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

**REPLY BY THE SWEDISH BAR ASSOCIATION**

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.***

**Answer:**

**The formal structure/organisation of the Swedish Bar Association**

Seven Departments   
(The Members)

The Council

The Board

The Disciplinary Committee

The Consumer Dispute Committee

The Government

The Administration

The Magazine ”Advokaten”

The Secretary General

The Swedish Bar Association, SBA (*Sveriges advokatsamfund*), is the only existing bar association/lawyers organisation in Sweden. The SBA is a national organisation and acts for and on behalf of all advocates in Sweden. The members of the Bar have an exclusive right to offer legal advice under the professional title “advokat”. The SBA is divided into seven geographical divisions (sections), six for members practising in Sweden and one for those members who practise abroad. Each section has a local board of its own. Every advocate belongs to the division within whose area the advocate principally conducts the business. The boards of the division perform duties in connection with the admission procedure (see more below at chapter 4.1.). They also elect delegates to the Bar’s supreme body, the Council. A regular meeting of the Council is held once a year; the Council elects the Board of the Bar and the members of the Disciplinary Committee. The Board consists of 20 members (all advocates); the President, the Vice President, and 18 other members from different geographical places and with different fields of legal expertise in order to ensure the different regional sections and different professional practise areas are duly represented. The maximum tenure for a Board Member is six years. The Disciplinary Committee is composed of eleven members. The Bar Association elects the Chairman, the Vice Chairman, and six of the members (all eight are advocates). The Government appoints the remaining three members as representatives of the public (former judges, former members of Parliament, former heads of public administration, especially with consumer focus, or other persons from the public administration). The maximum term for the members appointed by the Bar is eight years. The Bar employs approximately 40 persons (incl. the editor and journalists of the Bar magazine). The Chief Executive Officer of the Bar is the Secretary General. The Consumer Dispute Committee is composed of five representatives (each with a substitute) elected by the Board. The representatives are currently one judge, two members of the Bar and two representatives for the consumer interest.

**The Swedish market for legal services**

Sweden has an open market for legal services. There is no monopoly of legal services in Sweden. Any person may practice law, offering his services to the public, without the need for an authorisation. Moreover, any person may call himself a lawyer, regardless of any law degree or any other formal education. Litigants are not required to employ qualified legal counsel in court. Anyone may appear before any court, on any level of the court system, representing himself or another person. Hence, the practise of law is a truly free pursuit. The members of the SBA have, however, an exclusive right to offer legal advice under the professional title “advokat”. Some rules are applicable only to the members of the Bar. The title “advokat” is protected by law and is exclusively reserved for the members of the Bar. Notwithstanding the fact that litigants may be represented by anybody, Bar members are retained in the vast majority of court cases. In criminal cases it is very rare that other representatives than members of the Bar are appointed as defence counsel or as counsel to persons injured by tortuous acts in connection with crimes. A special feature for the Swedish profession is that there is no requirement for any lawyer to be a member of the SBA.

Furthermore, only clients of an advocate enjoy professional secrecy and other privileges. The title “Advokat” carries in a Swedish context a great deal of prestige and good will. All advocates must upheld their legal qualifications and undergo continuing professional training. Advocates are continuously under supervision of the SBA and must always act according to the Code of Professional Conduct for members of the Swedish Bar Association[[1]](#footnote-1) and always fulfil the requirements in the law. Core values of the legal profession of advocates in Sweden are independence, loyalty, professional secrecy and avoidance of conflict of interests. These core values are both duties for advocates and rights of the clients.

Advocates and the Swedish Bar Association are since 1948 regulated by law; the Swedish Code of Judicial Procedure. When the current Swedish Code of Judicial Procedure entered into force in 1948, the Bar Association gained official recognition (Chapter 8 of the Code of Judicial Procedure).[[2]](#footnote-2) The Code stipulates that there shall be a general Bar Association, the Charter of which is ratified by the Government.

It follows from the law that the Code of professional Conduct is adopted by the Bar itself and the Charter of the Bar is confirmed by the Government, which gives it status of ordinance. The activities of the Bar and advocates are supervised by the Chancellor of Justice and decisions to disbar an advocate or to refuse an applicant membership of the Bar can be appealed directly to the Supreme Court.

**Regulation of Swedish advocates (lawyers) and the Bar Association**

Except for the provisions in Chapter 8 in the Code of Judicial Procedure, there are legal rules also in other codes and other regulations that are applicable only to members of the Bar (applicable only to advocates/”advokater”). The title “advokat” is also protected by law and is exclusively reserved for the members of the Bar. Any person using that title without being so authorised commits a criminal offence. Notwithstanding the fact that litigants may be represented by anybody, members of the SBA are retained in the vast majority of court cases. In criminal cases it is very rare that other counsel than members of the Bar are appointed as defence counsel or as counsel to persons injured by tortuous acts in connection with crimes.

An advocate may not be employed by anyone else than an advocate. An advocate may i.e. not be a judge, prosecutor or an in-house counsel. A particular feature characterising the Swedish Bar is that no in-house lawyers are permitted to become members of the Bar. Furthermore, members of the Bar may not be employed by someone outside the Bar or even form a company with someone who is not a member (in both cases with the possibility for the Council to grant leave). This is seen as a corner stone of professional independence; an advocate must always stand free from undue influence from sources outside the profession. In line with this an advocate may not enter into partnership with anyone who is not an advocate. The Swedish Bar has as a consequence upheld the ban on Multidisciplinary partnerships/practices. The Bar Association may grant exemption in certain circumstances.

1. ***Does a professional association of lawyers play a role in the regulation of the profession? If so, please provide information on:***
2. ***the exact denomination of the body;***
3. ***the legal basis for its establishment (e.g. constitutional provisions; ordinary law or other);***
4. ***whether the association has been established as an ‘independent’ and self-governing association;***
5. ***the composition and appointment process of the executive body of the association.***

**Answer:**

**The role of the Swedish Bar Association**

The Bar Association was originally formed as a private association in 1887. At the beginning the Bar was a voluntary association of academically trained lawyers. Its principal task from the start was to improve the administration of justice and to increase the prestige of the legal profession. When the current Swedish Code of Judicial Procedure (RB) entered into force in 1948, the Bar Association gained official recognition. According to Chapter 8, Section 1 of the Code of Judicial Procedure, there shall be a general Bar Association and the regulation of the Association (the Charter) shall be confirmed by the government.[[3]](#footnote-3) The Bar Association can be characterized as an association under private law, bearing a number of characteristics of a public law body.

The objects of the Bar Association are, in accordance with Section 1 of the Charter of the SBA, to maintain high ethical and professional standards in the legal profession (e.g. admittance, discipline and continuing professional training); to monitor the development of the law and to ensure that the development of the law is beneficially influenced by the experience of the Bar (legal opinions on legislative proposals, commissions, etc.); to safeguard the general professional interests of its members (insurance, independence, information, etc.); and to further unity and consensus between members (large law firms v. sole practitioners, etc.).

The public administrative functions – granted in the Code of Judicial Procedure, Chapter 8 – involve the exercise of public authority. Such authority includes requirements for membership and the admission process (incl. administration of the Bar examination), supervision of the professional activities of advocates and taking disciplinary measures against members. The SBA has since 2016 a Consumer Disputes Committee regarding lawyer fees and other disputes between clients (consumers) and their lawyers, as a result of the implementation of directive 2013/11/EU (on alternative dispute resolution for consumer disputes and amending Regulation). Other functions of the SBA are in short legislative influence, public information and influence, professional training and support of the members and international relations.

**The Admission Process**

The requirements for becoming a member of the Bar Association are laid down in the Code of Judicial Procedure and in the Charter of the Bar Association. The application is handled by the Administration and the application is reviewed by the Board before its decision. Before the Board make its decision, the Department of the applicants’ geographical area will review the application and give its opinion if the applicant should be accepted as a member of the Bar Association.

The applicant must – amongst other requirements – pass the Bar exam (held by the Bar Association) and produce sufficient proof of his previous experience. In order for the Council to be able to assess his suitability, the applicant is required to give references to all Bar members, courts, or other authorities with whom the applicant has had professional contact. The Bar members, courts, and other authorities are requested to give a statement regarding the applicant is suited for membership of the Bar Association. The Board of the then decides on the membership application. A decision by the Board to deny admission to the Bar must include the main reasons for the decision. A negative decision can be appealed directly to the Supreme Court.

**The Disciplinary proceedings**

See below under question 4.

**The Consumer Dispute Committee**

The Bar Association has since 2016 a Consumer Disputes Committee regarding fees for consumers as a result of directive 2013/11/EU (on alternative dispute resolution for consumer disputes and amending Regulation). A member is obligated to comply with a decision of the Consumer Disputes Committee according to the Bar Associations’ Code of Conduct. The Consumer has always the right to have the dispute tried by a public court. The Committee is approved by – and under supervision of – the Legal, Financial and Administrative Services Agency.

The Committee is composed of five representatives (each with a substitute) elected by the Board. The representatives are currently one judge, two members of the Bar and two representatives for the consumer interest. The Committee issued 70 decisions during the year of 2017 of which 13 of the cases sustained the claim (or part of the claim).

**Legislative influence**

A mandatory part of the Swedish legislative process is the Government inviting comments on draft bills from various bodies in society. The SBA has a frequent role as consultation body in the legislative process (the referral process). The SBA annually submits legal opinions and comments on some 120 – 130 legislative proposals.

Advocates and representatives of the SBA are also frequently appointed as experts in commissions of inquiry (appointed by the Government) and participate in hearings, legal debates and discussions (media, conferences, seminars, etc.). The SBA has well- functioning professional contacts and continuous meetings with the Government and Government officials, especially with the Ministry of Justice and the Parliamentary Standing Committee on the Administration of Justice. The SBA also work hard to influence the European Union legal agenda (CCBE ./. EU-Commission) and International legal agenda (IBA ./. UN).

The Swedish membership in the European Union has increased both the speed in the legislative process and in the number of drafts. The SBA considers it especially important to monitor issues relating to the Rule of Law, the respect for human rights, access to justice, the observance of due process and technical quality of the legislation. The SBA is also addressing concerns of the members to the authorities, government departments and law makers ensuring terms for an independent and free practise of the members.

**Public information**

The Bar Association publishes the legal magazine, “*Advokaten*” (“The Advocate”). It is published nine times annually and is distributed to all members and their associates, to the courts, to the prosecutors’ offices etc. The magazine is also available online. The web site of the Bar Association contains information on various issues of interest to the public and the members of the Bar. One of the major features is the possibility for the public to access the Directory of Members. The Administration is open daily to answer questions regarding the work of the Bar Association or the disciplinary system. The Secretary General is a strong voice in both traditional and social media addressing issues relating to the Rule of Law, the respect for human rights, access to justice, the observance of due process and technical quality of the legislation.

The SBA itself does not provide legal aid as an organisation or decide in questions regarding legal aid costs. However the Bar Association supports the initiative of “advokatjouren” which consists of members offering 15 minutes of legal introduction to the public at public libraries. Legal aid is decided by the courts and the Legal Aid Authority.[[4]](#footnote-4)

**Professional training and support of the members**

The Bar Association arranges courses within the Bar Exam scheme. In addition to that, courses in various legal fields are given. In order to maintain and develop the advocates professional qualifications (continuous professional training), all members is obligated to participate in *minimum* 18 hours of structured training every year. The courses held by the Bar Association are open to members and their associates. A general two-day meeting of members is held every year. The gathering is called “The Lawyers’ Days” (“*Advokatdagarna*”) where members attend lectures and debates on current legal policy and professional topics. The Bar Associations judicial library is open to members and their associates and law students. The Administration is open to members and their associates regarding questions of ethical conduct or other professional concerns within the practise of a law firm.

**International relations**

The Bar Association entertains a broad co-operation with the Bar Associations of the Nordic countries. The Secretary Generals of the Bar Associations of Sweden, Denmark, Finland, Norway and Iceland meet on a regularly basis and once a year a meeting is held with the participation of the Presidents and Vice Presidents.

The Bar Association is deeply involved in the work of the *CCBE* (*the Council of Bars and Law Societies of Europe*). All the national Bars and law societies of the European Union and the European Economic Area are members of the CCBE. Another important organisation on a European level is *CEEBA (Chief Executives of European Bar Associations*), which regularly meet to discuss issues of mutual interest. The Swedish Bar Association took active part in the formation of *ILAC, International Legal Assistance Consortium*, and is represented on the Board of ILAC. ILAC’s purpose is to facilitate and assist domestic and international efforts to improve the efficacy and credibility of legal institutions, focusing on situations of conflict. Apart from what is mentioned above, the Bar Association is also represented in other international bodies, such as the International Bar Association (IBA). Since 2009 The Bar Association – in co-operation with the *International Bar Association (IBA)* and ILAC – has annually awarded *the Stockholm Human Rights Award* to an individual or an institution for outstanding contributions to the rule of law and the promotion and protection of human rights. International cooperation also occurs in relation to the *IILACE (International Institute of Law Association Chief Executives)* and the *ICJ (International Commission of Jurists).*

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.***

**Answer:**

The Swedish Bar Association is independent from the State, the Government and the Ministry of Justice. The only role the Government (the Ministry of Justice) has in relation to the Swedish Bar Association is when it confirms changes in the Charter of the SBA proposed by the SBA itself. In this way the changes and the Charter becomes Swedish law as it receives legal status as regulation. The Government cannot itself initiate changes in the Charter of the SBA. Furthermore, the Chancellor of Justice (a state authority of the Government) supervises the decisions of the Disciplinary Committee of the SBA.

The SBA has a direct and important *influence* on the legislative procedure in accordance with what has been mentioned above under “*Legislative influence*”.

Thus, the SBA has a frequent role as consultation body in the legislative process (the referral process). The SBA annually submits legal opinions and comments on some 120 – 130 legislative proposals. Advocates and representatives of the SBA are also frequently appointed as experts in commissions of inquiry (appointed by the Government) and participate in hearings, legal debates and discussions (media, conferences, seminars, etc.). The SBA has well- functioning professional contacts and continuous meetings with the Government and Government officials, especially with the Ministry of Justice and the Parliamentary Standing Committee on the Administration of Justice. The SBA also work hard to influence the European Union legal agenda.

The SBA and its members have an important role as watch dogs for human rights. Individual fundamental rights and freedoms (personal integrity, etc.) according to the ECHR, the EU Charter of Fundamental Rights and the UN Universal Declaration of Human Rights, especially in relation to Rule of Law issues (fair trial, due process and rights of suspects, access to justice, quality of legislation, independence of the Judiciary, independence and self-regulation of the Bar, threats to core values of the profession; e.g. confidentiality and client loyalty as a result of *inter alia* anti money laundering legislation, etc.).

Furthermore, the SBA is totally independent of the Legislative powers (the Swedish Parliament) and Judiciary powers (the Swedish courts and State authorities).

1. ***Please provide information on the role that professional associations of lawyers play with regard to:***
2. ***the admission process to the legal profession and the licensing of lawyers;***
3. ***the conduct of disciplinary proceedings against lawyers;***
4. ***the provision of legal aid;***
5. ***the protection of individual lawyers from any form of intimidation, hindrance, harassment or improper interference in the exercise of their functions;***
6. ***the development and implementation of legislation concerning the free exercise of the legal profession and the administration of justice.***

**Answer:**

**The admission procedure of advocates in Sweden**

The formal requirements for membership of the SBA according to law (the Code of Judicial Procedure and the Charter of the SBA) are the following:

1. Domicile in Sweden or another country within the European Union, the European Economic Area, or Switzerland.
2. Passed proficiency examination required for competency to a judge’s office – i.e. in Sweden, a LL.M. degree (master degree in law). A degree from Denmark, Finland, Iceland or Norway is in principle considered equivalent as a Swedish LL.M without any further assessment. If the candidate holds a LL.M. degree from another country, the degree can be evaluated as equivalent to a Swedish LL.M. through assessment of the Swedish Council for Higher Education (the Council may give further instruction on completion with extra courses for the foreign LL.M. to be equivalent to a Swedish LL.M.).
3. Minimum three years’ experience of practicing law at law firm offering legal services to the public at the time of application.
4. Passed the Bar Examination (oral) after completing the mandatory training courses.
5. Considered suitable for the legal profession (incl. reputation for integrity and honesty) – references collected from professional contacts – advocates and other lawyers, judges, public authority representatives, etc. – who are able to certify to the level of suitability of the applicant to become an advocate.

If the candidate already is a registered lawyer in another country within the EU, it is possible to register as an EU-lawyer (working in Sweden with your foreign lawyer title). After three years of working – primarily with Swedish law or by achieving sufficient knowledge and experience in other ways to become a member of the Swedish Bar Association – the candidate can apply for membership. If the candidate already is a registered lawyer – or fulfil all the national requirements for becoming a lawyer – in another country within the EU, it is also possible to participate and pass two courses: Swedish procedural law and Swedish introduction to law and thereafter pass the Swedish bar exam (with courses) before applying for membership.

**Disciplinary proceedings**

Advocates are required to observe certain specific duties. Among the most important are the duty of loyalty to the client, the duty to observe professional independence, and the duty of confidentiality. These duties are safeguarded in different ways. The independence is e.g. protected by the prohibition for a member of the Bar to be employed by someone outside the Bar or to form a company with such a person. Most important however, is the general duty for a Bar Member always to conduct his or her business in accordance with the professional and ethical standards developed and adopted by the SBA (*the Code of Professional Conduct for members of the Swedish Bar Association*; “*Vägledande regler om god advokatsed*”). A member is obligated to comply with the ethical standards according to the Code of Judicial Procedure, Chapter 8, Section 4.

Professional ethics are not defined by statutory provision. The ethical standards are instead defined by the decisions of the Disciplinary Committee of the Bar and by the Council of the Bar by in special pronouncements on matters of principle. A compilation of the professional and ethical standards are published in the Bar Associations Code of Conduct .

The Council and the Disciplinary Committee are empowered with the task to supervise Bar members and to ensure that they satisfy the professional duties of an advocate. The different sanctions available are: reminder, warning, warning combined with a fine, and disbarment. A member, who in his or hers practice intentionally commits a wrong or otherwise act dishonestly, may be expelled from the Bar. If the circumstances of the case so warrant, the Committee may instead chose to issue a warning. A member of the Bar who in any other respect neglects his professional responsibilities may be given a warning or a reminder. In such cases, and if the circumstances are extraordinarily serious, he may be expelled from the Bar. A warning may be combined with fine of not less than 1 000 SEK and no more than 50 000 SEK (approx. 4 900 €). If it is considered sufficient, the Disciplinary Committee, instead of issuing a reminder, may issue a statement to the effect that his act or omission was wrongful or otherwise inappropriate.

The procedure is mainly conducted through written preparation although the Disciplinary Committee may decide that oral proceedings are to be held in a matter before the Committee. A member against whom a complaint has been made is under a duty to submit a written statement, produce the documents the Disciplinary Committee or the Secretary General orders him to supply and to appear before the Committee if ordered to do so.

The complaint/matter will considered by the Disciplinary Committee, usually by an Adjudication Division in the first instance. Should the Adjudication Division agree that no disciplinary action is called for and if the members agree as to the content of the decision, the Adjudication Division may decide the matter. Otherwise the matter must be referred to the Disciplinary Committee.

If a member against whom a complaint has been made is considered to be in need of defence counsel but does not instruct any such counsel, the Disciplinary Committee may appoint defence counsel to act for him in the proceedings before the Committee. The fee for defence counsel appointed by the Committee will be paid by the Bar Association, the amount to be determined by the Disciplinary Committee. The same applies to the fee for defence counsel appointed by a member against whom a complaint has been made if the Committee considers the nature of the matter to necessitate counsel for the member’s defence. The Committee may order the member against whom a complaint has been made to reimburse the Bar Association for all or part of the cost of his defence.

A decision by the Disciplinary Committee is not subject to appeal by the complainant. A disbarred member may appeal directly to the Supreme Court. Other sanctions are not possible to appeal. The Chancellor of Justice also has supervisory powers with regards to advocates. He may request that disciplinary measures be implemented by the Disciplinary Committee against a negligent member, or by the Council in respect of members who no longer fulfils the formal requirements for membership. The Chancellor of Justice may also appeal decisions by the Disciplinary Committee to the Supreme Court.

**Legal aid**

The rules for legal aid in Sweden are found in The act of legal aid (1996:1619). Within an extensive definition of Legal Aid there are five different major forms in Sweden

• Legal Advice according to the Legal Aid Act

• Legal Aid in civil matters according to the Legal Aid Act

• Public Defence Counsel

• Counsel for the Aggrieved person

• Public Counsel

However, only Legal Advice and Legal Aid in civil matters according to the Legal Aid Act are formally considered as Legal Aid. Legal Aid can be granted for individuals, and for an estate if there are extraordinary reasons. Decisions on legal aid are made upon application by the client. The client suggests who he/she wants to represent him/her. A lawyer, an associate at a law firm or another suitable person can be designated as a Legal Aid representative.

The hourly fee for services of legal aid providers in legal aid cases is set in a regulation by the Swedish government. The tariff is updated every year. For 2018 the fee is set to 1 359 SEK (excluding VAT). The legal aid covers maximum 100 hours. If there are special reasons a higher level can be granted.

There is an income limit on 260 000 SEK applying to the qualification for Legal Aid. The claimant shall contribute to the costs in proportion to his or her ability. The legal aid applicant shall always pay a fee for the legal aid. The size of the fee is based on the costs for the legal representative and the level of financial resources of the legal aid applicant. One important cornerstone in the Legal Aid System is that Legal Expenses Insurances should be used in the first place.

In specific types of cases, for example in criminal cases and asylum cases, everybody has an absolute right to a public defender or a public counsel regardless of his or her personal economic situation.

*Can parties choose their own lawyer?*

All advocates and associate lawyers at law firms and some other lawyers with their own law firms can provide legal aid. With few exceptions, only members of the Bar Association (advocates; “advokater”) are appointed as Public Defence Counsels in criminal cases; Private Defence Counsels, however, need not be advocates. In practice, virtually only members of the Bar Association or lawyers employed by members are appointed as legal aid counsel and counsel for the injured party in criminal proceeding, but these appointments are not reserved exclusively for members by law. (E.g. as regards bankruptcy administrators, they often are members of the Bar Association, but also often legal advisers or financial experts at *Ackordcentralen*, which is a Swedish business organization).

One thing that could be noted in this context is that there is no obligation to be represented by a counsel. You can always represent yourself in court if you so like or be represented by someone who is not a lawyer.

The Legal Aid Authority or the court which examines a litigant’s request for legal aid will inform her/him in writing about the decision taken by the Authority or the court respectively. If a person is granted legal aid a legal aid counsel will be appointed at the same time. A lawyer or junior barrister or any other suitable person can be appointed as legal aid counsel. If the litigant has proposed a suitable person, he or she can be appointed if it will not significantly increase the costs of the case or if there is no other particular reason for not doing so.

For more information, see <http://www.rattshjalp.se/In-English/In-English/>.

**Protection of individual lawyers**

Law firms have a general labour law responsibility to have an administration that secures the protection of individual lawyers. Furthermore, there are specific Swedish laws that stipulates the safeguard of lawyers (e.g. the Act on Anti Money Laundering).

**The development and implementation of Swedish legislation**

In short the Swedish law-making process can be summarised as follows:

* Initiative for legislative change
* The inquiry stage:
  + Government appoints an inquiry/commission
  + The inquiry/commission presents its proposals in a report
* The consultation/referral process:
  + The responsible Ministry circulates the report for comments to relevant consultation bodies (whose activities are affected by the proposals)
* The Government drafts a proposal for new legislation
* The proposal is referred to the Council on Legislation (Justices of the Supreme Court and the Supreme Administrative Court)
* The Government proposes a Government bill
* The Government bill is submitted to the Parliament for consideration
* The Government issues a law (published in the Swedish Code of Statutes)

1. ***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.***

**Answer:**

See above the answer under question 1.

Membership of the SBA is not a prerequisite to practice law. There is no monopoly of legal services in Sweden. Any person may practice law, offering his services to the public, without the need for an authorisation. Moreover, any person may call himself a lawyer, regardless of any law degree or any other formal education. Litigants are not required to employ qualified legal counsel in court. Anyone may appear before any court, on any level of the court system, representing himself or another person.

Lawyers are free to join any professional organizations. However, only those who have fulfilled the requirements to become member of the Swedish Bar Association may use the professional title “advokat” (advocate) when providing legal advice and legal assistance. The title “advokat” is legally protected and it is a criminal offence to use the title without being a member of the Swedish Bar Association. In that sense one can say that here is a mandatory membership if you want to practice under the protected title “advokat”. Advocates can only be employed by another advocate and they may not provide legal services in partnership with anyone who is not a member of the Bar. Naturally, if the membership/engagement would have injurious effects on his or her activities as advocate, this could have implications on either.

Sweden has an open and competitive market for legal services. There is no monopoly for advocates in the sense that legal services are reserved for advocates. The only exception is that a public defence counsel , in principle, should be member of the Swedish Bar Association (be an advocate). As a whole anyone can provide legal services in Sweden without being an advocate and even without being a lawyer. However, only advocates can provide legal services under the professional title “Advokat” (advocate), which is a legally protected title. Furthermore, there are no mandatory requirements to have a legal counsel for a party in court proceedings; not even in the supreme courts.

The general rule is that only advocates may be shareholders or part owners of a law firm conducting legal practice in the form of a limited liability company or partnership, unless the Board of the Bar Association grants exemption. However, cooperation with members of other legal professions is possible in Sweden to a limited extent. But, a Swedish lawyer cannot be partner or have any other form of integrated cooperation with other professionals than lawyers (“advokater”) and cannot share costs or profits of the law-office/company with other than lawyers. Consequently, *Multi Disciplinary Partnerships (MDPs*) are not permitted in Sweden. Cooperation with other professions is only permitted if the non-lawyer person is employed by lawyers/the law-firm. Thus, a lawyer/a law-firm can employ consultants such as former partners who are no longer advocate, judges, auditors or patent experts. In these cases the lawyer has to supervise the consultants and to make sure that their work is carried out in accordance with the professional ethics and the Code of Conduct for Members of the Swedish Bar Association. Recently it has been possible, upon the discretion of the Board of the Swedish Bar, for non-lawyers to act as Managing Director and as such to own a limited part of the law-firm not more than 10%.

.//.

1. See the Code of Professional Conduct in English: <https://www.advokatsamfundet.se/globalassets/advokatsamfundet_eng/code-of-professional-conduct-with-commentary-2016.pdf>. [↑](#footnote-ref-1)
2. Excerpt from the Code of Judicial Procedure: <https://www.advokatsamfundet.se/globalassets/advokatsamfundet_eng/code-of-professional-conduct-with-commentary-2016.pdf>. [↑](#footnote-ref-2)
3. See the Charter: <https://www.advokatsamfundet.se/globalassets/advokatsamfundet_eng/charter.pdf>. [↑](#footnote-ref-3)
4. See about the Swedish Legal Aid Authority: <http://www.rattshjalp.se/In-English/In-English/>. [↑](#footnote-ref-4)