



Planned Amendments to the Law on Lawyers

Draft law, initiator



[Legislative initiative](#) - Amendments to the Law on Lawyers (amendments to associated four laws)

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The law is based on [legislative proposal](#)¹ by the Lawyers' Association.

Purpose of the draft law



The legislative amendment envisages a number of changes, including:

- Main principles related legal practice
- Rules for qualification exams and internship
- Issues on the relationship between the client and lawyer
- Amendments to the rules of formation of the Ethics Commission

Current regulation



1. Principles and guarantees of legal practice

- According to current regulation, the principles of legal practice are as following: legitimacy; freedom and independence of legal practice; inadmissibility of discrimination; non-interference in legal practice; protection and respect of the rights of clients; protection of professional confidentiality; protection of professional ethic norms.
- A provision is included in the Law on Guarantees of Protection of Lawyers, according to which interference in legal practice is not allowed

2. Obligatory internship in the form of one-year program

According to the current regulation of the Law on Lawyers², a lawyer may be a citizen of Georgia who:

1. has a higher legal education;
2. has passed a bar exam or a judicial qualification exam (for employees of the Prosecutor's Office);
3. **has at least one year's experience of working as a legal professional or as an intern of a lawyer.**

Proposed amendments



1. Principles and guarantees of legal practice

The draft law adds new provisions to the principles of legal practice: **respect of due process of law and rule of law, professional competence, integrity of the lawyer, good reputation and respect towards the legal profession.** In addition to this, the provision on legitimacy is removed from the law.

2. Obligatory internship in the form of a one-year program

According to the proposed amendments, a person wishing to **become a lawyer should pass an obligatory one-year internship program, composed of both theoretical and practical components, that is approved by the Executive Council of the Georgian Bar Association (in lieu of the one-year work experience as a lawyer or a legal intern).** Moreover, a provision is added, according to which the person going through the practical component of the internship should address the Bar Association with a statement, which will include information on the head lawyer of the internship. The selection of the internship will take place by the rules defined by the program, during which, as indicated by the author of the draft law, the aspiring lawyer will have the freedom to choose the mentor he/she wishes. As it is clear by the draft law and the explanatory note, the new internship envisages two parts: theoretical and practical internship. In the case of the latter, the aspiring lawyer should undergo a 9-month internship with a mentor lawyer.

Assessment/Recommendations



- **The expansion of the principles of legal practice is a positive step forward, however the provision on legitimacy should not be abolished**
- The increase of protection guarantees for lawyers should be welcomed. This amendment goes in line with the Basic Principles on the Role of Lawyers.
- The provision on an obligatory 1-year theoretical and practical internship is vague and it requires more specificity. **Rules governing the theoretical and practical components of the program should be clearly defined.**
- More clarity is required in the provision that envisages the practical internship with only the members of the Bar Association. International best practice envisages a number of possibilities, for example, internship in different state bodies, or the freedom to choose at a specific stage where the internship will be held³.
- According to the proposed amendments, work experience as a lawyer won't meet the criteria for internship. **The draft law also doesn't make clear the financial impact on the stakeholders, which should be clear at this point. Moreover, international practice shows that honorariums are envisaged in certain cases for persons undergoing internship⁴.**
- *It is important to make steps towards the status and professional development of lawyers, including the improvement of legislative regulations. However, the new rules for internship should be duly regulated, an aspiring lawyer should not be limited in choosing the place of internship. For the purposes of improving the current practice, it is important to analyze the reasons behind the problems and assess whether or not the new regulations are directed against them.*

¹ According to the provisions of the legislative proposal by the Bar Association, legal practice could be carried out only by a lawyer. This wording was removed from the draft law, which should be positively assessed.

² Article 10 of the Law on Lawyers: <https://goo.gl/ggVMqH>

³ See more: How to qualify as a lawyer in Germany, <https://goo.gl/3VBBbT>

⁴ Accessing the legal profession in France, <https://goo.gl/whKWfg>

