the expiration of ten calendar days after the day of its first official publication); dated 20.04.2023 № 226-VII (shall be enforced from 01.07.2023).**

**Article 34. Professional standards of advocate's behavior**

An advocate in rendering legal assistance must comply with the following professional rules:

- (1) to show good faith in exercising his (her) rights and in performance of his (her) duties;
- 2) to behave correctly in relation to bodies and officials;
- 3) not to allow deliberate delaying of the case, illegal methods of rendering legal assistance, deception, forming and limiting his (her) professional behavior according to the rights and legitimate interests of the person, having applied for assistance;
- (4) to observe loyalty to the interests of the person, having applied for assistance and not to perform any actions contrary to his interests.

### **Article 35. Guarantees of advocate practice**

1. The rights of an advocate shall not be subjects to restrictions, except for the cases, expressly provided for by the laws of the Republic of Kazakhstan. Intervention or obstruction of legal advocate practice shall entail liability, stipulated by the laws of the Republic of Kazakhstan.

2. The identification of an advocate with the person, whom he (she) is rendering legal assistance shall be prohibited.

3. It shall be prohibited to:

examine an advocate as a witness about the circumstances, became known to him in performing of his professional duties;

claim or demand from an advocate, his assistant, his trainee, a person, being in an employment relationship with an advocate, legal consultation office, law firm, managers and employees of the presidium of advocates' collegiums, as well as from a person in respect of whom the right to advocate practice is terminated or suspended, or try to obtain in any other way without the consent of an advocate and his client information, materials related to rendering legal assistance, except in the cases, established by the laws of the Republic of Kazakhstan.

4. State bodies, officials shall not be entitled to refuse an advocate to grant meetings in private with his (her) client under conditions, ensuring the confidentiality of such meetings, as well as limit their number and duration.

5. Advocate clerical work, other materials and documents related to it, as well as advocate's property, including mobile communications, audio equipment, computer equipment, shall not be subjects to inspection, examination, seizure, removal and check, except cases, provided for by the laws of the Republic of Kazakhstan.

6. An advocate shall be guaranteed the right to ensure security in performing advocate practice in the manner prescribed by the Law.

7. Bodies of criminal prosecution, their officials in cases, provided for by procedural law, shall be obliged to notify an advocate about the need for his (her) participation in investigative and other procedural actions in term agreed with an advocate.

8. State bodies, bodies of local self-government and legal entities shall be obliged within ten working days to give a written response to the request of an advocate, related to rendering legal assistance.

The provision to an advocate of the requested information may be refused if the information is related to information with limited access.

9. An advocate, when fulfilling an accepted instruction, shall have the right to use in the court computers, smartphones and other technical means necessary for carrying out advocate practice in the manner prescribed by procedural legislation.

### **Article 36. Insurance of an advocate's activity**

1. An advocate shall be obliged to conclude a professional liability insurance contract for obligations, arising as a result of causing harm to the third parties who are provided with legal assistance in accordance with the agreement as a result of rendering such assistance.

An advocate shall not be entitled to start rendering legal assistance in the absence of a professional liability insurance contract.

If the advocate is a partner of a law firm, then the conclusion of an insurance contract for his/her professional liability may be carried out by a law firm.

2. The object of insurance of professional liability of an advocate shall be the property interests of the insurant (insured person), related to his duty in the manner, established by the legislation of the Republic of Kazakhstan, to compensate damage caused to the third parties, whom in accordance with the contract, legal assistance is being rendered, in connection with implementation of advocate practice.

3. Insured event under the advocate's professional liability insurance contract shall be the fact of the insured's (insurer's) civil liability for compensation for damage caused to the property interests of third parties who, in accordance with the contract, are provided with legal assistance, as a result of professional errors made by the insured person when providing legal help.

Professional errors for the purposes of this Article shall be understood as:

- 1) omission of procedural deadlines;
- 2) improper paperwork;
- 3) failure to notify a person, who is being rendered legal assistance in accordance with the contract, about the consequences of the committed legal actions, that have caused harm to him (her);
- 4) loss or damage of documents received by the insurant (insured person) from the client for rendering legal assistance;
- 5) unlawful disclosure of information constituting an advocate's secret.

The contract of professional liability insurance may determine other actions (inaction) that entailed harm to the property interests of the third parties, who are being rendered legal assistance in accordance with the contract, as a result of rendering such assistance by the insured person.

4. An insured event shall be considered to have occurred if the harm caused to the third parties who are being rendered legal assistance in accordance with the contract was the result of an unintentional violation of professional duties by the insurant (insured person).

5. The size of the sum insured under an advocate's professional liability insurance contract shall be determined by its conditions and must be at least a thousand times for the advocates, operating in the city of republican significance, the capital city; for other advocates at least five hundred times of a monthly calculation index, established by the Law on republican budget for the relevant financial year, on the date of conclusion of the contract of compulsory insurance of professional advocate's liability.

The procedure and other conditions for insuring an advocate's professional liability shall be determined by an agreement of the parties on the basis of a standard advocate's professional liability insurance contract.

**Footnote. Article 36 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 37. An advocate's secret**

1. An advocate's secret is made up of the fact of applying to an advocate, information on the content of oral and written negotiations with the person, applied for assistance and other persons, the nature and results of actions taken in the interests of the person, applied for assistance, actions, as well as other information relating to rendering legal assistance.

2. Advocates, their assistants, interns, employees of the presidium of the advocates' collegium, legal consultation office, law firm, as well as the person in respect of whom the right to engage in advocate practice has been terminated or suspended, shall have no right to disclose, or use in their interests or interests of the third parties any information, received in connection with rendering legal assistance.

3. An advocate, disclosing information relating to advocate's secret, without the consent of the person applying for assistance, shall be liable in accordance with the Law.

4. Submission of information and data to the financial monitoring authority in accordance with the Law of the Republic of Kazakhstan "On Combating Legalization (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction" does not constitute disclosure of attorney-client privilege.

5. The duty to keep an advocate's secret is not limited in time.

6. Lawyers, their assistants, trainees, employees of the presidium of the advocate's collegium, legal consultation office, law firm shall be obliged to take necessary measures to keep advocate's secrets, including its protection from unauthorized access.

#### **Article 38. Advocate's assistants and interns**

1. Advocates may have assistants and interns.

2. Advocate's assistants may work on the basis of an employment contract in a legal consultation office, a law firm, or at an advocate, engaged in advocate practice individually.

Advocate's assistants shall be entitled, on the instructions and responsibility of an advocate, to carry out his (her) instructions.

3. An advocate's intern shall be a citizen of the Republic of Kazakhstan, having a higher legal education, concluded an internship agreement with the advocates' collegium to acquire professional knowledge and practical skills of advocate practice.

A person, meeting the requirements established by paragraph 2 of Article 32 of this Law and expressed a desire to undergo an internship shall apply to the presidium of the advocates' collegium for admission to pass an internship with attachment of documents, the list of which shall be established by the regulation on the procedure of passing an internship by advocate's interns, developed and approved by Republican collegium of advocates in consultation with the authorized body.

4. Based on the results of consideration of application, the presidium of the advocates' collegium shall take one of the following decisions:

- 1) on admission to pass an internship;
- 2) refusal of admission to pass an internship.

The decision on the application for admission to pass an internship shall be taken within five working days.

5. Refusal of admission to pass an internship due to recruitment of a large number of interns advocates shall not be allowed.

6. The internship shall be carried out under the guidance of an advocate, having at least five years of experience of an advocate's practice. The duration of the internship is from six months to one year.

The internship period shall be credited to the work experience in the legal specialty.

During the internship period, an intern may be employed under an employment contract as an advocate's assistant.

7. The organization of passing an internship shall be carried out by the presidium of the advocates' collegium in accordance with the regulation on the procedure of passing an internship by advocate's interns, developed and approved by the Republican collegium of advocates in coordination with the authorized body.

According to the results of the internship, the intern's supervisor shall make a conclusion and send it to the presidium of the advocates' collegium for approval.

The conclusion on successful completion of an internship shall be valid for three years from the date of its approval by the presidium of the advocates' collegium.

The decision on refusal in approving the conclusion of an internship completion should be motivated and can be appealed to the Republican collegium of advocates or the court.

A person who has not completed an internship shall be admitted again to an internship on a general basis.

8. Persons, who have terminated the powers of a judge on the grounds provided for in subparagraphs 1), 2), 3), 9), 10) and 12) paragraph 1 of Article 34 of the Constitutional Law

of the Republic of Kazakhstan "On the Judicial System and the Status of Judges of the Republic of Kazakhstan" shall not pass an internship.

9. An assistant and an intern of an advocate shall not have the right to independently engage in advocate practice.

10. The charter of the collegium of advocates may provide for measures of material encouragement of the interns for the work performed during the internship.

### **Article 39. The Commission for attestation of persons applying for the activity of advocate's practice**

1. Persons, having successfully completed an internship at the advocates' collegium shall be certified by the attestation commission of persons, applying for the practice of advocacy, created at the territorial judicial bodies of regions, cities of republican significance, the capital city.

The commission for attestation of persons, applying for the practice of advocacy consists of seven members, including three advocates, whose candidatures shall be determined by the general meeting (conference) of members of the advocates' collegium of regions, cities of republican significance, the capital city.

The personal composition of commissions for certification of persons, applying for the practice of advocacy, and the rules of their work shall be approved by the orders of the Minister of Justice of the Republic of Kazakhstan.

2. The following ones shall be exempted from passing an attestation:

1) persons who have passed the qualification examination in the Qualification commission under the Supreme Judicial Council of the Republic of Kazakhstan, have successfully completed an internship in the court and received a positive review of the plenary session of the regional or the court equivalent to it;

2) persons who have terminated the powers of a judge on the grounds provided for in subparagraphs 1), 2), 3), 9), 10) and 12) paragraph 1 of Article 34 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and the Status of Judges of the Republic of Kazakhstan";

3) persons who have been dismissed from the prosecution and investigation bodies, in the presence of experience in the position of a prosecutor or an investigator for at least ten years, except those, dismissed on negative grounds.

3. The main tasks of the commission for attestation of persons applying for the practice of advocacy shall be:

- 1) ensuring the quality selection of applicants for a license to engage in advocate practice;
- 2) ensuring openness and publicity of meetings.

4. Representatives of the media, the Republican collegium of advocates and members of the advocates' collegium shall have the right to attend a meeting of the attestation commission for individuals applying for the practice of advocacy.

5. In order to ensure openness and publicity at meetings of the commission for attestation of persons applying for the practice of advocacy, audio and / or video recordings or transcribing of proper quality shall be carried out. The transcript, audio and (or) video recordings received during the meeting shall be attached to the meeting minutes and be stored together with the materials of the attestation commission for persons applying for the practice of advocacy.

**Article 40. The procedure and conditions for attestation of persons applying for the practice of advocacy**

1. The procedure and conditions for attestation of persons applying for the practice of advocacy shall be established by the rules determined by the authorized body.

2. A person claiming to engage in advocate practice, after successfully completing an internship, shall send an application for his (her) admission to attestation to the commission for attestation of persons claiming to engage in advocate practice, with attachment of documents, stipulated by the legislation of the Republic of Kazakhstan through the web portal of "electronic government" or a unified information system of legal assistance.

A person claiming for an advocate practice, when applying, shall have the right to determine the place, date and language (Kazakh or Russian) of the attestation.

3. In cases of improper formalization or submission of an incomplete package of documents, the application, together with the submitted documents, shall be returned by the territorial judicial bodies of the regions, cities of republican significance, the capital city, to the applicant without consideration no later than two working days from the date of their receipt in the e-government web portal notification of the reason for the return.

The claimant's application for admission to attestation shall be considered by the commission within fifteen calendar days. According to the results of consideration, the commission for attestation of persons applying for advocate practice, shall make a motivated decision on admission or on refusal to admit the applicant to attestation.

When applying through the unified information system of legal assistance, the compliance of all data with the requirements to an advocate shall be automatically checked using integrated database resources.

Refusal in admission to attestation shall be made, if the applicant does not meet the requirements established by this Law.

The decision on refusal in admission to attestation shall be sent to an applicant by the territorial judicial bodies of regions, cities of republican significance, the capital city no later than fifteen calendar days from the date of receipt of the application.

4. The applicant, admitted to attestation shall be notified by the territorial judicial bodies of regions, cities of republican significance, the capital city of the place, date, time, procedure of conducting certification not later than ten calendar days before it.

When submitting an application through the unified information system of legal assistance and compliance of the applicant with the requirements for an advocate, the unified

information system of legal assistance automatically generates a list of applicants for conducting attestation and confirms the place, date, time and language (Kazakh or Russian) of its conduct.

5. Attestation shall be carried out once every six months.

6. Attestation consists of two stages:

1) complex computer testing for knowledge of the legislation of the Republic of Kazakhstan and psychological readiness for implementation of advocate practice;

2) practical task of analyzing the circumstances of the case using necessary sources.

7. An applicant who has obtained the threshold score of complex computer testing, established by the authorized body, shall be considered to have passed the complex computer testing and be allowed to the second stage of attestation.

8. Complex computer testing from tasks of a unified legal test shall be carried out using computer technology.

In the case of applying for testing a unified information system of legal assistance, the content of a complex computer testing shall be automatically generated from the tasks of a unified legal test.

Formation of tasks of a unified legal test shall be carried out by the authorized body with the involvement of independent experts on a competitive basis in the manner prescribed by the legislation of the Republic of Kazakhstan.

9. The content of the practical assignment for the second stage of attestation shall be formed independently by the Republican collegium of advocates.

Representatives of the Republican collegium of advocates shall present practical options in an amount that exceeds the number of applicants. Questions of the practical assignment shall be confidential information and shall not be subjects to disclosure and dissemination.

10. According to the results of the second stage, the commission shall make a motivated decision on attestation or on non-attestation of the applicant.

The decision of the commission for attestation of persons, applying for advocate practice can be appealed in an authorized body or the court.

The decision on attestation shall be valid for six years from the date of its adoption.

11. During attestation, an applicant shall not be allowed to use reference, special and other literature, communications, or any records, with the exception of the second stage of attestation, where the use of paper texts of laws is allowed.

In case of violation of these requirements, the applicant shall be removed from the current attestation by the commission.

An applicant who is suspended from attestation shall have the right to re-submit an application for admission to attestation after three months from the date of the decision.

#### **Article 41. License to advocate practice**

1. A license to advocate practice shall be a permit to engage in advocate practice and is issued by the licensor after completing an internship by the applicant and attestation in the

manner and under the conditions, established by the legislation of the Republic of Kazakhstan

2. A licensor shall keep a register of licenses to advocate practice, ensure the placement of the register information on its Internet resource, as well as the list of advocates, engaged in advocate practice, are up-to-date.

#### **Article 42. Refusal to issue a license**

The issuance of the license shall be refused on the grounds stipulated by the Law of the Republic of Kazakhstan "On permits and notifications".

#### **Article 43. Suspension of a license for advocate practice**

1. The procedure for suspension of a license for advocate practice shall be established by the laws of the Republic of Kazakhstan.

2. In addition to the general grounds provided for by the laws of the Republic of Kazakhstan, the license for advocate practice shall be suspended for a period of:

- 1) being an advocate in the public service;
- 2) execution by him (her) of powers of the deputy of the Parliament of the Republic of Kazakhstan, Maslikhat's deputy, carrying out his activity on a permanent or exempt basis, paid for at the expense of budget funds;
- 3) passage of an urgent military service by an advocate;
- 4) suspension of his (her) activity by an advocate on the basis of his (her) application, submitted to the advocates' collegium.

3. The validity of a license for advocate practice shall be suspended for a specified period in the following cases:

- 1) initiation of proceedings on the case of deprivation of a license for the right to advocate practice - until a decision is made;
- 2) recognition of an advocate accused of committing a crime in accordance with the criminal procedure law - until the sentence enters into force;
- 3) violations for a disrespectful reason for more than thirty calendar days of the period for passing qualification training or refusal to complete it - until the violation is eliminated, but not more than three months;
- 4) systematic (three or more times within twelve consecutive calendar months) rendering a state-guaranteed legal assistance by an advocate, not meeting the quality criteria for rendering state-guaranteed legal assistance - for six months;
- 5) systematic (three or more cases within twelve consecutive calendar months) breach of the requirements stipulated by the Law of the Republic of Kazakhstan "On combating legalization (laundering) of proceeds from crime, financing of terrorism and the financing of the proliferation of weapons of mass destruction" – for six months;
- 6) occupancy by an advocate, along with professional, as well as entrepreneurial or other paid activities, except for the cases of joining the Supervisory Board of a commercial

organization, election or appointment as an arbitrator of the relevant arbitration to resolve the dispute, as well as teaching, scientific or other creative activities – for six months.

4. Suspension of a license for advocate practice shall be carried out by the decision of the licensor on the basis of representation of territorial judicial bodies of regions, cities of republican significance, the capital city, and a petition of the Republican and territorial collegium of advocates.

In the decision of the licensor on suspension of the license validity for advocate practice, the reasons and the period of suspension of the license must be indicated. Suspension of an advocate's license validity shall entail a ban on the advocate practice from the date of the decision of the licensor on suspension of the license validity for advocate practice.

5. Renewal of the license validity for advocate practice, suspended on the grounds provided for by paragraph 2 of this Article shall be carried out at the request of an advocate within ten calendar days on the basis of the order of the licensor and documents confirming the termination of the grounds for its suspension. On the renewal of the license validity for advocate practice, an advocate, advocates' collegium, the central apparatus of law enforcement agencies and the authorized body for organizational and logistical support of the courts shall be notified.

6. The decision on suspension or renewal of the license validity for advocate practice shall be posted on the licensor's Internet resource. An advocate, advocates' collegium, the central apparatus of law enforcement agencies and the authorized body for organizational and material- technical support of the courts shall be notified of this decision.

7. The lawyer shall have the right to appeal against the decision to suspend or to refuse to renew the license for advocate practice.

8. In cases of necessity and consent of the client, the advocates' collegium shall take measures on provision of legal assistance to the client, whose advocate has a suspended license for advocate practice.

#### **Article 44. Termination and deprivation of a license for advocate practice**

1. Termination of the license for advocate practice shall be carried out in the manner and on the grounds provided for by the Law of the Republic of Kazakhstan "On permits and notifications".

2. Deprivation of a license for advocate practice shall be carried out in accordance with the Code of the Republic of Kazakhstan on administrative offenses.

3. In addition to the grounds provided for in paragraph 1 of this Article, the termination of the license for advocate practice licensor shall be carried out in the following cases:

- 1) recognition of the advocate as incapable or partially capable, dead or missing by court decision that has entered into legal force;
- 2) termination by an advocate of the citizenship of the Republic of Kazakhstan;
- 3) the death of an advocate;

4) release of an advocate from criminal liability for committing an intentional crime on the basis of paragraphs 3), 4), 9), 10) and 12) of part one of Article 35 or Article 36 of the Criminal procedure code of the Republic of Kazakhstan;

5) entry into force of a court verdict against an advocate for committing an intentional crime;

6) entry into force of a court decision on application of compulsory medical measures to an advocate.

4. In addition to the grounds provided for by paragraph 2 of this Article, the deprivation of a license for advocate practice shall be carried out in a judicial proceeding upon the suit of the licensor in the following cases:

1) gross or repeated violation by an advocate of the legislation of the Republic of Kazakhstan, the principles of rendering legal assistance, the Code of professional ethics of advocates during the performance of his professional duties ;

2) impossibility of the advocate to perform his/her professional duties due to insufficient qualifications established based on the results of attestation conducted by the bar association in accordance with subparagraph 8) of paragraph 2 of Article 55 of this Law;

3) non-elimination of the circumstances specified in subparagraphs 3) and 6) of paragraph 3 of Article 43 of this Law, for which the license has been suspended;

4) establishing the fact that the licensee provided false or deliberately distorted information in the documents that served as the basis for issuing a license;

5) three times suspension of the license within thirty-six consecutive months on the grounds provided for in subparagraphs 3), 4) and 5) of paragraph 3 of Article 43 of this Law.

5. The basis for preparation of the statement of claim for deprivation of a license for advocate practice in cases provided for in paragraph 4 of this Article shall be the petition of the presidium of the advocates' collegium.

The basis for preparation of a claim for deprivation of a license for advocate practice in cases provided for in subparagraphs 1), 3), 4) and 5) of paragraph 4 of this Article shall also be the submission of the territorial body of justice.

The licensor, on the basis of a court decision, shall issue an order on deprivation of a license for advocate practice, a copy of which shall be sent to a person whose license has been terminated. The courts, law enforcement bodies and the advocates' collegiums shall be notified on termination of the license for advocate practice.

6. The basis for the decision on termination of a license for advocate practice in cases provided for in paragraph 3 of this Article shall be the submission of the territorial body of justice.

The licensor shall issue an order on termination of the license for advocate practice, a copy of which shall be sent to a person whose license has been terminated. The authorized

body for organizational and material-technical support of the courts activity, the central apparatus of law enforcement bodies and the advocates' collegium shall be notified on termination of the license for advocate practice.

**Footnote. Article 44 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication)**

#### **Article 45. Types of legal assistance rendered by advocates**

1. Advocates, when rendering legal assistance:
  - 1) consult on legal issues both verbally and in writing;
  - 2) make statements, complaints, petitions and other documents of a legal nature;
  - 3) participate as a representative of the client in civil and administrative proceedings;
  - 4) participate as a defence counsel or representative of a client in criminal proceedings and proceedings in cases of administrative offences;
  - 5) participate as a representative of a client during mediation, in the trial of cases in arbitration and other dispute resolution bodies;
  - 6) represent the interests of the client in state bodies, public associations and other organizations;
  - 7) represent the client's interests in state bodies, courts and law enforcement bodies of foreign states, international judicial bodies, non-state bodies of foreign states, unless otherwise established by the legislation of foreign states, statutory documents of international judicial bodies and other international organizations or international treaties ratified by the Republic of Kazakhstan;
  - 8) participate as a representative of a client in enforcement proceedings, as well as in the execution of a criminal sentence;
  - 9) conduct conciliation procedures.

2. Advocates render other legal assistance not prohibited by the laws of the Republic of Kazakhstan.

3. A person, who has applied for assistance is free to choose an advocate, except in cases where an advocate shall be appointed as a defense counsel in criminal cases, in which his (her) participation is mandatory if the defendant has not chosen or could not choose an advocate.

4. Professional defense in criminal cases shall be carried out only by advocates.

**Footnote. Article 45 as amended by the laws of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication); dated 29.06.2020 № 351-VI (shall come into effect from 01.07.2021).**

#### **Article 46. Certification of advocate's powers**

1. The powers of an advocate to conduct a particular case shall be confirmed by an advocate's certificate and a written notice of protection (representation).

2. The form of the advocate's certificate and the procedure for filling it out shall be developed and approved by the praesidium of the Republican Bar Association.

A person expelled from the membership of a bar association due to the deprivation or termination of a license to engage in advocacy, as well as the suspension of its validity, after the adoption of an appropriate decision, shall be obliged to hand over his/her certificate to the bar association of which he was a member.

3. The written notice of protection (representation) must include surname, name, patronymic (if any) of an individual, subject to protection (representation), the name of the legal entity being represented, as well as the date and registration number of the contract for rendering legal assistance.

The written notice of protection (representation) shall be signed by an advocate carrying out protection (representation).

4. The form of the written notice of protection (representation), including the list of other data entered into it, shall be approved by the Republican collegium of advocates in coordination with the authorized body.

5. An advocate shall bear responsibility, established by this Law and other Laws of the Republic of Kazakhstan for entering of inaccurate information into the written notice of protection (representation).

6. The powers of a foreign advocate, carrying out his (her) activities on the basis of the relevant international treaty ratified by the Republic of Kazakhstan shall be confirmed by documents, certifying the identity, status of an advocate and his (her) powers for rendering legal assistance.

7. An advocate shall have the right to advocate practice throughout the territory of the Republic of Kazakhstan, as well as abroad, if it is necessary for the execution of an accepted mandate and does not contradict the legislation of the respective states and international treaties ratified by the Republic of Kazakhstan.

**Footnote. Article 46 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 47. Payment for legal assistance rendered by advocates**

1. The amount of payment for legal assistance rendered by advocates and compensation of costs, related to conducting of conciliation procedures shall be established by a written contract of an advocate with the person who applied for assistance.

The conclusion of the contract is mandatory and shall be carried out in accordance with the established civil legislation of the Republic of Kazakhstan.

One copy of the contract shall be handed over to the person with whom the contract has been concluded.

2. The essential terms of the contract shall be:

1) indication of the surname, name and patronymic (if any) of an advocate or name of the law office that accepted the execution of the instruction as a defender or representative.

Under the contract concluded between the law office and the person who has applied for legal assistance, the execution of the instruction as a defender or representative shall be accepted by an advocate, appointed by the law office;

2) indication of the form of organization of advocate practice and the advocates' collegium, where the advocate, accepted the instruction is a member;

3) the subject of the instruction;

4) the amount and procedure for payment of rendered legal assistance and reimbursement of expenses of an advocate, related to protection and representation, as well as the conduct of conciliation procedures;

5) the procedure and conditions for termination of the contract.

3. Contracts that set the amount of payment for legal assistance rendered by advocates, depending on the outcome of the case or the success of advocate practice, or contracts under which an advocate receives part of the awarded amount shall not be allowed.

Receiving cash by an advocate or law office in payment of legal assistance, including oral legal consultations, and the expenses connected with execution of the instruction without the issue of the appropriate financial document shall not be allowed.

#### **Article 48. Payment of state-guaranteed legal assistance rendered by advocates**

1. Payment of state-guaranteed legal assistance rendered by an advocate shall be made at the expense of budgetary funds.

2. The amount of payment for state-guaranteed legal assistance provided by a lawyer and reimbursement of expenses related to legal advice, protection and representation, as well as conducting conciliation procedures, shall be established by the authorized body.

3. The procedure for payment of legal assistance rendered by an advocate and compensation of expenses related to legal consultation, defense and representation, as well as conduct of conciliation procedures, shall be established by the rules for payment of state-guaranteed legal assistance determined by the authorized body.

4. In cases provided for by the legislation of the Republic of Kazakhstan, the payment of state-guaranteed legal assistance, rendered by an advocate, travel, transportation costs and compensation of other expenses related to legal consultation, defense and representation shall be made according to the decisions of the criminal prosecution bodies and the decisions of the courts.

**Footnote. Article 48 as amended by the Law of the Republic of Kazakhstan dated 19.04.2023 № 223-VII (shall be enforced ten calendar days after the date of its first official publication).**

### **Chapter 4. ORGANIZATION OF ADVOCATE PRACTICE**

#### **Article 49. Forms of organization of advocate practice**

An advocate shall have the right to carry out his practice in legal consultation office, established by the advocates' collegium, or individually without registration of a legal entity, as well as establish a law firm, independently or jointly with other advocates.

An advocate, carrying out professional activities individually without registration of a legal entity shall be obliged to have office space necessary for the reception of persons, compliance with the conditions for ensuring the safety of advocate proceedings and keeping advocate secrecy.

#### **Article 50. An advocates' collegium**

1. An advocates' collegium shall be created by persons having the right for advocate practice.

2. An advocates' collegium is a non-commercial, independent, professional, self-governing and self-funded organization of advocates, created by advocates to provide legal assistance to individuals and legal entities, express and protect the rights and legitimate interests of advocates, and perform other functions established by this Law.

3. On the territory of the region, the city of republican significance, the capital city, one advocates' collegium can be formed and operate, which is not entitled to create its structural subdivisions (branches and representative offices) on the territory of another region, the city of republican significance, the capital city .

In the absence of an advocates' collegium on the territory of the region, the city of republican significance, the capital city, it shall be formed on the initiative of not less than ten founders, meeting the requirements of Article 32 of this Law.

Special permission of state bodies to create an advocates' collegium shall not be required.

The name of an advocates' collegium shall include the name of an administrative-territorial unit on which territory it has been established.

4. The main tasks of an advocates' collegium shall be:

1) cooperation, professional assistance and protection of members of the advocates' collegium when carrying out their advocate practice;

2) material- technical and reference-informational support of the activities of the members of advocates' collegium;

3) organization of professional control over carrying out advocate practice;

4) organization of rendering state-guaranteed legal assistance and protection for the purpose of the preliminary investigation and court.

5. An advocates' collegium places on its Internet resource:

1) the list of members of the advocates' collegium up to date;

2) regulatory legal acts of the Republic of Kazakhstan relating to advocate practice and legal assistance;

3) The Code of professional ethics of advocates;

4) standards of rendering legal assistance;

5) quality criteria for legal assistance;

- 6) standards for qualification improving;
- 7) information on rendering complex social legal assistance;
- 8) decisions taken by the general meeting (conference) of members of the advocates' collegium, executive bodies of management of the advocates' collegium;
- 9) the results of work of the disciplinary commission of advocates;
- 10) a report on financial and economic activities of the collegium, including information on all revenues and expenditures for each specificity separately;
- 11) other necessary information on the activities of the advocates' collegium and its members.

The advocates' collegium should provide ways to get information from the advocates' collegium members.

6. The advocates' collegium shall create legal consultation offices.

7. The advocates' collegium shall be united in the Republican collegium of advocates.

### **Article 51. Property of the advocates' collegium**

1. The property of the advocates' collegium shall be formed by contributions, paid by the members of the advocates' collegium, grants and charitable assistance, donations from legal entities and individuals in the manner established by the legislation of the Republic of Kazakhstan.

2. The expenses for general needs of the advocates' collegium shall include expenditures on its material support, remuneration of advocates and compensation of expenses related to their work in the bodies of the advocates' collegium, salary costs of employees of the staff of the advocates' collegium and other expenses provided for by the legislation of the Republic of Kazakhstan and budget estimates of the advocates' collegium.

### **Article 52. A Charter of the advocates' collegium**

1. A charter of the advocates' collegium should provide:

- 1) the name, subject and purpose of the advocates' collegium;
- 2) the rights and obligations of the members of the advocates' collegium;
- 3) the procedure for admission to the advocates' collegium, suspension and termination of membership;
- 4) the structure of the advocates' collegium, the order of formation and the competence of its bodies;
- 5) the procedure for creating and operating legal consultations;
- 6) sources of formation of property and the procedure for disposing of it;
- 7) the procedure for paying membership and target contributions;
- 8) the procedure for rendering state-guaranteed legal assistance by advocates and the procedure for distribution of legal assistance between advocates for the purpose of the court, the bodies of criminal prosecution;
- 9) the procedure for attestation of advocates on the basis of provision on the procedure for attestation of advocates;

10) disciplinary liability of members of the advocates' collegium and advocates' interns and the procedure for bringing to it

11) the procedure for filing a petition on preparation of a statement of claim on termination of the license for advocate practice;

12) the procedure for reorganization and liquidation of the advocates' collegium;

13) the fate of the property when liquidating of the advocates' collegium.

2. The charter of an advocates' collegium must contain provisions reflecting the requirements of section 1 of this Law and this section, and may also contain other provisions, not contradicting the legislation of the Republic of Kazakhstan.

### **Article 53. Bodies of the advocates' collegium**

1. The bodies of the advocates' collegium shall be:

1) the supreme body - the general meeting (conference) of members;

2) the executive body - the presidium;

3) the controlling body - the audit commission.

A disciplinary commission of advocates shall be established in the advocates' collegium.

2. In cases provided for by the charter of the advocates' collegium of, an ethics commission and other bodies, acting under the provisions adopted by the general meeting (conference) of members of the advocates' collegium may be established in the advocates' collegium.

### **Article 54. General meeting (conference) of members of the advocates' collegium**

1. General meeting (conference) of members of the advocates' collegium shall have the right to resolve any issues related to the activities of the advocates' collegium.

2. The exclusive competence of the general meeting (conference) shall include:

1) adoption of the charter of the advocates' collegium and decisions on introduction of amendments and additions to it;

2) election of the presidium, the chairman of the presidium, the auditing commission, the chairman of the audit commission, the disciplinary commission of the advocates' collegium, the chairman of the disciplinary commission of the advocates' collegium;

3) election of other bodies provided for by the charter of the advocates' collegium and their leaders, approval of regulations on these bodies;

4) hearing and approval of reports on the activities of bodies of the advocates' collegium, leaders and employees of the advocates' collegium;

5) early recall of members of the presidium, chairman of the presidium, members and chairmen of other elected bodies of the advocates' collegium;

6) setting the rates of membership and earmarked contributions, calculated in the amount of a multiple of the monthly calculation index established by the law on the republican budget for the corresponding financial year, while advocates who carry out professional activities in rural areas, or young people with less than one year of experience in advocacy pay membership and target fees in the amount of fifty per cent of the established rate;

7) approval of the report on financial and economic activity.

3. The general meeting (conference) of members of advocates' collegium shall be competent to make decisions if there are two thirds of the total number of members of the advocates' collegium or, respectively, the composition of the elected delegates of the conference of the advocates' collegium members.

4. The general meeting (conference) of members of the advocates' collegium shall be convened at least once a year by the presidium of the advocates' collegium.

At the request of the audit commission or at least one-fourth of the total number of members of the advocates' collegium, the chairman of the presidium of the advocates' collegium shall be obliged to convene a general meeting (conference) of advocates' collegium members within thirty days.

5. The charter of the advocates' collegium may provide other issues relating to the exclusive competence of the general meeting (conference).

**Footnote. Article 54 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 55. Presidium of the advocates' collegium**

1. The Presidium of the Bar Association shall be the collegiate executive body of the Bar Association.

The same persons may not be members of the Presidium of the Bar Association for more than two consecutive terms.

2. The Presidium of the advocates' collegium shall:

1) organize the work of the advocates' collegium on rendering legal assistance to individuals and legal entities, including state-guaranteed legal assistance, rendered by advocates, at the expense of budgetary funds in cases provided for by the legislation of the Republic of Kazakhstan;

2) convene a general meeting (conference) of members of the advocates' collegium and organize the execution of his (her) decisions;

3) protect professional and other rights of advocates;

4) carry out admission to the advocates' collegium members, exclude from the advocates' collegium, organize completion of internship by the advocates' interns;

5) submit quarterly summary reports of advocates on their activities to the Republican Collegium of advocates ;

6) exempt advocates from paying membership and targeted fees for the period of being on maternity leave or for caring after the child upon their reaching the age of three years and advocates, who have not been practicing advocacy for more than two months in a row due to temporary disability;

7) organize the work of verifying complaints (submissions) from individuals and legal entities on the actions (inaction) of an advocate;

- 8) organize attestation of advocates and work on improving their qualifications;
- 9) submit to the licensor in relation to an advocate a petition to suspend the license for advocate practice or prepare a statement of claim to terminate the license for advocate practice on the grounds provided for by this Law;
- 10) organize work to ensure compliance by lawyers with the requirements of the legislation of the Republic of Kazakhstan on combating corruption, combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction;
- 11) annually, based on the results of monitoring, determine the average cost of advocates' services of the collegium (by type of services) and ensure placement of this information on the Internet resources of the advocates' collegium, the Republican collegium of advocates and publication in the media;
- 12) analyze, summarize and disseminate positive work experience;
- 13) organize the conduct of codification and reference work, develop and publish methodological manuals and recommendations on the matters of advocacy;
- 14) create legal consultation offices, appoint and dismiss their heads;
- 15) issue an advocate's certificate, the form of which shall be approved by the Republican collegium of advocates;
- 16) dispose of the funds of the advocates' collegium in the manner determined by the charter and the general meeting (conference) of the advocates' collegium members;
- 17) organize the maintenance of accounting, financial reporting, office work and formation of primary statistical data;
- 18) establish the procedure for disposing of property of the advocates' collegium;
- 19) resolve other issues related to the activities of the advocates' collegium, except for those assigned to the exclusive competence of the general meeting (conference) of the advocates' collegium members.

**Footnote. Article 55 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 56. A chairman of the presidium of the advocates' collegium**

1. An advocate, who immediately prior to the day of his (her) election was a member of the advocates' collegium for at least five years can be elected as the chairman of the presidium of the advocates' collegium.

A chairman of the presidium of the advocates' collegium shall be elected by secret voting for a term of four years.

The same person may not hold the position of chairperson of the praesidium of the bar association for more than two consecutive terms.

2. A chairman of the presidium of the advocates' collegium in accordance with the charter of the collegiums shall:

1) organize the work of the presidium, chair its meetings and control the implementation of the decisions of the presidium, general meetings (conferences) of members of the advocates' collegium;

2) manage the work of the presidium's office, hire and fire employees of the office of the advocates' collegium;

3) represent an advocates' collegium in state bodies, public associations, other organizations and institutions;

4) ensure timely submission to the licensor, the Republican collegium of advocates the information on licensees, who have joined the advocates' collegium, indicating the advocate's organization form, chosen by an advocate and legal address, as well as those excluded from the advocates' collegium, indicating the reasons for exclusion;

5) ensure submission to the Republican collegium of advocates of a report on the activities of the advocates' collegium, including statistical information on legal assistance rendered by advocates;

6) ensure timely submission to the territorial justice body of a consolidated report on the state-guaranteed legal assistance rendered by advocates and on reimbursement of expenses related to defense and representation, at the expense of budgetary funds;

7) provide internship with advocates' interns;

8) ensure the implementation of programs for qualification improving of advocates.

Other powers of the chairman of the presidium of the advocates' collegium shall be determined by the charter of the advocates' collegium.

*Footnote. Article 56 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).*

### **Article 57. Audit commission of the advocates' collegium**

1. The audit commission of the advocates' collegium shall be a body of the advocates' collegium, which control financial and economic activities of the advocates' collegium and its bodies.

2. The audit commission of the advocates' collegium may be formed from among the members of the collegium of advocates. Members of the audit commission shall not be entitled to occupy another elected position in the advocates' collegium.

The audit commission of the advocates' collegium shall be formed of no more than five people.

The members of the audit commission of the advocates' collegium shall carry out their activities on a voluntary basis free of charge.

3. The Audit Commission of the Bar Association shall be elected by the general meeting (conference) of members of the Bar Association for a term not exceeding four years and accountable to the supreme management body of the Bar Association.

One and the same person may not be in the audit commission of the advocates' collegium for more than one term.

4. The audit commission of the advocates' collegium shall have the right to conduct audits of financial and economic activities of the advocates' collegium at any time. At the request of the audit commission of the advocates' collegium, the bodies of the advocates' collegium shall be obliged to provide necessary documents for the audit and give necessary explanations in oral or written form.

5. The Audit Commission shall audit the annual report on financial and economic activities of advocates' collegium on a mandatory basis and post its results on the Internet resources of the advocates' collegium and the Republican collegium of advocates.

6. The audit commission shall submit a report to the next general meeting (conference) of members of the advocates' collegium.

7. The order of work, the frequency of submission of the report to the audit commission of the advocates' collegium shall be determined by the charter and internal documents of the advocates' collegium.

**Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 58. Membership in the advocates' collegium**

1. Membership in the advocates' collegium shall be mandatory.

Entry fees are prohibited.

The reason for refusal to admit to the advocates' collegium shall be the discovery of one of the circumstances provided for by paragraph 2 of Article 32 of this Law.

Refusal of admission to the advocates' collegium may be appealed to the Republican collegium of advocates or the court.

2. In case when a person was expelled from the advocates' collegium, but retained the license for advocate practice, he (she) can be re-admitted to the advocates' collegium no sooner than six months from the date of exclusion. The implementation of advocate practice in this period is not allowed.

#### **Article 58-1. Register of advocates**

1. The Republican Bar Association shall form a register of advocates in the unified information system of legal assistance.

2. The register of advocates shall contain the following information:

1) surname, name, patronymic (if indicated in the identity document) of the advocate, date of his/her birth;

2) the number and date of issue of the license to engage in advocacy;

3) the date of becoming a member of the bar association of the region, the city of republican significance, the capital;

- 4) the form of organization of advocacy chosen by the advocate, legal address, contact phone numbers;
- 5) the presence or absence of disciplinary measures against the advocate;
- 6) the date and grounds for suspension of the license to practice law;
- 7) the date and grounds for termination of the license to practice law;
- 8) the date and grounds for suspension or termination of membership in the bar association.

3. The advocate shall be obliged to notify the Republican Bar Association in writing or by sending an electronic document about the occurrence of any events that entail a change in the information contained in the register of advocates, within three working days from the day following the day of such events.

4. The information contained in the register of advocates shall be publicly available, except for information, access to which is limited by the laws of the Republic of Kazakhstan.

**Footnote. Chapter 4 supplemented by Article 58-1 in accordance with the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 59. An advocate's oath**

1. In accordance with the procedure established by the Republican collegium of advocates, the licensee, joined the advocates' collegium shall take the following oath:

"I, (first and last name), solemnly swear to abide by the principles of legal assistance, the Code of professional ethics of advocates, honestly and conscientiously protect the rights, freedoms and interests of the person, ensure the right to receive legal assistance, perform entrusted duties in accordance with the Constitution of the Republic of Kazakhstan, laws of the Republic of Kazakhstan. "

2. The licensee signs the text of the oath, which shall be stored in the personal file of an advocate.

3. The advocates' collegium shall keep a list of members of the advocates' collegium and post it on the Internet-recourse of the advocates' collegium up to date. The advocates' collegium shall send information on acquisition, suspension and termination of the status of an advocate to the Republican collegium of advocates.

#### **Article 60. Termination of Membership in an advocates' collegium**

1. The membership of an advocate in the advocates' collegium shall be terminated by the presidium of the advocates' collegium in the following cases:

- 1) termination or deprivation of a license for advocate practice;
- 2) a grave or repeated violation by an advocate in the performance of his duties of the requirements and norms of the legislation of the Republic of Kazakhstan, the principles of rendering legal assistance, enshrined in the charter of the advocates' collegium, the Code of professional ethics of lawyers;

3) the revealed impossibility of performing professional duties by an advocate due to insufficient qualification;

4) systematic non-payment of membership fees;

5) employment of an advocate along with professional, as well as entrepreneurial or other paid activity, except for the cases of joining the supervisory board of a commercial organization, electing or appointing an arbitrator to resolve the dispute, as well as teaching, scientific or other creative activities;

6) on their own will;

7) the death of an advocate;

8) in other cases stipulated by the charter of the collegium.

2. The exclusion of an advocate from the advocates' collegium on the grounds stipulated in subparagraphs 2) and 3) of paragraph 1 of this Article shall entail the termination of the license for advocate practice.

3. Termination of membership in the advocates' collegium may be appealed to the Republican collegium of advocates or the court within one month from the day the advocate was handed a copy of the resolution of the presidium of the advocates' collegium.

#### **Article 61. Rights and obligations of a member of the advocates' collegium**

1. A member of the advocates' collegium shall have the right to:

1) use the assistance, professional assistance and protection of the advocates' collegium, its bodies and officials;

2) elect and be elected to the bodies of the Bar Association and the Republican Bar Association;

3) raise issues related to the activities of the advocates' collegium, make proposals to improve the work of the advocates' collegium and its bodies, participate in discussion and decision-making, and require the advocates' collegium bodies to submit documents and materials on their activities;

4) to take personal part in all cases of checking and discussing by the bodies of the advocates' collegium of its activities or behavior;

5) use the property of the advocates' collegium in the manner and on the conditions determined by its charter;

6) withdraw from the advocates' collegium on their own will.

2. A member of the advocates' collegium shall be obliged to:

1) comply with the requirements of the charter of the advocates' collegium;

2) implement the decisions of the general meeting (conference) of members of the advocates' collegium, the Republican collegium of advocates and their bodies;

3) pay membership and targeted fees;

4) submit to the Presidium of the advocates' collegium statistical information about the rendered legal assistance;

5) submit in the manner and on the conditions established by the legislation of the Republic of Kazakhstan on permits and notifications, a statement to the licensor on reissuing the license for advocate practice in the event of a change in the last name, first name and patronymic (if any);

6) inform the presidium of the advocates' collegium on the change of their legal address;

7) submit to the Presidium of the advocates' collegium the materials necessary for checking on the appeals of individuals and legal entities on the quality of legal assistance rendered by them.

3. A member of the advocates' collegium may not bear any other unilateral property obligations before the advocates' collegium, in addition to the obligation to pay membership and targeted fees.

4. The members of the advocates' collegium shall be equal in their rights and duties.

**Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 62. A legal consultation office**

1. To ensure citizens' access to legal assistance, the presidium of the advocates' collegium shall create legal consultation offices, including specialized ones.

2. Legal consultation office shall be a structural unit (branch) of the advocates' collegium. It has a seal with the designation of its name and affiliation to the relevant advocates' collegium, other attributes necessary for organizing the provision of legal assistance. Legal consultation office shall act on the basis of the regulation, adopted by the general meeting (conference) of members of the advocates' collegium.

3. The location of a legal consultation office shall be determined by the presidium of the advocates' collegium.

4. Legal consultation office shall be managed by a manager, appointed by the presidium of the advocates' collegium.

#### **Article 63. An advocate office**

1. An advocate office is a non-commercial organization.

2. An advocate office shall be established (created) in order to ensure material, organizational-legal and other conditions for rendering legal assistance by advocates.

3. An advocate office shall be established (created) by a member (members) of the advocates' collegium. An advocate can become a partner of only one advocate office.

4. Partners of an advocate office shall not be liable for its obligations, and an advocate office shall not be liable for the obligations of its partners.

5. A law firm may act as a representative of lawyers on settlements with clients and third parties and in other matters stipulated in the law firm's constituent documents.

6. Lawyers, established (created) an advocate office, conclude a partnership contract in a simple written form. Under a partnership contract, advocates undertake to combine their

efforts to provide legal assistance on behalf of all partners. Partnership contract shall not be available for state registration of an advocate office.

7. Conducting of general affairs of an advocate office shall be maintained by the managing partner, unless otherwise provided by the partnership contract. An agreement on the provision of legal assistance may be concluded by a law office on its behalf, on behalf of, at the expense and in the interests of all partners included in it.

8. An advocate office, established (created) by a single advocate shall carry out its activities on the basis of the charter.

9. An advocate of an advocate office shall, within ten calendar days after its state registration and (or) admission to an advocate office, notify in written form the relevant advocates' collegium and submit at its disposal the partnership documents of an advocate office.

10. The property, contributed by the partners of an advocate office as contributions shall be owned by an advocate office on the basis of ownership.

11. Changes in the composition of the partners of an advocate office can be carried out due to:

- 1) the exit of a partner;
- 2) adoption of a new partner;
- 3) termination by the partner of advocate activities on the grounds provided for by this Law.

12. Partners of an advocate office shall be entitled to:

1) when leaving an advocate office or terminating an advocate practice, receive a part of the property of an advocate office or the value of this property within the value of the property transferred by them an advocate office property, unless otherwise provided by the charter of an advocate office;

2) in case of liquidation of an advocate office, receive a part of its property remained after settlements with creditors, within the limits of the property value, transferred by them to the property of an advocate office.

13. Special permission of state bodies for creation of advocate offices shall not be required.

**Footnote. Article 63 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication); dated 18.07.2025, № 215-VIII (effective from 01.01.2026).**

#### **Article 64. Carrying out advocate practice individually**

1. An advocate, who has taken decision to carry out professional activities individually, shall notify the advocates' collegium about it.

The notification shall include surname, first name and patronymic (if any) of an advocate, his permanent location.

2. A lawyer, carrying out professional activities individually without forming a legal entity shall have the right to have settlement and other bank accounts, a personal seal, stamps, personal forms.

#### **Article 65. The Republican collegium of advocates**

1. The Republican collegium of advocates shall be a non-commercial, independent, professional, self-governing, self-financing organization based on the mandatory membership of the advocates' collegiums.

2. The Republican collegium of advocates as an organization of advocate self-government shall be created in order to represent and protect the interests of advocates' collegiums and advocates in state and other organizations in the Republic of Kazakhstan and abroad, to coordinate the activities of advocates' collegiums, to ensure a high level of legal assistance rendered by advocates.

3. The Republican collegium of advocates shall be formed by the Republican conference of advocates' collegiums.

4. The Charter of the Republican collegium of advocates shall be adopted by the Republican conference of advocates' collegiums.

5. The Republican collegium of advocates shall be subject to state registration in accordance with the legislation of the Republic of Kazakhstan.

6. Reorganization and liquidation of the Republican collegium of advocates shall be carried out in the manner, established by the legislation of the Republic of Kazakhstan.

7. Decisions of the Republican collegium of advocates and its bodies adopted within their competence shall be obligatory for advocates' collegiums and advocates.

8. The Republican Bar Association shall maintain an up-to-date register of advocates.

9. The Republican collegiums of advocates shall consider complaints against actions (inaction) of advocates, decisions of the management bodies of advocates' collegiums in accordance with this Law.

10. In cases provided for by the charter, an ethics commission and other bodies acting under the provisions adopted by the Republican conference of advocates' collegiums may be created in the Republican collegium of advocates.

**Footnote. Article 65 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 66. The charter of the Republican collegium of advocates**

1. The charter of the Republican collegium of advocates shall provide for:

1) the name, subject and objectives of the activity of Republican collegium of advocates;

2) the rights and obligations of the members of the Republican collegium of advocates;

3) the structure of the Republican collegiums of advocates, the procedure of formation and competence of its bodies;

4) the sources of formation of property and the procedure of its disposal;

- 5) the size and procedure of contributions made by the advocates' collegiums;
- 6) the procedure for reorganization and liquidation of the Republican collegiums of advocates.

2. The Charter of the Republican Collegium may contain other provisions that do not contradict the legislation of the Republic of Kazakhstan.

**Footnote. Article 66 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 67. Republican conference of advocates' collegiums**

1. The supreme body of the Republican collegium of advocates shall be the Republican conference of advocates' collegiums, which is convened at least once every two years. The conference shall be considered eligible if delegates from at least three-quarters of the members of the Republican collegium of advocates take part in its work.

2. The conference shall have the right to resolve any issues regarding the activities of the Republican collegium of advocates.

The exclusive competence of the conference shall include:

1) adoption of the charter of the Republican collegium of advocates and introduction of amendments and additions to it;

2) determination of the location of the presidium of the Republican collegium of advocates;

3) election and dismissal of members of the presidium of the Republican collegium of advocates;

4) election and dismissal of the chairman of the Republican collegium of advocates;

5) election and dismissal of members and chairman of the audit commission of the Republican collegium of advocates;

6) election and dismissal of members and chairman of the disciplinary commission of advocacy;

7) approval of the rules of representation of delegates from the advocates' collegiums to the Republican conference;

8) approval of the Code of professional ethics of advocates and introduction of amendments and additions to it;

9) approval of regulations on the procedure for conducting attestation of advocates;

10) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

11) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

12) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

13) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after

the day of its first official publication);

14) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

15) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

16) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

17) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

18) approval of the scope and procedure for provision of complex social legal assistance;

19) approval of the rules of behavior of advocates in the media;

20) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

21) Excluded from 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication);

Subparagraph 22 of paragraph 2 was suspended until 01.01.2026 by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII and during the period of suspension, this paragraph is valid in the following edition.

22) determining the amount and procedure for making monthly contributions deducted by the bar associations for the general needs of the Republican Bar Association, while the amount of contributions must be calculated for each advocate and be at least one monthly calculation index established by the law on the republican budget for the corresponding financial year.

In the event that advocate is exempted from paying a membership fee to the Bar Association in accordance with subparagraph 6) of paragraph 2 of Article 55 of the Law of the Republic of Kazakhstan “On Advocacy and Legal Assistance”, the amount of the monthly fee to the Republican Bar Association shall not be calculated for him/her. When an advocate pays a contribution in the amount of fifty per cent of the established rate in accordance with subparagraph 6) of paragraph 2 of Article 54 of the Law of the Republic of Kazakhstan “On Advocacy and Legal Assistance”, the amount of the monthly contribution to the Republican Bar Association shall be calculated for him/her in the amount of fifty per cent of the established contribution;

23) approval of the cost estimates for the maintenance of the Republican collegiums of advocates;

24) approval of the report of the presidium of the Republican collegium of advocates, including execution of the cost estimates for the maintenance of the Republican collegium of advocates;

25) approval of the report of the audit commission on the results of financial and economic activities of the Republican collegium of advocates;

26) adoption of the reglament of the conference;

27) performance of other functions provided for by the charter of the Republican collegiums of advocates and the legislation of the Republic of Kazakhstan.

**Footnote. Article 67 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 68. The presidium of the Republican collegium of advocates**

1. The presidium of the Republican collegium of advocates shall be a collegial executive body of the Republican collegium of advocates.

2. The Presidium of the Republican collegium of advocates shall be elected by secret voting for four years and consist of an equal number of advocates from each advocates' collegium.

The same person may not be on the presidium of the Republican collegium of advocates for more than one term.

3. The presidium shall:

1) organize the work of the Republican collegium of advocates;

2) organize execution of decisions of the Republican conference of advocates' collegiums;

3) in the period between conferences, make decisions on early termination of powers of the members of the Presidium and the audit commission excluded from the members of the advocates' collegiums on the grounds provided for by this Law;

4) develop documents subject to approval by the Republican conference of advocates' collegiums, in accordance with Article 67 of this Law;

5) coordinate the activities of advocates' collegiums;

6) submit to the authorized body statistical information on legal assistance rendered by advocates in the form approved by the authorized body;

7) organize work on improving professional level of advocates, develop a unified methodology of professional training of advocates;

8) protect social and professional rights of advocates;

9) participate in the examination of drafts of regulatory legal acts on the issues related to advocacy, in cases and in the manner provided by the legislation of the Republic of Kazakhstan;

10) summarize quarterly the reports of advocates' collegiums on their activities;

11) organize methodological support on the issues of advocate practice;

12) organize informational support of the advocates' collegiums;

13) annually, according to the results of monitoring, determine the average cost of the advocates' collegiums services (by types of services) and ensure placement of this information on the Internet resource of the Republican collegiums of advocates and publication in the media;

14) publish on the Internet resource of the Republican collegium of advocates:

the list of advocates engaged in advocate practice, as well as the lists of advocates of territorial bar advocates' collegiums in the current state;

normative legal acts of the Republic of Kazakhstan relating to advocacy and legal assistance;

Code of professional ethics for advocates;

standards for rendering legal assistance;

quality criteria of legal assistance;

standards of professional development;

report on financial and economic activities of the Republican collegiums of advocates, including information on all revenues and expenses for each specific separately;

information on the composition of the presidium of the advocates' collegiums and the Republican collegium of advocates;

information on rendering complex social legal assistance;

results of the work of the disciplinary commission of the advocacy;

activities and events of the advocacy;

and other necessary information about the activities of the Republican collegium of advocates.

The Republican collegium of advocates should provide ways of obtaining information by the members of the advocates' collegiums;

15) convene the Republican conference of advocates' collegiums at least once every two years and form its agenda;

16) within its competence, dispose of the property of the Republican collegium of advocates in accordance with the estimate and purpose of the property;

17) approve the reglament of the presidium of the Republican collegium of advocates;

18) approve the emblem of the Republican collegium of advocates;

18-1) approve the standards for the provision of legal assistance in agreement with the authorized body;

18-2) approve the quality criterion for the provision of legal assistance in agreement with the authorized body;

18-3) approve the form and description of the advocate's gown;

18-4) develop and approve the form of an advocate's certificate and the procedure for filling it out;

18-5) approve the regulation on the procedure for the internship by interns of advocates in agreement with the authorized body;

18-6) approve the standards for advanced training of advocates in agreement with the authorized body;

18-7) approve the procedure for advanced training of advocates;

18-8) approve the form, procedure for drawing up and sending the advocate's request in agreement with the authorized body;

18-9) approve the regulation on the disciplinary commission of advocates;

18-10) approve the regulation on the disciplinary commission of the bar;

18-11) develop and approve methodological recommendations on combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction for lawyers, taking into account the specifics and characteristics of their activities;

18-12) conduct within its competence analysis and monitoring of the activities of lawyers to identify the risks of legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction, summarize the practice of applying the legislation of the Republic of Kazakhstan on combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction, and make propositions for its improvement, with the annual provision of such information to the financial monitoring authority in the form and within the timeframes established by the financial monitoring authority;

19) perform other functions provided for by the charter of the Republican collegium of advocates.

4. At the request of the audit commission or at least one third of the total number of advocates collegiums, the presidium of the Republican collegium of advocates shall be obliged to convene an extraordinary Republican conference within two months.

5. The decisions of the presidium shall be taken by a simple majority of the total number of members present at its meeting.

**Footnote. Article 68 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication); dated 01.07.2022 № 131-VII (shall be enforced sixty calendar days after the date of its first official publication).**

#### **Article 69. The chairman of the Republican collegium of advocates**

1. An advocate, having at least five years of experience in advocacy may be elected as a chairman of the Republican collegium of advocates. The chairman of the Republican collegium of advocates shall be elected by secret voting for a term of four years.

One and the same person cannot hold the position of a chairman of the Republican collegium of advocates for more than one term.

2. The chairman of the Republican collegium of advocates shall :

1) represent the Republican collegium of advocates in state and other organizations, as well as in relations with individuals;

2) act on behalf of the Republican collegium of advocates without a letter of attorney;

3) issue letters of attorney;

4) conclude transactions on behalf of the Republican collegium of advocates and dispose of the property of the Republican collegium of advocates by the decision of the presidium of

the Republican collegium of advocates in accordance with the estimate and purpose of the property;

5) convene meetings of the presidium of the Republican collegium of advocates;

6) ensure implementation of the decisions of the presidium of the Republican collegium of advocates and the decisions of the Republican conference of advocates' collegiums.

#### **Article 70. The audit commission of the Republican collegium of advocates**

1. The audit commission of the Republican collegium of advocates shall be a body of the Republican collegium of advocates, exercising control over its financial and economic activities, and accountable to the Republican conference of advocates' collegiums.

2. The audit commission of the Republican collegium of advocates may be formed from among the members of the advocates' collegiums. Members of the audit commission of the Republican collegium of advocates shall not be entitled to hold any other elective position in the Republican collegium of advocates.

The audit commission of the Republican collegium of advocates shall be composed of no more than five persons.

Members of the audit commission of the Republican collegium of advocates shall carry out their activities on a voluntary basis free of charge.

3. The Audit Commission of the Republican Bar Association shall be elected by the Republican Conference of Bar Associations for a term not exceeding four years.

The same person cannot be a member of the audit commission of the Republican collegium of advocates for more than one term.

4. The audit commission of the Republican collegium of advocates shall have the right to inspect at any time financial and economic activities of the Republican collegium of advocates and shall have for this purpose the right of access to all documentation of the Republican collegium of advocates. At the request of the audit commission of the Republican collegium of advocates, members of the bodies of the Republican collegium of advocates shall be obliged to give necessary explanations orally or in written form.

5. The audit commission of the Republican collegium of advocates shall review the annual report on financial and economic activities of the Republican collegium of advocates and publish its results on the Internet resource of the Republican collegium of advocates.

6. The audit commission of the Republican collegium of advocates shall submit a report to the regular meeting of the Republican conference of advocates' collegiums.

7. The procedure of work, frequency of submission of the report of the audit commission of the Republican collegium of advocates shall be determined by the charter and internal documents of the Republican collegium of advocates.

**Footnote. Article 70 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 71. The property of the Republican collegium of advocates**

1. The property of the Republican collegium of advocates shall be formed at the expense of contributions made by advocates' collegiums, grants and charitable assistance, donations received from legal entities and individuals in the manner established by the legislation of the Republic of Kazakhstan.

2. Expenses for general needs of the Republican collegium of advocates include expenses for its material support, remuneration of advocates and compensation of expenses related to their work in the bodies of the Republican collegium of advocates, expenses for wages of employees of the Republican collegium of advocates and other expenses provided for by the legislation of the Republic of Kazakhstan and the estimate of the Republican collegium of advocates.

#### **Article 72. Disciplinary responsibility of advocates**

1. Bringing a lawyer to disciplinary responsibility shall be carried out by the disciplinary commission of advocates.

The disciplinary commission of advocates is an independent body of the advocates' collegium elected by the general meeting (conference) of the members of the advocates' collegium and accountable to it. The decisions of the disciplinary commission of advocates are binding.

The composition of the disciplinary commission of advocates shall include six advocates with at least five years of experience in advocate practice on the proposal of the advocates' collegium, three members of the public, proposed by the justice authorities, two retired judges

The Chairman of the disciplinary commission of lawyers is the Bar Association.

The same person may not be a member of the disciplinary commission of lawyers for more than one term.

The regulation on the disciplinary commission of advocates and the procedure for bringing to disciplinary responsibility shall be established by the Republican collegium of advocates.

The term of office of the Disciplinary Commission of Advocates shall be four years.

2. The disciplinary case shall be considered by the disciplinary commission of advocates within a period of not more than two months from the date of detection of the violation. Disciplinary proceedings may be suspended in cases of temporary incapacity for work of the advocate and his being on a business trip. The period of suspension shall not be included in the total period of consideration of the disciplinary case.

3. When considering a disciplinary case, the disciplinary commission of advocates shall be obliged to invite to its meetings the persons, who have submitted complaints, as well as members of the advocates' collegium, in respect of whom the complaint is being considered.

If the judicial authorities make a submission on initiation of disciplinary proceedings, its mandatory consideration shall be carried out with the participation of a representative of the judicial authority.

Non-appearance of the mentioned persons, duly notified of the time and place of the hearing, does not prevent the review of disciplinary proceedings.

4. The basis for initiating disciplinary proceedings shall be the existence of sufficient grounds indicating a violation by the advocate of the requirements of this Law, the legislation of the Republic of Kazakhstan on advocacy and legal assistance, the Code of Professional Ethics of Advocates, the Charter of the Bar Association, decisions of the bodies of the Republican Bar Association, Bar Associations.

5. The disciplinary commission of lawyers shall have the right to apply the following disciplinary measures to an advocate:

1) remark;

2) reprimand;

3) severe reprimand;

4) exclusion from the advocates' collegium on the grounds and in the manner prescribed by Article 60 of this Law.

6. Only one disciplinary penalty may be imposed for committing of a disciplinary offence by an advocate.

Disciplinary punishment may be imposed within a period of not more than one month from the date of its detection, but not more than six months from the date of its committing.

Based on the results of consideration of a disciplinary case, the disciplinary commission may issue an instruction obliging a member of the advocates' collegium to eliminate the revealed violations and establishing the terms of their elimination.

7. The decisions provided for in paragraph 5 of this Article shall be taken by a majority vote of the members of the disciplinary commission of advocates and shall enter into force on the date of their adoption.

A meeting of the disciplinary commission of advocates shall be considered eligible if more than half of its members are present.

8. The Bar Association, within five working days from the day the disciplinary commission of advocates shall decide to apply disciplinary measures against a member of the Bar Association, send a copy of the decision to the member of the Bar Association, as well as to the person who filed the complaint on which the decision was made, using the means of communication, ensuring its receipt.

9. The decision of the disciplinary commission of advocates may be challenged in the disciplinary commission of the bar or court within three months from the date of announcement of this decision.

10. The results of the work of the disciplinary commission of advocates shall be posted on the Internet resource of the advocates' collegium.

**Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

## **Article 73. Disciplinary commission of the advocacy**

1. Bringing to disciplinary responsibility of members of the governing bodies of the advocates' collegiums, members of the governing bodies of the Republican collegium of advocates shall be carried out by the disciplinary commission of the advocacy.

The disciplinary commission of the advocacy shall also consider complaints against the decisions of the disciplinary commission of advocates, summarize disciplinary practice.

The disciplinary commission of advocacy is an independent body of the Republican collegiums of advocates elected by the Republican conference of the advocates' collegiums and is accountable to it. The decisions of the disciplinary commission of the advocacy are binding.

The composition of the disciplinary commission of the advocacy shall include six lawyers with at least five years of experience in advocate practice on the proposal of the Republican collegiums of advocates, three members of the public, proposed by the authorized body, two retired judges.

The Chairman of the disciplinary commission of the advocacy shall be an advocate.

The same person cannot be a member of the disciplinary commission of the advocacy for more than one term.

The term of office of the Disciplinary Commission of the Bar shall be four years.

2. Bringing to disciplinary responsibility of members of the governing bodies of the advocates' collegiums, members of the governing bodies of the Republican collegium of advocates shall be carried out according to the rules established by Article 72 of this Law.

3. The disciplinary commission of the advocacy shall have the right to apply the following disciplinary measures to the members of the management bodies of the advocates' collegiums , members of the management bodies of the Republican collegium of advocates:

- 1) remark;
- 2) reprimand;
- 3) severe reprimand.

4. If, as a result of examination of the case, the disciplinary commission determines that there are grounds for exclusion of the person brought to responsibility from the advocates' collegium, it shall instruct the relevant advocates' collegium to consider the termination of an advocate's membership in the advocates' collegium.

The decision of the advocates' collegium to exclude a member from the collegium may be appealed to the court within one month from the date of delivery to an advocate of a copy of the resolution of the presidium of the advocates' collegium.

5. The disciplinary commission of the advocacy on the results of consideration of the complaint against the decision, action (inaction) of the disciplinary commission of advocates shall have the right to:

- 1) leave the complaint without satisfaction, and the decision of the disciplinary commission of advocates unchanged;

2) change the decision of the disciplinary commission of advocates;

3) cancel the decision of the disciplinary commission of advocates and make a new decision;

4) send the case for a new consideration to the appropriate disciplinary commission of advocates and oblige the disciplinary commission of advocates to perform certain actions.

A meeting of the disciplinary commission of the advocacy shall be considered eligible if more than half of its members are present.

The decision of the disciplinary commission of the advocacy shall be made by open voting by a majority of votes of the members of the commission present at the meeting.

The decision of the disciplinary commission of the advocacy may be disputed in the court.

6. The results of the work of the disciplinary commission of the advocacy shall be posted on the Internet resource of the Republican collegiums of advocates.

**Footnote. Article 73 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 74. The appeal of actions (inaction) of the advocates' collegium, the decisions of its management bodies**

A person in case of violation of his rights and legitimate interests by actions (inaction) of the advocates' collegium and (or) decisions of its governing bodies shall have the right to dispute such actions (inaction) and (or) decisions in the Republican collegium of advocates or in the court.

### **SECTION 4. RENDERING LEGAL ASSISTANCE BY LEGAL CONSULTANTS Chapter 5. THE STATUS OF A LEGAL CONSULTANT**

#### **Article 75. A legal consultant**

1. A legal consultant shall be an individual, having a higher legal education, work experience in the legal profession for at least two years, having passed attestation, being a member of the chamber of legal consultants and rendering legal assistance.

2. A legal consultant may render legal assistance independently, doing private practice in the form of individual entrepreneurship or without state registration as an individual entrepreneur, as well as on the basis of an employment contract with a legal entity.

#### **Article 76. Rights and obligations of a legal consultant**

1. A legal consultant shall have the right to provide any legal assistance to a person who has applied for assistance in the manner and under the conditions established by the legislation of the Republic of Kazakhstan.

2. A legal consultant on his(her) own behalf shall conclude a written contract on rendering legal assistance with the person who applied to him (her).

In the case of rendering legal assistance by a legal consultant, acting on the basis of an employment contract with a legal entity, a written contract for rendering legal assistance to the client shall be concluded by a legal entity.

3. A legal consultant, acting as a representative, shall be eligible to:

1) represent the rights and interests of persons who have applied for legal assistance in the courts, state and other bodies and organizations competent to resolve relevant issues;

2) request and receive from all state bodies, local self-government bodies and legal entities the information necessary for rendering legal assistance;

3) in the manner and within the limits established by the legislation of the Republic of Kazakhstan, independently collect the factual data necessary for rendering legal assistance, as well as submit them to the state bodies and officials;

4) get acquainted with the materials relating to the person who applied for legal assistance, including procedural documents, court cases, and record the information contained there in any way not prohibited by laws;

5) request on a contractual basis the conclusion of experts to clarify issues arising in connection with rendering legal assistance and requiring special knowledge in the field of science, technology, art and other fields of activity;

6) submit petitions, bring in the prescribed manner complaints against the decisions and actions (inaction) of the bodies of state power, local self-government, public associations, organizations, officials and civil servants, infringing the rights and interests of persons protected by law, who applied for assistance;

7) use all means and methods not prohibited by the Law that protect the rights and legitimate interests of persons who applied for legal assistance;

8) conduct conciliation procedures;

9) render complex social legal assistance;

10) perform other actions not contradicting the legislation of the Republic of Kazakhstan.

4. The legal consultant shall be obliged to:

1) comply with the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, as well as the requirements of the rules and standards of the chamber of legal consultants;

2) comply with the rules of the Code of professional ethics established by the chamber of legal consultants, of which he is a member, and also pay the fees established by this Law;

3) be guided in his (her) professional activity by the principles of rendering legal assistance;

4) be a member of one of the chambers of legal consultants to render legal assistance in the form of representation of the interests of persons in the courts;

5) inform the client about the impossibility of his (her) participation in rendering legal assistance due to the occurrence of circumstances preventing its rendering;

6) ensure the safety of documents received from the client and the third parties when rendering legal assistance;

7) provide the client with information on the membership in the chamber of legal consultants;

8) submit a copy of the professional liability insurance contract of the legal consultant upon the client's request;

9) at the request of the client, submit an extract from the register of members of the chamber of legal consultants, of which he is a member;

10) enter into an agreement on non-disclosure of confidential information with the client, if the client does not object to this;

11) perform any actions not prohibited by the Law on establishment the actual circumstances, aimed at ensuring the rights, freedoms and legitimate interests of the client;

12) at the request of the client, keep copies of documents used in rendering legal assistance, in paper or electronic media or in the form of electronic documents for three years from the date of completion of rendering legal assistance;

13) constantly improve their qualification;

14) carry out insurance of professional liability.

5. In case the legal consultant has an employment relationship with a legal entity, the duties provided for in subparagraphs 5), 6), 8), 10) and 12) of paragraph 4 of this Article shall be assigned to this legal entity.

6. A legal consultant shall be prohibited to take a legal position in the case that worsens the position of the person, who applied for assistance, to use his powers to the detriment of the person whose interests he (she) represents.

7. A legal consultant shall be prohibited to render legal assistance in the event of a conflict of interest.

A legal consultant shall be obliged to refuse from rendering legal assistance in cases if:

there is a conflict of interests between the client and the legal consultant, his close relatives, and also in the presence of other circumstances, constituting the conflict of interests;

there are grounds stipulated by the procedural legislation of the Republic of Kazakhstan.

#### **Article 76-1. Guarantees for the activities of the legal consultant**

1. The rights of a legal consultant are not subject to restrictions, except for cases expressly provided for by the laws of the Republic of Kazakhstan. Intervention or obstruction of the lawful activities of a legal consultant shall entail liability under the laws of the Republic of Kazakhstan.

2. State bodies, local self-government bodies and legal entities shall, within ten working days, give a written response to the request of a legal consultant related to the provision of legal assistance to them.

The submission of the requested information to the legal consultant may be refused if the information is classified as information with restricted access.

3. When executing an accepted order, a legal consultant shall have the right to use computers, smartphones and other technical means necessary for rendering legal assistance in court and other state and non-state bodies and organizations in the manner prescribed by the procedural legislation of the Republic of Kazakhstan.

**Footnote. Chapter 5 supplemented by Article 76-1 in accordance with the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 77. Insurance of the activity of a legal consultant**

1. A legal consultant shall be obliged to conclude a professional liability insurance contract for obligations arising from injury to the third parties who are provided with legal assistance in accordance with the contract.

A legal consultant shall not have the right to start rendering legal assistance in the absence of a professional liability insurance contract.

In case that a legal consultant has an employment relationship with a legal entity, the obligation to conclude a legal consultant's professional liability insurance contract shall be imposed on this legal entity.

2. The object of professional liability insurance of a legal consultant shall be the property interests of the insurant (insured person) related to his (her) obligation in the manner prescribed by the legislation of the Republic of Kazakhstan to compensate the damage caused to the third parties, whom in accordance with the contract legal assistance is being rendered, as a result of activities.

3. The insurance case under the contract of insurance of professional liability of a legal consultant shall be the fact of occurrence of civil-legal liability of the insurant for compensation of the damage caused to property interests of the third parties who receive legal assistance in accordance with the contract, as a result of professional errors made by the insured person in rendering legal assistance.

Professional errors for the purposes of this Article shall be understood as:

- 1) missing procedural deadlines;
- 2) incorrect registration of documents;
- 3) failure to inform the person to whom legal assistance is being provided in accordance with the contract on the consequences of legal actions that caused harm to him (her);
- 4) loss or damage of documents received by the insurant (insured person) from the client for rendering legal assistance;
- 5) unlawful disclosure of information that became known to the insured person in the process of rendering legal assistance.

The contract of professional liability insurance of a legal consultant may define other actions (inaction) that have caused damage to the property interests of the third parties to whom legal assistance is being rendered in accordance with the contract, as a result of rendering such assistance by the insured person.

4. An insured event is considered to have occurred if the harm caused to the third parties, whom legal assistance is being rendered in accordance with the contract was the result of an unintentional violation of professional duties by the insurant (insured person).

5. The amount of the insurance sum under the contract of professional liability insurance of a legal consultant shall be determined by its conditions and must be for legal consultants operating in the territory of the city of republican significance, the capital city – not less than a thousandfold, for other legal consultants – not less than five times the size of the monthly calculation index established by the Law on the Republican budget for the relevant financial year, on the date of conclusion of the contract of professional liability insurance of a legal consultant.

The procedure and other conditions of professional liability insurance of a legal consultant shall be determined by an agreement of the parties on the basis of a standard contract of professional liability insurance of a legal consultant.

#### **Article 77-1. Legal consultant assistants**

1. Legal consultants may have assistants.
2. Assistants to the legal consultant may work based on an employment contract.

Assistants to legal consultants shall have the right, at the direction and under the responsibility of the legal consultant, to carry out his instructions.

**Footnote. Chapter 5 supplemented by Article 77-1 in accordance with the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

#### **Article 77-2. The secret of the legal consultant**

1. The secret of a legal consultant shall be the fact of contacting a legal consultant, information about the content of verbal and written negotiations with the person who applied for help and other persons, about the nature and results of actions taken in the interests of the person who applied for help.

2. Legal consultants, their assistants, officials of the chambers of legal consultants and their bodies, as well as a person who has lost the status of a legal consultant, shall not be entitled to disclose or use in their own interests or the interests of third parties any information received in connection with the provision of legal assistance and (or) as a result of their professional activities.

3. For the disclosure of information related to the secret of a legal consultant, without the consent of the person who applied for assistance, except for the cases provided for by the legislation of the Republic of Kazakhstan, the persons specified in paragraph 2 of this Article shall be liable in accordance with the laws of the Republic of Kazakhstan.

4. Provision of data and information to the financial monitoring authority in accordance with the Law of the Republic of Kazakhstan “On Combating Legalization (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction” does not constitute a disclosure of legal counsel privilege.

5. The obligation to keep professional secrets shall not be limited in time.

6. Legal consultants, their assistants, officials of the chambers of legal consultants and their bodies, as well as a person who has lost the status of a legal consultant, shall be obliged to take the necessary measures to maintain professional secrecy, including its protection from unauthorized access.

**Footnote.** Chapter 5 supplemented by Article 77-2 in accordance with the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).

## **Chapter 6. ORGANIZATION OF THE ACTIVITY OF LEGAL CONSULTANTS**

### **Article 78. The chamber of legal consultants**

1. The Chamber of Legal Consultants shall be a self-regulatory organization based on compulsory membership, established to regulate the activities of providing legal assistance and control the activities of its members in terms of their compliance with the requirements of the legislation of the Republic of Kazakhstan on advocacy and legal assistance, the rules and standards of the Chamber of Legal Consultants, the Code of Professional Ethics, included in the register of chambers of legal consultants, uniting, on the terms of membership, at least two hundred legal consultants.

2. The activity of the chamber of legal consultants shall be regulated by the Law of the Republic of Kazakhstan "On self-regulation", this Law, the legislation of the Republic of Kazakhstan, as well as the charter, rules and standards of the chamber of legal consultants.

**Footnote.** Article 78 as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).

### **Article 78-1. Republican Collegium of Legal Consultants**

1. The Republican Collegium of Legal Consultants shall be a non-profit organization based on voluntary membership of chambers of legal consultants representing at least two-thirds of the regions, cities of republican significance and the capital, whose activities and powers are determined by this Law, other legislation of the Republic of Kazakhstan, the charter of the collegium and carried out concerning and the interests of the Chambers of Legal Consultants that are its members.

The Republican Collegium of Legal Consultants shall be formed by the constituent congress of representatives of the chambers of legal consultants representing at least two-thirds of the regions, cities of republican significance and the capital.

2. The governing bodies of the Republican Collegium of Legal Consultants shall be:

- 1) the supreme governing body - the congress of representatives of the chambers of legal consultants;
- 2) permanent executive body of management - a board headed by a chairperson;
- 3) body of internal control over financial and economic activities - the audit commission (auditor).

3. Republican Collegium of Legal Consultants shall:

- 1) coordinate the activities of the chambers of legal consultants;
- 2) represent the interests of the chambers of legal consultants in state bodies, non-governmental organizations, including foreign and international ones;
- 3) take part in the development of regulatory legal acts and develop methodological materials on issues of legal assistance;
- 4) carry out other activities that do not contradict the legislation of the Republic of Kazakhstan and international treaties.

4. The Chairperson of the Republican Collegium of Legal Consultants shall be elected by secret ballot for a term of four years. Herewith, the same person may not hold the position of chairperson of the collegium for more than two consecutive terms.

5. The powers of the chairperson of the Republican Collegium of Legal Consultants shall be determined by its charter.

Paragraph 6 is provided for in the version of the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect from 01.01.2026).

This version of paragraph 6 shall be valid until 01.01.2026 by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII.

6. The Congress of the Republican Collegium of Legal Consultants shall determine the amount and procedure for making monthly contributions deducted by the chambers of legal consultants for the general needs of the Republican Collegium of Legal Consultants, while the number of contributions must be calculated for each legal consultant and be at least one monthly calculation index established by the law on republican budget for the respective financial year.

If a legal consultant is exempted from paying the membership fee to the chamber of legal consultants in accordance with Article 88 of the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance", the amount of the contribution to the Republican Collegium of Legal Consultants for him/her shall not be calculated. When a legal consultant pays a contribution for fifty per cent of the established rate in accordance with Article 88 of the Law of the Republic of Kazakhstan "On Advocacy and Legal Assistance", the monthly contribution to the Republican Collegium of Legal Consultants shall be calculated for him/her for fifty per cent of the established contribution.

7. The Board of the Republican Collegium of Legal Consultants shall draw up an annual report on the financial and economic activities of the Republican Collegium of Legal Consultants, including information on all receipts and expenses, and place it on the Internet resource of the Republican Collegium of Legal Consultants.

8. The Audit Commission (Auditor) of the Republican Collegium of Legal Consultants shall conduct an audit of the annual report on the financial and economic activities of the Republican Collegium of Legal Consultants and place its results on the Internet resource of the Republican Collegium of Legal Consultants.

Footnote. Chapter 5 supplemented by Article 78-1 in accordance with the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).

**Article 79. The charter of the chamber of legal consultants**

The charter of the chamber of legal consultants shall be developed on the basis of the model charter of the chamber, approved by the authorized body.

**Article 80. Functions of the chamber of legal consultants**

The chamber of legal consultants shall perform the following functions:

- 1) establishes the rules of professional behavior and the Code of professional ethics;
- 2) establishes the rules and conditions for admission to membership in the chamber;
- 3) establishes in coordination with the authorized body standards for rendering legal assistance, quality criteria of legal assistance and ensure their implementation by the members of the chamber;
- 4) ensures placement at least once a year on its Internet resource a summary of analytical information about the generated average cost of legal services rendered by the members of the chamber for the previous period, starting from the date of the last placement of this information, based on the data provided by the members of the chamber, taking into account confidentiality requirements;
- 5) establishes the scope and procedure for the provision of complex social legal assistance ;
- 6) ensures professional development of its members in accordance with the approved standards of the chamber;
- 7) organizes information and methodological support for the members of the chamber of legal consultants;
- 7-1) organizes work on the provision of state-guaranteed legal assistance in accordance with the legislation of the Republic of Kazakhstan;
- 8) represents the interests of its members in state bodies, non-state organizations, including foreign and international ones;
- 9) carries out control over the compliance by the members of the chamber of legal consultants with the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, the rules and standards for rendering legal assistance, the Code of professional ethics;
- 9-1) organizes work to ensure compliance by legal consultants with the requirements of the legislation of the Republic of Kazakhstan on combating corruption, combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction;
- 10) considers the issues of bringing the members of the chamber of legal consultants to liability for violation of the requirements of this Law, the legislation of the Republic of

Kazakhstan on advocate practice and legal assistance, rules and standards for rendering legal assistance, the Code of professional ethics;

11) contributes to organization of professional practice by the graduates of post-secondary, higher legal education organizations;

12) summarizes the practice and makes recommendations and proposals for the further improvement and development of legal assistance;

13) keeps a register of the members of the chamber of legal consultants;

13-1) develops and approves methodological recommendations on combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction for legal consultants, taking into account the specifics and characteristics of their activities;

13-2) conducts within its competence an analysis and monitoring of the legal consultants' activities in order to identify the risks of legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction, summarizes the practice of applying the legislation of the Republic of Kazakhstan on combating legalization (laundering) of proceeds from crime, financing of terrorism and financing of the proliferation of weapons of mass destruction and makes propositions for its improvement with the annual provision of such information to the financial monitoring authority in the form and within the timeframes established by the financial monitoring authority;

14) carries out other functions established by this Law, the legislation of the Republic of Kazakhstan, the charter of the chamber of legal consultants.

**Footnote. Article 80 as amended by the laws of the Republic of Kazakhstan dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication); dated 01.07.2022 № 131-VII (shall be enforced sixty calendar days after the date of its first official publication).**

### **Article 81. Rights and responsibilities of the chamber of legal consultants**

The rights and obligations of the chamber of legal consultants shall be determined by the Law of the Republic of Kazakhstan "On self-regulation".

The chamber of legal consultants shall be obliged to submit quarterly information to the authorized body on inclusion of members in the chamber of legal consultants, suspension of membership and expulsion from membership.

### **Article 82. Membership in the Chamber of Legal Consultants**

Membership in the Chamber of Legal Consultants for persons providing legal assistance in the form of representing the interests of individuals and legal entities in accordance with the Civil Procedure Code of the Republic of Kazakhstan and the Administrative Procedure and Procedure Code of the Republic of Kazakhstan shall be mandatory.

**Footnote. Article 82 - as amended by the Law of the Republic of Kazakhstan dated 29.06.2020 № 351-VI (shall come into effect from 01.07.2021).**

## **Article 83. Conditions and procedure for acquisition and termination of membership in the chamber of legal consultants**

1. A member of the chamber of legal consultants may be an individual who meets the requirements set forth in Article 75 of this Law, as well as passed an attestation.

The chamber of legal consultants may provide for additional requirements for the members of the chamber.

Attestation shall be carried out in the form of complex testing for the knowledge of the legislation of the Republic of Kazakhstan.

The procedure and conditions for attestation for entry into the chamber of legal consultants shall be determined by the chamber of legal consultants in coordination with the authorized body.

An applicant conforming to the requirements of this Law and having obtained the threshold score of complex testing established by the chamber of legal consultants shall be considered to have passed the attestation.

A person who is legally recognized as incapable or partially capable or having a conviction that has not been redeemed or has not been removed in accordance with the Law may not be a legal consultant.

The following ones shall be exempt from attestation:

1) persons who have passed the qualification examination in the Qualification commission under the Supreme Judicial Council of the Republic of Kazakhstan, successfully completed an internship in the court and received a positive review of the plenary session of the regional or equivalent to it court;

2) persons who have terminated the powers of a judge on the grounds provided for in subparagraphs 1), 2), 3), 9), 10) and 12) paragraph 1 of Article 34 of the Constitutional Law of the Republic of Kazakhstan "On the judicial system and the status of judges of the Republic of Kazakhstan";

3) persons, having academic degree in legal specialty of the Republic of Kazakhstan;

4) persons, having license for advocate practice;

5) persons who have been dismissed from the prosecution and investigation agencies, at the availability of experience in the position of a prosecutor or an investigator for at least ten years, except those dismissed on negative grounds.

2. For entry into the chamber of legal consultants, the applicant shall submit:

1) a document on higher legal education;

2) a certificate of the absence of outstanding or unwithdrawn conviction;

3) documents confirming the existence of work experience in the legal specialty for at least two years;

4) attestation results.

A legal consultant may at the same time be a member of only one chamber of legal consultants that meets the requirements of this Law.

3. The collegial governing body of the chamber of legal consultants shall make a decision on the compliance of the person with the requirements established by this Article within five working days from the date of receipt of the application and necessary documents from such person.

A person in respect of whom a decision has been made on his compliance with the requirements established by this Article shall be considered to be a member of the chamber of legal consultants, and information about such person shall be entered into the register of members of the chamber of legal consultants within three working days from the date of submission of the professional liability insurance contract of legal consultant by such person. Such person within five working days from the date of entering information about him in the register of members of the chamber of legal consultants, shall be issued a document confirming the actual membership in the chamber of legal consultants.

4. The grounds for refusal to admit a person to the members of chamber of legal consultants shall be:

- 1) non-compliance of a person with the requirements of this Article;
- 2) exclusion of a person from the register of members of the chamber of legal consultants for violation of the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, rules and standards for rendering legal assistance, the Code of professional ethics, if less than three years have passed since the date of exclusion.

The decision of the chamber of legal consultants on refusal in admission to the chamber of legal consultants may be appealed to an authorized body.

If the dispute is unresolved, the decision of the authorized body may be appealed to the court.

5. The membership in the chamber of legal consultants shall be terminated by the collegial governing body of the chamber of legal consultants:

- 1) on the basis of application of the legal consultant to withdraw from the members of the chamber of legal consultants;
- 2) on the grounds stipulated by the charter.

6. A person's membership in the chamber of legal consultants cannot be terminated until the end of the audit if a complaint against him arrives in the chamber, if a member of the chamber of legal consultants is examined or a case of disciplinary action is considered, and in the event of violations – before the end of consideration by the disciplinary commission of the case of violation and application of disciplinary action.

7. A record of termination of membership in the chamber of legal consultants shall be made on the register of members of the chamber of legal consultants in the event that the chamber of legal consultants receives information confirming the death of a member of the chamber of legal consultants.

8. A person in respect of whom a decision on termination the membership in the chamber of legal consultants is made, shall be obliged to notify his (her) clients about the fact of termination of his (her) membership in the chamber of legal consultants.

9. The chamber of legal consultants, no later than the day following the day when the collegial governing body of the chamber of legal consultants made a decision to terminate the membership of a legal consultant in the chamber of legal consultants, shall be obliged to post such a decision on the Internet resource of the chamber of legal consultants, and also send the copies of such a decision to:

1) a person in respect of whom a decision has been taken to terminate the membership in the chamber of legal consultants;

2) all self-regulating organizations entered in the register of chambers of legal consultants if the exclusion of a person from the members of the chamber of legal consultants is connected with his (her) violation of the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, rules and standards of legal assistance, the Code of professional ethics;

3) the authorized body.

#### **Article 84. Governing bodies of the chamber of legal consultants**

The governing bodies of the chamber of legal consultants shall be:

1) general meeting of members of the chamber of legal consultants;

2) collegial governing body;

3) executive governing body;

4) control body (audit commission).

In accordance with the procedure provided for by the Law of the Republic of Kazakhstan "On self-regulation", specialized bodies may be established in the chamber of legal consultants.

#### **Article 85. General meeting of members of the chamber of legal consultants**

1. The supreme governing body of the chamber of legal consultants shall be the general meeting of the members of the chamber of legal consultants.

2. The competence of the general meeting of the members of the chamber of legal consultants and the procedure for its activities shall be determined by the Law of the Republic of Kazakhstan "On self-regulation", this Law and other laws of the Republic of Kazakhstan.

The Charter of the chamber of legal consultants may also provide for other powers of the general meeting of members of the chamber of legal consultants.

#### **Article 86. Collegial governing body and executive governing body of the chamber of legal consultants**

The competence, procedure for creation and activity of the collegial governing body and the executive governing body of the chamber of legal consultants shall be determined by the Law of the Republic of Kazakhstan "On self-regulation", this Law, other laws of the Republic of Kazakhstan and the charter of the chamber of legal consultants.

## **Article 86-1. Payment for state-guaranteed legal assistance provided by a legal consultant**

1. Payment for state-guaranteed legal assistance provided by a legal consultant shall be made at the expense of budgetary funds.

2. The amount of payment for state-guaranteed legal assistance provided by a legal consultant, and reimbursement of expenses related to legal consulting, protection, and representation, as well as conducting conciliation procedures, shall be established by the Government of the Republic of Kazakhstan.

3. The procedure for payment for legal assistance provided by a legal consultant and reimbursement of expenses related to legal consulting, protection, and representation, as well as conducting conciliation procedures, shall be established by the rules for payment for state-guaranteed legal assistance, approved by the authorized body.

4. In cases stipulated by the legislation of the Republic of Kazakhstan, payment for state-guaranteed legal assistance provided by a legal consultant, travel and transportation expenses, and reimbursement of his/her other expenses related to legal consulting, protection, and representation shall be made according to court rulings.

**Footnote. Chapter 6 is supplemented by Article 86-1 in accordance with the Law of the Republic of Kazakhstan dated 20.06.2022 № 128-VII (shall be enforced upon expiry of sixty calendar days after the day of its first official publication).**

## **Article 87. Audit commission of the chamber of legal consultants**

1. The audit commission of the chamber of legal consultants shall be the body of the chamber of legal consultants, carrying out control over the financial and economic activities of the chamber of legal consultants.

2. The audit commission may be formed from among the members of the chamber of legal consultants. Members of the collegial and executive bodies of the chamber of legal consultants may not be members of the audit commission.

The competence and procedure of the activity of the audit commission shall be determined by the Law of the Republic of Kazakhstan "On self-regulation", other laws of the Republic of Kazakhstan and the charter of the chamber of legal consultants.

## **Article 88. Contributions of the Chamber of Legal Consultants**

The Chamber of Legal Consultants shall establish annual membership fees.

The number of annual membership fees must be at least fifteen times and not more than seventy -five times the monthly calculation index established by the law on the republican budget for the corresponding financial year.

Legal consultants shall be exempted from payment of the membership fee for the period of being on maternity or parental leave until the child reaches the age of three years and legal consultants who do not carry out professional activities for more than two consecutive months due to temporary disability.

Legal consultants who carry out professional activities in rural areas or have less than one year of professional experience shall pay membership fees in the amount of fifty per cent of the established rate.

Entrance fees shall be prohibited.

**Footnote. Article 88 - as amended by the Law of the Republic of Kazakhstan dated 09.06.2021 № 49-VII (shall come into effect ten calendar days after the day of its first official publication).**

### **Article 89. Ensuring access to information and its protection from misuse by the chamber of legal consultants**

1. The chamber of legal consultants by means of placement on its Internet resource and publication in the mass media distributed throughout the territory of the Republic of Kazakhstan shall be obliged to ensure access to the following information about:

- 1) the composition of its members;
- 2) the conditions, methods and procedure for ensuring the responsibility of the members of the chamber;
- 3) the members, who have terminated their membership in the chamber of legal consultants and the grounds for termination of their membership;
- 4) the conditions of membership in the chamber of legal consultants;
- 5) the content of the rules and standards of the chamber of legal consultants;
- 6) the quality criteria for legal assistance;
- 7) the structure and competence of governing bodies and specialized bodies of the chamber of legal consultants, the quantitative and personal composition of the collegial governing body, the executive governing body of the chamber of legal consultants, the person , performing the functions of the sole executive governing body of the chamber of legal consultants;
- 8) the decisions taken by the general meeting of the members of the chamber of legal consultants and the collegial governing body;
- 9) the cases of bringing the members of the chamber of legal consultants to responsibility for violation of the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, rules and standards, Code of professional ethics;
- 10) any claims and applications filed by the chamber of legal consultants before the courts , as well as against the chamber;
- 11) the report on financial and economic activity including information on all receipts and expenses on each specifics separately;
- 12) other information provided by this Law, the legislation of the Republic of Kazakhstan and (or) internal documents of the chamber of legal consultants.

2. The chamber shall provide for the ways of obtaining, using, processing, storing and protecting information, the misuse of which by employees may cause moral damage and (or)

property damage to the members of the chamber of legal consultants or create preconditions for such harm and (or) damage.

3. The chamber of legal consultants shall be responsible to its members for the actions of its employees related to the misuse of information that has become known to them by virtue of official position.

4. The chamber of legal consultants shall be responsible for non-performance and (or) improper performance of duties on disclosure of information in accordance with the laws of the Republic of Kazakhstan.

#### **Article 90. The register of chambers of legal consultants**

1. The authorized body shall maintain a register of the chambers of legal consultants in electronic format.

2. The information contained in the register of the chambers of legal consultants shall be public and be placed on the Internet resource of the authorized body up-to-date.

Information on a non-commercial organization that meets the requirements of Article 78 of this Law shall be entered in the register of chambers of legal consultants on the basis of a notification in accordance with the Law of the Republic of Kazakhstan “On permits and notifications”.

After receiving the notification, the authorized body independently verifies the compliance with the requirements established by this Law and the legislation of the Republic of Kazakhstan by the chamber of legal consultants.

#### **Article 91. Exclusion from the register of chambers of legal consultants**

The grounds for exclusion from the register of chambers of legal consultants shall be:

- 1) the application of the chamber of legal consultants to exclude from the register of chambers of legal consultants;
- 2) liquidation or reorganization of a non-commercial organization;
- 3) the court decision on exclusion from the register of chambers of legal consultants that has entered into legal force.

#### **Article 92. The register of members of the chamber of legal consultants**

1. The chamber of legal consultants shall maintain a register of members of the chamber of legal consultants in electronic format and place it on its Internet resource up to date.

2. The register of members of the chamber of legal consultants shall be a component of the register of chambers of legal consultants that complies with the requirements of this Law and contains information on membership in the chamber of legal consultants, its suspension and termination.

3. A person shall acquire all the rights of a member of the chamber of legal consultants from the date of the entry of information about him (her) provided for in this Article into the register of members of the chamber of legal consultants.

4. The register of members of the chamber of legal consultants shall contain the following information:

1) the registration number of a member of the chamber of legal consultants, the date of his (her) registration in the register;

2) surname, first name and patronymic (if any) of a member of the chamber of legal consultants, his date of birth, details of the identity document, place of residence, individual identification number (for an individual), contact telephone numbers;

3) information on ensuring the property liability of a member of the chamber of legal consultants;

4) information on the results of inspections of a member of the chamber conducted by the chamber of legal consultants and on the facts of disciplinary and other penalties applied to him (her);

5) other information provided for by the authorized body, the chamber of legal consultants

5. In respect of persons who terminated their membership in the chamber of legal consultants, the register of members of the chamber of legal consultants, together with information, specified in paragraph 4 of this Article, should contain information on the date of termination of membership in the chamber of the legal consultants and the reasons for such termination, subject to be placed on the Internet resource.

6. The information provided in paragraph 4 of this Article shall be subject to disclosure on the Internet resource of the chamber of legal consultants, except for information on the place of residence, data of an identity document, and other information if access is restricted by the laws of the Republic of Kazakhstan.

7. The chamber of legal consultants shall maintain a register of members of the chamber of legal consultants from the date of entering information about it into the register of chambers in accordance with the requirements established by this Law and the Law of the Republic of Kazakhstan "On self-regulation".

8. A member of the chamber of legal consultants shall be obliged to notify the chamber of legal consultants in written form or by sending an electronic document of the occurrence of any events involving a change in the information contained in the register of members of the chamber of legal consultants within three working days from the day following the day of the occurrence of such events.

9. The information contained in the register of members of the chamber of legal consultants, except for information on the place of residence, data of the identity document, and other information, if access to them is restricted by the laws of the Republic of Kazakhstan, shall be submitted at the request of individuals and legal entities in the manner determined by the chamber of legal consultants. The deadline for submission of such information may not exceed five working days from the date of receipt of the request.

### **Article 93. Control of the chamber of legal consultants over the activities of its members**

The procedure for exercising control by the chamber of legal consultants over the activities of legal consultants in terms of their compliance with the requirements of the rules

and standards of the chamber of legal consultants, the conditions of membership in the chamber shall be determined by the Law of the Republic of Kazakhstan “On self-regulation”.

#### **Article 94. Responsibility of the members of the chamber of legal consultants**

For violation of the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, the charter, rules and standards of the chamber of legal consultants, the Code of professional ethics, its member shall bear responsibility in accordance with this Law, the laws of the Republic of Kazakhstan, the rules and standards of the chamber of legal consultants.

The procedure for imposing penalties on the members of the chamber of legal consultants, their withdrawal and appeal shall be determined by the charter and rules of the chamber.

#### **Article 95. Appeal against actions (inaction) of the chamber of legal consultants, decisions of its governing bodies**

A member of the chamber of legal consultants in case of violation of his (her) rights and legitimate interests by actions (inaction) of the chamber of legal consultants, decisions of its governing bodies shall have the right to dispute such actions (inaction), decisions in the authorized body or in the court, as well as to demand compensation by the chamber of legal consultants for the harm caused to him (her) in accordance with the legislation of the Republic of Kazakhstan.

In the cases provided for by this Law, the actions (inaction) of the chamber of legal consultants, the decisions of its governing bodies may be disputed in the court in compliance with the mandatory pre-trial procedure of dispute settlement.

#### **Article 96. Responsibility of the chambers of legal consultants**

1. For violation of the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, rules and standards of the chamber of legal consultants, the Code of professional ethics, the chamber of legal consultants shall bear responsibility in accordance with this Law and other laws of the Republic of Kazakhstan.

2. Chambers of legal consultants, members of chambers of legal consultants, clients shall have the right to apply to the authorized body on violations of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, rules and standards of the chamber of legal consultants, the Code of professional ethics.

3. When a complaint is received, the authorized body shall send it to the relevant chamber if the complaint has not been previously considered by the chamber of legal consultants.

4. If the complaint was the subject of consideration by the chamber, the authorized body shall consider the appeal in the manner prescribed by the laws of the Republic of Kazakhstan.

According to the results of consideration of the complaint, the authorized body shall have the right to apply to the chamber of legal consultants measures of influence in the form of orders, warnings, as well as take other measures in accordance with this Law and other laws of the Republic of Kazakhstan.

In case the chamber of legal consultants has not taken or has not taken timely measures to prescribe, warn the authorized body, the authorized body shall initiate the issue of applying to the chamber of legal consultants the measures of influence in the form of exclusion from the register of chambers of legal consultants.

5. In case of violations in the actions (inaction) of the chamber of legal consultants, decisions of its governing bodies in respect of the chamber of legal consultants, a measure of influence may be applied in the form of exclusion from the register of chambers of legal consultants in court.

#### **Article 97. State control over the chambers of legal consultants**

1. The authorized body shall exercise control in the sphere of rendering legal assistance over the execution of the requirements of the legislation of the Republic of Kazakhstan on advocate practice and legal assistance, the rules and standards of the chamber of legal advisers, the Code of professional ethics by the chambers of legal consultants.

2. Control in the field of providing legal assistance over the activities of chambers of legal consultants shall be carried out through unscheduled inspections and preventive control with a visit to the subject of control in accordance with the Entrepreneurial Code of the Republic of Kazakhstan.

**Footnote. Article 97 as amended by the Law of the Republic of Kazakhstan dated 06.04.2024 № 71-VIII (shall come into effect upon expiration of sixty calendar days after the day of its first official publication).**

### **Chapter 7. FINAL AND TRANSITIONAL PROVISIONS**

#### **Article 98. The procedure for enactment of this Law**

1. This Law shall be enforced upon expiry of ten calendar days after the day of its first official publication, with the exception of:

1) subparagraph 3) of Article 16, Article 19, part one of paragraph 3 of Article 28, subparagraph 11) of paragraph 3 of Article 33, subparagraph 7) of paragraph 5 of Article 50, subparagraph 18) of paragraph 2 of Article 67, passage ten of subparagraph 14) of paragraph 3 of Article 68, which shall be enforced from January 1<sup>st</sup>, 2019;

2) Article 46, which shall be enforced from January 1<sup>st</sup>, 2019, having established that until January 1<sup>st</sup>, 2019 this Article is valid as follows:

"Article 46. Certification of an advocate's powers

1. The powers of an advocate to conduct a particular case shall be certified by a warrant issued by a legal consultation office or a law firm, and in carrying out his (her) activities individually without registering a legal entity, by the presidium of the advocates' collegium. The form of the warrant shall be approved by the authorized body. Control and accounting of the issuance of warrants shall be carried out by the presidium of the advocates' collegium .

2. The form of an advocate's certificate and the procedure for filling it out shall be developed and approved by the Republican collegium of advocates.

A person whose advocate's status is suspended or terminated shall be obliged to surrender his (her) certificate to the advocates' collegium after the decision has been taken.

3. The powers of a foreign advocate carrying out his (her) activities on the basis of a relevant international treaty ratified by the Republic of Kazakhstan shall be confirmed by documents certifying the identity, the status of an advocate and his (her) powers for rendering legal assistance.

4. An advocate shall have the right to advocate practice throughout the territory of the Republic of Kazakhstan, as well as outside it, if it is necessary for execution of an accepted mandate and does not contradict the legislation of the respective states and international treaties ratified by the Republic of Kazakhstan.”;

3) subparagraphs 4) and 7) of paragraph 7 of Article 33, Article 36, subparagraphs 8) and 14) of paragraph 4 of Article 76, Article 77, which shall be enforced from January 1<sup>st</sup>, 2020;

4) the first sentence of part one of paragraph 3 of Article 83, which shall be enforced from January 1<sup>st</sup>, 2020, having established that until January 1<sup>st</sup>, 2020, this sentence is valid as follows:

“A person in respect of whom a decision has been made on his (her) compliance with the requirements established by this Article shall be considered to be a member of the chamber of legal consultants, and information about such a person is entered in the register of members of the chamber of legal consultants within three working days.”.

2. Individuals and legal entities rendering legal assistance prior to the enactment of this Law shall bring their activity into conformity with the requirements of this Law within one year from the date of enactment of this Law.

3. The advocates' collegiums, the Republican collegium of advocates, which carried out their activities prior to the enactment of this Law, should bring their activities into conformity with the requirements of this Law, including the procedure for electing chairmen, forming the governing bodies of advocates' collegiums, the Republican collegium of advocates, and shall be subject to re-registration in the judicial bodies within six months from the date of enactment of this Law.

4. To recognize invalid:

1) The Law of the Republic of Kazakhstan dated December 5, 1997 “On advocate practice” (Vedomosti Parlamenta Respubliki Kazaqstan, 1997, № 22, Article 328; 2001, № 15-16, Article 236; 2003, № 11, Article 65; 2004, № 23, Article 142; 2007, № 2, Article 18; № 9, Article 67; №10, Article 69; 2009, № 8, Article .44; №19, Article 88; №24, Article 130; 2010, №5, Article 23; 2011, № 23, Article 179; 2012, №4, Article 32; №6, Article 44; №10,

Article 77, 2013, №14, Article 72, 74; №15, Article 76; 2014, №10, Article 52; №11, Art. 61; №16, Article 90; №19-I, 19-II, Article 96; 2015, №16, Article 79; №20-VII, Article 115; №23-II, Article 170. ; 2016, № 7-II, p.55);

2) The Law of the Republic of Kazakhstan dated July 3, 2013 "On State-guaranteed legal assistance" (Vedomosti Parlamenta Respubliki Kazaqstan, 2013, № 14, Article 73; 2014, № 19-I, 19-II, Article 96 ; 2015, №10, Article 50; №20-IV, Article 111; №22-I, Article 141).

*The President*

*N.NAZARBAYEV*

*Of the Republic of Kazakhstan*

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