

## **On Advocate Practice**

### *Invalidated Unofficial translation*

The Law of the Republic of Kazakhstan dated 5 December 1997 № 195. Repealed by the Law of the Republic of Kazakhstan dated July 5, 2018, № 176-VI.

#### **Unofficial translation**

Footnote. Deprecated by the Law of RK from 05.07.2018 № 176-VI (enacted upon expiration of ten calendar days after the day of its first official publication).

Footnote. Throughout the text, the words "a license of an advocate", "licenses of advocates" were respectively substituted by the words "a license for carrying out advocate practice," "licenses for carrying out advocate practice" by Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010).

## **Chapter 1. General provisions**

### **Article 1. Purpose of advocacy**

1. Advocacy in the Republic of Kazakhstan is designed to promote realization of the human right guaranteed by the state and enshrined in the Constitution of the Republic of Kazakhstan to judicial protection of his rights, freedoms and obtaining qualified legal assistance, as well as to promote a peaceful settlement of the dispute.

2. Advocacy shall organize practices of advocates on the defense in criminal cases, cases on administrative offences, as well as representation in criminal and civil cases and cases on administrative offences, as well as on rendering of other types of legal assistance in order to protect and promote the realization of the rights, freedoms and legitimate interests of citizens, and the rights and legitimate interests of legal entities.

Legal assistance rendered by advocates as a part of their advocate practice shall not be considered as an entrepreneurial activity.

3. Advocate practice is a qualified legal assistance to be rendered on a professional basis by advocates according to the procedure provided for by this Law in order to protect and promote the realization of the rights, freedoms and legitimate interests of individuals, as well as the rights and legitimate interests of legal entities.

**Footnote. Article 1 as amended by Laws of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); No. 523-IV dated 28.12.2011 ( shall be enforced upon expiry of ten calendar days after its first official publication); № 378-V dated 31.10.2015 (shall be enforced from 01.01.2016).**

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

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

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

3. Procedural rights and obligations of advocates when defending and representing in the cases of individuals and legal entities shall be established by the Laws of the Republic of Kazakhstan.

**Footnote. Article 2 is in the wording of Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010).**

## **Article 3. The principles of organization and operation of advocacy**

The organization and operation of advocacy shall be based on the following principles:

- 1) independence of advocates when carrying out their practice;
- 2) carrying out advocate practice by the methods and means not prohibited by legislation;
- 3) non-interference in practice of advocates on the part of prosecution office, courts , inquiry and preliminary investigation authorities, other state bodies, other organizations and officials, except as otherwise expressly provided by the legislative acts;
- 4) compliance with the rules of professional conduct and preservation of advocate secrecy.

## **Article 4. Types of legal assistance rendered by advocates**

1. Advocates when rendering legal assistance:
  - 1) give consultations and information on legal issues both orally and in writing;
  - 2) draw up applications, complaints, motions and other legal documents;
  - 3) participate as a representative of the trustor in civil proceedings;
  - 4) participate as a defense counselor or representative of the trustor in the criminal and administrative proceedings;
  - 5) participate as a representative of a trustor during mediation, in trial cases in arbitration and other dispute resolution bodies;**
  - 6) represent the interests of the trustor in state bodies, social associations and other organizations;
  - 7) represent the trustor's interests in state bodies, courts and law enforcement agencies of foreign states, international judicial bodies, non-state bodies of foreign

states, unless otherwise provided by the legislation of foreign states, the statutes of international judicial bodies and other international organizations or international treaties of the Republic of Kazakhstan;

8) participate as a representative of the trustor in enforcement proceedings, as well as during the execution of criminal penalties;

**9) conduct conciliation procedures.**

2. Advocates render other legal assistance not prohibited by legislation.

3. A person seeking assistance shall be free to choose an advocate, except when the advocate is appointed to him to provide free legal assistance (Article 6 of this Law), and as a defense counsel in criminal cases for which his presence is mandatory if the defendant has not chosen or could not choose the advocate.

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

**Footnote. Article 4 is in the wording of Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); as amended by Law of the Republic of Kazakhstan No 125-V dated 03.07.2015 (shall be enforced upon expiry of ten calendar days after its first official publication); № 378-V dated 31.10.2015 ( shall be enforced from 01.01.2016); № 489-V dated 08.04.2016 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

**Article 5. Payment of legal aid provided by advocates and reimbursement of expenses related to protection and representation, as well as conciliation procedures**

**Footnote. The title of Article 5 as amended by Law of the Republic of Kazakhstan № 378-V dated 31.10.2015 (shall be enforced from 01.01.2016).**

1. The amount of legal aid paid by advocates and reimbursement of expenses related to protection and representation, as well as conciliation procedures, is established by a written agreement of an advocate with the person who applied for help

Conclusion of the contract shall be carried out according to the procedure provided for by the civil legislation of the Republic of Kazakhstan.

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

The essential terms of the contract shall be:

1) last name, first name and patronymic (if any) of the advocate that took execution of the instructions as a defense counselor or representative;

2) identification of the form of organization of advocate practice and collegium of advocates to which he or she is a member;

3) the subject of the instructions;

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

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

Contracts that makes the amount of payment for legal assistance rendered by advocates conditional on the outcome of the case or the success of the advocate practice, or contracts for which the advocate receives a portion of the sum awarded shall not be allowed except for contracts on cases of property disputes, the parties to which are individuals, non-state legal entities carrying out an entrepreneurial activity.

Receiving cash by the advocate in payment for legal assistance, including oral legal consultations and the costs linked to the execution of the instructions, without the issuance of the appropriate financial document shall not be allowed.

2. In the cases provided by legislation, payment for legal assistance rendered by the advocate, for travel, transportation and other costs shall be made according to resolutions of inquiry and preliminary investigation bodies and rulings of the courts from the budget.

3. The amount of payment for legal assistance provided by an advocate and reimbursement of expenses related to protection and representation, as well as conciliation procedures, in cases provided for by paragraph 2 of this article is established by the Government of the Republic of Kazakhstan.

The procedure for payment of legal aid provided by an advocate and reimbursement of expenses related to protection and representation, as well as conciliation procedures, in cases provided for in paragraph 2 of this article, is established by the rules for payment of legal assistance approved by the Ministry of Justice of the Republic of Kazakhstan.

**Footnote.** Article 5 is in the wording of Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); as amended by Laws of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); by Constitutional Law of the Republic of Kazakhstan No. 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication); № 378-V dated 31.10.2015 (shall be enforced from 01.01.2016).

## **Article 6. Rendering of free legal assistance**

1. Advocates render free legal assistance to:

1) plaintiffs in court cases for compensation for damage caused by death of the breadwinner, injury or other health damage related to work;

2) plaintiffs and defendants that are participants of the Great Patriotic War and persons equated to them, military servicemen of compulsory service, disabled persons of groups I and II, pensioners by age, if the dispute considered by the court is not linked to entrepreneurial activity;

3) individuals on the issues of recovery of alimony, award of pensions and benefits, rehabilitation, receipt of refugee or oralman status, to minors without parental care, if necessary, written legal documents shall be drawn up.

2. In the cases provided for by paragraph 1 of this Article, as well as in other cases established by the legislation of the Republic of Kazakhstan, payment for state-guaranteed legal assistance rendered by an advocate shall be made using budget funds.

3. Grounds for legal assistance being rendered by an advocate using the budget funds shall be established by the Law of the Republic of Kazakhstan "On State-guaranteed legal assistance" and by the legislation of the Republic of Kazakhstan on administrative offenses, criminal procedure, civil procedure legislation of the Republic of Kazakhstan.

**4. If it is not possible to render legal assistance in the form of legal advice immediately after the applicant's appeal, he must be informed in an accessible form about the time of reception within a period not exceeding three working days from the time of his appeal. Legal counseling is carried out at the applicant's place of stay if he is unable to appear at the designated place of reception due to a serious illness, disability associated with difficulties in movement. The duration of legal assistance in the form of legal advice in such cases should not exceed one hour. If necessary, the specified term can be extended by the chairman of the presidium of the Bar of the Region, the city of republican significance, the capital. On the same issue, a person can receive legal assistance once.**

5. Accounting of free legal assistance in the form of legal consultation rendered by the advocate shall be conducted by the advocate rendering such assistance according to the procedure provided for by the Government of the Republic of Kazakhstan.

Payment for legal assistance in the form of legal consultation rendered by the advocate shall be made using the budget funds on the basis of the act of rendered services of the advocate and the application of the appropriate collegium of advocates.

The amount and procedure of payment for legal assistance rendered by the advocate and reimbursement of costs linked to the defense and representation, as well as the procedure for accounting of legal assistance rendered by the advocate shall be established by the Government of the Republic of Kazakhstan.

**Footnote. Article 6 is in the wording of Law of the Republic of Kazakhstan No.123 -V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first**

official publication); as amended by Law of the Republic of Kazakhstan № 433-V dated 03.12.2015 (shall be enforced from 01.01.2016).

## **Chapter 2. Status of an advocate**

### **Article 7. An advocate in the Republic of Kazakhstan**

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

2. An advocate cannot be a person recognized by the courts as incapable or partially capable or has unspent or unexpunged convictions as provided for by the law.

**An advocate also cannot be a person:**

**has been released from criminal liability on the basis of 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 for committing an intentional crime;**

**dismissed from the state, military service, from the prosecutor's office, other law enforcement agencies, special state bodies, courts and justice bodies or expelled from the Bar association for negative reasons;**

**deprived of a license to practice as an advocate;**

**whose license was terminated on the grounds provided for in paragraph 3 and subparagraphs 3), 4) and 5) of paragraph 5 of Article 12 of this Law, within three years after the occurrence of such events.**

**Footnote. Article 7 is in the wording of Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); as amended by Laws of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); No. 553-IV dated 13.02.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 233-V dated 04.07.2014 (shall be enforced from 01.01.2015).**

### **Article 8. Assistants and trainees of an advocate**

1. Advocates can have assistants and trainees.

2. Assistants of an advocate can work on the basis of an employment contract in the legal consultation office, advocate office or for the advocate engaged in advocate practice individually.

Assistants of the advocate shall have the right, as instructed by the advocate and under his/her responsibility, to perform orders of the advocate.

3. A trainee of an advocate can be a citizen of the Republic of Kazakhstan that has a law degree.

The purpose of the traineeship shall be to acquire professional knowledge and practical skills of advocate practice.

The person that meets the requirements provided for by paragraph 2 of Article 7 of this Law, and wishing to undertake traineeship, shall refer to the presidium of the collegium of advocates with the application for admission to the traineeship enclosing the documents, the list of which is established by the Regulations on procedure for undertaking traineeship by trainees of the advocates, approved by the Order of the Minister of Justice of the Republic of Kazakhstan, taking into account the recommendations of the Republican collegium of advocates.

4. After the results of consideration of the application the presidium of the collegium of advocates shall take one of the following decisions:

- 1) on admission to the traineeship;
- 2) on denial of admission to the traineeship.

5. Denial of admission to the traineeship in view of the large set of admitted trainees of advocates shall not be allowed.

6. Traineeship shall be led by the advocate with experience in advocate practice for at least five years. Duration of the traineeship shall be from six months to one year. Traineeship for the same advocate may be undertaken by no more than two trainees at a time.

Period of work as a trainee shall be credited to the experience in the legal profession.

7. Organization of traineeship shall be conducted by the presidium of the collegium of advocates in accordance with the Regulations on procedure for undertaking traineeship by trainees of the advocates, approved by the Order of the Minister of Justice of the Republic of Kazakhstan, taking into account the recommendations of the Republican collegium of advocates.

The decision to refuse approval of the report on passage of traineeship shall be substantiated and may be appealed in court.

A person that did not pass traineeship shall be readmitted to the traineeship on the general grounds.

8. Traineeships shall not be undertaken by the persons, terminated powers of the judge on the grounds, specified in subparagraphs 1), 2), 3), 9), 10) and 12) of paragraph 1 of Article 34 of the Constitutional Law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan."

9. An assistant and trainee of the advocate shall have no right to carry out advocate practice independently.

**Footnote. Article 8 is in the wording of Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Laws of the Republic of Kazakhstan No. 565-**

IV dated 17.02.2012 (shall be enforced from 01.07.2012); by Constitutional Law of the Republic of Kazakhstan No. 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 8-1. A commission for attestation of persons seeking to carry out advocate practice**

1. The persons that have passed traineeship shall be attested by the commission for attestation of persons seeking to carry out advocate practice, formed in territorial justice bodies of regions, the cities of the republican significance and the capital.

The commission for attestation of the persons seeking to carry out advocate practice shall be composed of seven members, including three advocates, whose candidates shall be determined by the presidiums of the collegiums of advocates of regions, the cities of the republican significance and the capital.

Personal composition of commissions for attestation of the persons seeking to carry out advocate practice and their operating procedure shall be approved by the orders of the Minister of Justice of the Republic of Kazakhstan.

2. The following shall be exempt from attestation:

1) the persons that have passed the qualification examination in the Qualification Commission in the Supreme Judicial Council of the Republic of Kazakhstan, have successfully undergone traineeship in court and received a positive review of the plenary session of the regional or equivalent court;

2) the persons that terminated powers of the judge on the grounds, specified in subparagraphs 1), 2), 3), 9), 10) and 12) of paragraph 1 of Article 34 of the Constitutional law of the Republic of Kazakhstan "On the Judicial System and Status of Judges of the Republic of Kazakhstan";

3) the persons that have been dismissed from the prosecution and investigation bodies, while having work experience as a prosecutor or investigator for at least ten years, except for dismissed for negative reasons.

3. The main tasks of the commission for attestation of the persons seeking to carry out advocate practice shall be:

1) ensuring a quality selection of applicants for obtaining a license for carrying out advocate practice;

2) ensuring transparency and openness of meetings.

4. Representatives of mass media shall be entitled to be present at the session of the commission for attestation of the persons seeking to carry out advocate practice.

5. In order to ensure openness and transparency at the sessions of the commission for attestation of the persons seeking to carry out advocate practice, audio and (or) video recording shall be conducted or shorthand noted shall be taken. Stenogram, audio

and (or) video received during the session, shall be attached to the minutes of the session and stored together with the materials of the commission for attestation of the persons seeking to carry out advocate practice.

**Footnote.** The Chapter 2 was supplemented by Article 8-1 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan No. 565-IV dated 17.02.2012 (shall be enforced from 01.07.2012).

## **Article 8-2. The procedure and conditions for conducting attestation**

1. The procedure and conditions for attestation of persons who have completed training and claiming to engage in advocacy are determined by the rules approved by the Ministry of Justice of the Republic of Kazakhstan.

2. A person seeking to carry out advocate practice after passing the traineeship shall submit an application for admission to his/her attestation to the commission for attestation of persons seeking to carry out advocate practice, according to the place of residence through the territorial justice bodies of regions, the cities of republican significance and the capital enclosing the documents provided by the legislation of the Republic of Kazakhstan.

3. In the case of improper formalization or submission of an incomplete set of documents, the application together with the submitted documents shall be returned to the applicant by the territorial justice bodies of regions, the cities of republican significance and the capital without consideration no later than five working days from the date of receipt with written notice of the reason for the return.

4. Following consideration of the materials the commission for attestation of the persons seeking to carry out advocate practice, shall issue a substantiated decision on admission or denial of admission to the attestation.

Denial of admission to the attestation shall be made if the applicant does not meet the requirements established by this Law.

The decision on denial of admission to the attestation shall be sent to the applicant by the territorial justice bodies of regions, the cities of republican significance and the capital no later than fifteen working days from the date of receipt of the application.

The decision on denial of admission can be appealed in court.

5. The applicant admitted for attestation shall be notified in writing by territorial justice bodies of regions, the cities of republican significance and the capital about the place, date, time and procedure for conducting attestation no later than ten calendar days before the event.

6. Attestation shall be carried out as required, but not less than once per quarter.

7. Attestation consists of two phases:

1) taking a computerized test on knowledge of the legislation of the Republic of Kazakhstan;

2) examination of the applicant's knowledge by examination tickets.

8. The applicant may opt to be attested in Kazakh or Russian language.

Testing shall be conducted with the use of computer technology.

9. According to results of the attestation, the commission for attestation of the persons seeking to carry out advocate practice, not later than the day after the attestation, shall issue a substantiated decision on attestation or on non-attestation.

The commission's decision on attestation of the persons seeking to carry out advocate practice can be appealed in court.

A decision on attestation shall be valid for a period of six years from the date of its issuance.

The applicant that has not passed attestation shall be allowed to repeated attestation no earlier than one year.

10. When undertaking attestation, an applicant shall not be allowed to use information, special and other materials, means of communications, as well as any records.

In case of violation of the said requirements the applicant shall be disqualified from attestation by the commission for attestation of the persons seeking to carry out advocate practice.

The applicant disqualified from attestation shall be entitled to re-apply for admission to attestation upon expiry of three months from the date of the decision.

11. The applicant that failed to appear for attestation for a valid reason shall be called to the next session of the commission for attestation of the persons seeking to carry out advocate practice, in accordance with paragraph 5 of this Article.

In the case of repeated non-appearance, his/her application shall be left without consideration and returned him by the territorial justice bodies of regions, the cities of republican significance and the capital together with the documents submitted.

**Footnote. Chapter 2 is supplemented by Article 8-2 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 239-V dated 29.09.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).**

## **Article 9. A license for carrying out advocate practice**

1. A license for carrying out advocate practice is a permit for carrying out advocate practice and shall be issued by the licensor after passage of the traineeship and attestation according to the procedure and under the conditions established by the legislation of the Republic of Kazakhstan.

2. A licensor shall keep a register of licenses for carrying out advocate practice, ensure placement of register information on the internet resource, as well as lists of licensees carrying out advocate practice.

**Footnote. Article 9 is in the wording of Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 10. Refusal to issue a license**

**The license is denied on the grounds provided by the Law of the Republic of Kazakhstan "On Permits and Notifications".**

**Footnote. Article 10 in the new wording of the Law of the Republic of Kazakhstan dated 16.05.2014 № 203-V (shall be enforced upon expiry of six months after the day its first official publication).**

#### **Article 11. Suspension of the license for carrying out advocate practice**

1. The procedure for suspension of the license for carrying out 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 carrying out advocate practice shall be suspended for the period of:

- 1) being by a person on state service;
- 2) performance of his/her powers of the deputy of the Parliament of the Republic of Kazakhstan, the deputy of maslikhat that carries out his/her activities on a continuous or exempt basis that paid using the budget funds;
- 3) undergoing compulsory military service;
- 4) his/her expulsion from members of the collegium of advocates on the grounds specified in subparagraphs 4) and 7) of paragraph 1 of Article 31 of this Law;
- 5) the lack of actual office space of the advocate exercising professional activities individually without registration of the legal entity;
- 6) carrying out entrepreneurial or other payable activity by the advocate, except for teaching, research and creative activity;
- 7) advocate's failure to perform his/her powers on the basis of his/her application, which specifies the period of suspension.

In the indicated cases, licenses for carrying out advocate practice shall be suspended by the licensor based on the motion of the presidium of the collegium of advocates or submission of the territorial body of justice, or based on the application of the advocate. The advocate, courts, law enforcement bodies and collegium of advocates shall be notified about the taken decision.

2-1. The validity of the license for engaging in advocacy is suspended for a period of six months in cases of systematic violation (three or more times during the twelve consecutive calendar months) of the requirements provided for in the Law of the Republic of Kazakhstan on Countering the Legalization (Laundering) of Criminally Obtained Incomes and Financing of Terrorism.

In the indicated case, the license shall be suspended by the licensor. The advocate, courts, law enforcement bodies and collegium of advocates shall be notified about the taken decision.

3. Suspension of the license for carrying out advocate practice shall entail a ban to carry out advocate practice for the period of suspension.

4. The renewal of the license for carrying out advocate practice, which was suspended on grounds provided for in paragraph 2 of this Article, shall be implemented at the request of the advocate within ten calendar days based on the order of the licensor and documents proving termination of the grounds for its suspension. The advocate, courts, law enforcement bodies and collegium of advocates shall be notified on the renewal of the license for carrying out advocate practice.

5. The advocate shall have the right to appeal in court the decision to suspend or refuse to renew a license for carrying out advocate practice.

**Footnote. Article 11 is in the wording of Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan No. 19-V dated 21.06.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 206-V dated 10.06.2014 (shall be enforced upon expiry of ten calendar days after the day its first official publication).**

## **Article 12. Deprivation and termination of a license for carrying out advocate practice**

1. Deprivation of a license for carrying out advocate practice shall be performed in accordance with the Code of the Republic of Kazakhstan on administrative offences.

**2. Termination of the license to engage in advocacy is carried out in the manner prescribed by the legislation of the Republic of Kazakhstan on permits and notifications.**

3. In addition to the grounds specified in paragraph 2 of this Article, the termination of the license for carrying out advocate practice shall be performed through the courts at the suit of the licensor in cases of:

1) gross or repeated violation by the advocate of the legislation of the Republic of Kazakhstan during the performance of his/her professional duties, of the principles of organization and operation of advocacy;

2) inability of the advocate to perform his/her professional duties due to insufficient qualifications.

4. The basis for the preparation of the statement of claim on the termination of the license for carrying out advocate practice in the cases specified in paragraph 3 of this Article shall be the motion of the presidium of the collegium of advocates.

The basis for the preparation of the statement of claim on the termination of the license for carrying out advocate practice in the case specified in subparagraph 1) of paragraph 3 of this Article shall be the submission of the territorial body of justice.

A licensor based on the court decision shall issue an order on termination of the license for carrying out advocate practice, a copy of which shall be sent to the person whose license has been terminated. Courts, law enforcement bodies and collegium of advocates shall be notified on termination of the license for carrying out advocate practice.

5. In addition to the grounds specified in paragraph 2 of this Article, the termination of the license for carrying out advocate practice shall be performed by the licensor in cases of:

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 the advocate of the citizenship of the Republic of Kazakhstan;

**3) the release of an advocate from criminal liability for the commission of an intentional crime on the basis of 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 ;**

4) entry into force of a guilty verdict against the advocate for the commission of an intentional crime;

5) entry into force of the court decision on the application of compulsory medical treatment to the advocate.

6. The basis for the decision to terminate the license for carrying out advocate practice in the cases specified in paragraph 5 of this Article shall be the submission of the territorial body of justice.

A licensor shall issue an order for the termination of the license for carrying out advocate practice, a copy of which shall be sent to the person whose license has been terminated. Courts, law enforcement bodies and collegium of advocates shall be notified on termination of the license for carrying out advocate practice.

**Footnote. Article 12 is in the wording of Law No. 230-IV dated 11.12.2009 (shall be enforced from on 01.01.2010); as amended by Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the day its first official publication); № 233-V dated 04.07.2014 ( shall be enforced from 01.01.2015).**

### **Article 13. Authentication of advocate's powers**

1. The powers of an advocate to conduct a particular case shall be authenticated by a warrant issued by the legal consultation office or advocate's office, and when carrying out his/her practice individually without registration of a legal entity – by the presidium of the collegium of advocates. Form of the warrant shall be approved by the Ministry of Justice of the Republic of Kazakhstan. Control and accounting of the issuance of warrants shall be exercised by the presidium of the collegium of advocates.

The powers of a foreign advocate carrying out his/her practice on the basis of a relevant international treaty ratified by the Republic of Kazakhstan shall be confirmed by identity documents, by the documents identifying the status and powers of the advocate for rendering legal assistance.

2. An advocate shall be entitled to carry out advocate practice over the whole territory of the Republic of Kazakhstan, as well as outside, if it is necessary to fulfill the accepted instructions and do not contradict to the legislation of the relevant states and international treaties of the Republic of Kazakhstan.

**Footnote. Article 13 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 14. An advocate's rights**

1. An advocate shall be entitled to render any legal assistance to the person seeking assistance.

2. An advocate on his/her behalf shall conclude a written contract on rendering legal assistance with a person that approached him/her.

3. An advocate acting as a defense counselor or a representative shall be entitled, in accordance with the procedural law:

1) to defend and represent the rights and interests of the persons seeking legal assistance in all courts, state bodies and other bodies and organizations, competence of which includes the resolution of the issues concerned;

2) to request and receive the information necessary for carrying out advocate practice from all state bodies and non-state organizations;

3) to collect independently factual data necessary for rendering legal assistance, and to give evidence;

4) to become familiar with the materials relating to the person seeking assistance, including the procedural documents, investigative and legal cases, and to record the information contained therein in any manner not prohibited by the legislative acts;

5) from the date of admission to the participation in the case, to have visits in private with his/her defendant with no limitation on the quantity, duration and under the conditions that ensure the confidentiality of such visits;

6) to request on a contractual basis of the opinion of experts to clarify issues that arise in connection with the rendering of legal assistance and requiring special knowledge in the scope of science, technology, arts and other fields;

7) to file motions, to make complaints in the prescribed manner against officials of bodies of justice, prosecution, inquiry, preliminary investigation and court, as well as other officials that infringe the rights and legally protected interests of persons seeking assistance;

8) to become familiar with the information constituting state secrets, as well as with the information containing military, commercial, official and other secrets protected by law, if necessary for the maintenance of the defense or representation when conducting inquiry, preliminary investigation and in court, according to the procedure provided for by legislative acts;

9) to use all means not prohibited by law and methods of protection of the rights and legitimate interests of the persons seeking legal assistance;

**9-1) to conduct conciliation procedures;**

10) to perform other actions that do not contradict to the legislation.

4. A state body or official cannot refuse to recognize the right of an advocate to represent the interests of the person seeking legal assistance.

5. An advocate shall enjoy the right of free access to administrative buildings of courts, prosecution office, bodies conducting criminal proceedings in accordance with the established procedure upon presentation of the identity document of the advocate.

**The advocate's access to the places of detention of detainees held in custody and serving their sentences is carried out in accordance with the established admission regime.**

6. An advocate shall have the right to state-guaranteed social protection that is implemented at the expense of compulsory insurance.

Social security contributions shall be paid by advocates in accordance with current legislation.

**Footnote. Article 14 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); № 233-V dated 04.07.2014 (shall be enforced from 01.01.2015); № 378-V dated 31.10.2015 (shall be enforced from 01.01.2016).**

**Article 15. Advocate's obligations**

1. An advocate shall be obliged:

1) to observe norms of legislations of the Republic of Kazakhstan and the Code of professional ethics of advocates when performing his/her professional duties;

2) to be guided by principles of organization and operation of advocacy in his/her professional activities;

3) to continuously improve his/her professional qualifications;

4) to keep confidential information that became known to him in connection with the rendering of legal assistance, and not to disclose it without the consent of the person seeking assistance;

5) within one month after joining the collegium of advocates, and after the establishment of a commercial organization to transfer into trust management shares (stakes) in the authorized capital of commercial organizations and other property belonging to him/her, the use of which results in revenue generation, except for the money legally owned by him, as well as the property let for rent. Property trust management agreement shall be notarized. The advocate shall have the right not to transfer into trust management bonds, shares of open-end and interval mutual funds belonging to him/her. The advocate shall have the right to receive income from the property transferred into trust management;

6) to perform any actions not prohibited by law in order to establish the factual circumstances aimed at ensuring the rights, freedoms and legitimate interests of the trustor.

2. An advocate shall be obliged to refuse instructions on rendering legal assistance in cases where:

1) there is a personal interest of the advocate in the outcome of the case, contrary to the interests of the person seeking legal assistance;

2) there are grounds under procedural legislation of the Republic of Kazakhstan.

3. An advocate shall be prohibited from taking up the legal position on the case that worsening the position of the person seeking assistance, using his/her powers to the detriment of a person whose interests he/she protects or represents.

4. An advocate shall not have the right to refuse the accepted instructions in a criminal case and in case of an unjust judgment, from viewpoint of the defendant or the the advocate, shall be obliged to appeal in accordance with the established procedure.

**5. An advocate is prohibited to work in the civil service and be engaged in entrepreneurial activities, holding another paid position, except in cases when he joins the supervisory board of a commercial organization, by choosing or appointing an arbitrator to resolve the dispute, as well as engaging in teaching, scientific or creative activities.**

The advocate shall have the right to be elected on paid elective or appointive position in the collegium of advocates, the Republican collegium of advocates and international social associations of advocates.

Footnote. Article 15 is in the wording of Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 489-V dated 08.04.2016 (shall be enforced upon expiry of ten calendar days after the day its first official publication).

#### **Article 16. Professional standards of advocate's conduct**

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

- 1) show diligence and eagerness, not avoiding the commission of necessary actions that requires greater effort or more time consuming;
- 2) behave correctly with respect to the bodies and officials considering legal issues;
- 3) avoid unnecessary protraction of the case, illegal methods of rendering legal assistance, fraud, shaping and limiting his/her professional conduct in accordance with the rights and legitimate interests of the person seeking assistance;
- 4) keep faithful to the interests of the person seeking assistance, and not to take any actions contrary to his/her interests.

#### **Article 17. Guarantees of advocate practice**

1. Interference in advocate practice carried out in accordance with the legislation, or resistance to such practice by any means shall be prohibited.

2. The identification of an advocate with the person to whom legal assistance is rendered shall be prohibited.

3. Questioning an advocate as a witness about the circumstances that became known to him in connection with the exercise of his/her professional duties shall be prohibited.

4. Requiring from advocates, their assistants and trainees, chief executives and employees of the presidium of the collegium of advocates, legal consultation offices, advocate offices provision of any information relating to the rendering of legal assistance to a certain person, except for cases established by law.

5. Advocate record keeping, and other related materials and documents, as well as advocate's property, including mobile communications, audio equipment, computer equipment, shall not be subject to search, inspection, seizure, confiscation and check, except for cases provided by the Laws of the Republic of Kazakhstan.

6. The refusal to an advocate to grant visits in private with his/her defendant in conditions that ensure the confidentiality of such visits, as well as limitation of their quantity and duration shall be prohibited.

7. *Is excluded by Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication)*

8. The bodies of inquiry and preliminary investigation in cases provided for by the procedural law shall be obliged to notify an advocate on the need to participate in investigative and other procedural actions within the period agreed with the advocate.

9. Public servants and chief executives of non-state organizations must give a written response to the advocate's request related to the rendering of legal assistance on a particular case within ten days.

10. The persons that have committed unlawful interference with the practice of advocates or impeding the implementation of such practice, shall be liable in accordance with the law.

*Footnote. Article 17 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); by Constitutional Law of the Republic of Kazakhstan No. 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).*

#### **Article 18. Advocate secrecy**

1. Advocate secrecy is a fact of resort to an advocate, the information about the contents of oral and written negotiations with the person seeking assistance, and with others, about the character and outcomes undertaken in the interest of the person seeking assistance, actions, and other information relating to the rendering of legal assistance.

2. Advocates, their assistants and trainees, employees of the presidium of the collegium of advocates, legal consultation offices, advocate offices shall not have the right to disclose, and use in their own interests or the interests of third parties any information obtained in connection with the rendering of legal assistance.

3. An advocate that disclosed information relating to the advocate secrecy, without the consent of the person that applied for assistance, shall be liable in accordance with the law.

4. Provision of data and information to the authorized body on financial monitoring in accordance with the Law of the Republic of Kazakhstan "On combating the legalization (laundering) of proceeds from crime and financing of terrorism" is not a disclosure of an advocate's secret.

*Footnote. Article 18 as amended by Laws of the Republic of Kazakhstan No. 192-IV dated 28.08.2009 (shall be enforced from 08.03.2010); No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); No. 19-V dated 21.06.2012 (shall be enforced upon expiry of ten calendar days after its first official publication); № 206-V*

dated 10.06.2014 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Chapter 3. Organization of advocate practice**

#### **Article 19. Forms of organization of advocate practice**

An advocate shall have the right to carry out his/her practice through legal consultation office or establish an advocate office independently or together with other advocates, as well as individually without registration of a legal entity.

The advocate must be a member of the collegium of advocates, formed and operating within the territory of the respective administrative-territorial unit.

The advocate carrying out professional activities individually without registration of a legal entity shall be obliged to have office space required for reception of citizens and representatives of legal entities, compliance with the conditions for preservation of advocate process and preservation of advocate secrecy.

**Footnote. Article 19 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010).**

#### **Article 20. A collegium of advocates**

1. A collegium of advocates shall be formed by the persons entitled to carry out advocate practice.

2. A collegium of advocates is a non-profit, independent, professional, self-governing and self-financing organization of advocates, formed to provide qualified legal assistance to individuals and legal entities, to express and protect the legitimate rights and interests of advocates, to perform other functions established in this Law.

3. Within the territory of the region, the city of republican significance and the capital only one collegium of advocates can be formed and operate, which shall have no right to establish their structural divisions (branches and representative offices) within the territory of ??another region, the city of republican significance and the capital. see S990012

In the absence of the collegium of advocates within the territory of the region, the city of republican significance and the capital, it shall be formed upon the initiative of not less than ten founders that meet the requirements of Article 7 of this Law.

A special permit from state bodies for the establishment of the collegium of advocates shall not be required.

A name of the collegium of advocates shall include the name of the administrative-territorial unit within which territory it has been formed.

4. The main objectives of the collegium of advocates shall be:

- 1) promotion, professional assistance and protection of the members of the collegium when carrying out their advocate practice;
- 2) material and technical support, as well as information and reference support of the members of the collegium;
- 3) organization of professional control over carrying out advocate practice;
- 4) organization of rendering free legal assistance (Article 6 of this Law) and protection pursuant to the assignment of the bodies of preliminary investigation and court.
5. Collegiums of advocates establish legal consultation offices.
6. Collegiums of advocates unite into the Republican collegium of advocates.

**Footnote. Article 20 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); by Constitutional Law of the Republic of Kazakhstan No. 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 21. A charter of a collegium of advocates**

1. A charter of a collegium of advocates must include:
  - 1) the name, subject-matter and objectives of the activities of the collegium of advocates;
  - 2) the rights and obligations of members of the collegium of advocates;
  - 3) the procedure for admission to the collegium of advocates, suspension and termination of membership;
  - 4) the structure of the collegium of advocates, the formation procedure and competence of its bodies;
  - 5) the procedure for the establishment and operation of legal consultation offices;
  - 6) the sources of the property and the procedures for property disposal;
  - 7) the procedure for the payment of membership fees;
  - 8) the procedure for the rendering free legal assistance by advocates and the allocation of legal assistance between advocates pursuant to assignment of the court, the inquiry and preliminary investigation bodies;
  - 9) the procedure for conducting the attestation of advocates on the basis of the Regulations on the procedure for conducting attestation of advocates;
  - 10) the disciplinary responsibility of members of the collegium of advocates and trainees of advocates, and procedure for bringing them to responsibility;
  - 11) the procedure for initiation of motion on the preparation of the statement of claim on termination of the license for carrying out advocate practice;
  - 12) the procedure for reorganization and liquidation of the collegium of advocates;
  - 13) the fate of the property when liquidating the collegium of advocates.

2. The charter of the collegium of advocates may also contain other provisions not contrary to legislation.

**Footnote. Article 21 as amended by Laws of the Republic of Kazakhstan No.222 dated 12.01.2007 (shall be enforced upon expiry of 6 months from the date of its official publication); No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 22. The bodies of a collegium of advocates**

1. The supreme body of a collegium of advocates shall be the general meeting (conference) of the members of collegium; its executive body - the presidium; the supervisory body - the auditing commission.

2. In the cases provided for by the Charter, other bodies acting on the basis of regulations adopted by the general meeting (conference) of the members of the collegium of advocates can be formed in the collegium of advocates.

### **Article 23. The general meeting (conference) of the members of the collegium of advocates**

1. General meeting (conference) shall have the right to address any issues of the collegium of advocates.

2. The following shall be referred to the exclusive competence of the general meeting (conference):

1) adoption of the Charter of the collegium of advocates and the decisions on introduction of amendments to the Charter;

2) election of the presidium, chairman of the presidium, the auditing commission, the chairman of the auditing commission;

3) election of the other bodies stipulated by the Charter and their chief executives, approval of regulations on these bodies;

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

5) *is excluded by Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010);*

6) *is excluded by Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010);*

7) consideration of complaints of advocates against decisions of bodies, chief executives and employees of the collegium of advocates;

8) early revocation of chief executives and employees of the collegium of advocates;

9) establishment of rates of initial target contribution to be calculated in the amount to multiply of monthly assessment index provided for by the legislative act of the

Republic of Kazakhstan, which shall be paid by the advocate within six months from the date of admission as a member of the collegium of advocates and spent solely on strengthening the material-technical and educational base of the collegium of advocates ;

10) establishment of the rates of monthly membership fees to be calculated in the amount to multiply of monthly assessment index provided for by the legislative act of the Republic of Kazakhstan, and the advocates that carrying out their professional activities in rural areas or having the experience of advocate practice less than one year , shall pay a monthly membership fees in an amount of fifty percent of the established rate.

3. A general meeting (conference) shall be entitled to make decisions if a quorum of two-thirds of the total set of members of the collegium of advocates is present and, accordingly, of the composition of elected delegates of the conference.

4. A general meeting (conference) shall be convened at least once a year by the presidium of the collegium of advocates. Upon the request of the auditing commission, or not less than one-fourth of the total set of members of the collegium of advocates, the chairman of the collegium shall be obliged to convene the general meeting ( conference) within thirty days.

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

**Footnote. Article 23 as amended by Laws of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 24. The presidium of a collegium of advocates**

1. The presidium of a collegium of advocates shall be elected by secret voting for a term of four years.

2. The presidium of a collegium of advocates shall:

1) organize the work of the collegium of advocates on rendering of legal assistance to individuals and legal entities, including the legal assistance rendered by advocates using the state budget funds in the cases provided for by the legislation of the Republic of Kazakhstan;

2) organize the execution of the decisions of the general meeting (conference), convene a general meeting (conference);

3) protect the professional and other rights of advocates;

4) admit as a member of the collegium of advocates, expel from the members of the collegium, organize the training of trainees of advocates;

4-1) *is excluded by Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication);*

4-2) submit quarterly summary reports of advocates on their practice to the Republican collegium of advocates;

4-3) exempt from the payment of the initial target contribution of advocates to be admitted to the collegium of advocates with the condition of compulsory advocate practice in a rural settlement for no less than three years;

4-4) exempt from the payment of a monthly membership fee of advocates for the period of being on maternity leave or child care leave up to the age of three years, and advocates that have not been carrying out advocate practice for more than two months in a row due to a temporary disability;

5) organize the work on checking complaints (submissions) to the actions of an advocate received from individuals and legal entities;

6) consider the materials on disciplinary offences of advocates and impose disciplinary sanctions on those responsible;

7) organize the conducting of attestation of advocates and work on improvement of their professional qualification;

8) submit a motion to the licensor in respect of an advocate about suspension of the license for carrying out advocate practice or preparation of a statement of claim on the termination of the license for carrying out advocate practice on the grounds specified in this Law;

8-1) organizes work on compliance with the legislation of the Republic of Kazakhstan on combating the legalization (laundering) of proceeds from crime and financing of terrorism by advocates;

9) take measures to improve professional level of advocates, analyze, generalize and disseminate a positive experience;

10) organize conduct of codification and reference works, develop and publish textbooks of methodics and recommendations on issues of advocate practice;

11) form legal consultation offices, appoint and dismiss the persons in charge of them;

12) issue an advocate's identification card, the form of which shall be approved by the Ministry of Justice of the Republic of Kazakhstan;

13) manage funds of the collegium of advocates according to the procedure determined by the Charter and by the general meeting (conference);

14) organize the maintenance of accounting records, financial reporting, record keeping and formation of primary statistical data;

14-1) establish the procedure for disposal of the property of the collegium of advocates;

15) address other issues of the activities of the collegium of advocates, other than those assigned to the exclusive competence of the general meeting (conference) of the members of the collegium of advocates.

Footnote. Article 24 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 222 dated 12.01.2007 (shall be enforced upon expiry of 6 months from the date of its official publication); No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); No. 258-IV dated 19.03.2010; No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); № 343-V dated 02.08.2015 (shall be enforced upon expiry of ten calendar days after the day of its first official publication).

### **Article 25. A chairman of the presidium of the collegium of advocates**

1. The advocate that immediately prior to the day of his/her election was a member of the collegium of advocates for at least two years can be elected as a chairman of the presidium of the collegium of advocates.

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

In addition one and the same person cannot hold the position of chairman of the presidium of the collegium of advocates for more than two consecutive terms.

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

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

2) supervise the work of the presidium office, hire and fire employees of the collegium;

3) represent the collegium of advocates in state bodies, social associations, other organizations and institutions;

4) ensure submission to the licensor of information about licensees that joined the collegium of advocates, indicating the chosen form of organization of advocate practice and legal address, as well as about the expelled members of the collegium of advocates, indicating the reasons for the expulsion;

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

6) ensure the timely submission to the territorial body of justice of the summary report regarding free legal assistance rendered by advocates and regarding reimbursement of costs linked to the protection and representation using the budget funds;

- 7) ensure conduct of traineeship by trainees of advocates;
- 8) ensure the implementation of the program of professional training of advocates.

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

**Footnote.** Article 25 is in the wording of Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan No. 123-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 26. An auditing commission of the collegium of advocates**

1. An auditing commission of the collegium of advocates shall be its controlling and auditing body.

2. An auditing commission, its chairman shall be elected by the general meeting (conference) of the members of the collegium for a term of four years.

3. An auditing commission shall conduct auditing of financial and operating activities of the collegium of advocates, legal consultation offices, advocate offices, as well as financial activities of advocates practicing individually.

#### **Article 27. Membership in the collegium of advocates**

1. Membership in the collegium of advocates is obligatory.

A ground for refusal of admission to the members of the collegium of advocates shall be the discovery of one of the circumstances specified in paragraph 2 of Article 7 of this Law.

Refusal of admission to the members of the collegium of advocates may be appealed in court.

2. In case where a person was expelled from the collegium of advocates, but retained a license for carrying out advocate practice, he/she may be readmitted to the collegium no earlier than six months from the date of expulsion. Carrying out the advocate practice in this period shall not be allowed.

**Footnote.** Article 27 as amended by Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 28. Rights of a member of the collegium of advocates**

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

1) to use the aid, professional assistance and protection from the collegium, its bodies and officials;

- 2) to elect and be elected to the bodies of the collegium of advocates;
- 3) to put before the bodies of the collegium of advocates questions regarding their activities, make suggestions for improvement of the collegium's work and its bodies, participate in discussions and decision-making, demand from the bodies of collegium of advocates submission of documents and materials on their activities;
- 4) to participate personally in all cases of examination and discussion by the bodies of collegium of its activities or behavior;
- 5) to use the property of the collegium of advocates according to the procedure and subject to the conditions prescribed by its Charter;
- 6) to leave the collegium on its own initiative.

2. Members of the collegium of advocates shall be equal in their rights and obligations.

### **Article 29. Obligations of a member of the collegium of advocates**

1. In addition to the general obligations of an advocate specified in Article 15 of this Law, a member of the collegium of advocates shall:

- 1) comply with the requirements of the charter of the collegium of advocates;
- 2) carry out the decisions of the general meeting of the collegium of advocates and its bodies;
- 3) pay the initial target and monthly membership fees;
- 4) submit statistical report on his/her work to the presidium of the collegium of advocates;
- 5) to submit an application to the licensor for the re-registration of a license to practice as an advocate in case of change in the last name, first name, patronymic (if any), in accordance with the procedure and under the conditions established by the legislation of the Republic of Kazakhstan on permits and notifications;
- 6) inform the presidium of the collegium of advocates on the change of his/her legal address;
- 7) submit materials to the presidium of the collegium of advocates needed in order to check on the letters of individuals and legal entities on the quality of legal assistance provided to them.

2. A member of the collegium of advocates can not be under any other unilateral property obligations to the collegium of advocates, aside from the obligation to pay the initial target and the monthly membership fees.

**Footnote. Article 29 is in the wording of Law No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication); as amended by Law of the Republic of Kazakhstan № 203-V dated 16.05.2014 (shall be enforced upon expiry of six months after the day its first official publication).**

### **Article 30. Disciplinary liability of advocates**

1. For violation of the requirements of legislation of the Republic of Kazakhstan, the Code of professional ethics of advocates, a charter of the collegium of advocates, an advocate shall be liable to one of the following measures of disciplinary liability:

- 1) a remark;
- 2) a reprimand;
- 3) a severe reprimand;
- 4) expulsion from the collegium of advocates along with submission of the motion to the licensor regarding preparation of a statement of claim on the termination of the license for carrying out advocate practice.

2. Disciplinary proceedings shall fall within the competence of the presidium of the collegium of advocates.

3. A ground for the initiation of disciplinary proceedings shall be availability of sufficient data indicating a violation by the advocate of the requirements of legislation of the Republic of Kazakhstan, the Code of professional ethics of advocates and a charter of the collegium of advocates.

4. In case of filing the submission on initiation of disciplinary proceedings by justice bodies, its consideration shall be carried out with the participation of a representative of the justice body. Non-appearance of the representative of the justice body that have been duly notified of the time and place of the consideration shall not preclude consideration of disciplinary proceedings.

5. The procedure for imposition of disciplinary sanctions, their remission and appeal shall be determined by the charter of the collegium of advocates.

For the commission of a disciplinary offense by the advocate only one disciplinary sanction may be imposed.

6. The decision of the presidium of the collegium of advocates on the imposition of a disciplinary sanction may be appealed by an advocate in court.

7. If within six months from the date of imposition of a disciplinary sanction, an advocate will not be subject to a new disciplinary sanction, he/she shall be considered as not having been subject to the disciplinary sanction.

**Footnote. Article 30 is in the wording of Law No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 31. Expulsion from the collegium of advocates**

1. Expulsion of an advocate from the collegium shall be made by the presidium of the collegium of advocates in the cases of:

- 1) revoke or termination of the license for carrying out advocate practice;

2) gross or repeated violation by the advocate of the requirements and norms of legislation of the Republic of Kazakhstan, the principles of organization and operation of advocacy enshrined in the charter of the collegium of advocates, rules of professional ethics of advocates when performing their obligations;

3) detected impossibility of the advocate to execute his/her professional obligations due to lack of qualifications;

4) systematic non-payment of membership fees;

5) carrying out entrepreneurial activity, as well as taking up other paid positions;

6) at one's own request;

7) in other cases specified in the Charter of the collegium.

2. Expulsion of an advocate from the collegium on the grounds specified in subparagraphs 2), 3) of paragraph 1 of this Article shall result in termination of the license for carrying out advocate practice.

3. Expulsion from the collegium may be appealed in court within one month from the date of delivery to the advocate of a copy of a resolution of the presidium of the collegium regarding expulsion.

**Footnote. Article 31 as amended by Laws of the Republic of Kazakhstan No. 425 dated 03.06.2003; No. 222 dated 12.01.2007 (shall be enforced upon expiry of 6 months from the date of its official publication); No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010); No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 32. A legal consultation office**

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

2. Location of a legal consultation office shall be determined by the presidium of the collegium of advocates.

3. A legal consultation office shall be a structural division (branch) of the collegium of advocates. It shall have a seal and letterhead stamp with designation of the name and belonging to the respective collegium of advocates, other attributes necessary for the organization of rendering legal assistance. The legal consultation office shall act on the basis of Regulations adopted by the general meeting (conference) of the collegium of advocates.

4. A legal consultation office shall be led by the head appointed by the presidium of the collegium of advocates.

**Footnote. Article 32 as amended by Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010).**

### **Article 33. An advocate office**

1. An advocate office shall be a non-profit organization in the form of an establishment.

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

3. An advocate office shall be formed by a member (members) of the collegium of advocates. The advocate may appear as a founder (co-founder) of only one advocate office.

4. An advocate office founded by one advocate shall carry out its practice on the basis of the Charter.

When forming the advocate office by several advocates, a foundation agreement can also be a constituent document.

Founder (founders) of the advocate office shall, within ten calendar days after its state registration, notify in writing about it the respective collegium of advocates and provide it with the constituent documents of the advocate office.

5. Special permit of state bodies for the formation of advocate offices shall not be required.

**Footnote. Article 33 as amended by Constitutional Law of the Republic of Kazakhstan No. 121-V dated 03.07.2013 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 33-1. Carrying out advocate practice individually**

1. The advocate that took the decision to carry out a professional activity individually, shall notify about it the collegium of advocates. The notification shall specify the last name, first name, patronymic (if any) of the advocate, his/her permanent location.

2. The advocate carrying out professional activity individually without forming a legal entity shall be entitled to have a current and other bank accounts, personal seal, stamps, personal letterheads.

**Footnote. Chapter 3 is supplemented by Article 33-1 in accordance with Law of the Republic of Kazakhstan No. 425 dated 03.06.2003; as amended by Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 33-2. The Republican collegium of advocates**

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

2. The Republican collegium of advocates as an organization of advocate self-governing shall be formed to represent and protect the interests of collegiums of advocates and advocates in state and other organizations in the Republic of Kazakhstan and abroad, to coordinate activity of the collegiums of advocates, 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 delegates of collegiums of advocates.

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

5. The Republican collegium of advocates shall be subject to state registration according to the procedure provided for by the legislation of the Republic of Kazakhstan.

6. Reorganization and liquidation of the Republican collegium of advocates shall be implemented according to the procedure provided for 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 mandatory for collegiums of advocates.

**Footnote. Chapter 3 is supplemented by Article 33-2 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 33-3. A Charter of the Republican collegium of advocates**

1. A Charter of the Republican collegium of advocates shall specify:

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

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

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

4) the sources of the property and the procedures for disposal of property;

5) the size and procedure for contributions made by the collegiums of advocates;

6) the procedure for reorganization and liquidation of the Republican collegium of advocates.

2. A Charter of the Republican collegium of advocates may contain other provisions not contrary to the legislation of the Republic of Kazakhstan.

**Footnote. Chapter 3 is supplemented by Article 33-3 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

### **Article 33-4. Republican conference of delegates of collegiums of advocates**

1. The supreme body of the Republican collegium of advocates shall be a Republican conference of delegates of collegiums of advocates, which meets at least once every two years. The conference shall be considered eligible if it is attended by at least two thirds of the set of elected delegates.

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

The following shall be referred to the exclusive competence of the conference:

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

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

3) approval of the norm for representation of delegates from the collegiums of advocates to the Republican Conference;

4) development and approval of the Code of professional ethics of advocates and introduction of amendments and additions in it;

5) development and approval of the Regulations on the procedure for conducting attestation of advocates;

6) election of the presidium of the Republican collegium of advocates;

7) election of the auditing commission of the Republican collegium of advocates;

8) determination of the size and procedure for contributions made by the collegiums of advocates for the general needs of the Republican collegium of advocates;

9) approval of the cost estimate for the maintenance of the Republican collegium of advocates;

10) approval of the report of the presidium of the Republican collegium of advocates, including on the performance of the cost estimate for the maintenance of the Republican collegium of advocates;

11) approval of the report of the auditing commission on the results of financial and operating activities of the Republican collegium of advocates;

12) approval of the rules of the conference;

13) performance of other functions specified in the charter the Republican collegium of advocates and legislation of the Republic of Kazakhstan.

**Footnote. Chapter 3 is supplemented by Article 33-4 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

**Article 33-5. 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 shall be elected by the Republican conference of delegates of collegiums of advocates by secret voting for a term of four years.
3. The set of members of the presidium shall be determined by the Republican conference of delegates of collegiums of advocates. Representation of each collegium of advocates shall be ensured in the composition of the presidium.
4. The presidium shall:
  - 1) organize the work of the Republican collegium of advocates;
  - 2) organize the execution of the decisions of the Republican conference of delegates of collegiums of advocates;
  - 3) elect from its members a chairman of the Republican collegium of advocates for a term of four years by secret voting. In this case, one and the same person cannot hold the position of the chairman for more than two consecutive terms;
  - 4) make decisions, between the conferences, on early termination of powers of the members of the presidium and the auditing commission expelled from the members of collegiums of advocates on the grounds specified in this Law;
  - 5) represent the Republican collegium of advocates in state and other organizations in the Republic of Kazakhstan and abroad;
  - 6) coordinate the activities of collegiums of advocates;
  - 7) submit to the Ministry of Justice of the Republic of Kazakhstan statistical data on legal assistance rendered by advocates according to the form approved by the Ministry of Justice of the Republic of Kazakhstan;
  - 8) submit to the Ministry of Justice of the Republic of Kazakhstan recommendations to the Regulations on procedure for undertaking traineeship by trainees of the advocates;
  - 9) organize work on improvement of professional level of advocates, develop a uniform methodology for the professional training of advocates and their assistants;
  - 10) protect the social and professional rights of advocates;
  - 11) participate in conducting of the examinations of drafts of regulatory legal acts on matters relating to advocate practice, in cases and according to the procedure specified in the legislation of the Republic of Kazakhstan;
  - 12) summarize quarterly reports of collegiums of advocates on their activities;
  - 13) summarize the disciplinary practice of collegiums of advocates, the results of which serve as a base for making recommendations;
  - 14) organize the methodological support on the matters relating to advocate practice;
  - 15) organize the information support of collegiums of advocates;

16) convene the Republican conference of delegates of collegiums of advocates at least once every two years, form its agenda;

17) dispose of property of the Republican collegium of advocates in accordance with estimates and purpose of the property;

18) approve the rules of the presidium of the Republican collegium of advocates;

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

20) perform other functions specified in the charter of the Republican collegium of advocates.

5. At the request of the auditing commission, or not less than one-third of the total set of collegiums of advocates, the presidium of the Republican collegium of advocates shall convene an extraordinary Republican conference within two months.

6. Decisions of the presidium shall be made by a simple majority of the total set of members present at the meeting.

**Footnote. Chapter 3 is supplemented by Article 33-5 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 33-6. A chairman of the Republican collegium of advocates**

A 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 power of attorney;

3) issue powers of attorney;

4) enter into transactions on behalf of the Republican collegium of advocates and dispose of the property of the Republican collegium of advocates pursuant to the decision of the presidium of the Republican collegium of advocates in accordance with estimates and purpose of the property;

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

6) ensure the execution of the decisions of the presidium of the Republican collegium of advocates and the decisions of the Republican conference of delegates of collegiums of advocates.

**Footnote. Chapter 3 is supplemented by Article 33-6 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).**

#### **Article 33-7. An auditing commission of the Republican collegium of advocates**

1. An auditing commission shall be the supervisory body of the Republican collegium of advocates carrying out the functions of internal control over its financial and operating activity.

2. An auditing commission shall be elected by the Republican conference of delegates of the collegiums of advocates by secret voting for a term of four years.

3. An auditing commission shall elect from its members a chairman of the auditing commission. A member of the auditing commission shall not be a member of the presidium of the Republican collegium of advocates.

**Footnote.** Chapter 3 is supplemented by Article 33-7 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Article 33-8. The property of the Republican collegium of advocates**

1. The property of the Republican collegium of advocates shall be formed with the use of contributions made by collegiums of advocates, grants and charitable aid (donations) received from legal entities and individuals according to the procedure provided for by the legislation of the Republic of Kazakhstan.

2. The expenditures for general needs of the Republican collegium of advocates shall include the expenses for its material support, advocates' fees and reimbursement of expenses related to their work in the bodies of the Republican collegium of advocates, expenses on wage of employees of the Republican collegium of advocates office and other expenses specified in the legislation of the Republic of Kazakhstan and in the estimate of the Republican collegium of advocates.

**Footnote.** Chapter 3 is supplemented by Article 33-8 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

#### **Chapter 4. Final and transitional provisions**

**Footnote.** Chapter 4 is excluded by Law of the Republic of Kazakhstan No. 230-IV dated 11.12.2009 (shall be enforced from 01.01.2010).

#### **Chapter 5. Final and transitional provisions**

**Footnote.** The Law is supplemented by Chapter 5 in accordance with Law of the Republic of Kazakhstan No. 523-IV dated 28.12.2011 (shall be enforced upon expiry of ten calendar days after its first official publication).

**Article 35. Holding of extraordinary general meetings (conferences) of the members of collegiums of advocates**

1. Collegiums of advocates shall organize the holding of extraordinary general meetings (conferences) of members of the collegiums of advocates for the election of delegates to the first Republican conference of delegates of collegiums of advocates within three months from the date of the enactment of this Law.

2. The norm for representation of delegates to the first Republican conference shall be one advocate from fifty, but at least three advocates from collegiums of advocates.

3. Collegiums of advocates together with the Union of advocates of Kazakhstan shall organize the holding of the first Republican conference within six months from the date of the enactment of this Law.

4. The first Republican conference shall be considered eligible if it is attended by at least two-thirds of the delegates elected by the collegiums of advocates.

5. In order to conduct meetings, delegates of the conference shall elect a presidium.

6. Decisions of the first Republican conference of delegates of collegiums of advocates shall be made by a simple majority vote of the delegates attending the conference.

7. The advocates that are not delegates to the first Republican conference may be elected to the composition of the bodies of the Republican collegium of advocates.

The President of  
the Republic of Kazakhstan