



Latvian Collegium of Sworn Advocates ARTICLES OF ASSOCIATION

/RESTATED/

(Adopted at the general meeting of Latvian sworn advocates on 21 May 1993.

Approved as restated at the general meeting of Latvian sworn advocates on 6 May 2022.)

1. GENERAL PROVISIONS

1.1. These Articles of Association, in addition to external legal regulations, shall determine and govern the organisational structure of advocacy as a professional corporation, the procedures for the creation of and the competence of advocacy institutions, the rights and duties of advocates.

1.2. The Latvian Collegium of Sworn Advocates (hereinafter – the Collegium) shall be an independent professional corporation of Latvian sworn advocates which unites all sworn advocates practicing in Latvia.

1.3. The Collegium shall operate in accordance with the Advocacy Law of the Republic of Latvia (hereinafter – Advocacy Law) and these Articles of Association as an autonomous self-government of advocates subject to public law. The Collegium shall not be a public authority.

1.4. The Collegium shall unite all Latvian advocates on the professional basis in order to take care of the prestige of the profession, to promote professional growth, cultivation of creative abilities and gaining of experience for advocates to fulfil the tasks provided for in the Advocacy Law and other laws.

1.5. The institutions of the Collegium shall be the General Meeting of Sworn Advocates (hereinafter – General Meeting), the Latvian Council of Sworn Advocates (hereinafter – Council), the Disciplinary Proceedings Commission, and the Audit Board. The General Meeting shall be the top decision-making body of the Collegium authorised to give mandatory assignments to other institutions of the Collegium. The General Meeting shall elect the Council, the Disciplinary Proceedings Commission, and the Audit Board in accordance with the procedures provided for in the Advocacy Law and in these Articles of Association.

1.6. Officials of the Collegium shall not take decisions in the circumstances of a conflict of interest, shall organise the most efficient possible operation of the institutions of the Collegium, follow the principles of good governance, defend the interests of advocacy and the Collegium with bravery and perseverance.

1.7. Sworn advocates shall have all the rights and duties provided for in the law, including the right to participate in the self-government of the Collegium and in the meetings of institutions if no restricted access information is being reviewed, to participate in General Meetings and fulfil the decisions of the General Meeting and the Council.

2. GENERAL MEETINGS OF THE COLLEGIUM: ORGANISATION AND PROCEDURE

2.1. General provisions for the organisation and procedure of General Meetings

2.2. Annual and extraordinary General Meetings of the Collegium shall be called in accordance with the procedures provided for in the Advocacy Law and in these Articles of Association. General Meetings shall take place in person; however, if, for objective reasons, a General Meeting cannot take place in person, the General Meeting shall be organised remotely.

2.2.1. Annual General Meetings shall be called in the first quarter of each year.

2.2.2. A notice of a General Meeting shall be published on the official website of the Collegium no later than 30 (thirty) days before the General Meeting. The notice shall state the type of the General Meeting (annual or extraordinary), its place and time, agenda, and other necessary information. On the day the notice is published, information about it shall be electronically sent to sworn advocates. A draft agenda proposed by the Council, a review of the Council's work for the previous year, a review of budget performance for the previous year, a draft budget for the current year, as well as draft decisions proposed by the Council to be approved at the General Meeting shall be included with the notice of an annual General Meeting.

2.2.3. Sworn advocates, within 14 (fourteen) days of the day of the notice of a General Meeting, may submit in writing to the Council their proposals for changes in the agenda, as well as their proposals for draft decisions of the General Meeting, providing a brief justification of the proposals and draft decisions prepared in writing to be brought up for vote at the General Meeting. After this time period, the Council, within five working days, shall summarise the proposals submitted, publish these on the official website of the Collegium, and electronically send the same to sworn advocates. Proposals submitted after the deadline shall not be reviewed and shall not be brought up for vote at the General Meeting.

2.2.4. If elections of the Collegium institutions are planned at the General Meeting, every sworn advocate has the right to nominate themselves or another advocate within the time period specified in paragraph 2.2.3 for election to the Council, the Disciplinary Proceedings Commission, the Audit Board. Candidates shall be nominated by a written notice to the Council, specifying the candidate's name, surname, and the position for which the candidate is being nominated, as well as the positions in order of priority if an advocate is being nominated for several positions. If a sworn advocate is nominating another sworn advocate, the candidate's written consent shall be included with the notice.

2.2.5. Every sworn advocate may stand as candidate in one or several slates of candidates, but may only hold one position at the institutions of the Collegium which, in accordance with the law, are elected by the General Meeting. If a sworn advocate stands for several positions, they must notify their order of priority to the Council before the elections. After the end of the candidate application period, the Council, within three working days, shall prepare slates of candidates, publish these on the official website of the Collegium, and electronically send the same to sworn advocates. After the deadline, the proposed candidates shall not be included in the slate of candidates. Sworn advocates who have not applied personally and who have been nominated by other advocates shall not be included in a slate of candidates. Sworn advocates subject to the restrictions referred to in Section 38.2 of the Advocacy Law shall not be included in a slate of candidates.

2.2.6. Elections of a Chairperson of the Council, vice-chairperson, members of the Council, members of the Audit Board, and members of the Disciplinary Proceedings Commission shall take place at in-person General Meetings or in an online voting system within 5 (five) working days after the General Meeting. If a General Meeting cannot take place in person for objective reasons, the elections shall take place at a remote General Meeting through voting in an online voting system within 5 (five) working days after the General Meeting.

2.2.7. Representation of sworn advocates at a General Meeting on the basis of a power of attorney is not allowed.

2.2.8. If sworn advocates have proposed changes in a draft agenda proposed by the Council, all proposals regarding the General Meeting agenda shall be brought up for vote at the General Meeting and prepared as specific draft decisions.

2.2.9. If sworn advocates have proposed draft General Meeting decisions, all revisions of the proposed decisions shall be brought up for vote at the General Meeting and prepared as specific draft decisions.

2.2.10. If, during the voting on matters which are decided by a simple majority of votes, the votes are distributed equally ("in favour" equals the total of "against" and "abstaining"), a new voting shall be carried out. If, during the new voting, the votes are also distributed equally, the proposal brought up for voting shall not be adopted.

2.2.11. Elections at the General Meeting shall take place after the General Meeting has determined the number of institution members.

2.2.12. A participant of the General Meeting shall vote for one candidate for the position of the chairperson of the Council and one candidate for the position of the vice-chairperson. A participant of the General meeting shall vote for the number of candidates for the position of the member of the Council, member of the Audit Board, member of the Disciplinary Proceedings Commission which is no greater than the number of the institution members set by the General Meeting. Any votes that do not meet these requirements shall be considered invalid.

2.2.13. The Collegium institution elections shall take place as a secret ballot. Members of the institutions of the Collegium shall be elected by a simple majority of votes – those candidates shall be elected which are voted for by more than 50% of the number of advocates participating in the ballot.

2.2.14. If, in the first stage of the elections of the chairperson of the Council and the vice-chairperson of the Council, no candidate receives the number of votes required to be elected, the elections shall be continued in the second stage with the participants being two candidates who received the highest number of votes.

2.2.15. If the Council, the Disciplinary Procedures Commission, or the Audit Board is not elected in full in the first stage of the elections, those candidate members of the corresponding institution shall be considered elected which have received a simple majority of votes in the first stage of the elections and the second stage of the elections shall be organised. The candidates who have received the most votes after the elected candidates in the first stage shall participate in the second stage. The number of the participants in the second stage shall be twice the number of unelected members of the institution. If the number of candidates who have not received a simple majority of votes is lower, all unelected candidates shall participate in the second stage of the elections. The elections shall be continued in the second and further stages until the corresponding institution of the Collegium is elected in full in accordance with the number of members of the Collegium institution set by the General Meeting of the Collegium.

2.2.16. Should the chairperson of the Council or the vice-chairperson of the Council resign during their term of office, elections for this position shall be organised at the next General Meeting. The elected candidate shall hold this office until the end of the term of office of the previously elected Council.

2.2.17. Should a member of the Council, member of the Disciplinary Procedures Commission, or member of the Audit Board resign during their term of office, elections for this position shall be organised at the next General Meeting. The elected candidate shall hold this office until the end of the term of office of the previously elected institution.

2.2.18. A General Meeting shall be opened by the chairperson of the Council; in their absence – by the vice-chairperson of the Council. A General Meeting shall be chaired by no more than 3 (three) sworn advocates elected by the General Meeting. The minutes of the General Meeting shall be approved by no more than 3 (three) sworn advocates entrusted to do so by the General Meeting, as well as the minute-taker of the General Meeting entrusted to do so by the General Meeting and the chairperson of the Council or vice-chairperson of the Council. If audio or video recording of the General Meeting is performed, the participants of the General Meeting shall be informed and the recording shall be attached to the minutes of the General Meeting.

2.2.19. A General Meeting shall be cancelled due to the lack of quorum if less than a third of all the sworn advocates entitled to vote at the General Meeting have attended and registered for the participation in the General Meeting. If a General Meeting is cancelled due to the lack of quorum, the chairperson of the Council, no later than within a month, shall call a new General Meeting, with the same agenda, entitled to review the matters announced in the agenda regardless of the quorum, with the exception of the Council elections.

2.2.20. The time-limit of the General Meeting, the length of reports and debates shall be determined by the General Meeting.

2.3. Special provisions for in-person General Meeting procedure

2.3.1. At in-person General Meetings, the votes shall be counted by the vote counting commission elected by the General Meeting.

2.3.2. Open ballots at an in-person General Meeting shall be implemented using voting signs (“in favour”, “against”, “abstaining”). At an in-person General Meeting, elections of the members of the institutions of the Collegium may be organised remotely in an online system after an in-person General Meeting.

2.3.3. If, during any voting, the lack of quorum is found, a new voting shall be carried out. If, during the new voting, there is still no quorum, the voting shall be considered failed and the General Meeting shall be closed.

2.4. Special provisions for remote General Meeting procedure

2.4.1. If, for objective reasons, a General Meeting cannot take place in person, the Council may organise a General Meeting remotely.

2.4.2. A remote General Meeting shall be organised and the time-limit for the General Meeting shall be determined by the Council. Remote General Meetings shall be implemented using videoconference systems. Voting on the issues on the agenda of the General Meeting shall take place in an online system simultaneously with the videoconference. Minutes of a remote General Meeting shall be approved by the Council.

2.4.3. At a remote General Meeting, the Council shall provide all sworn advocates with the following:

- timely access to the agenda proposed by the Council and other sworn advocates, draft decisions and other documents of the General Meeting,

- an opportunity to express their opinion on the proposed draft decisions and access to these opinions for all advocates,
- an opportunity to vote at General Meetings,
- an opportunity to get acquainted with the results of the voting in the online voting system.

3. OPERATION OF THE COUNCIL

3.1. Council meetings shall be organised at least once a month.

3.2. Extraordinary meetings may be organised by the chairperson of the Council at their own initiative or at the initiative of a member of the Council; in their absence – by the vice-chairperson of the Council.

3.3. Advocates may participate in the Council meetings as observers if this objectively does not disturb the course of the Council meeting. The Council may decide to review specific issues at a closed meeting if this is required for ensuring the confidentiality of the private life of the persons involved in reviewing the issue, of a trade secret, or professional activity of advocates.

3.4. The Council may invite advocates who are not its members, as well as other persons, to participate in its meetings as advisors.

3.5. The time, place, and agenda of the Council meeting shall be notified to the members of the Council at least three days before the meeting. Members of the Council shall be provided with access to all the documents related to the issues reviewed at the Council meetings.

3.6. Issues not included in the agenda may also be reviewed at a Council meeting if at least half of the attending members of the Council agrees to this.

3.7. Council meetings shall be chaired by the chairperson; in their absence – by the vice-chairperson of the Council.

3.8. A member of the Council shall not vote on any issues which affect or may affect their own personal or financial interests or those of their relatives or business partners.

3.9. Minutes of the Council meetings shall be taken and shall include:

3.9.1. the time and place of the meeting;

3.9.2. the agenda;

3.9.3. name and surname of the chair, the participants, the minute-taker of the meeting and other invited and attending persons;

3.9.4. the decisions taken, specifying the result of the voting and the vote of each member of the Council;

3.9.5. a different opinion of a member of the Council regarding a decision taken at the meeting if the member so requests.

3.10. Decisions taken at the Council meetings may be prepared as protocol decisions or decisions in the form of a separate document. The content of protocol decisions shall be recorded in the minutes of the Council meeting. The final revision of decisions taken in the form of a separate document may also be agreed upon by the members of the Council after the Council meeting without changing the essence of the decision taken.

3.11. Minutes of a Council meeting shall be signed by the chairperson and the minute-taker of the meeting. Decisions of the Council shall be signed by the chairperson of the Council; in their absence – by the vice-chairperson of the Council.

3.12. Regarding the issues which do not require discussion, the Council may take decisions without calling a Council meeting and use an online voting system. Every member of the Council may request for any issue to be reviewed at a Council meeting.

3.13. The Council, to ensure its operation and support, may create commissions, design and approve by-laws for these commissions providing for their competence. The commissions created by the Council shall be chaired by a member of the Council or a sworn advocate approved by the Council. The members of the commissions created by the Council shall be elected by the Council following an announcement of a job application process for these commissions. The members of the commissions created by the Council may be sworn advocates, as well as assistants to sworn advocates, if the by-laws of the particular commission so provide. The term of office of the members of the commissions created by the Council shall not exceed the Council's term of office by more than three months.

3.14. The chairperson of the Council shall:

3.14.1. lead the work of the Council;

3.14.2. represent the Collegium in relations with government institutions and foreign advocacies or authorise other advocates to perform these tasks;

3.14.3. within the budget approved by the General Meeting, handle the property and finances of the Collegium;

3.14.4. on behalf of the Collegium, sign contracts required for ensuring the functions of the Collegium.

3.15. The vice-chairperson of the Council shall:

3.15.1. replace the chairperson of the Council in their absence;

3.15.2. organise the qualification improvement process for advocates;

3.15.3. organise the reviewing of claims and applications regarding advocates and submit proposals to the Council for the taking of decisions.

3.16. Every member of the Council shall undertake the leading of a commission created by the Council or undertake the supervision of a field overseen by the Council. At Council meetings, every member of the Council shall be responsible for preparing for reviewal of any matters in their competence, for preparing draft decisions and taking them for discussion and voting.

4. ISSUING INTERNAL REGULATIONS

4.1. Internal regulations of the Collegium shall be issued by the Council or a corresponding institution of the Collegium in accordance with the powers provided for in the Advocacy Law.

4.2. In other matters, the preparation and discussion of draft internal regulations of the Collegium shall be organised by the Council, and such internal regulations of the Collegium shall be adopted by a decision of the General Meeting.

4.3. The Council shall ensure the publication of the latest revisions of all internal regulations of the Collegium and their availability on the advocacy website.

5. DISCIPLINARY PROCEEDINGS

5.1. Disciplinary proceedings regarding the actions of sworn advocates shall be initiated and reviewed in accordance with the procedures provided for in the Advocacy Law, Administrative Procedure Law, and these Articles of Association.

5.2. The operation of the Disciplinary Proceedings Commission shall be organised by its chairperson who shall chair the meetings of the commission, supervise its recordkeeping, represent the commission in courts and other institutions, provide a report on its operation to the General Meeting.

5.3. A sworn advocate regarding whose actions a disciplinary matter has been initiated or a claim has been submitted for initiating a disciplinary matter shall have the right to get acquainted with the materials of the disciplinary matter and provide explanations. The sworn advocate shall cooperate with the Disciplinary Proceedings Commission in the reviewing of the disciplinary matter.

5.4. During the reviewing of disciplinary matters, the Disciplinary Proceedings Commission may also find other violations which are not specified in the decision of the Council on the initiation of disciplinary proceedings, notifying the advocate and giving them an opportunity to provide an explanation.

5.5. Minutes of the Disciplinary Proceedings Commission meetings shall be taken and shall include:

5.5.1. the time and place of the meeting;

5.5.2. name and surname of the chair, the participants, the minute-taker of the meeting and other invited and attending persons;

5.5.3. description of the matter being reviewed;

5.5.4. the essence of the explanations provided by the advocate regarding whom a claim is being reviewed;

5.5.5. the decision taken, specifying the result of the voting;

5.5.6. a different opinion of a member of the Disciplinary Proceedings Commission regarding a decision taken by the Disciplinary Proceedings Commission if the member so requests.

5.6. Minutes of the Disciplinary Proceedings Commission meeting shall be signed by the chairperson of the commission and the minute-taker elected by the commission.

5.7. Decisions of the Disciplinary Proceedings Commission shall be prepared as a separate document. Decisions of the commission shall be signed by the members of the Disciplinary Proceedings Commission who participated in the taking of the decision.

5.8. The Disciplinary Proceedings Commission shall notify the advocate whose disciplinary matter is being reviewed of the date of the availability of the minutes of the meeting and the decision of the commission.

5.9. Decisions in disciplinary matters shall be prepared in accordance with the data protection requirements provided for in the legal regulations and published after their coming into force on the advocacy website in a closed section.

6. FINANCIAL ACTIVITY OF THE COLLEGIUM AND ITS SUPERVISION

6.1. The finances of the Collegium shall be comprised of the advocates' payments in the amount specified by the Council for the maintenance of the Collegium.

6.2. The financial year of the Collegium shall start on January 1 and end on December 31 each year. If the budget of the Collegium for the current year is approved after the end of the financial year, the Council, in its financial activity, shall follow the budget for the previous year until the budget for the current year is approved.

6.3. Action with the property and financial resources of the Collegium is only allowed within the budget approved by the General Meeting. If savings occur in a budget item within a financial year, the Council may decide on the channelling of the saved finances to other budget costs if this is objectively necessary.

6.4. The Council may create separate financial resource funds for the support of various measures which are not directly related to the fulfilment of advocacy functions. The finances in these funds shall only be comprised of voluntary donations from advocates and other persons.

6.5. At the beginning of each year, the Audit Board shall perform an audit of the report on the Collegium's financial activity in the previous year and provide a statement to the General Meeting on the results of the annual audit. No later than ten working days before the General Meeting, the statement of the Audit Board shall be submitted to the Council.

7. OPERATION OF THE COUNCIL BUREAU

7.1. The Council Bureau shall deal with the matters related to the operation of the Collegium and the commissions created by its institutions and the Council and manage recordkeeping.

7.2. The Council Bureau employees shall support the operation of the commissions created by the institutions of the Collegium and by the Council by ensuring the circulation and preservation of documents, the preparation of draft decisions and other documents and the fulfilment of other functions of organisational and technical nature. The Council Bureau, in cooperation with the chairs of the corresponding commissions created by the institutions of the Collegium and by the Council, may also engage sworn advocates and assistants to sworn advocates in the fulfilment of its functions, on a voluntary basis.

7.3. The operation of the Council Bureau shall be led by a secretary general.

7.4. The secretary general shall perform their duties on the basis of an employment contract, and the position of a secretary general shall not be limited by the Council's term of office.