

APPENDIX
To the Code of Conduct of Advocates approved by the
General Assembly of the Chamber of Advocates of the Republic of Armenia on 19 October 2019
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REGULATION ON DISCIPLINARY PROCEEDINGS AGAINST ADVOCATES
(NEW EDITION)

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CHAPTER 1. GENERAL PROVISIONS

1.1. Scope of the Regulation

Under the RA “Law on Advocacy,” this Regulation defines the order of activities of the persons preparing the cases of the RA Chamber of Advocates’ disciplinary proceedings, the Procedure for initiating and carrying out disciplinary actions, and the rights and responsibilities of the participants.

1.2. Basic concepts used in the Regulation

The following key concepts are used in this Regulation.

Code of Conduct – Advocate’s Code of Conduct, in case of separate reference.

Regulation – this Regulation is an integral part of the Code of Conduct, in case of separate reference.

Chamber – the Chamber of Advocates of the Republic of Armenia.

Executor – a person preparing the disciplinary proceeding case for the discussion by the Board of the Chamber (Board).

Law – the RA “Law on Advocacy.”

Charter – the Charter of the Chamber

Respondent – an advocate against whom disciplinary proceedings are initiated.

Applicant – the state or local self-government body, legal or natural person, who has submitted a relevant complaint to the Chamber regarding the initiation of disciplinary proceedings against an advocate.

Parties – the Applicant and the Respondent in disciplinary proceedings.

Secretary of the Board – a relevant employee of the Chamber Staff.

Disciplinary Proceedings – from the moment of initiating disciplinary proceedings until the decision of the Board as a result of the mentioned proceedings.

Proper notice – a form of notification, when the writ (notice) is sent by registered mail, through a notice on delivery or using other means of communication to ensure the formulation of the message, or is delivered with a receipt. In the case of an advocate, proper Notice shall also be deemed the relevant Notice sent to the advocate’s e-mail, as well as the notification by other means provided by the Law or the Chamber Charter.

1.3. Equality before the Law and the Chamber

1.3.1 The actions of initiating disciplinary proceedings, conducting disciplinary proceedings, and subjecting to disciplinary liability shall be carried out before the Chamber, based on the principle of equality of advocates.

1.3.2 When imposing disciplinary sanctions against the advocates, the Board shall be guided by uniform standards.

1.4. Competition and equality (of arms) of the Parties

Disciplinary proceedings shall be conducted on the basis of competition and the equality of the Parties.

1.5. The presumption of innocence

An advocate suspected in disciplinary violation shall be presumed innocent until proven guilty by the Board's decision to be subjected to disciplinary liability following the Law and the Charter.

1.6. The language of proceedings

1.6.1 Disciplinary proceedings shall be conducted in Armenian.

1.6.2 The Parties shall be entitled to speak in the language of their choice during the disciplinary proceedings if they provide the Armenian translation at their own expense.

1.7. Publicity of examination of the cases

1.7.1 Disciplinary proceedings are open to the public.

1.7.2 A disciplinary hearing shall be conducted in camera if information containing an attorney-client privilege can be disclosed due to the specifics of the case.

1.7.3 A decision on holding the hearing in camera shall be made by the Board.

1.7.4 Only the Parties, their representatives, as well as the secretary of the sessions shall be present during the hearing of the case in closed session, except for the cases mentioned in sub-clause 1.7.5 of this Regulation.

1.7.5 In the case when the Applicant is not the client of the Respondent and a decision is made to hold the hearing of the case in camera, the participation of the Applicant in the respective part of the disciplinary proceedings shall be restricted.

1.7.6 The decision of the Board made as a result of closed disciplinary proceedings, except for the final part, may not be published. The restriction provided for in this paragraph does not preclude the Chamber from disclosing the nature of the violation, its occurrence, or the Respondent's identity.

1.8. Independence, grounds of and procedure for the challenge of the Chamber Chairman, Board Member, and the Executor

1.8.1 When initiating, conducting disciplinary proceedings, and subjecting to disciplinary liability, the Chamber Chairman, the Board Member and the Executor are independent, and shall be bound only by the Law, the Charter, and the Code.

1.8.2 The Party has the right to challenge the Board Member, or the Executor if circumstances preclude their participation in the disciplinary proceedings.

1.8.3 A Board Member and a Executor may not participate in the discussion of and voting on the issue related to the conducting of disciplinary proceedings or imposing a disciplinary sanction if he/she:

- 1) relates to the issue on the agenda and thus is an interested person;
- 2) has advised one of the Parties in the relevant case, has participated or is participating as a Party or its representative;
- 3) is a close relative of one of the Parties;
- 4) has a personal or other work-related dependence from a Party;
- 5) other circumstances provide grounds to believe that he/she is directly or indirectly interested in the outcome of the case.

1.8.4 As soon as the above grounds become known to him/her, the Board Member or the Executor shall withdraw.

1.8.5 The challenge shall be submitted in writing, indicating the specific factual circumstances that exclude the participation of the person subject to challenge in the disciplinary proceedings.

1.8.6 The person subjected to challenge shall have the right to provide oral or written explanations concerning the challenge brought against him/her.

1.8.7 The Board's challenge to the Board Member shall be resolved in the absence of the challenged Board Member. The Chamber Chairman shall determine the challenge to the Executor. If the Executor's challenge is upheld, the disciplinary case shall be duly referred to another Executor.

1.8.8 The challenge shall not be discussed, if the Board Member or Executor has announced about withdrawal orally or in a written form and refused to participate in the discussion (voting) of the mentioned issue.

1.9. The rights and responsibilities of the Parties to the disciplinary proceedings

1.9.1 The Parties have equal rights in the manner prescribed by this Law:

- 1) to participate in all the stages of disciplinary proceedings both in person and through a representative;
- 2) to get acquainted with all the materials of the disciplinary case from the moment of initiating the disciplinary proceedings, to make copies of them, and to write off any volume of information from the case;
- 3) to give explanations or to refuse to give explanations;
- 4) to present evidence to be attached to the disciplinary case and be studied;
- 5) to challenge the Board Members and Executors;
- 7) to call witnesses, ask questions to witnesses called by oneself, the other Party or the witnesses invited by the Board;
- 8) to question the speaker;
- 9) to make a final speech;
- 10) to receive the decisions of the Chamber Chairman and the Board;
- 11) to appeal in court the decisions of the Chamber Chairman and the Board.

1.9.2 During disciplinary proceedings, the Parties are obliged to:

- a) refrain from making derogatory remarks or actions against each other's honour and dignity;
- b) treat with respect to each other, and to the Board Members and Executor;
- c) to maintain order and obey the lawful orders of the Chairman while attending the Board sittings.

1.9.3 The Respondent shall:

- a) present written explanations upon the Executor's request;
- b) submit objections to the Board within ten days after receiving the Executor's conclusion, if not agreeing fully or partially with it. In the written objections, the Respondent shall specify his/her

arguments regarding the assessment of the facts and evidence in the Executor's report. The Board may consider failure to submit written objections within the period specified in this paragraph as acceptance of the Executor's opinion by the Respondent.

CHAPTER 2. STAGE OF INITIATION OF DISCIPLINARY PROCEEDINGS

2.1. Reasons, and grounds for the initiation of disciplinary proceedings and the initiation of the proceeding

2.1.1 The reasons for initiating disciplinary proceedings against an advocate include:

- 1) applications (complaints) of state, local self-government and non-state bodies, as well as other persons (applicants), and the media publications;
- 2) a court sanction on an application for liability to the Chamber;
- 3) a certificate submitted by the Accountant of the Chamber on non-payment by the advocate of membership fee within the established period;
- 4) a note by the Director of the School of Advocates on the advocate's failure to pass a training within the set period;
- 5) a motion of the head of the Public Defender's Office to initiate disciplinary proceedings against the Public Defender.

2.1.2 A letter that is unsigned or has a forged signature or written in the name of a fictional person, a statement or an anonymous report on subjecting disciplinary liability is not a reason to initiate disciplinary proceedings. On the grounds of the violation of the rule specified in Clause 2.7.2 and Chapter 3 of the Code of Conduct, disciplinary actions can be initiated only based on the report by the client (including the former client), except for the cases of the violation of the rule specified in the same Chapter's 3.1.6, 3.1.7, 3.1.8, 3.1.9, 3.1.10, 3.2.1, 3.2.5, 3.5.1, 3.5.3, 3.5.4 sub-clauses.

2.1.3 The grounds for initiating disciplinary proceedings is the existence of features of prima facie violation of the requirements provided by this Law or the Code of Conduct for Advocates in the performance of an advocate.

2.1.4 If there are reasons and grounds for initiating disciplinary proceedings, the Chamber Chairman shall decide on their initiation within one month from the moment when the reasons emerge.

2.1.5 Within this period, the Chamber Chairman or another person assigned by him/her can request additional documents, clarifications, and other materials.

2.1.6 Within five days following the decision on instituting disciplinary proceedings, the Chamber Chairman shall send the Disciplinary case to the Executor in the manner prescribed by the Board Regulation, or to the Board in the circumstances prescribed by Article 40 of the Law.

2.1.7 The Chamber Chairman decides to refuse to initiate disciplinary proceedings in connection with the publication of a mass media only when there is no ground to initiate disciplinary actions, and the responding advocate has been requested to clarify the publication.

2.1.8 If the content of the complaint (application) or attached materials submitted by the Applicant is not sufficient to conclude on the existence or absence of grounds for initiating disciplinary proceedings, the person mentioned in sub-clause 2.1.5 of this Regulation may respond in writing to the Applicant.

2.2. Notification of disciplinary proceedings

2.2.1 A copy of the decision to initiate disciplinary proceedings shall be sent within five days after the decision is made to the natural or legal person, who had notified on the disciplinary proceedings and the advocate (Respondent) against whom the disciplinary actions had been initiated.

2.2.2 The decision to initiate disciplinary proceedings against Public Defender shall also be notified to the Head of the Public Defender's Office within five days after being made.

2.3. Refusal to initiate disciplinary proceedings

2.3.1 In the absence of a reason or grounds for instituting disciplinary proceedings, the Chamber Chairman shall make a reasoned decision to refuse to institute disciplinary proceedings.

2.3.2 A copy of the decision to refuse to initiate disciplinary proceedings shall be sent to the natural or legal person notifying the initiation of disciplinary proceedings within five days after the decision is made.

2.3.3 The decision to refuse to initiate disciplinary proceedings may be appealed in court by the interested person within one month after receiving the decision.

CHAPTER 3. THE CURRENT STAGE OF THE DISCIPLINARY PROCEEDING

3.1. Executor's actions and deadline

3.1.1 Distribution of disciplinary proceedings among the Executors shall be performed under the Procedure established by the Board decision.

3.1.2 Receiving the disciplinary case, the Executor shall gather evidence to ensure the lawfulness of the disciplinary proceedings and identify the circumstances relevant to a fair settlement.

3.1.3 The process of collecting evidence by the person preparing the case shall end, and the disciplinary case shall be sent to the Board in a reasonable time, but no later than within two months after receiving the case.

3.1.4 The disciplinary case initiated against the advocate for the non-payment of membership fees shall not be transferred to the Executor.

3.1.5. The Executor is not entitled to withdraw from the case assigned to him/her, except for the cases when there are grounds for withdrawal.

3.2. Evidence and collection process

3.2.1 The Executor shall clarify all facts relevant to the case resolution by examining and evaluating the gathered evidence.

3.2.2 Evidence includes the explanation of the Party, the testimony of the witness, the testimony of the expert, written documents, material evidence (including photographs), as well as recordings and videos.

3.2.3 When evaluating the evidence, the Executor shall determine the relevance and admissibility of the evidence. The evidence is relevant if it makes more or less probable the existence of any fact which is essential for the resolution of the case than it would be without that evidence. Irrelevant evidence is inadmissible. Relevant evidence is considered admissible, except when the circumstances of the case, which, according to the Law or other legal acts, must be proved only by specific evidence, cannot be confirmed by other evidence.

3.2.4 Evidence is presented by the Parties. The Executor can also gather evidence on its initiative.

3.2.5 Executor may also use technical means to gather evidence (in particular, to make audio or video record of a witness or Party).

3.3. Distribution of the burden of proof

3.3.1 Each Party shall prove its arguments.

3.3.2 The Executor determines the facts to be substantiated for the resolution of the case. The Board is not constrained by the Executor's position and may change the scope of facts to be substantiated in the resolution of the case.

3.3.3 If a Party refuses (avoids) to respond to the Executor's questions or provide explanations, then the Executor may, on the other Party's motion or its own initiative, consider it unreasonable for the Party to refuse (avoid) the answers and explanations, and consider the factual circumstances of the case about which the Party refuses (avoids) to give a reason or answer as

proven. In any case, the refusal (avoidance) to provide an answer or explanation that has been deemed unjustified by the Executor is interpreted to the detriment of the refuser (avoider). The Board can also apply this rule.

3.3.4 Before giving a conclusion by the Executor, each Party is obliged to disclose to the other Party the evidence known to it at the moment, which it refers to as a basis for proving its claims or objections, unless otherwise provided by the Regulation.

3.3.5 If, after examining all the evidence, the existence or absence of a fact remains disputed, the negative consequences shall be borne by the Party responsible for proving that fact.

3.3.6 The additional evidence presented by a Party after the opinion of the Executor before a decision has been made by the Board may be accepted by the Board only if the submitter substantiates the impossibility of presenting evidence before the date of Executor opinion for reasons beyond his control. In exceptional cases, the Chamber may adjourn the hearing and request additional evidence from the Parties or other persons.

3.4. Explanation by a party

3.4.1 A Party has the right to explain the facts to be proved in the case.

3.4.2 Evidence is considered only the information provided by the Party on a fact that is essential for resolving the case.

3.5. Written documents and material evidence

3.5.1 Written documents are acts, contracts, references, business correspondence, other documents, and materials containing information about the circumstances relevant to the case, materials, including evidence obtained by electronic or other means of communication or other means of proving the authenticity of documents.

3.5.2 Material evidence is other objects that, by their appearance, intrinsic properties, location, or other characteristics, can become a means of establishing the circumstances relevant to the case. Photographs (tapes) are also material evidence.

3.6. Witness testimony

3.6.1 At the request of the Parties or own initiative, the Executor shall invite as a witness and listen to the testimony of persons who may have information relevant to the case. On each page of the written evidence, the witness shall sign, which is confirmed by the Executor's signature, indicating the year, month, and date of signing.

3.6.2 The Board also is entitled to call and hear a witness.

3.7. Appointing an expert, conducting an examination

3.7.1 In exceptional cases, when it is necessary to appoint an expert to study the factual circumstances, upon a motion by the Party, the Executor shall address that issue to the head of the relevant organization or person, notifying about that to the Parties.

3.7.2 A person with knowledge in the relevant field can be appointed as an expert. The expert presents opinions as a result of his/her research.

3.7.3 The Parties may be present at the actions performed by the expert, provided that their presence does not interfere with the examination.

3.7.4 At the request of the Executor or the Parties, the expert shall provide additional clarifications on the expert opinion.

3.7.5 Executor may, if necessary, prescribe an examination of a site, object, or item. According to the decision of the Executor, the Parties may be present at the examination.

3.7.6 The expert's costs are reimbursed by the mediating Party that, at the request of the Executor, is obliged to sign the relevant contract at the expert institution or make the necessary payments in advance. In case of refusal or avoidance to bear the costs provided for in this paragraph, the Executor is required to revoke the decision on examination.

3.8. Audio and video recordings

Audio and video recordings shall be presented through respective data storage.

3.9. Scope of the Executor research and motion

3.9.1 By the Chamber Chairman's decision, the Executor has no right to go beyond the scope of any violation of the Code.

3.9.2 If the Executor notices in the Respondent's action any features of a prima facie breach of other rule(s) of the Code connected with the relations of the Applicant and the Respondent, based on which no disciplinary proceedings have been initiated, he/she then shall apply to the Chamber Chairman with a request to amend (addend) the decision on initiating disciplinary actions. The decision of the Chamber Chairman to change the decision to initiate disciplinary proceedings shall be duly sent to the Parties within five days of its adoption.

3.10. Executors' conclusion

3.10.1 After examining and evaluating the evidence, the Executor shall elaborate a conclusion, which shall include the following information:

- number of the disciplinary case;
- names of the Parties (titles);
- facts that are essential for the resolution of the case and evidence proving them;
- evidence that has not been accepted (recognized as irrelevant or inadmissible).

3.10.2 The Executor shall duly send a copy of the conclusion to the Respondent and the Applicant within three days. The Executor shall clarify to the Respondent the obligation to submit written objections in case of disagreement with the conclusion.

3.10.3 The Board bases itself on the facts confirmed by the Executor's conclusion unless it arrives at another conclusion as a result of assessing the evidence included in the case or the other additional evidence submitted to the Board.

CHAPTER 4. DEADLINES

4.1. Terms of Disciplinary Proceedings

4.1.1 The process of gathering evidence by the Executor shall be completed. The disciplinary case, together with the conclusion, should be sent to the Board within a reasonable time, but not later than within two months after receiving the case.

4.1.2 The Chamber shall examine the case of disciplinary action against the advocate within a reasonable time, but not later than within six months after receiving the case.

4.1.3 If the period expires on a non-working day, the period is considered over at 18⁰⁰ on the first working day following that day.

4.2. Consequences of Not Giving a Conclusion or Making a Decision during the Disciplinary Proceedings

4.2.1 If the Executor does not issue a conclusion as a result of the disciplinary proceedings or the Board does not decide on disciplinary liability, the disciplinary actions against the Respondent shall be considered terminated.

4.2.2 In the case provided for in sub-clause 4.2.1 of this Regulation, upon the request of the Respondent, the Chamber Chairman shall, within five days, provide a notice of termination of the disciplinary proceedings.

4.3. Limitation period for disciplinary liability

4.3.1 Disciplinary proceedings against an advocate may be instituted within six months after disciplinary liability has been established, but no later than within one year after that basis has arisen. Disciplinary proceedings may not be instituted after the expiration of the time limits specified in this sub-clause, and the initiated proceedings shall be subject to termination. The statute of limitations mentioned in this sub-clause shall be suspended from the moment of filing with the Chamber the application (complaint) on initiating disciplinary proceedings.

4.3.2 In case of suspension of disciplinary proceedings under this Regulation, the statute of limitations shall be suspended.

CHAPTER 5. SUSPENSION OF DISCIPLINARY PROCEEDINGS

5.1. Suspension of disciplinary proceedings

5.1.1 The Executor is obliged to suspend the disciplinary proceedings if:

- 1) the Respondent is not able to participate in disciplinary proceedings due to severe illness. The Executor considers his/her presence necessary to find out from him/her some possible circumstances related to the proceedings,
- 2) the Respondent is in custody,
- 3) the Respondent is declared missing by a court decision that has entered into legal force,
- 4) the Respondent is drafted for military exercises or military gatherings,
- 5) the Respondent is on a business trip or temporarily absent from his / her place of permanent residence or workplace for some other valid reason, except when enforcement proceedings have been initiated on the grounds of non-payment of membership fees,
- 6) the Respondent's license is suspended after committing a disciplinary violation,
- 7) it is impossible to examine a given disciplinary case until a decision is made on another case or issue under constitutional, civil, criminal, or administrative proceedings.

5.1.2 Disciplinary proceedings shall be suspended by a decision of the Chamber Chairman, on his own initiative or at the suggestion of a Party or a Executor, or by the decision of the Board during the hearing of the case by the Board.

5.2. The Resumption of disciplinary proceedings

5.2.1 Suspended disciplinary proceedings shall be resumed after the grounds for suspension have been removed by a decision of the Chamber Chairman or the Board.

5.2.2 From the day of deciding on the suspension of the disciplinary proceedings, the terms of the disciplinary proceedings shall also be suspended.

CHAPTER 6. TERMINATION OF DISCIPLINARY PROCEEDINGS

6.1. Circumstances precluding disciplinary proceedings

6.1.1 The Board shall terminate the disciplinary proceedings against an advocate if:

- 1) there is no case of disciplinary violation,
- 2) the existence of grounds for subjecting the advocate to disciplinary liability is not substantiated,
- 3) after committing a disciplinary violation, the person became ill with an incurable mental illness or was declared incapacitated by a court decision that entered into legal force,
- 4) after committing the disciplinary violation, the validity of the advocate's license has been terminated in the manner prescribed by the Law,
- 5) there is a decision on initiating disciplinary proceedings, rejecting the initiation of disciplinary proceedings or terminating the disciplinary proceedings on the same grounds,
- 6) the statute of limitations provided by the Law has expired.

6.1.2 The terminated proceedings may not be resumed, except in the case of new circumstances.

6.1.3. Disciplinary proceedings may be terminated by the conciliation of the Parties.

CHAPTER 7. THE FINAL STAGE OF DISCIPLINARY PROCEEDINGS

7.1. The procedure for examining the case on subjecting the advocate to disciplinary liability

7.1.1 The Board is, in essence, the body that examines the disciplinary case and makes the final decision.

7.1.2 The Disciplinary case submitted to the Board shall be accepted to proceedings by a Board Member, as prescribed by the Board Regulation, about which it adopts a decision. The Board Member accepting the disciplinary case shall act as the chairperson of the hearing (hereinafter: the Chair of the Session) when examining the case in the Board. The Board Members shall be notified about the time and the place of the session through e-mail, at least three days in advance.

7.1.3 The Chamber Chairman shall not participate in the Board session on the disciplinary proceedings.

7.1.4. After receiving the disciplinary case, the Chair of the Session makes a decision to accept the case within 10 days, which indicates the time of the first session. Based on the decision of the Chair of the Session, the staff of the Chamber shall duly notify the advocate against whom the disciplinary proceedings have been initiated about the time and place of the meeting of the Board, and also the Applicant, witnesses and other people participating in the disciplinary case, if involved.

7.1.5. The sitting of the Board examining the disciplinary case is valid, if at least 6 members of the Board participate in the meeting, including the Board Meeting Chair. In case the meeting of the Board on the disciplinary case fails to happen for two or more times due to the absence of the Board Meeting Chair, the Board shall be able to convene without the participation of the Chair and appoint a new Chair.

Advocates may be present at the open Board sessions on a disciplinary case if there are relevant conditions in the meeting hall.

The issue of the presence of a non-advocate at the open session of the Board shall be resolved by the Board on the basis of a relevant application or mediation by closed-door or open-door voting.

The peculiarities of the Board sitting not foreseen by this Regulation shall be set under the Procedure approved by the Board.

7.1.6. The Chair of the Session can postpone the Board meeting by a single decision, if there are cases of impossibility to hold it. The Chair of the Session shall notify the Board Members on his own or through the Chamber staff, and also if possible, the Parties of the proceedings.

7.1.7. At the Board meeting, the Chair of the Session shall brief on the application (complaint), the conclusion made by the Executor, and the proofs included in the case, after which the Parties get the right to speak (first the Applicant, if present, and then the Respondent.) The Chair of the Session can set a maximum time for the Parties to speak. The Chair of the Session shall be responsible for the observance of the order at the session, as well as for the observance of the term of the disciplinary proceedings. The person present who obstructed the disciplinary session may be removed from the room by order of the Chair of the Session, if the person in question is not a Party to the proceedings or a representative of a Party. A Party to the proceedings obstructing the disciplinary session or the representative of a Party may be removed from the room based on the decision of the Board. In case it is not possible to continue the meeting of the Board without the participation of the removed Party or a representative, the Board shall postpone the meeting. The removal of a person from the Board's meeting room is ensured by the staff of the Chamber.

7.1.8 If it is necessary to question witnesses, they shall be questioned one by one and shall leave the Board meeting room. Witnesses shall not be allowed to be present in the Chamber's meeting

room before being questioned. Witnesses shall be asked questions in the order prescribed by the Chair of the Session.

7.1.9 The Board Members may, in the order specified by the Chair of the Session, pose questions to the Executor, Parties, and witnesses present.

7.1.10 The minutes of the meeting of the Board Session are compiled by the Secretary of the Board. The Board may use a sound or video recording device instead of a paper record. The audio/video recording made by the technical device shall be transferred to a compact disk and attached to the disciplinary case.

7.1.11 The Board shall apply an expedited procedure for the examination of a disciplinary case on the basis of disciplinary proceedings initiated on the grounds of non-payment of membership fees or failure to undergo training by an advocate within the established period.

7.1.12. The Board meeting on a disciplinary case may be broadcast only for the advocates, in the cases and manner specified in the Rules of Procedure approved by the Board.

7.1.13. More than one disciplinary case with the participation of the same advocate can be joined and examined in a single proceeding if the advocate is accused of committing the same disciplinary violations.

7.1.14. When deciding on joined cases of disciplinary proceedings and choosing a disciplinary sanction, the Board shall consider the guilt or innocence of the advocate in each case separately.

7.1.15. The decision to join the same disciplinary cases in one proceeding shall be made by:

- a. The Chamber Chairman at the stage of initiating disciplinary proceedings or preparing a disciplinary case;
- b. The Board, at the stage of disciplinary proceedings.

7.1.16. In the case mentioned in paragraph "b" of sub-clause 7.1.15 of this Regulation: `

- a. The Board shall decide in the absence of the Parties:
- b. The Board shall appoint the Chairman of the session on the merged cases.

7.2. The decision of the Board to discipline an advocate

7.2.1 In a single disciplinary hearing, even if the same advocate has committed several disciplinary offenses, the Board shall make one decision.

7.2.2 The Board shall make the decision in the deliberation room. Only members of the Board examining the case may be present in the deliberation room. The presence of other persons shall not be allowed.

7.2.3 In the deliberation room, the decision is made by the Board Members' open voting. In case of an equality of votes, the decision that is more favorable for the advocate is considered adopted.

7.2.4 The issues discussed by the Board in the deliberation room, the position expressed by the Board members and the voting results are not subject to the publication either during the sitting or after the examination of the case. If the Chair of the Session has voted against the decision adopted in the deliberation room, then another Board Member shall prepare and sign the Board decision instead of the Chair (this Member shall be determined by and from the majority of the Board Members who have joined the adopted decision.)

7.2.5 After considering the case of disciplinary action against an advocate, the Board may make one of the following decisions:

- 1) To impose a disciplinary penalty against the advocate;
- 2) To terminate the disciplinary proceedings.

7.2.6 All doubts about the proven fact of disciplinary violation, which cannot be eliminated within the framework of a proper legal procedure in accordance with the provisions of the Law and this Regulation, shall be interpreted in favor of the Respondent.

7.2.7 The decision shall be made and sent to the Parties within twenty days after publication.

7.2.8 Parties can appeal the Board decision in court, within one month after receiving the Board decision. The Board decision shall enter into force after the expiration of the period of appeal provided for in this paragraph.

7.2.9 The appeal of the Board decision that has not entered into force shall terminate its entry into force.

7.2.10 Board decisions shall be carried out after entering into force.

7.3. The requirements to the Board decisions

7.3.1 The decision of the Board on subjecting the Respondent to disciplinary liability must contain:

- 1) name and composition of the Board and the number of the disciplinary case;
- 2) place and time of the examination of the issue in the Board;
- 3) name, last name and position of the advocate against whom the disciplinary proceedings were initiated;
- 4) explanations of the Applicant (if the proceedings were instituted based on an application);
- 5) explanations of the Respondent;

- 6) facts of the case with reference to the available evidence;
- 7) circumstances characterizing the identity of the Respondent;
- 8) the reasoned conclusion of the Board and the decision.

7.3.2 Decisions of the Board are published on the official website of the Chamber, except for those made in closed sessions.

7.3.3 The Chamber Member who voted against the decision has the right to form a special opinion within seven days from the day of receiving the Board's decision. The special opinion is not published but is sent to the Parties within ten days from the moment of submission.

CHAPTER 8. NEWLY EMERGED CIRCUMSTANCES

8.1. Persons entitled to apply for a review based on a newly emerged circumstance

8.1.1 The Board's decision adopted as a result of disciplinary proceedings shall be subject to review in case of newly emerged or new circumstances.

8.1.2 In the light of newly emerged circumstances, the Board's decision shall be reviewed by the Board.

8.1.3 In the newly emerged circumstances, both the Applicant and the Respondent have the right to submit an application to review the decision of the Board.

The Board may, on its initiative, decide to initiate a review of the Board's decision on holding the advocate accountable if:

- 1) the decision of the Board on subjecting the advocate to disciplinary liability has not entered into force, or the disciplinary sanction imposed on the advocate has not been repaid, and
- 2) the new circumstances that prove the innocence of the advocate or which are the basis for terminating the disciplinary proceedings are known.

8.2. The grounds and deadlines for the review of the Board decision due to the newly emerged circumstances

8.2.1 The newly emerged circumstances are ground for the review of the Board decision, if:

- 1) the person submitting the request for review proves that those circumstances were not known, could not have been known to the Parties or those circumstances were known to the Parties, but

for reasons beyond their control were not submitted to the Chamber and that these circumstances are essential for the resolution of the case;

2) the court act that has entered into force confirms the obvious erroneousness of testimony of the witness, the victim, the translator's translation or the falsification of the expert's conclusion, as well as the falsification of material evidence, protocols of investigative and judicial actions or other documents, on which Board decision was based;

3) the court act, decision of administrative body, and the decision of the Board, that have served as a basis for that Board decision, have been annulled.

8.2.2 An application for reconsideration of a decision of the Board in the newly emerged circumstances may be brought within three months of the date on which the Party became aware or could have been aware of their emergence, except as provided in sub-paragraph 8.2.4.

8.2.3 The review of the decision to terminate disciplinary proceedings is allowed only during the statute of limitations for disciplinary action.

8.2.4 The review of the Board decision to impose disciplinary liability on the Respondent based on the newly emerged circumstances that may establish the Respondent's innocence or other circumstances that can become a basis for terminating the disciplinary proceedings, is not limited in time.

8.3. Application for a review of the Board decision and examination of the application

8.3.1 The application to review the Board decision in the newly emerged circumstances must include:

- 1) year, month, and date of the decision subject to review by the Board;
- 2) the statement of the new or newly emerged circumstance that has become the bases for the review of the Board decision;
- 3) the claim submitted in the application, according to the relevant newly emerged circumstance;
- 4) name, last name (title), and signature of the person who applied;
- 5) the list of documents attached to the application.

8.3.2 The application for review shall be accompanied by a copy of the decision of the Board, the postal receipt confirming the fact that the review application was sent to the other Party, and the proof confirming the new circumstance.

8.3.3 If the application for review does not comply with the content of this paragraph or the required documents are not attached to the application, the Chamber Chairman shall return the

application and the attached documents for review. The person applying for the review shall correct the deficiencies and apply to the Chamber again.

8.3.4 The Board considers the application for review of the Board decision due to the newly emerged circumstances without inviting the Parties and within one month. The Board shall make one of the following decisions:

- 1) to start review proceedings;
- 2) to reject the review of the application.

8.3.5. In case of a decision to initiate review proceedings, the Board shall, by the same decision:

- 1) declare the decision of the Board on the disciplinary case invalid in full or in part;
- 2) appoint a Chairman of the Review Proceeding session.

After the Board's decision to initiate review proceedings, the Chamber Chairman shall not participate in the disciplinary proceedings.

The Board shall consider the case under review within a reasonable time, but not more than within four months after the decision to initiate review proceedings is made.

8.3.6 On the basis of the review application, the Board shall make a decision taking into account the newly emerged circumstance.

CHAPTER 9. DISCIPLINARY CASE

9.1. Disciplinary case

9.1.1 The disciplinary case includes the Applicant's report, the Chamber Chairman's decision to institute disciplinary proceedings, the evidence, the Executor's conclusion, the proof of inviting the Parties to the hearing (s), the Board's decision to consider the advocate accountable, and other materials necessary for the disciplinary proceedings.

9.1.2 The Executor is responsible for compiling the disciplinary case.

9.1.3 The Chamber Chairman shall indicate the number of the disciplinary case in the decision to initiate disciplinary proceedings as follows: the following number shall be given in each proceeding: DC-ABCDE, where AB is the last two digits of the year (such as 12 in the case of 2012,) and the CDE are the serial numbers starting with 001. The second disciplinary case initiated in 2012 will be numbered DC-12002.

9.1.4 The Secretary of the Board maintains a disciplinary register, the procedure for which is determined by the Chamber Chairman.

9.1.5 By the decision of the Chamber Chairman, the forms of notification, explanation, protocol, disciplinary case and other necessary documents may be defined.

9.1.6 The Secretary of the Board compiles annual statistics on disciplinary cases by February 15 of the year following the current year.

CHAPTER 10. TRANSITIONAL PROVISIONS

10.1. Transitional Provisions

10.1.2 The Executor's writing (correspondence) is performed in line with the office Procedures approved by the Chamber Chairman, through the person in charge of the Chamber Office.

10.1.3 Disciplinary proceedings instituted before the entry into force of this Regulation shall be performed under the former procedure, through the Executors, except for the disciplinary proceedings initiated on the grounds of non-payment of membership fees by the advocate within the set period.

10.1.4 This Regulation is an integral part of the Code of Conduct.