**Mandate of the Special Rapporteur on the Independence of Judges and Lawyers
Questionnaire on the Role, Composition and Functions of Bar Associations**

1. **Please provide information on the way the legal profession is organised and regulated in your country. What are the legal bases for its establishment (e.g. constitutional provisions; ordinary law or other)? Please also indicate the main legal provisions protecting the right of lawyers to freely join or create a local, national or international association, and mention the existing associations.**

The Finnish Bar Association is an organization whose activity is regulated by the Attorneys-at-Law Act of 1958. The organization's statutory tasks are to regulate and supervise attorneys-at-law's activity. Other main objectives are enhancing the quality of legal service, educating and supporting its members and actively taking part in legislative work. The Bar Association is not a registered association, a trade union or an entrepreneur organisation. The Finnish Bar has over 2,100 members. Only a member of the Bar is allowed to use the professional title *attorney-at-law*.

In Finland, there is no monopoly in marketing legal services or assisting in court proceedings.

Lawyers who advise on and assist in legal matters can be divided into two categories: members of the Finnish Bar Association (attorneys-at-law) and non-members of the Bar (jurists). In addition to this, lawyers who represent clients in the Finnish courts must have a license issued by an independent Board of Licensed Counsels. al aid is offered by Public Legal Aid Attorneys, Advocates and other lawyer licensed to assist clients in trials for legal assistance; in other matters, legal aid is offered by Public Legal Aid Attorneys. These work in State Legal Aid Offices. The offices are normally located in the same municipalities as the District Courts.

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In Finland we also have State Legal Aid Offices, which are regulated by Act on Public legal aid offices.

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Freedom of assembly and freedom of association is guaranteed for everyone in the Finnish Constitution

Section 13 - Freedom of assembly and freedom of association

Everyone has the right to arrange meetings and demonstrations without a permit, as well as the right to participate in them. Everyone has the freedom of association. Freedom of association entails the right to form an association without a permit, to be a member or not to be a member of an association and to participate in the activities of an association. The freedom to form trade unions and to organise in order to look after other interests is likewise guaranteed. More detailed provisions on the exercise of the freedom of assembly and the freedom of association are laid down by an Act.

1. Does a professional association of lawyers play a role in the regulation of the profession? If so, please provide information on:

Please check answers provided to questions 1 and 4

1. Please provide information on the relationship between the association of lawyers and the Executive, Legislative and Judiciary powers. In particular, **please provide** **information on the role of the Ministry of Justice and/or the judiciary in relation to the establishment and functioning of this association.**
2. **Please provide information on the role that professional associations of lawyers play with regard to:**
3. **the admission process to the legal profession and the licensing of lawyers;**

The Board of the Bar admits members to the Bar. Applicants whose application has been rejected are entitled to appeal the decision at the Helsinki Court of Appeal.

To be accepted as a Bar Member (attorney-at-law), applicants must fulfill the following qualifications (Attorneys-at-law Act Section 3 and Finnish Bar Association By-Laws Section 5):

Be at least 25 years old;

Have completed a Master of Laws degree in Finland, other than a master of international and comparative law degree; or have completed a law degree outside Finland and has received a decision by [the Finnish National Board of Education](http://www.oph.fi/english/services/) on the eligibility for the post requiring a Master of Laws degree in accordance with the Act on the Recognition of Professional Qualifications (1385/2015 as amended);

Have acquired the skills and practical experience necessary for the profession of attorneys-at-law by practicing for at least four years in the field of judicial administration or in comparable duties requiring legal education but, in any case, for at least two years as an associate, public legal aid attorney or independent legal practitioner resulting in comparable experience in advocacy;

Have passed an examination in professional ethics and in the special regulations relating to attorneys-at-law (Bar Examination of the Finnish Bar Association);

Be known to be honest and, in respect of his/her other characteristics and way of life, suitable for the profession of attorneys-at-law;

Is not a bankrupt and has full legal capacity.

Lawyers who are not members of the Finnish Bar Association must have a license issued by an independet Board of Licenced Counsels. The criteria/requirements for the license are set in the Act of Licenced lawyers.

1. **the conduct of disciplinary proceedings against lawyers;**

All members of the Finnish Bar Association must follow the professional and ethical standards of the legal profession. The Bar Association’s Code of Conduct is a codification of these standards.

If a client is dissatisfied with a Bar Member (attorney-at-law), he/she can make a written complaint to the Disciplinary Board, either in Finnish or in Swedish.

The functions of the Disciplinary Board include the duty to supervise that members of the Bar (attorneys-at-law), public legal aid attorneys and licensed legal counsels fulfill their obligations when appearing in a court of law as well as in their other activities.

The Disciplinary Board deals with disciplinary matters. It is the Disciplinary Board’s duty to investigate breaches of the rules of the proper professional conduct, to receive, examine and decide upon complaints made against attorneys-at-law in respect of alleged breaches of the rules of the proper professional conduct.

The sanctions include admonishment, warning, fine or disbarment permanently from the Bar Association. Bar Members are entitled to appeal the decision at the Helsinki Court of Appeal.

The Disciplinary Board is composed of the chairperson and eleven (11) other members, as well as their personal deputies. The chairperson, his or her deputy, six (6) other members and their deputies must all be Bar Members (attorneys-at-law). Three (3) members and their deputies must not be members of the Bar, but must hold a Master of Laws degree, must be well versed in advocacy and in adjudication or the academic research or teaching of law. Two (2) members and their deputies must be licensed legal counsels as referred to in the Act on Licensed Legal Counsels (715/2011).

1. the provision of legal aid;

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1. the protection of individual lawyers from any form of intimidation, hindrance, harassment or improper interference in the exercise of their functions;
2. the development and implementation of legislation concerning the free exercise of the legal profession and the administration of justice.
3. **Is membership in the professional association of lawyers mandatory to practice law in your country? In case membership is a prerequisite to practice law, please provide detailed information on the measures the State has taken to ensure access to justice in cases where there is a shortage of lawyers in the whole country or part of its territory.**

As explained in the first answer membership in the bar association is not mandatory in order to practice law. Lawyers who advise on and assist in legal matters can be divided into two categories: members of the Finnish Bar Association (attorneys-at-law) and non-members of the Bar (jurists). In addition to this, lawyers who represent clients in the Finnish courts must have a license issued by an independent Board of Licensed Counsels. al aid is offered by Public Legal Aid Attorneys, Advocates and other lawyer licensed