

## **BAR ACT**

### **(Unofficial restated wording)**

The Official Gazette of the Republic of Slovenia, No. 18-817/1993, dated 9 April 1993, Official Gazette of the Republic of Slovenia, No. 24-1465/1996, dated 10 May 1996 – Decision by the Constitutional Court, Official Gazette of the Republic of Slovenia, No. 24-1455/2001, dated 5 April 2001.

### **I. BASIC PROVISIONS**

#### **Article 1**

The Bar as a part of justice shall be an autonomous and independent service.

Lawyers and/or lady lawyers shall be engaged in the Bar as a free-lance profession.

The right to the law practice shall be acquired with the admission to the Bar.

#### **Article 2**

Within the scope of his law practice the lawyer shall give legal advice, represent and defend his clients in courts and in front of other authorities, draw up documents and act on his clients' behalf in their legal relationships.

Unless otherwise provided by the law, it is exclusively by the lawyer that a client may be represented in courts against remuneration.

#### **Article 2.a**

A foreign lawyer who has acquired the right to practise his profession in his parent country may perform in the Republic of Slovenia, under the terms and conditions specified herein, the following services:

- Lawyer's services,
- Legal profession appertaining to the professional title acquired in his parent country,
- Legal profession appertaining to the professional title of "lawyer".

A parent country is the country where the lawyer is entitled to practise his legal profession under the professional title acquired under the regulations of the respective country.

Pursuant to this Act, a lawyer from a foreign country that is member of the European Union is the lawyer who is entitled to practise his legal profession in one of the member countries of the European Union under the professional title acquired in compliance with the regulations of the respective country.

#### **Article 3**

The lawyer shall be autonomous and independent in his practice.

#### **Article 4**

The lawyer may practise his profession individually or within a law firm, in compliance with the provisions hereof. The provisions hereof relating to an individual lawyer shall also apply to a law firm, unless otherwise provided herein.

### **II. LAWYERS' RIGHTS AND OBLIGATIONS**

#### **Article 5**

The lawyer shall freely decide whether to assume the representation of the client who has addressed himself to him. The lawyer shall not refuse the representation of the client if appointed for the client's defender or mandatory by the court in compliance with the law. The lawyer may only refuse his representation if there exist reasons for which he is obliged to refuse the representation or for other justified reasons.

The lawyer shall refuse the representation if he has represented the opposing party in the same case, if the opposing party has been represented by a lawyer working in the same law office or if as a prospective entrant or pupil he worked with a lawyer representing the opposing party, if in the same case he acted as judge, attorney general, authorized official of the Home Office or as official in administrative proceedings as well as in other cases specified by the law.

## **Article 6**

The lawyer shall respect the confidentiality of all information entrusted to him by his client.

The duty referred to in the preceding paragraph shall also be binding upon other persons working in the law office.

## **Article 7**

The lawyer shall not be subject to detention in criminal procedure, introduced against him for suspicion of criminal offense, committed at practising the legal profession, without preliminary consent of the Senate of three judges of a higher court, established on the territory of the court of first instance where the procedure is conducted.

The ordinance of detention shall be communicated by the court to the Bar Association of Slovenia.

## **Article 8**

An investigation of the law office shall be permitted only subject to an ordinance of the competent court and only with reference to the records and objects explicitly stated in the ordinance of investigation. The investigation shall not affect the confidentiality of other documents and objects.

Present at the investigation of the law office shall be a representative of the Bar Association of Slovenia.

## **Article 9**

The Bar Association of Slovenia shall insure the lawyer against responsibility for damage that the client might incur with reference to the law practice.

The prime shall be paid out of the lawyer's insurance fee to the Bar Association.

## **Article 10**

Governmental bodies, organizations and individuals with public powers of attorney shall provide the lawyer with the information required at his law practice relating to individual case.

The lawyer shall be entitled to require from database administrators the personal data whenever required for procedural acts within the scope of the client's representation.

The lawyer shall not have the right referred to in the preceding paragraph, if reference is made to the personal data, according to specific legal provisions accessible only to authorized bodies.

## **Article 11**

The lawyer shall have the right to use, within the scope of the law and his power of attorney, any appeal which he considers useful to the client he is representing.

At representation of the client the lawyer shall act conscientiously, honestly, with due diligence and in compliance with the rules of professional conduct.

## **Article 12**

The power of attorney may be any time cancelled by both the client and the lawyer.

Upon cancellation of the power of attorney the lawyer shall act for the respective client for another month, if he is required to prevent from any damage that the client might incur in this time.

The duty referred to in the preceding paragraph shall not be binding upon the lawyer if the power of attorney is cancelled by the client.

## **Article 13**

The lawyer is not obliged to return the power of attorney to the client, whereas the client is entitled to require that the cancellation of the power of attorney be noted on the power of attorney by himself.

#### **Article 14**

Upon termination of representation, the lawyer shall hand out to the client the original copies of his documents and records, including those acquired in compliance with Article 10 hereof.

If the lawyer's performance and costs remain unpaid, the lawyer shall have the right to order for himself at the client's cost the transcription of the documents required for identification of the payment for his performance and costs.

The lawyer shall not be obliged to hand out to the client the draft records, client's letters to the lawyer nor other confidential letters and proofs about both the effected and still outstanding payments. On the client's demand and at his costs the lawyer shall hand out to him the respective transcriptions.

The lawyer shall keep the records for five years upon termination of the client's representation. Upon the lapse of this time, he shall destroy them in the presence of a commission in the way specified by the by-laws of the Bar Association of Slovenia.

#### **Article 15**

The lawyer shall apply his seal and his signature to every application and document drawn up by him.

#### **Article 16**

At representation of clients the lawyer may be replaced by a lawyer from the same law office and within the limits of the law by a prospective entrant employed with him and/or by a pupil working in his office (substitution).

Except in the cases referred to in the preceding paragraph, substitution by an other lawyer shall only be acceptable for individual process tasks, unless explicitly objected to it by the client.

The prospective entrant and the pupil shall prove their identity with the identification card.

#### **Article 17**

The lawyer shall be entitled to the payment for his performance and to the reimbursement of costs related to the performed task, according to the lawyer's fee.

The lawyer shall be entitled to higher payment for his performance than deserving according to the lawyer's fee, if so agreed with the client in writing.

In property related matters the lawyer may agree with the client on such payment that instead of the payment according to the lawyer's fee he may claim at maximum a 15 per cent share of the amount awarded to the client by the court. The agreement shall be made in writing.

#### **Article 18**

The lawyer shall have the right to retain from the amounts of money received for his client the amount of the agreed payment and costs for his performance. The lawyer shall issue to his client a statement of account.

#### **Article 19**

The lawyer's fee shall be adopted by the Bar Association of Slovenia in agreement with the Minister of Justice.

#### **Article 20**

At decision-making on specification of payment and compensation of costs incurred through lawyer's representation in procedures, courts and other bodies shall use the lawyer's fee.

The payment and the costs shall be accounted according to the lawyer's fee in force on the decision date, unless otherwise provided by the lawyer's fee for individual cases.

#### **Article 21**

Incompatible with legal profession are:

1. Practising of other job, save in the fields of science, teaching, art or journalism;
2. Practising of paid civil service;
3. Running of a notary's office;
4. Belonging to the executives of the company;
5. Performance of other jobs contrary to good reputation and independence of the legal profession.

The lawyer shall not advertise his activity.

#### **Article 22**

The lawyer shall practise his legal profession virtually and permanently.

If the lawyer is elected or appointed to a public office requiring professional engagement, his legal profession shall be suspended for the term of his office.

In the case referred to in the preceding paragraph as well as in other cases when the lawyer for justified reasons cannot practise his legal profession for a longer period of time, the lawyer shall agree with some other lawyer about general substitution or about temporary take-over of his law office and shall inform the Bar Association of Slovenia thereof.

If prior to the take-up of the public office and/or in due time the lawyer fails to act in compliance with the provision of the preceding paragraph, the person temporarily taking over his office shall be appointed by the Bar Association of Slovenia.

#### **Article 23**

The lawyer shall be free to choose and change his registered office and shall prior to each changing of location inform the Bar Association of Slovenia thereof.

The lawyer cannot have a subsidiary of his law office in the Republic of Slovenia.

#### **Article 24**

When practising his legal profession in the court the lawyer shall wear an official gown.

The type of the official gown and the examples of wearing it shall be specified by the Minister of Justice.

### **III. RIGHT OF PRACTISING THE LEGAL PROFESSION**

#### **Article 25**

The legal profession can be practised by everybody who fulfills the following terms and conditions:

1. To be a citizen of the Republic of Slovenia,
2. To be business active and in general health condition,
3. To hold the professional title of Bachelor of Law (B.Law) acquired in the Republic of Slovenia or to hold a Bachelor's Degree in Law acquired abroad and recognized in the Republic of Slovenia,
4. To have passed the state examination of legal profession,
5. To have four years' practical experience as a Bachelor of Law, thereof at least one year with a lawyer,
6. To have an active command of the Slovenian language,
7. To be reliable for practising the legal profession,
8. To dispose of equipment and premises required and suitable for practising the legal profession.

One year's practice with a lawyer shall be identical to the practice of the same duration with a notary public.

The condition referred to in Item 5 of the first paragraph of this Article shall also be fulfilled by the person who has not completed the minimum one year's practice in the law office, if he has held the office of judge, public prosecutor or public attorney for at least five years.

#### **Article 26 - deleted**

(Act on Modifications and Amendments of the Bar Act - Official Gazette of the Republic of Slovenia, No. 24-1455/2001).

#### **Article 27**

Who has been condemned for criminal offense for which he has been morally undeserving to practise the legal profession, or who behaves in the way that it can be justly inferred from his acts that he will not practise his legal profession fairly and conscientiously, shall not be considered reliable for practising the legal profession.

If the application for admission to the Bar is rejected for the reasons specified in the preceding paragraph, no new application for entry can be entered before the lapse of two years after the effective date of the rejective decision.

If the application for admission to the Bar is filed by a person subject to criminal procedure due to intentional criminal offense prosecuted on the official duty, the decision on the admission to the Bar shall be postponed till the effect of the decision under the above procedure.

#### **Article 28 - abrogated**

(Decision by the Constitutional Court of the Republic of Slovenia, Official Gazette of the Republic of Slovenia No. 24-1465/1996).

#### **Article 29**

In case of subsequent discovery of the facts indicating that at entry the lawyer failed to fulfill the conditions specified by the law, the procedure for admission to the Bar shall be resumed irrespective of the time interval.

If with reference to the data collected in the preceding and resumed procedure the preceding decision needs to be replaced by a new one under which admission to the Bar is not allowed, the preceding decision shall become null and void and the admission to the Bar with posterior effect shall be revoked.

#### **Article 30**

The lawyer shall be disbarred:

1. If he dies;
2. If he declares in writing that he does not want to practise the legal profession any more;
3. If he is sentenced by an effective judgment to a punishment of six month imprisonment or to a more severe punishment in case of an intentional criminal offense prosecuted under official duty;
4. In case of protective or security measure imposed upon him as prohibition to practise the legal profession;
5. If he is engaged in activities that are incompatible with good reputation and independence of the lawyer (Article 21);
6. If without justified reason he has not practised the legal profession for more than one year;
7. If he is discovered not to comply any more with the legally prescribed terms and conditions for practising the legal profession;
8. If the admission to the Bar has become null and void;
9. In case of imposition of a disciplinary measure involving deprivation of the right to practise the legal profession;
10. If the Law Firm is terminated subject to the completed bankruptcy or liquidation procedures or if the lawyer withdraws from the Law Firm and within one month does not proceed by practising his legal profession individually or as a partner to some other Law Firm.

A foreign lawyer entitled to practise his legal profession in the Republic of Slovenia under the professional title from his parent country shall also be disbarred if he is no more entitled to practise his legal profession in his parent country.

#### **Article 31**

The Roll shall be kept by the Bar Association of Slovenia.

The Roll shall consist of:

- The Roll of lawyers – citizens of the Republic of Slovenia,
- The Roll of foreign lawyers entitled to practise their legal profession in the Republic of Slovenia under the professional title of "lawyer",
- The Roll of foreign lawyers entitled to practise their legal profession under the professional title from his parent country.

The admission to the Bar and/or the disbaring shall be subject to the decision of the body specified by the by-laws of the Bar Association of Slovenia, in the administrative procedure.

No appeal shall be filed against the decision of the body referred to in the preceding paragraph.

The decision issued in the procedure of admission to the Bar and/or disbaring shall be sent by the body referred to in the second paragraph hereof to the Ministry of Justice within fifteen days after being issued.

The Ministry of Justice may commence a civil administrative litigation against the decision referred to in the preceding paragraph, if it involves the breach of the law to the benefit of the individual.

The disbaring for the reasons stated in Items 4 and 9 of the preceding article shall take place subject to a valid decision, and the disbaring for the reason stated in Para. 2 of the preceding Article shall be effected on the basis of the notice by the competent body from the lawyer's parent country.

#### **Article 32**

Prior to the admission to the Bar the lawyer shall make the following oath in front of the President of the Bar Association of Slovenia: "I swear to observe the legal system of the Republic of Slovenia and to practise the legal profession conscientiously, honestly and with due dignity."

On admission to the Bar the Bar Association of Slovenia shall issue to the lawyer a professional identity card. In a foreign lawyer's professional identity card it is necessary to enter the professional title that the foreign lawyer is entitled to use in accordance with this Act, as well as the authority he is registered with in his parent country.

#### **Article 33**

The lawyer who has been awarded the title of specialist in a certain subject or the academic title of Master of Law shall on his demand be recognized the status of specialist lawyer, provided that he has practised the legal profession and/or has held a judicial office in the claimed domain for at least five years.

The lawyer who has been elected assistant senior lecturer, associate professor or full professor of the Faculty of Law, shall be recognized the status of lawyer specialized in the legal domain where he practiced his pedagogical and scientific work, even if he does not fulfill the conditions of the five years' practice required in the preceding paragraph.

The requirement referred to in the first paragraph of this Article shall be subject to the decision of the body referred to in the third paragraph of Article 31 hereof. There shall be no appeal against its decision.

#### **Article 34**

The lawyer may indicate with his name the legal domain for which he has been recognized the status of specialist lawyer, as well as the professional title he is entitled to use in accordance with the Act.

### **III.A PERFORMANCE OF SERVICES AND PRACTICING OF LEGAL PROFESSION BY FOREIGN LAWYERS IN THE REPUBLIC OF SLOVENIA**

#### **Article 34.a**

The lawyer from a foreign country that is member of the European Union shall be entered into the Roll of foreign lawyers that are allowed to practise their legal profession in the Republic of Slovenia under their professional title of "lawyer", including all his rights and obligations associated with the practising of the legal profession, provided that it meets the terms and conditions referred to in Items 2 and 6 through 8 of Para. 1 of Article 25 hereof and provided that he passes the examination testing the knowledge of the legal order of the Republic of Slovenia.

The lawyer shall enclose to his application for entry into the Roll referred to in the preceding paragraph, the Certificate of Citizenship, the evidence that he is entitled to practise his legal profession in his parent country as well as other evidences that prove the fulfillment of the terms and conditions referred to in the preceding paragraph.

The terms and conditions referred to in Items 2 and 7 of Para. 1 of Article 25 hereof shall be proved with the certificate issued in accordance with the regulations of the lawyer's parent country. The pieces of evidence shall not be older than three months and shall be submitted under the form of a certified translation into Slovene language.

The examination testing the knowledge of the legal order of the Republic of Slovenia, referred to in Para. 1 hereabove, shall be taken in accordance with the provisions of the act that regulates the state examination in legal profession.

#### **Article 34.b**

The lawyer from a foreign country that is member of the European Union shall be entered into the Roll of foreign lawyers that are allowed to practise their legal profession in the Republic of Slovenia under the professional title from his parent country, if he submits the certificate of being entered with the competent authority of his parent country.

The lawyer shall enclose to his application for entry into the Roll referred to in the preceding paragraph, the Certificate of Citizenship, the piece of evidence of insurance against professional liability as well as the notice and the evidences on the possible membership in law firms in his parent country or in any other country.

The lawyer entered into the Roll in accordance with the provision referred to in Para. 1 hereabove shall be exempt of the insurance referred to in Article 9 hereof in whole or in part, if he benefits, in whole or in part, from an equivalent insurance in his parent country.

In the Roll entering proceeding referred to in the first paragraph hereof, the provision of Item 8 of Para. 1 of Article 25 hereof shall apply *mutatis mutandi*.

The pieces of evidence referred to in Para. 1 and Para. 2 hereabove shall not be older than three months and shall be submitted under the form of a certified translation into Slovene language.

The Bar Association of Slovenia shall inform the competent authority of the lawyer's parent country about the entry into the Roll, such as referred to in Para. 1 hereabove.

The lawyer entered into the Roll on the basis of Para. 1 hereabove shall perform his legal profession actually and permanently, thereby using his professional title from his parent country, expressed in the official language or in one of the official languages of his parent country, and indicating the authority he is entered with in his parent country.

#### **Article 34.c**

The lawyer referred to in the preceding Article may give legal advice on the legislation of his parent country, on the legislation of the European Union, on the international law and on the legislation of the Republic of Slovenia.

In the performance of lawyer's services related to the representation of clients before the courts in the Republic of Slovenia, the lawyer referred to in the preceding Article shall cooperate with the lawyer who is entitled in the Republic of Slovenia to practise his legal profession under the professional title of "lawyer".

The lawyer referred to in the preceding Article cannot:

- be elected into the bodies of the Bar Association of Slovenia,
- train the pupils and prospective entrants,
- be appointed the proxy of the client that is fully exempt from the payment of the costs of procedure or assistance in accordance with the Act regulating the procedure before the courts or legal assistance, or be appointed attorney *ex officio*.

#### **Article 34.d**

The lawyer from a foreign country that is member of the European Union shall be entered into the Roll of foreign lawyers that are allowed to practise their legal profession in the Republic of Slovenia under the professional title of "lawyer" irrespective of the terms and conditions referred to in Article 34.a hereof, provided that he has actually and permanently performed his profession in the Republic of Slovenia on the basis of Article 34.b hereof for at least three years.

In the proceeding of entering into the Roll, the prerequisite referred to in the preceding paragraph shall be proved through the submission of the list of the matters handled by the lawyer, accompanied by the respective case number, contents, time period, type and extent of activity as well as phase of the procedure, including the enclosed copies of documents, applications and protocols in the form securing the confidentiality of personal data.

The lawyer entered into the Roll on the basis of Para. 1 hereabove is entitled to use in his legal practise the professional title from his parent country, expressed in the official language or in one of the official languages of his parent country, together with the title of "lawyer".

#### **Article 34.e**

The lawyer from a foreign country that is member of the European Union, who is not entered into the Roll of foreign lawyers on the basis of Articles 34.a, 34.b or 34.d hereabove may perform individual services appurtenant to the practise of the legal profession, such as in accordance with the provisions of Para. 1 and Para. 2 of Article 34.c. hereof.

The lawyer who intends to perform his services on the basis of the preceding paragraph shall inform the Bar Association of Slovenia thereof in writing, by submitting the piece of evidence on the qualification for practising the legal profession as well as the piece of evidence of insurance against professional liability in his parent country, whereby the provision of Para. 3 of Article 34.b hereof shall be applied mutatis mutandi. In his notice he shall state the address or indicate his proxy for services in the Republic of Slovenia.

On the basis of the notice and the pieces of evidence referred to in the preceding paragraph, the Bar Association of Slovenia shall issue to the lawyer an acknowledgment of receipt of the application for performance of services. On the demand of the competent bodies, the lawyer referred to in Para. 1 hereabove shall submit the acknowledgment of receipt referred to in the preceding paragraph.

The lawyer from a foreign country – a member of the European Union who has been refused the entry into the Roll in the Republic of Slovenia due to the non-fulfillment of the condition referred to in Item 7 of Para. 1 of Article 25 hereof cannot perform lawyer's services in the Republic of Slovenia.

#### **Article 34.f**

When performing his services, the lawyer referred to in the preceding Article shall consider the rules of the code of conduct applicable to lawyers in the Republic of Slovenia.

When performing individual services in the Republic of Slovenia, the lawyer shall use the professional title from his parent country, such as expressed in the official language or in one of the official languages of his parent country, thereby indicating also the professional organization that has issued him the licence for practising the legal profession in his parent country.

The lawyer referred to in the preceding paragraph shall bear the disciplinary responsibility hereunder, as if he were entered into the Roll. The disciplinary penalties and the temporary measures with a restrictive effect on the lawyer may only be imposed with the validity in the Republic of Slovenia. Instead of the disciplinary penalty of disbarring there may be imposed the prohibition of performing the services in the Republic of Slovenia.

#### **Article 34.g**

The lawyer from a foreign country other a member of the European Union who is entitled to practise the legal profession in the country other than a member of the European Union is allowed to perform lawyer's services and/or to practise the legal profession under the terms and conditions specified herein for the lawyers from a foreign country that is a member of the European Union, in Article 34.a hereof, provided that the condition of actual mutuality has been fulfilled. The legal domain for which the lawyer is recognized the status of specialist may be indicated with the lawyer's name or with the registered name of the Law Firm where the specialist lawyer belongs to as member.

### **IV. LAW FIRM**

#### **Article 35**

A Law Firm may be established as a civil Law Firm or as a Law Firm with the status of legal entity.

A Law Firm with the status of legal entity may be established as a company with unlimited personal liability of partners for the Law Firm's obligations (hereafter: Law Firm).

#### **Article 36**

The establishment and operation of the Law Firm shall be subject to the regulations on commercial companies, unless otherwise provided by this law.

#### **Article 37**

The activity of the Law Firm shall be limited to practising the legal profession.

Partners in a Law Firm may only be lawyers.

Management of the affairs of a Law Firm cannot be entrusted to a person other than lawyer.

#### **Article 38**

The registered name of the Law Firm shall necessarily contain an additional indication of Law Firm, expressed with the abbreviation "o. p."

The name of a former partner may, with his consent or with his heirs' consent, remain preserved in the registered name of the Law Firm referred to in the preceding paragraph for at maximum five years, with additional indication "former" accompanying his name.

#### **Article 39**

Enclosed to the application for entry of the Law Firm into the Court Registry shall be the consent of the Bar Association of Slovenia.

The consent referred to in the preceding paragraph shall be issued by the body referred to in the second paragraph of Article 31 hereof. No appeal against the above decision shall be possible.

The consent may only be refused if the terms and conditions specified herein for establishment and operation of a Law Firm have not been fulfilled.

If within two months after the request for consent the competent body referred to in the second paragraph fails to make the decision, the consent shall be considered as given.

#### **Article 40**

In case of non-fulfillment of the terms and conditions on the organization and operation of the Law Firm, the Law Firm shall be terminated under liquidation procedure.

The termination of the Law Firm for the reasons referred to in the preceding paragraph shall be identified by the court on the proposal of any of the partners or of the Bar Association of Slovenia.

Prior to the decision about termination, the court shall impose upon the Law Firm at maximum a six month period for coordination of its organization and operation with the provisions hereof.

### **V. BAR ASSOCIATION**

#### **Article 41**

Lawyers practising the legal profession in the Republic of Slovenia shall necessarily associate into the Bar Association of Slovenia (hereafter referred to as: Bar Association).

#### **Article 42**

The Bar Association shall pursue and discuss the problems of lawyers' practice, it shall provide for uniform

development of the Bars, it shall adopt the Code of Conduct and shall perform other tasks specified by the law.

The Bar Association shall cooperate with bar organizations of other countries. At their mutual cooperation in the proceedings for acquisition of the right to practise the legal profession in a foreign country, the Bar Association shall keep the confidentiality of the exchanged data.

#### **Article 43**

The Bar Association shall be a legal entity.  
The Assembly shall be the highest body of the Bar Association.

#### **Article 44**

The by-laws of the Bar Association shall specify in detail the tasks and the organization of the Bar Association, the tasks of the Assembly and other Bar Association bodies, the participation of prospective entrants and pupils at the operation of the Bar Association bodies, the method of providing the assets for operation of the Bar Association as well as other issues relevant for operation of the Bar Association.

The by-laws of the Bar Association shall be subject to the consent of the government of the Republic of Slovenia.

### **VI. PUPILS**

#### **Article 45**

The person undergoing the training with a lawyer for acquiring the right to take the Common Professional Examination in compliance with the provisions specified herein and in a special law shall hold the status of a pupil. The pupil can start his pupillage upon his entry onto the List of Pupils.

The entry onto the List referred to in the preceding paragraph shall be subject to the decision of the body referred to in the third paragraph of Article 31 hereof. There shall be no appeal against its decision.

On the entry onto the List of Pupils the Bar Association shall issue to the pupil his identity card.

#### **Article 46**

The pupillage shall be provided by the Bar Association.

If the pupil fails to provide for his pupillage by himself, the Bar Association shall provide him the pupillage with a lawyer or a Law Firm at the latest within three months after the effective date of the decision on the entry onto the List of Pupils.

#### **Article 47**

The lawyer shall care for professional training of his pupil and shall enable him to undergo all-round training for independent practice of his legal profession.  
The pupil shall not practise his legal profession independently and in his own name.

#### **Article 48**

The time of the pupillage in a law office shall be included onto the compulsory one year's practice specified as a prerequisite for acquisition of the right to the legal practice (Item 5 of the first paragraph of Article 25).

#### **Article 49**

The pupil shall be deleted from the List of Pupils:

1. If he declares that he is not willing to continue his pupillage in the law office;
2. If it is discovered that he does not any more comply with the terms and conditions of pupillage, such as specified by the law;
3. If he does not practise his pupillage with a lawyer without justified reason for more than three months;
4. Upon expiration of the time scheduled for pupillage in the law office;
5. If he is imposed the disciplinary measure of denying the right to pupillage in a law office.

The deletion for the reason specified in Item 5 of the preceding paragraph shall be effected on the basis of the valid

decision of the disciplinary body.

## **VII. PROSPECTIVE ENTRANTS**

### **Article 50**

Labelled as prospective entrant may be the person who fulfills the terms and conditions specified in items 1 through 4 as well as 6 and 7 of the first paragraph of Article 25 hereof and who has acquired the consent of the lawyer or of the Law Firm where he will be employed.

### **Article 51**

The prospective entrant may start his practice in the law office after being entered onto the List of Prospective Entrants kept by the Bar Association.

Entered onto the List of Prospective Entrants, subject to the principle of mutuality, may also be a foreign citizen, provided that he fulfills the terms and conditions specified in items 2 through 4 as well as 6 and 7 of the first paragraph of Article 25 hereof and that he has acquired the consent of the lawyer or of the Law Firm where he will be employed.

### **Article 52**

The entry onto the List of Prospective Entrants shall be subject to the decision of the body referred to in the second paragraph of Article 31 hereof. There shall be no appeal against its decision.

The application for entry into the List of Prospective Entrants shall be accompanied by the declaration of the lawyer and/or Law Firm that the prospective entrant will work in the law office.

### **Article 53**

On the entry onto the List of Prospective Entrants the Bar Association shall issue to the prospective entrant his identity card.

### **Article 54**

The prospective entrant shall not practise the legal profession independently and in his own name.

### **Article 55**

The prospective entrant can replace the lawyer at all tasks referred to in Article 2 hereof, but cannot replace him at representation in the Supreme Court of the Republic of Slovenia nor in the Constitutional Court of the Republic of Slovenia.

### **Article 56**

The prospective entrant shall conclude with the lawyer a labour contract for the term of his employment in the law office.

### **Article 57**

If the prospective entrant changes the law office, he shall not be deleted from the List of Prospective Entrants. The prospective entrant shall inform the Bar Association of his continuation of practise in an other law office and shall enclose to his note the declaration of the lawyer and/or of the Law Firm where he will continue his practise.

### **Article 58**

The prospective entrant shall be deleted from the List of Prospective Entrants:

1. If he declares that he is not willing to continue his practise in the law office;
2. If the lawyer cancels the Labour Contract and the prospective entrant fails to enter into a Labour Contract with an other lawyer within eight days;
3. If it is discovered that he does not any more comply with the terms and conditions of prospective entrant's practise, such as specified by the law;
4. If he is imposed the disciplinary measure of denying the right to practise in a law office.

The deletion for the reason specified in Item 4 of the preceding paragraph shall be effected on the basis of the valid decision of the disciplinary body.

## **VIII. DISCIPLINARY RESPONSIBILITY OF LAWYERS, PUPILS AND PROSPECTIVE ENTRANTS**

### **Article 59**

The lawyer shall practise his legal profession conscientiously and shall be held responsible for the respective breaches. The pupil and the prospective entrant shall do their practice in the law office conscientiously and shall be held responsible for the respective breaches.

### **Article 60**

The by-laws of the Bar Association shall specify the acts that involve the breach of duties in the practice of legal profession as well as the acts that involve the breach of conscientious practice and pupillage in the law office.

### **Article 61**

In the disciplinary proceedings against lawyers and prospective entrants there shall be imposed the following disciplinary measures: warning, reprimand, fine and denial of the right to practise the legal profession or the practice in a law office.

In the disciplinary proceedings against pupils there shall be imposed the following disciplinary measures: warning, reprimand and denial of the right to pupillage in a law office.

The denial of the right to practise the legal profession may be imposed for a five years' period and the denial of the right to practice and/or pupillage in a law office for a period of up to three years.

### **Article 62**

A fine may be imposed within the limits specified by the Bar Association with a general enactment.

The disciplinary measure involving the denial of the right to practice and/or pupillage in the law office may be specified and imposed only in case of severe breaches at practising of legal profession, practice or pupillage in the law office due to which the lawyer is not considered reliable for practising the legal profession (see the first paragraph of Article 27).

### **Article 63**

In case of disciplinary proceedings introduced for breach of the duty for which it is possible to impose the disciplinary measure involving the denial of the right to practise the legal profession, the practice and/or pupillage in the law office, the disciplinary body may impose on the lawyer, the prospective entrant or the pupil temporary prohibition of practising the legal profession, practice or pupillage in the law office.

The temporary prohibition may last till the conclusion of the disciplinary proceedings, yet at maximum three months.

### **Article 63.a**

The demand for the imposition of the disciplinary proceeding against a foreign lawyer, that has been entered into the Roll of foreign lawyers in accordance with Article 34.b hereof, shall be conveyed by the disciplinary prosecutor to the competent authority in the lawyer's parent country.

Disciplinary bodies are obliged to enable the competent authorities of the lawyer's parent country to participate in the proceeding with their proposals in favour of the lawyer.

Disciplinary penalties and temporary measures that impose a restriction on the lawyer's practise may only be pronounced with the validity in the Republic of Slovenia.

If the competent authority from the lawyer's parent country temporarily or permanently deprives the lawyer of his licence for practising the legal profession, such measure involves the prohibition of practising the legal profession in the Republic of Slovenia.

Furthermore, Para. 1 hereabove shall apply mutatis mutandi in the event of introduction of the disciplinary proceeding

against the lawyer who is also entitled to perform the legal profession in a foreign country.

#### **Article 64**

Disciplinary matters against the lawyer, the prospective entrant and/or the pupil shall be subject to the decision of the disciplinary commission, except in the matters which in compliance with the provisions specified herein fall under the competence of the Disciplinary Board.

In front of the disciplinary commission and in the Disciplinary Board the charge shall be represented by the disciplinary prosecutor elected by the Assembly of the Bar Association.

The President and the members of disciplinary commissions of the first and the second instances as well as the disciplinary prosecutor shall be elected by the Assembly of the Bar Association out of the lawyers for the term specified by the by-laws of the Bar Association.

Further details about disciplinary bodies referred to in the preceding paragraph as well as their composition shall be specified by the by-laws of the Bar Association.

#### **Article 65**

Disciplinary matters due to the breach of the legal duties for which it is possible to deny the right to practise the legal profession, the practice and/or the pupillage in the law office shall be subject to the decision of the Disciplinary Board in the Senate that consists of two judges of the Supreme Court of the Republic of Slovenia and of three lawyers. The President of the Senate shall be a judge.

An appeal against the decision of the Disciplinary Board referred to in the preceding paragraph may be filed and shall be subject to the decision of the Supreme Court of Slovenia in the Senate of five judges.

Unless otherwise provided herein, the procedure in the Disciplinary Board shall follow the provisions of the Law of Criminal Procedure.

#### **Article 66**

Both judges, members of the Disciplinary Board Senate, shall be appointed in advance with the annual time schedule of activities of the Supreme Court of the Republic of Slovenia. The lawyers, members of the Senate, shall be elected by the Assembly of the Bar Association for a two years' term.

The members of the Disciplinary Board Senate shall have deputies who shall act as members whenever for separation or any other justified reason the latter cannot perform their offices. The deputies shall be appointed and/or elected in the same way as the members of the Senate.

The members of the Senate from among lawyers and their deputies cannot hold any other offices in the Bar Association bodies nor can they be employed in the expert team of the Bar Association.

#### **Article 67**

The disciplinary prosecutor shall require the introduction of the disciplinary proceedings, if he is informed of the facts and evidences on the basis whereof it is possible to soundly infer that the lawyer and/or the prospective entrant or the pupil has violated his duty.

In his demand for introduction of the disciplinary proceedings, the disciplinary prosecutor shall specify the breach of duty as well as state the facts and propose evidences to be submitted for their identification.

On the demand of the President of the Court and the Minister of Justice, the disciplinary prosecutor shall require the introduction of the disciplinary proceedings in front of the Disciplinary Board.

#### **Article 68**

Once the Disciplinary Committee of the first instance receives the demand of the disciplinary prosecutor for introduction of the disciplinary proceedings, it shall send it to the lawyer and/or to the prospective entrant or the pupil

against whom the demand has been filed, so that the latter can make a reply to the statements of the demand.

Upon receipt of the reply, the President of the Disciplinary Committee of the first instance shall order a preliminary investigation, if required.

#### **Article 69**

The Disciplinary Committee of the first instance shall pass the decision upon the oral trial.

The oral trial shall not be public, except on explicit demand of the lawyer and/or the prospective entrant or the pupil against whom the disciplinary proceedings has been in progress.

#### **Article 70**

An appeal against the decision of the Disciplinary Committee of the first instance may be filed within fifteen days. The appeal may be filed by the lawyer and/or by the prospective entrant or by the pupil subject to the disciplinary proceedings, and by the disciplinary prosecutor.

The appeal shall be subject to the decision of the Disciplinary Committee of the second instance without oral trial.

#### **Article 71**

Further details on the proceedings in front of the Disciplinary Committee shall be regulated by the by-laws of the Bar Association.

### **VIII.A PENAL PROVISIONS**

#### **Article 71.a**

A fine of at least SIT 2,000,000 shall be imposed for an offense upon a legal entity other than a legal firm hereunder, if performing services referred to in the second paragraph of Article 2 hereof against remuneration.

A fine of at least SIT 100,000 shall be imposed for an offense upon a natural person that contrary to the provision of the second paragraph of Article 1 hereof performs the services referred to in the second paragraph of Article 2 hereof against remuneration.

A fine of at least SIT 100,000 shall be imposed for an offense upon a foreign lawyer that performs lawyer's services or practises his legal profession in the Republic of Slovenia contrary to the provisions of chapter III.A hereof.

#### **Article 71.b**

A fine of at least SIT 500,000 shall be imposed upon the lawyer who advertises his activity (Para. 2 of Article 21).

### **XI. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 72**

The Bar Association shall match the by-laws and other general enactments of the Bar Association with the provisions specified in this Law within six months after its enforcement.

#### **Article 73**

The lawyers admitted to the Bar on the basis of the existing regulations shall continue working in compliance with the provisions specified herein.

The lawyers referred to in the preceding paragraph as well as the persons who are in compliance with the provision of Article 76 hereof entitled to be admitted to the Bar in compliance with the regulations in force shall not be subject to the provision of Article 28 hereof.

The lawyers active in legal aid services can continue practising the legal profession if they manage to coordinate their organization and operation with the provisions of this Law within six months after its enforcement.

By the enforcement of the Law that will regulate the proceedings in Labour and Social Courts, the persons hired or employed by Trade Union Organizations for representation of their members in labour and social disputes shall have the right to represent in the courts competent for the respective disputes, even upon the enforcement of this Law, even if not lawyers, provided that they comply with the terms and conditions specified in Items 1 through 4 of the first paragraph of Article 25 hereof.

#### **Article 74**

With reference to the provisions of the third paragraph of Article 5, the third paragraph of Article 25 and Article 28 hereof, the practice and/or office of the public prosecutor shall be made equal with those of the state prosecutor.

#### **Article 75**

By the enforcement of the law regulating the state examination in legal profession it shall be considered that the person having passed the Common Professional Examination or any other examination by law identical with the Common Professional Examination, shall be considered to comply with the term and condition referred to in Item 4 of the first paragraph of Article 25 hereof.

#### **Article 76**

The applications for admission to the Bar filed prior to the enforcement of this law, but not yet answered, shall be treated and accepted for admission to the Bar on the basis of the regulations in force hitherto.

A civil administrative litigation may be filed against the decision whereunder the persons referred to in the preceding paragraph are refused admission to the Bar.

#### **Article 77**

The person at the enforcement of this Law entered into the List of Pupils shall continue his practice as prospective entrant, provided that he has passed the Common Professional Examination.

The person referred to in the preceding paragraph who has not passed the Common Professional Examination shall continue his pupillage in compliance with the regulations in force hitherto.

The prospective entrant referred to in the first paragraph hereinabove and the pupil referred to in the preceding paragraph shall be entitled to apply for admission to the Bar under the terms and conditions specified in the preceding Article.

The Bar Association shall issue the identity cards on the entry into the List of Prospective Entrants and the List of Pupils at the latest within one month after the enforcement of this Law.

#### **Article 78**

The person who has been disbarred for election or appointment to a professional government office prior to the enforcement of this Law shall have his status restored under official duty.

The person referred to in the preceding paragraph shall be considered to have his practice of the legal profession suspended (Article 22).

The Bar Association shall issue the ordinance referred to in the first paragraph hereinabove at the latest within one month after the enforcement of this Law.

#### **Article 79**

The provision of Article 24 hereof shall be brought into use on the day of application of the provisions relating to the official gowns of judges and state prosecutors.

#### **Article 80**

On the effective date of this Law the Lawyers shall cease to be subject to the provisions of Articles 36 and 41 of the Law of Pupillage, Professional Examinations and Improvement of Professional Qualification of Employees in State Administration and Justice (Official Gazette of the Socialist Republic of Slovenia, No. 8/80 and 27/85).

#### **Article 81**

Till the adoption of regulations on commercial companies the establishment and operation of a Law Firm shall be subject to the regulations in force for enterprises.

### **Article 82**

On the effective date of this Law the Law of Legal Aid shall become null and void (Official Gazette of the Socialist Republic of Slovenia, No. 23/79).

### **FINAL PROVISION**

(In accordance with the provisions of the Act on Modifications and Amendments of the Bar Act - Official Gazette of the Republic of Slovenia, No. 24-1455/2001)

This Act shall enter in force on the fifteenth day upon its publication in the Official Gazette of the Republic of Slovenia, except for the provisions of Articles 2 and 3 as well as 5 through 15 hereof that shall enter in force on the day of full membership of the Republic of Slovenia in the European Communities active within the scope of the European Union.