Conference in Kazakhstan
‘Stronger when united:
new challenges and perspectives’

Astana on 27 and 28 October 2016

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Introduction

The Human Rights Institute and Bar Issues Commission of the International Bar Association (IBA) undertook a scoping mission to Kazakhstan between 23 and 30 April 2016, funded by the Open Society Institute, to attend meetings with representatives of the government, judiciary and lawyers to discuss the situation of the legal profession in Kazakhstan as well as to develop networks for further collaboration.

After this, and as a result of this scoping mission, the PPID activity fund of the IBA financed the organisation of a Bar Issues Commission led conference that was administered by the European Lawyers Foundation with the help of the Republican Collegium of Advocates (the national bar). The conference aimed at bringing Kazakh lawyers and state officials together in order to discuss possible reforms beneficial to the development of the legal profession in Kazakhstan with the assistance of experts in international legal markets. After negotiations with the Republican Collegium of Advocates, the conference took place in Astana on 27 and 28 October 2016 under the title of *'Stronger when united: new challenges and perspectives'*. A copy of the final programme is attached as Annex 1, and the list of participants (in Russian) as Annex 2.

Conference report

First day

Anuar Kurmanbaiuly Tugel, Chairman of the Republican Collegium of Advocates, opened the conference, welcoming the guests, and giving an overview of the challenges facing the Kazakh legal profession, including his country's recent membership of the World Trade Organisation (WTO) and its commitment under the General Agreement on Trade in Services (GATS). He stressed the importance of Kazakhstan following the trends and activities of globalisation, and said that the time has come to raise the quality of the legal profession to the highest level. However, at the same time one should not ignore the interests of Kazakhstan's government, the historical conditions and traditions of training and development of the legal profession, as well as the individual participation of advocates providing legal assistance. Legal services and businesses with foreign participation in Kazakhstan require a stable, transparent and comprehensible legal market.

Referring to the conference ahead, he said that the Collegium is interested in the conclusions of leading international experts about the legal market, and looks forward to the discussion of the conceptual applicability of their experience in Kazakhstan.

Furthermore, he was sure that soon Kazakhstan would become part of the worldwide legal market, and play an important role in rendering professional legal services to the global community.

Zhanat Bolatovich Eshmagambetov, Deputy Minister of Justice of the Republic of Kazakhstan on behalf of Marat Beketayev, Minister of Justice of the Republic of Kazakhstan was supposed to attend, but could not come and sent a representative to read his speech. Among other things, the Deputy Minister said that human rights and freedom are the most important value, and that the Bar is seen as an important vehicle for their protection. The government has taken steps to strengthen the Bar as a result. One of the most important developments is the guarantee of free legal aid. The government also wants to improve the quality of legal services, and institute a dialogue between the various stakeholders in the legal profession.

Péter Köves, Vice-President of the Bar Issues Commission (BIC) of the IBA, former President of the Council of Bars and Law Societies of Europe (CCBE), Senior and Founding Partner at "Lakatos, Köves and Partners", welcomed the guests. He described the work of the BIC in relation to bar policies. He then took over the role of moderator for the first day of the conference.

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Pavel Borisovich Nosov, member of the Republican Collegium of Advocates , Deputy Chairman of the Panel of the Bar Association of Astana, addressed various issues within the topic of '*The current situation regarding rendering legal assistance in Kazakhstan'*, including comments on the regulation of the legal market by the Ministry of Justice of the Republic of Kazakhstan, the new requirements under WTO membership, and the issue of correspondence between advocates and non-advocate lawyers.

In relation to the first issue, the provision of legal services is the only sphere that has remained unregulated by the state. The Constitution of the Republic of Kazakhstan guarantees the right of every individual to obtain competent and professional legal assistance. This means that not everyone can render qualified legal assistance, as the providers must satisfy a set of regulatory requirements. In addition, an advocate must satisfy certain personal criteria such as no record of criminal convictions, and his or her state of mental health and age. Unqualified legal assistance is illegal, entailing a breach of the rights and interests of citizens; thus individuals who carry out such activity bear criminal responsibility.

However, members of the Bar are the only ones within the provision of legal assistance who are severely regulated. This has led to a decline in the professional prestige of advocates and in their competitiveness under the current economy. He described the policy of the Bar as laid out by the government. Legal services required improvement. Everyone deserves the right to have quality legal support, which means a degree and education which should follow certain requirements. There needs to be regulation, and legislation to control advocates. At the moment, advocates are fully controlled by the government and must obey requirements set out by legislation, the code of professional ethics, the statute of the Bar and the decisions of its institutional bodies. On the other hand, individuals who are unqualified and decide to render legal services are unregulated. This is a system biased against advocacy and advocates are placed in an unfair position An advocate cannot have been dismissed by the state or have been in jail, cannot use a simplified tax system, and must comply with the laws. Furthermore, an advocate is not allowed to render legal assistance on behalf of a legal entity. This is largely due to inadequate legislation in place, responsible for the establishment of advocates' offices. In addition, advocates are not allowed to be employed by advocates' offices.

In relation to regulation by the Ministry of Justice, Pavel Nosov summarised the terms of the Law 'On the Justice Department', especially in relation to the organisation of legal assistance and the provision of legal services. In accordance with the legislation, it is not directly within the function of the Ministry of Justice to guarantee the constitutional right to access professional legal assistance, and therefore it appears that this is an exclusive prerogative of advocates. At the same time, one of the functions of the justice department is to monitor the quality of legal services rendered by individuals and legal entities, local agencies, advocates and notaries. One way to improve the quality of legal services would be to clarify the sphere regulating the provision of legal assistance.

In relation to the recent membership of Kazakhstan at the WTO, Pavel Nosov listed compulsory requirements that need to be complied with, including but not limited to the issue of rendering legal assistance by foreign lawyers. He stressed the importance of protecting the internal legal market from foreign law firms and individuals who arrive in Kazakhstan and can freely practise law. There is no guarantee that no dishonest practitioners will arrive with the intent to utilise loopholes in Kazakh legislation for their own benefit. Therefore, he underlines the importance to regulate the legal market and the activities of the legal profession. He stressed that this task should be treated as one of the most important priorities of national security and the protection of the national legal market.

He felt that there is no difference between legal services and legal assistance, between advocates and non-advocate lawyers. This differentiation gives a wrong impression and shifts the emphasis from the main problem, which is the regulation of the legal profession. There should not be any discrepancy

between the terms, since the main objective of advocates and non–advocates is to protect the constitutional rights of Kazakh citizens. Furthermore, it is pointless to search for the distinction between 'legal assistance' and 'legal services' as they are closely related to the traditional usage of corresponding terminology in different aspects of legislation such as in civil and fiscal legislation – 'services' - and in criminal procedural – 'assistance'.

In relation to qualified and unqualified legal assistance, it is important to note that the latter will not benefit clients, but instead cause harm. Currently, only an advocate's activity is regulated whereas individuals who do not hold advocates' licences are unregulated. In his opinion, only advocates should be allowed to represent their clients and the organisation of new forms and structures should be avoided at all costs. It will be enough to follow international legal experience and unify the area of provision of qualified legal assistance in our national legislation. In order to develop and implement all aspects of rendering legal assistance efficiently, it is necessary to involve both legal scholars as well as practising lawyers. It is also important to have a professional dialogue between professionals, and to share opinions between advocate colleagues.

Therefore, in his view, all the necessary prerequisites for the formulation of the task at hand exist, namely to reform and further develop the legal profession in Kazakhstan.

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Metin Feyzioglu, President of Union of Turkish Bar Associations ("**UTBA**"), addressed the topic of 'Representation by regulated lawyers in court proceedings – the principle of equality of arms'.

He said that the UTBA had begun collaborating with the Republican Collegium of Advocates of Kazakhstan under the umbrella of the Union of Lawyer Associations in Turkish-Speaking and Fellow Countries.

The UTBA is the trade association of 79 bars and approximately 100.000 lawyers across Turkey.

The Turkish Lawyers Act assigns the duty of 'defending and protecting the rule of law and human rights, and making these concepts function to Bars freely representing the independent defence, which is one of the three constituent elements of justice, and to the UTBA.

The main duties of bars, which are the organized power of lawyers, are to defend the rights of citizens and protect the honour and prestige of the legal profession. Bars should be independent in order to perform these duties. And bars can only be truly independent with the grant of the power of self-regulation and having a flow of income independent from the state budget.

Assurances that lawyers are provided with to do their job are by no means personal privileges. The rights written in international legal texts, constitutions or acts hardly mean anything unless they are offered to people to enjoy. A lawyer's job is to put these rights to people's use. At this point, lawyers are members of a profession which makes turns a person living in society into an individual.

Regardless of their regimes, each and every state has established organizations and assigned officers to settle disputes throughout history. In other words, be it totalitarian, authoritarian or democratic, each state has courts established to settle disputes. On the other hand, an effective independent defence, which is a constituent element of justice, can only be seen in democratic states of law.

The duty of courts in democratic states of law is to distinguish right from wrong and the innocent from the guilty through judicial means. By judicial means is meant ways and channels set by legal rules complying with global criteria – which is the concept of the right to a fair trial. The aim of penal procedure is to try and find the truth in a way that by no means causes those who enjoy their democratic rights and freedoms to have fear, or even worries, by strengthening each and every individual's right to legal security without tarnishing anyone's name or suppressing and intimidating the society.

So, if one disregards the judicial means and the right to a fair trial included therein and has a mindset such as "truth will be achieved at all costs", then truth can never be found, and furthermore, the process of investigation and prosecution breaches the peace more than the investigated or prosecuted crime does. That is because in each case where the judicial means is deviated from, and the right to a fair trial is breached, not only the individuals being investigated or facing prosecution but also the third persons begin to worry about their fundamental rights and freedoms, as well as their legal security.

A person may try hard that they will not commit any crime all their lives, and keep their word. No one, however, can be sure whether they will one day be tried. And this is why the rules of contemporary penal procedure, based on the presumption of innocence, protects the suspect and defendant until proven guilty, and so protects other individuals who know that they could also be accused or tried at some point in their lives.

In societies where the right to a fair trial has not been internalised by legal practitioners and thus is often breached, individuals live with the fear that their fundamental rights and freedoms can be breached by the state, and so begin hesitating to express themselves. They see the instrument of state not as a tool at their service but as a "big brother".

Fair trial can only be ensured by a defence which is independent, effective and authorised in accordance with the principle of equality of arms, i.e. a lawyer.

That is because truth can only be reached through the adversarial system. Sure enough, this system requires two parties which are equally powerful. That is to say that the principle of equality of arms - and so the adversarial system - is an indispensable condition for finding the truth.

The following are the rights and principles deemed necessary by the European Convention for Human Rights (ECHR) for the principle of equality of arms to work within the framework of the right to a fair trial under Article 6 of the ECHR:

- the right to access the evidence
- the right to examine or have examined witnesses against oneself, and to obtain the attendance and examination of witnesses on one's behalf under the same conditions as witnesses against oneself

- the right to trial through an adversarial system
- the right to silence
- the right to receive a reasoned decision
- the right to defend oneself in person which makes it possible to examine witnesses and have free assistance of an interpreter

Beginning with the politicians in particular, each and every individual should internalise the following:

- there can be no fair trial in the absence of an effective and independent defence authorised in accordance with the principle of equality of arms
- if there is no fair trial, one cannot distinguish the innocent from the guilty, and right from wrong
- fair trial requires impartial, independent, accountable and transparent courts
- separation of powers is an indispensable condition for this
- there can be no democracy in the absence of the separation of powers

It follows from the above that for us lawyers, the separation of powers and democracy are indispensable professionally as well. I am therefore grateful for the invaluable work of the IBA aimed at reinforcing the rule of law.

A lawyer's duty is to reach out to the shining stars, to pick them up and give them to the individual citizen, and say 'This is your shining star'.

Questions and Answers:

Aman Berdalin, Almaty City Bar, spoke. He said that in Kazakhstan, advocates are highly regulated, and there are also lawyers who are not regulated. The unregulated can do everything but criminal representation. If he, as a Kazakh lawyer, were to go to Turkey to advise a client, what would happen?

Metin Feyzioglu answered by stating that the UTBA cannot accept a lawyer from outside the Bar giving advice on local law. The Turkish Bars have the power to regulate lawyers, because Parliament has passed a law to give the Bar the power to regulate. A Kazakh lawyer cannot come to Turkey to advise on Turkish law; it would be a criminal offence. But a Kazakh lawyer can advise on Kazakh law.

There was a question on the problems arising as a result of the recent failed Turkish coup.

Metin Feyzioglu said that there were many problems. For instance, the Bar has to tell the government that it cannot suspend defence rights for the plotters. The Bar is confronting the government.

Alexander Drazdov, Ukraine, asks about the challenges that UTBA faces.

Metin Feyzioglu said that the Bar has its own money. The state does not pay for the Bar. Turkey has a very effective legal aid system, but the state pays the Bar and the Bar distributes the money. The Bar also has an important income from lawyers themselves. The power of attorney document for lawyers to go to court makes millions of lira for the Bar, through stamp sold by UTBA - a power of attorney is only valid if the stamp is attached. As a result, the Bar has the best social system for lawyers, including health

services. The Bar pays $300,000 weekly for health services for lawyers. The Bar's income makes it independent. The Bar has its own elections and has the right to regulate. But lawyers face increasingly partial judges and prosecutors.

The **Kazakh government** representative asked how the quality of legal services is ensured in Turkey. What is done about complaints against lawyers?

Metin Feyzioglu said that the government does not want to increase the quality of lawyers, because it would increase the quality of the rule of law. There are about 100 law schools and 65,000 law students, which is too many. The Bar tried to introduce a bar exam, but Parliament passed a law prohibiting the introduction of such an exam. So the quality of lawyers is declining as the numbers are growing higher. The regional bars are responsible for disciplinary measures.

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Kirstine Rødsgaard Madsen, an economist at 'Copenhagen Economics' in Denmark, then gave a speech about an economic view of representation in courts**.**

In most countries only lawyers are allowed to represent their clients in court, although a minority does allow for non-lawyer representation. She would look at the effects and consequences of non-lawyer representation.

A properly functioning legal system is essential for economic development. High quality legal procedures ensure trust, reliability and accountability, and benefit society in a number of ways, for instance through:

- greater effectiveness and lower procedural costs in legal work
- better legal precedents and the proper development of applicable law
- fewer resources spent on supervision, approval, etc.

Since legal work is highly complex, it benefits from academic skills and training.

But legal services are credence goods, meaning that their utility is difficult or impossible for the consumer to ascertain in advance or even after consumption. Clients do not have the information to assess the quality of legal services. She described asymmetric information through the example of peaches and lemons representing cars, saying if people don't trust peaches, the market for peaches will decline, even though people want to buy them.

Such asymmetric information between lawyer and client may lead to lower quality in the legal profession through mechanisms of moral hazard (when one person takes more risks because someone else bears the cost of those risks), and adverse selection (when undesired results occur because buyers and sellers have access to different/imperfect information).

Problems with asymmetric information can be reduced through various mechanisms:

- reputation – via recommendations from other clients, re-purchasing by the same client who already knows the lawyer, consumer surveys
- tests – international ratings such as undertaken by some large legal directories, or certification as suitable for supreme court representation
- payment guarantees – a good example would be no win, no fee
- regulation – licensing of the lawyer, formal requirements for admission and discipline, supervision

Regulation in particular can ensure higher quality, including measures such as:

- high educational requirements for lawyers
- ethical codes and effective supervision
- restriction of access to court representation for non-lawyers

But regulation can also lead to less competition in the following ways:

- regulation and formal requirements may reduce access to the legal profession by making it more difficult for people to enter and keeping down numbers
- this may in turn reduce the supply of court services and lead to higher prices
- higher prices and reduced supply may reduce the number of cases taken to court
- the effects may spill over to services at earlier stages of the legal process

Therefore, the ideal is to balance quality and competition effects.

Research shows in any case that consumers are more concerned with quality than price. The most important criteria for choice of lawyer, according to survey of Danish consumers by Advice in 2014, showed the following in relation to the proportion of consumers who responded for each criterion that it was essential for their choice of lawyer:

Academic competences	**56%**
Trust	50%

Specialist in the area	48%
Price	**46%**
Honesty	43%
Reputation	33%

A survey undertaken by Copenhagen Economics in 2016 showed similarly that firms were more concerned with quality than price.

Regarding the effect on society as a whole, fewer cases will go to court if there are higher prices. Since the procedural costs of court work are in part borne by the state, higher prices may reduce social costs by reducing the amount of cases.

Kirstine Rødsgaard Madsen then spoke about the particular cases of Sweden and Denmark, both rather liberal countries in respect of the provision of legal services.

Sweden has always had a fully liberal policy in relation to representation in court. The majority of cases can be represented by non-lawyers, subject to approval. However, it turns out that there is in practice very little demand for non-lawyers, only in small and simple cases.

In Denmark, the government partially liberalized policies relating to representation in court in 2008. Simple, small cases below 15.000 EUR can now be represented by non-lawyers . However, since 2008 very few cases have been represented by non-lawyers in practice.

The main messages of today's presentation are as follows:

- non-lawyer representation may lead to higher social costs than benefits
- the risk of lower quality in legal work likely outweighs competition benefits of deregulation
- the evidence from Sweden and Denmark

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Jonathan Goldsmith, Legal Services Consultant, special advisor to European Lawyers Foundation, member of IBA's International Trade in Legal Services Committee, spoke about international trade in legal services.

He began by noting that Kazakhstan joined the World Trade Organisation (WTO) on 30 November 2015. Under the WTO Agreements of 1995, the General Agreement On Trade In Services (GATS) covered trade in services, which includes professional services, and so legal services. The IBA has produced a GATS handbook, aimed to help bars understand how the GATS works, and he encouraged Kazakh lawyers to read it.

As for Kazakhstan, it had made a commitment on legal services, which was rather broad:

"Legal services (consultancy, representations and participation in arbitration affairs and conciliation procedures) on law of the jurisdiction where the service supplier is qualified as a lawyer and on international law, excluding:

- notary services

- criminal law of the Republic of Kazakhstan"

That meant that a foreign lawyer could come to Kazakhstan and undertake a wide range of legal services in home state law and international law.

He went on to describe the various IBA instruments which have been developed in the area of international trade in legal services, since these could be of benefit to Kazakh lawyers trying to deal with incoming foreign lawyers. They are all available on the IBA webpage under the work of the Bar Issues Commission's Trade in Legal Services committee.

The resolution on core values, for instance, says that trade agreements should respect the following regarding lawyers:

- their role in facilitating the administration of, and guaranteeing access to, justice
- their duty to the courts
- their duty to uphold the rule of law
- their duty to keep client matters confidential
- their duty to avoid conflicts of interest
- their duty to uphold specific ethical and professional standards
- their duty to provide clients with the highest and most beneficial quality of advice, representation and legal services
- their duty, in the public interest, of securing its independence, professionally, politically and economically, from any influence affecting its service

The resolution on establishment states that the host authority has the right to regulate foreign lawyers. Their treatment must be fair and uniform treatment, and there must be transparency in rules applying to them. The regulation of foreign lawyers should serve a public purpose to ensure the effective delivery of services, consistent with the need to protect the public. Overall, the regulation of foreign lawyers should promote access to competent legal advice. Finally, the resolution spoke of two licensing approaches:

- full licensing (where the foreign lawyer becomes a local lawyer) and
- limited licensing (where the foreign lawyer is licensed as a foreign legal consultant)

Kazakhstan's system is closer to the limited licensing approach.

The skills transfer resolution is maybe of most importance to a country like Kazakhstan, which is an importer of legal services, and not an exporter. It envisages a requirement of training and skills transfer by foreign lawyers as a condition of establishment in the host country. If there is association between a host and a foreign lawyer, it envisages a requirement of individual training and mentoring in relevant legal skills and disciplines, as well as supervised work experience, to local lawyers with whom the foreign lawyer practises in association.

He went to speak about association between foreign lawyers and Kazakh lawyers. As it affected individual lawyers, it could take the form of employment of a foreign lawyer or by a foreign lawyer, or partnership between Kazakh lawyers and foreign lawyers. As if affected Law firms, it could mean networks and alliances (joint ventures, *vereins* etc), full mergers or other forms of tie-up.

There were many regulatory issues raised by association between local and foreign lawyers:

- which foreign lawyers should be allowed to associate with local lawyers? (e.g. those which come from other WTO countries, or from an approved list of countries where the legal standards have been examined in advance, etc)
- what kind of firm structures will foreign lawyers be able to use in Kazakhstan? (e.g. partnership, limited liability partnership, Alternative Business Structure including non-lawyer owners, etc)
- what approval process must the foreign lawyer pass through?
- how will the local competent authorities maintain regulatory oversight of the foreign lawyer, and to what level?
- what will happen about professional indemnity insurance, social security contributions, and compensation fund contributions?
- what fees will the foreign lawyers be charged for registration with the local competent authority?
- will the Kazakh lawyers' Code of Conduct apply to them, and how will challenges be dealt with e.g. names of firms?
- remember that there will be a mix of domestic regulation and international rules (e.g. WTO, trade agreements) will apply

In conclusion, he stressed that Kazakhstan is not on its own – others have come across these problems before, and dealt with them in a variety of ways. The IBA instruments and guides can be helpful (next year there will be an IBA handbook for bars specifically on association between local and foreign lawyers), and there are usually various models and various possible solutions.

Questions and Answers:

There was a question on the meaning of 'international law' in the Kazakh government's commitment. Did it mean public or private international law? **Jonathan Goldsmith** read passages from both the GATS

handbook and the IBA's classification resolution to show that its usual meaning was public international law.

There was another question on what it meant that the Kazakh market for legal services was already more liberalised than the Kazakh government's commitment under GATS. **Péter Köves** answered that the Kazakh government retained the right to regulate foreign lawyers to the level of its GATS commitment.

A final questioner asked how Kazakh lawyers could cope with the introduction of English law in the new arbitration centre in Astana. **Jonathan Goldsmith** repeated the importance of the IBA's skills transfer resolution – there would need to be a transfer of skills from English lawyers to Kazakh lawyers to enable Kazakh lawyers to compete.

There were then more questions to the President of UTBA, since he had to leave.

Metin Feyzioglu said that in Turkey there is a lawyer's law which regulates lawyers. The board of the regional bar enrols lawyers. The Ministry of Justice can object to the enrolment, but the Board of the bar has the right to insist. The Ministry can take the matter to an administrative court i.e. there is a right of challenge. Therefore, the final word is the court's.
Is PII obligatory?

Regarding professional indemnity insurance, it was not yet compulsory in Turkey. UTBA wants compulsory insurance. **Jonathan Goldsmith** referred the delegates to the information on the CCBE website about how such insurance is dealt with in different ways around Europe.

Regarding quality standards, UTBA sets minimum standards for law faculties (minimum number of law students, law libraries etc). He is happy to send the standards to Kazakhstan. He reminded delegates that the UTBA is the last remaining independent institution in Turkey, only because it has its own income. If it did not have its own income, it would not have continued to be independent.

Regarding a question about the state of relations between the Kazakh Bar and UTBA, **Metin Feyzioglu** said that there were good relations between the two.

Regarding the use of mobile phones in courts (they are forbidden in Kazakhstan), he said that during the Sledgehammer and related trials, lawyers were prevented from bringing mobile phones or electronic notebooks to the court. He said he would complain if the lawyers in the case agreed to this, and so lawyers rejected the rule. The lawyers won the point. The prosecutors and judges in those cases have now either fled the country or are in jail, and he was happy about that. But the way that the government deals with the coup plotters is not democratic.

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Sergey Sizintcev Vasilyevich, Advocate of North Kazakhstan Regional Bar, Managing Partner of 'De Facto' Law Firm, spoke about *'Forms of organisation in advocate practice: challenges and opportunities for further development*'. He listed some strong reasons behind advocates' wish to unite, namely:

- high quality work and the reputation of advocates, which result in an increase in clients
- a regulated relationship between advocates
- corporate clients prefer to have a relationship with advocates' firms, where there is an availability of internal specialisation, strong teamwork, accumulated experience and trained staff

He mentioned the ongoing discussion about the unification of the branches of the legal profession, and what privileges should remain with regulated lawyers. Big companies prefer law firms to individual lawyers, and advocates work better in teams. He spoke about the kind of legal vehicles permitted for lawyers, such as a legal consultancy. In accordance with the Law of the Republic of Kazakhstan "*On advocate practice*", if an advocate did not practise in one of the three permitted forms, namely, through a legal consultation office, independently through an advocate's office ("*advokatskaya kontora*") or together with the other advocates, or individually without registration of a legal entity, he or she was not regulated by anyone.

Further, he listed the main issues with an advocate's office such as the relationship with clients, the relationship between advocates, and taxation issues.

In relation to the relationship with clients, the advocate's office cannot participate in public procurement, it is incapable of competing against unregulated corporate lawyers, cannot conclude a contract in the name of the advocate's office, and cannot engage other advocates in the capacity of co-counsel as it is necessary for the client to conclude a contract with each advocate separately. This raises further issues about the relationships within the advocate's office, such as an inability to distribute income and inability to attract investment.

He then listed the main problems in the area of taxation – for instance, the advocate's office does not belong to non-commercial organisations for the purpose of taxation, and cannot act as a tax agent for advocates.

If the law firm was considered to be a commercial entity, it was difficult to explain to clients that the law firm could not sign a particular document, and that only individual advocates could do so. There have been court cases about this.

Unfortunately, an advocate's office is considered to be both a commercial and a non-commercial organisation according to different parts of the law. The tax authorities treat it as a commercial organisation. As stated, it is very difficult to explain to clients that clients must sign different agreements with, and pay, different advocates. Therefore, he asked whether certain reforms should not be started – or would that decrease opportunities and bring negative aspects in the future, including abolition of law firms? How do you deal with discipline of one advocate if the blame is shared by the law firm as a whole?

He further stated that the creation of an advocate's office should be liberalised and widened, to allow advocates to practise together. If the law firm stays as a non-commercial entity, then the government needs to clear up the double taxation problem.

He also stressed his concerns regarding possible reforms, since they might destroy the main principles of advocacy, which play a special social role within the community. There is a danger of commercialisation of advocacy, and other issues of concern are the delegation of responsibility within the office and the worsening of the tax regime.

He ended his presentation by making a few proposals aimed at improving advocates' practice in Kazakhstan:

- to preserve the status of an advocate's office as a non-commercial entity
- to hang on to the entrepreneurship status of advocacy
- to provide opportunities to conclude a contract in the name of an advocate's office
- for tax purposes, to consider an advocate's office as a non-commercial entity
- to allow an advocate's office to act as a tax agent for advocates

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Suzanne Rab, Barrister, Serle Court, London, UK spoke about the importance of lawyer regulation in international legal services.

She started by posing a vision of a legal framework by saying that a legal framework for economic development (in an ideal form) '*… consists of competent, ethical, and well-paid professional judges who administer rules that are well designed for the promotion of commercial activity. The judges are insulated from interference by the legislative and executive branches of government. They are advised by competent, ethical, and well-paid lawyers. …Their decrees are dependably enforced by sheriffs, bailiffs, police, or other functionaries (again, competent, ethical and well-paid). The judges are numerous enough to decide on cases without interminable delay.*' (Richard A. Posner, 'Creating a Legal Framework for Economic Development', *The World Bank Observer*, vol. 13 no 1 (February 1998) pp1-11).

She went on to describe the relationship, if any, between the quality of a legal system and economic performance. A substantial body of economic analysis and evidence suggests that well-functioning legal systems contribute to, and facilitate, economic performance:

- 'institutions' (i.e. formal laws and informal behavioural norms) can explain differences in economic growth
- well-functioning legal systems are important for the development of a market economy because of the nature of commercial transactions which tend to be underpinned by legally enforceable contract and property rights

Countries can differ and there can be variations from this rule-of-law ideal, for instance:

- the economic success of some US states that have politicised judiciaries
- the economic success of some East Asian nations where the rule of law is relatively weak (e.g. China)
- England was one of the poorest economic performers in the industrial world for a time and yet had a well-established legal system

What can explain differences in relative economic performance?

- A legal system may enforce bad laws that reduce economic efficiency (e.g. government bail-outs, prohibitive tariffs)
- There are informal substitutes for legal enforcement of property and contract rights (e.g. arbitration, merger, altruism, strong-arm tactics, retaliation…)

The implication is that legal and economic reform should be pursued simultaneously.

She moved on to the relationship, if any, between the quality of lawyers and economic performance. Economic analysis has emphasised the importance of the 'rule of law' to economic performance and growth:

- When law is weak or non-existent, enforcement of property rights or contracts often depends on informal substitutes
- These substitutes for legally enforceable rights are costly and are biased against new firms entering the market

A 'rules first' strategy can serve as a starting point for improving legal institutions and can generate efficiencies:

- A rule is substantively efficient if it promotes the efficient allocation of resources (e.g. a rule forbidding the use of another's property without consent)
- A rule is procedurally efficient if it is designed to reduce the cost or increase the accuracy of using the legal system (e.g. a rule that a winner in litigation is entitled to their reasonable costs)

She asked what role lawyers play in the development of a legal system:

- lawyers need to be adequately trained and resourced to perform the tasks required of them
- given the nature of work that lawyers undertake, the integrity of lawyers and the profession is important
- it should not be assumed that some regulation of lawyers represents an attempt to exercise monopoly power and restrain competition

She then asked what role judges play in the development of a legal system:

- the quality of judges depends on being able to attract honest and competent lawyers
- if salaries do not match positions of equivalent status this can limit the ability to attract high quality candidates
- it may be necessary to introduce methods to combat the risk of corruption (e.g. judges sitting in panels, back-loading compensation with pensions that are forfeited if the judge is removed from office)

What attributes distinguish lawyers from other professionals? Lawyers can be compared with other professionals:

- lawyers share some similarities with other professionals (architects, dentists and doctors)
- failures to meet quality standards or exercise due care can lead to substantial harm

But legal services have a special complexion as part of the broader social-political-moral landscape that comprises a society's legal system

Independence is of particular importance for lawyers:

- independence from concerns about the wider policy impacts of advocacy
- independence of their advocacy from their own personal views
- independence from popular opinion
- independence from the state

She then referred to two recent references to the Court of Justice of the European Union which raised questions relating to the regulation of lawyers and its compatibility with competition law - Case C-427/16 - *Chez Elektro Balgaria' AD v Yordan Kotsev* and Case C-428/16 -*Frontex International' EAD v Emil Yanakiev.* The cases raised the same questions about whether regulations regarding the setting of minimum fee levels breached competition rules in the European treaties that prohibit restrictive agreements.

She highlighted that experience in other jurisdictions can be a starting point for countries seeking to reform their own regulation. She was keen to emphasise that the effectiveness of regulatory reform depends on the relevant cultural and institutional matrix and suitability for the local context. These were the important questions which she thought worth considering:

- what should be the academic and training requirements for qualifying as a lawyer?
- should there be written codes of conduct/ rules/ principles that lawyers must abide by?
- what should be the scope of lawyer-client privilege and confidentiality obligations?
- when must a lawyer decline to act due to a conflict of interest?
- who should have the right to represent clients in court?
- should non-lawyers participate in the ownership or management of law firms?
- should lawyers' fees be regulated?
- should lawyers be required to have professional indemnity insurance?

- what are the rights of consumers in the event of malpractice or poor performance by lawyers?
- who should regulate lawyers (government, an independent regulator, the profession itself or a combination of these)?

By way of conclusion, she stated:

- a substantial body of evidence suggests that well-functioning laws and legal systems can have direct effects on economic performance
- lawyers contribute through their actions and conduct to the shape of the legal system and how effectively it operates and functions
- it should not be assumed that the regulation of lawyers presents an attempt to exercise monopoly power and restrain competition

Questions and Answers:

There was a question following the conclusion of her presentation about pay rates. **Suzanne Rab** said it was difficult to be specific about pay rates. Lawyers like anyone else don't say what they earn. Judges need to be paid enough to encourage high quality candidates and so as not to be dependent on corruption or the state, although the amounts paid to them will probably never be the same as received by those in private practice. Pension rights which can be lost in the event of malpractice are another encouragement for judges as they tend to promote long-term commitments to high standards.

There was a follow-up question about moral standards in the profession. Drawing from experience in England, she spoke about the barristers' and solicitors' code of conduct and disciplinary proceedings brought by the regulatory bodies.

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Viktor Ivanovich Chajchyts, Chairman of the Bar of the Republic Belarus, spoke about the position in Belarus. He said, regarding the liability of a law firm or an individual lawyer, that in Belarus either the law bureau ("*advokatskoe buro*") can be responsible if that is the case, or an advocate is personally responsible if he or she can be personally blamed for his/her fault. There is therefore a similarity between Kazakhstan and Belarus, in that there are two approaches.

He went on to say that bars must insist that only qualified professionals can provide services; if this is guaranteed in the constitution, governments should be reminded about it. One of the questions facing the Belarus Bar arises because it is given premises and other support by government, and people challenge the Bar over it. But individual lawyers should not suffer from this dependence.

Regarding self-regulation, it is the role of the Bar to guard against low quality. That is the Bar's responsibility, not that of government. The Bar must attract the best candidates.

In Belarus, foreign lawyers can work jointly with a local lawyer, but not on their own to provide legal services locally. He believed that foreign lawyers should stick to their work at home, as they cannot provide an adequate service to local clients. The government should protect its local legal market.

He also believed that not all automated justice can work because citizens may be illiterate.

The Belarus Bar is currently offering amendments to the law to advocacy. If lawyers do not take their own action on self-regulation, then the government will act. In Belarus, the state has a limited effect on the Bar Association, and he quoted the President of Belarus to the effect that the state will only get involved where a problem cannot otherwise be solved. He praised a self-regulated advocacy, where the main issue is economic independence from the state, since money equals power, as correctly stated by a previous speaker, Metin Feyzioglu.

Viktor Chajchyts preferred the system of Roman law operating in Germany, and mentioned that obligatory representation in court by a qualified lawyer depends on the court of jurisdiction and the amount in dispute.

He further stressed the need to define clearly the term 'lawyer-client privilege' and to protect this principle by developing appropriate legal norms.

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Konstantin Eduardovich Dobrynin, State Secretary of the Federal Chamber of Advocates of the Russian Federation, Ex-Senator, Member of the working group on reform in the sphere of Legal Assistance in Russia explained that they had spent 10 years discussing whether to make reforms to the advocacy structure, regarding issues such as a lawyer monopoly, the right to form an association of lawyers, free legal aid, and the right of self-representation. He hopes that they are now near a resolution.

He also stressed the importance of keeping the legal market open to foreign legal professionals and to treat foreign lawyers equally, which in turn would create a competitive market where Russian lawyers would be forced to play against foreign lawyers. This would create an opportunity to improve the efficiency of Russian lawyers.

He further spoke about the constitutional norms and regulations of qualified legal assistance in the Russian Federation.

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Alexandr Drozdov, Chairman of the Higher Qualification and Disciplinary Commission of the Bar Association of Ukraine said that his Bar had been working with the CCBE, IBA, and OECD.

He described the changes and amendments made to the Ukrainian Constitution, which were hard to implement, especially in relation to the following principles:

- the independence of advocacy, as it had been questioned by the courts
- the monopoly of representation (privileges and rights of citizens to access legal effective assistance)
- the European Convention on Human Rights
- the code of ethics
- the oath taken by advocates
- legal aid
- the monopoly of advocacy in the Supreme Court
- the education of lawyers and the continuing education of legal profession

He believed that there should be a constitutional guarantee of monopoly of rights of audience for lawyers. It has to be in the constitution, not just a gift of the government. The implementation of this monopoly right will take time. His Bar is now cooperating with French counterparts about professional indemnity insurance requirements, and cooperating with others about mediation. The Bar has now set up a higher school of advocates, of which he will be first deputy rector. They want a better education for advocates.

President Tugel mentioned that there were problems in Kazakhstan with having lawyers recognised for the purpose of mediation.

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Aigul Toleuhanovna Kenzhebajeva, Chairman of the Governing Board of Commercial Lawyers of the Kazakhstan Bar Association (KazBar), Managing Partner of International Law firm Dentons Kazakhstan, noted that the Kazakh legal market is self-regulated, and the Justice Department refuses to undertake any reforms relating to the legal profession, as it claims it does not have appropriate powers vested in it by legislation. In Belarus, for example, an advocate's office can conclude contracts as a recognised entity with clients and other advocates including law firms, whereas in Kazakhstan an advocate's office cannot act as a recognised legal entity.

She also explained the role, benefits and opportunities of KazBar and the difference between its membes and self- regulated lawyers.

She spoke about the split between advocates and commercial lawyers. 20% of law firms dominate 80% of the legal services market, and her members dominate over 90% of the same market. The previous Minister of Justice was not interested in recognition and regulation of her members, but the new Minister may be more interested. At present, her members pay taxes as entrepreneurs, and make a high contribution. If they go over to the Bar side, the government will receive less. Her members are happy to negotiate about this. She agreed with President Tugel that today's discussion had been very useful, because problems have been identified and discussed with colleagues. The government says that the market is not ready for regulation, but today's conference shows that the market requires regulation, and it is not for our benefit but for that of citizens. The government needs to realise that legal reforms must go hand in hand with the other economic affairs of Kazakhstan.

Discussion:

There was a lengthy discussion between commercial lawyers and advocates. The representative from the Russian Federation advised that they should respect each other.

In Belarus, there had been a unification of the different kinds of lawyers. As for taxation, in Belarus there is a simplified form for advocates. There is no VAT for lawyers in Belarus.

A Kazakh lawyer pointed out that Kazakhstan is even slower than Russia in arriving at a reform of advocacy.

President Tugel said that there has been economic reform, but not advocacy reform, and they must be undertaken together.

Second day

Mathias Killian, Professor for Law of the Legal Profession, Faculty of Law, University of Cologne/Director, Soldan Institute for Law Practice Management, Cologne spoke about representation in courts: comparative and empirical findings.

Generally speaking, legal representation describes that a party to court proceedings is accompanied, guided and of course represented by a licensed legal professional, like a lawyer, solicitor, barrister or advocate in civil, criminal or administrative court proceedings. If legal representation in a court proceeding is mandatory, representation is usually linked to the right to be heard by the court and the ability to invoke certain procedural rights pursuant to the applicable code of procedure. The opposite of litigation with mandatory representation by a professional is a procedural system in which private individuals are able to participate in court proceedings without professional guidance by lawyers. The most common legal terminology for such a scenario is "*per se* litigant" or "litigant in person". Taking such an approach is typical for the Common Law world and for the Nordic countries. It is based on the simple thought of personal freedom and self-responsibility in any circumstance of life.

In contrast, Germany and the other jurisdictions built on the Roman Law System consider an obligatory legal representation in court as a prerequisite for effective court proceedings, the individual's success in litigation and thus ultimately for justice.

Regrettably, however, things are not as straightforward as this initial distinction make them appear. Representation by someone else than the party itself does not necessarily mean representation by a member of the bar. Being a member of a bar and being a professional lawyer is not necessarily the same thing – unless the provision of legal services in a jurisdiction and/or the representation of a party in court proceedings against payment is only lawful for a member of the bar. While in some jurisdictions this is the case, in others it is sufficient to hold a law degree or to be deemed "competent" by the court.

Things get even more complicated when you take into consideration that a legal system can further distinguish between different instances within a court system or between different court systems as such. It may, for example, be necessary to employ the services of a lawyer before a regional court or a

Court of Appeals, but not so before a local court which has jurisdiction for low-value claims. Or the approach is different for civil courts and, say, administrative or tax courts – maybe because they follow different procedural rules, with one court system being inquisitorial in nature and the other more contradictory, maybe because one system, for historical reasons, is a court in the traditional sense whereas the other is more akin to a tribunal.

It is therefore very difficult to generalize when discussing the issue of representation in courts and we must avoid thinking in black and white.

Comparative Analysis

I. Representation in civil courts in Germany

The German code of civil procedure stipulates that in some cases a party to a proceeding before a civil court must be represented by a lawyer who is a member of the bar, while in other cases a party is free to act on his or her own. Whether a claimant needs to be represented in a court action or not, depends on the court of jurisdiction and the amount in dispute. The representation of a lawyer is mandatory for civil and commercial cases heard before the Regional Courts (*Landgericht*). They have jurisdiction in cases in which the amount in dispute is more than 5.000 Euros. Representation can only be by a member of the bar, meaning that German lawyers enjoy monopoly rights in this type of proceedings as the representative who pleads the case must be a bar member. Consequently, if a litigant appears at a court proceeding without a member of the bar representing her in cases of mandatory representation, the litigant is not allowed to take any action herself and is regarded as being absent. Only in a Local Court (*Amtsgericht*) may a litigant bring a court action without being represented (*exceüt* in family cases). The Local Court has, roughly speaking, jurisdiction for cases with a value of less than 5.000 Euros. Such proceedings are usually rather straightforward, a limited amount is at stake and the presiding judge is provided with sufficient procedural authority to guide *per se* litigants through the court procedure without legal representation. If a party wants to be represented, not just anyone can be a representative. The law stipulates that representation by a member of the bar is the norm. Other than that, the law only allows representation by an employee, family members of legal age and consumer advice bureaux. Law graduates who are not a member of the bar and who do not fall in one of the above categories can only represent a party *pro bono*.

Does that mean that before the local courts most litigants are litigants in person? Not at all. An interesting piece of statistical information is that only roughly a fifth of all litigants in Germany are unrepresented in proceedings where they have the option to instruct a lawyer or represent themselves. Unrepresented litigants are more likely to be individuals with a higher income and educational level, and are more likely to be male. It has been suggested that the reason for this may be that litigants with a better educational background are more likely to trust themselves to be able to deal with a legal matter without assistance, or to have acquired some sort of legal knowledge.

The rules on representation in court are inextricably linked to rules on unauthorised practice of law. Such rules, by and large, prevent someone with whatever source and extent of legal knowledge to provide

legal advice and representation against payment if he is not a member of the bar. Those rules on unauthorised practice of law have three purposes that are indirectly reflected in the rules for mandatory representation as well. They guarantee:

> (1) consumer protection: in the interest of clients, the lawmaker regards it as necessary that a state-controlled standard of professional legal services is maintained and rules are obeyed when those services are provided.
> (2) an effective administration of justice: court proceedings can be slowed down and stalled by parties who are not familiar with procedural rules and the practical aspects of court proceedings to the detriment not only of party the itself, but also the opponent. It can also negatively affect the quality of court services in general.
> (3) a functioning legal system as whole: this aspect relates to, e.g., the furthering of the case law which requires input from legal professionals rather than lay persons.

More specifically, the additional rationale for mandatory representation in German courts is that it is seen as a guarantee for social justice and the effectiveness of the democratic welfare state. The concept of legal representation in court proceedings is based on the principle of "equilibrium" or "equality of opportunity" for every litigant. Germans use a somewhat more martial terminology - we call this principle "*Waffengleichheit*", which means equality of arms. Every individual involved in a court proceeding must be guaranteed the chance to plead her case before a court based on the legal merits of the case. As civil proceedings are contradictory by nature and not based on the inquisitorial powers of the court, the assumption is that litigants in all but small claims disputes should therefore be represented by a person with adequate legal training. To allow litigants without sufficient means to employ a lawyer, they are, based on the merits of a case, entitled to legal aid and a so called "*Notanwalt*", which can be loosely translated as "emergency counsel".

II. Representation in civil courts in Scandinavia, the Roman law System and the Common Law System

1. Representation in jurisdictions based on the Roman Legal System

The Roman Law System, which forms the basis of many European legal systems, such as the French, German, Italian or Spanish one, considers mandatory legal representation in civil proceedings as an important factor for an orderly court procedure and fair process for the individuals involved.

a) In France, there are a number of cases which require the representation of a lawyer in civil court proceedings. In actions brought in a Regional Court, the parties must generally be represented by an advocate, except in cases concerning commercial leases, injunctions or actions for withdrawal of parental authority. However, in a District Court as a court of lower instance, representation by an advocate is not mandatory in the majority of the cases, as well as in the Commercial Courts, the Family and Social Courts and the Juvenile Court. Legal aid entitles the recipient to free assistance from an advocate or other legal practitioner (bailiff, *avoué*, notary, auctioneer, etc.) and to a waiver of court costs.

b) In Spain, it is the general rule to use a *Procurador* (procurator) or an *Abogado* (lawyer) to conduct actions in the court. However an individual can act without these professionals when the dispute involves an amount of less than 900 Euros. It is also possible to submit an initial claim as a litigant in person through a fast-track procedure called "*proceso monitorio*" which can be used for claims of no more than 30.000 Euros if there is documentary evidence as proof. However, if the debtor does not pay, it is not possible to bring further action as a litigant in person. Those granted legal aid in Spain also receive free pre-trial legal advice and financial aid for lawyers' fees.

c) In Italy, as a general rule, all litigants need to be represented by a lawyer. Only for claims concerning very small amounts of less than 1.100 Euros or if the plaintiff is a qualified Italian lawyer herself, the litigant can initiate procedural actions in person.

d) In short, the idea of mandatory representation by a lawyer in court finds its basis in the Roman Legal System which in its modern form is inspired by the concept of a "social state". However, for small and straightforward court actions even in jurisdictions following the Roman Legal System, the requirement of representation by a lawyer is to some extent dispensed with.

2. Representation in jurisdictions based on the Common Law system

In England and Wales, Northern Ireland or Scotland, jurisdictions which follow Common Law traditions, there is no statutory requirement for a person to seek the advice of, or be represented by, a lawyer in civil court proceedings.

a) However, in England and Wales, it is common practice to seek the advice of a solicitor when the claim is for a sum over £10.000 and particularly if it includes a claim for compensation ('damages'). Litigants are allowed to take anyone to a court hearing to speak on his or her behalf. Such a person is called a 'lay representative' and may be a spouse, relative, friend or an advice worker. A legal background is not required to be allowed to speak for a litigant. To ensure an orderly administration of justice and well-organised court proceedings in the absence of a lawyer representing a claimant or defendant, courts follow a 'pre-action protocol' for certain claims, which sets out the steps the court will expect the plaintiff to have taken before he or she issues the claim. It involves things such as writing to the person from whom the plaintiff is claiming, to set out the details of the dispute or to exchange evidence, etc. Copies of all those protocols are available from the responsible court or on the website of the Ministry of Justice.

Self-representation is relatively common in England and Wales: 85% of individual litigants in County Court cases and 52% of High Court litigants are unrepresented at some stage of their case. Also almost two thirds of family cases involve unrepresented litigants in person.

b) In Scotland, the "small claims" procedure in the Sheriff Court – which is the local court of first instance - was even designed to give special support to litigants in person who do not enjoy the benefit of professional legal representation. Court users in several Scottish sheriff courts have access to "in-court advice" projects. These provide court users with legal and other advice including on court procedure and self-representation in small claims matters, summary cause debt and eviction work as well as on ordinary debt collection matters.

c) In Northern Ireland, there is no obligation to be legally represented in civil court procedures either. However, in the High Court, the so-called “next friend” or a “guardian ad litem” of a person under a disability (e.g. under eighteen) must act through a solicitor. A corporate body must also act through a solicitor, unless the court allows a director to represent the company himself. Furthermore, Northern Irish courts may impose conditions or restrictions on the legal representation to ensure that the case proceeds in an orderly manner. People who do not want to instruct a lawyer can also seek advice or assistance from the voluntary sector or a statutory body such as the Consumer Council for Northern Ireland.

d) Despite relatively relaxed rules on mandatory representation, it is worth noting that most litigants in common law countries choose to be represented by lawyers at least in the higher courts and in major legal matters in general even without a legal requirement to do so.

3. Representation in the Nordic Jurisdictions

In Sweden, Finland and Norway, individuals are permitted to bring a case to court as litigants in person. Thus, there is no requirement to be represented by a lawyer in civil court hearings. Furthermore, there is also no lawyers’ monopoly in the Swedish legal system in the sense that a legal representative or counsel must be a lawyer and/or a member of the bar. In Denmark, there is also no requirement to be represented by a legal professional. However, the regional and higher court may set the obligation of legal representation to secure an effective court proceeding. Anecdotal evidence suggests that more recently the courts have begun to use these powers more often than in the past. As a result, nowadays almost all civil proceedings before Danish Courts are pursued through a legal professional representing the party. The same, it is believed, is true for Sweden as well.

Research on the impact of representation in civil court processes

Does it make sense for a party to be represented by a member of the bar in court, or is it just a waste of money without any measurable effect - as the case is the case and the law is the law with or without the intervention of a member of the bar?

1. German Studies

Two interesting studies that can help better understanding of the relevance of legal representation have come out of Germany. One goes back as far as the 1980s, while the other has just been published.

a) In the 1980s, a comprehensive research project tried to identify barriers to success in court proceedings for claimants and defendants. For that purpose, almost 8.000 court cases were assessed by a thorough analysis of court files of selected local courts from one federal state in southern Germany. The analysis produced a number of interesting findings:

- According to the study, representation by a lawyer leads to significantly more activities of the judge hearing the case. A legal professional acting on behalf of a party, one could argue,

therefore serves as a catalyst for more commitment of the judge and therefore for a better quality of judication. One explanation is obvious: representation by a legal professional bridges the problem of asymmetrical knowledge of the parties on one side and the court on the other side and allows, to some extent, control of the court.

- The study also showed that parties from lower classes are more often unrepresented in court. This means that those who are the most vulnerable cannot effectively control the judge and/or influence the court proceedings because their legal knowledge and intellectual capabilities do not allow such a control.
- The most striking finding is that chances of a successful outcome of litigation depend extremely on representation by a member of the bar as far as defendants are concerned: 31 per cent of the defendants were entirely successful in defending the claim when represented by a lawyer, but only 12 per cent of those representing themselves. 79 per cent of unrepresented parties lost the case to a full extent, but only 35 per cent of those defending the claim with the help of a member of the bar.

b) More recently, another research project analysed a couple of hundred court cases that were decided at one German High Court. The approach was slightly different as it involved a court where only members of the bar have a right of audience and litigants cannot represent themselves. The aim of that research was to find out if the cost of representation has an impact on the quality of representation. In the context of our conference, this research has relevance with a view to the question if a distinction should be made between representation by a member of a bar and some other legal professional who is not a member of a bar, but holds a law degree, assuming that he or she offers cheaper legal services than a member of the bar. A common notion is that a lack of competition between different types of legal professionals as a result of monopoly rights of members of the bar leads to higher costs for the consumer without any additional gain in quality and outcomes. The research project has shown that on the basis of an identical legal qualification, lower remuneration for a legal professional results in a lower service quality and poorer outcomes for the party represented. To come to that conclusion, the research project used a couple of indicators that were applied to the court files. The research found that lower remuneration served as a disincentive for a professional to invest additional time in a court case that potentially could have bettered the chances of a more positive outcome for the client. Unless a legal professional who is not a member of the bar has much lower costs than a bar member, he can thus only compete on price with a bar member at a disadvantage for the client. At least this is what this recent research tentatively suggests.

2. England and Wales

Much more research than in Germany has been carried out in England and Wales. The amount of research led the Ministry of Justice to publish a literature review on the impact of litigants in person in civil and family court proceedings in the United Kingdom a while ago. The aim of this review was to examine the demographics of litigants in person, their motivations and the impact of self-representation on outcomes by condensing the findings of various studies into a single research report. In short, most research analysed suggested that non-represented litigants may experience a number of problems, which not only create problems for the litigant and the prospects of his case, but in turn also impact on the court.

A number of studies found that many litigants in person may have difficulties understanding the nature of the court proceedings, were often overwhelmed by the procedural and oral demands of the courtroom, and had difficulties explaining the details of their case. Some studies also found that many unrepresented appellants and applicants felt ill-equipped to present their case effectively at their hearing. They felt intimidated, confused at the language and often surprised by the formality of proceedings. Problems with understanding principles of evidence and identifying facts relevant to the case, but also difficulties with forms, were common occurrences in many studies. Research was also able to identify that as a result of such problems, unrepresented litigants tend to be an extra burden for court staff and judges, but also opponents. Studies found out that court staff need to spend additional time on litigants in person. Judges highlighted the role of good representation in producing properly investigated cases, provision of the correct type of evidence and relevant facts, researching the law and presenting relevant cases. It was found that some representatives had to do extra work to compensate for the lack of representation on the other side, such as preparing documents that would normally be prepared by the other party's representative.

Where studies looked at the duration of court proceedings with active litigants in person, the evidence suggested that those cases may take longer. There was also evidence that representatives in some situations speed up court proceedings. Various studies indicated that case outcomes were adversely affected by lack of representation. Researchers found that lawyers obtain significantly better results in tried cases than unrepresented litigants, after controlling for the amount at stake, complexity and party characteristics. In addition, it was found that representation significantly and independently increased the probability that a case would succeed in tribunal cases.

Research also shows that the quality of outcomes is affected by legal representation. One research project found that cases involving fully unrepresented litigants were likely to be resolved by withdrawal, abandonment, default judgment or dismissal, rather than agreement between the parties or by judgment following a trial or appeal hearing.

In the area of family law, another research project presented evidence that representation alters custody outcomes, for example shared decision-making and visitation arrangements were more likely to be achieved when both parties were presented.

3. United States

Rebecca Sandefur, a renowned scholar in the field of socio-legal research in the United States, has undertaken a research project that covers a meta-analysis of 45 research studies of the relationship between representation and adjudicated civil case outcomes in the United States. The study brings together the findings of research on lawyer and non-lawyer representation in the United States of the past 50 years. The meta-analytical approach allows a look at the effects of representation by lawyers, representation by non-lawyers and self-representation. The findings of the meta-analysis are striking in three respects.

- First, they reveal a potentially very large impact of lawyer representation on case outcomes. Available evidence reveals that expanding representation by a legal professional could radically

change the outcomes of adjudicated civil cases. This potential impact is notable when lawyers' work is compared to that of nonlawyer representatives, and, as Sandefur puts it, "spectacular" when compared to lay people's attempts at self-representation.

- Second, and maybe even more importantly: in fields of law studied to date, the element of lawyers' expertise that is associated with greater potential impact is the ability to manage more complex procedures. By contrast, a need to use and understand more complex substantive law appears to explain little of lawyers' superior performance relative to unrepresented lay people in these kinds of cases. Surprisingly, it is in fields of law that involve less complex substantive law where one observes larger potential of lawyer representation. Conventional wisdom that big law requires lawyering whereas run of the mill cases can do without therefore appears to be an urban legend.

- Third, research therefore hints at the significant impact of relational expertise on the outcomes of professional work. Relational expertise reflects skill at negotiating the interpersonal environments in which professional work takes place.

Sandefur argues, for example, that lawyer representation may act as an endorsement of lower status parties that affects how judges and other court staff treat them and evaluate their claims, perhaps because court staff believe represented cases are more meritorious. The presence of a lawyer signals something important about a case to the people involved in processing it. The presence of a lawyer also may encourage court staff to obey rules and so enhance people's chances of winning their cases. This interpretation is in line with the German study mentioned earlier. The findings also suggest that there is a difference between a litigant being represented by a member of a bar or by someone who just happens to hold a "law degree", as usually only additional post-graduate training and experience provides the knowledge to work the ropes of the court system and interact with a judge on a level playing field.

Conclusion

In contrast to common law jurisdictions or Nordic countries, legal systems in continental Europe tend to focus more on the importance of representation in court proceedings. Representation is usually mandated in civil proceedings and exemptions are only made for low value claims heard before local courts of first instance. The threshold beyond which representation is required differs quite significantly between those jurisdictions; setting it is often based on political and fiscal considerations and also subject to change. Whether or not representation is required reflects not only the origins of a legal system, but also the self-concept of the political system we are looking at: it can stress the responsibility of the individual for personal well-being and accept that financial or intellectual inequalities also impact the individual's abilities to navigate the legal system and to resolve legal problems. A political system can, however, also be based on the understanding that self-responsibility in the context of legal issues can be detrimental not only for the individual, but also for the legal system and the common good. With such an understanding, regulation will be based on the principle of "equality of opportunity" for every individual involved in most court procedures. The decision for or against representation in court proceedings, therefore, is always a trade-off that needs to take into consideration the conceptual disadvantage of restricting one's self-determination on the one hand, and the various positive effects of

representation by lawyers that have been proven by empirical research. Empirical research from across the globe shows that representation in court has a positive impact on outcomes, guarantees a better quality of adjudication and lets the court operate more effectively by speeding up case disposal, reducing the need for assisting litigants and minimising the intimidation of individuals involved in a court case.

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Christian Leroy, Lawyer, Lyon, France, spoke about continuing legal education.

He started by mentioning that the IBA issued guidelines in 2014 on training and education of legal professionals during their professional lives, based on the following criteria:

- social and business environment requires a constant renewal of the knowledge of lawyer
- bars associations have to encourage lawyers to take part in the process
- bar associations have to develop their own systems
- continuing education should be compulsory

From 2003 onwards, the CCBE has issued three recommendations to encourage the adoption of continuing training regimes in the public interest. The reason is as follows:

- to maintain professional competences
- to extend knowledge and skills in new fields
- to encourage knowledge of legal systems of other countries

He then went on to present the French system of continuing education, as follows:

- continuing education has been compulsory for all lawyers since 2005
- 20 hours per year is compulsory, but many lawyers find it difficult to fulfil that
- 10 hours of deontology must be undertaken over 2 years
- the content and duration are provided for in the law
- there is a national organisation in charge of implementation
- there are specific requirements for lawyers recognised as specialists
- there are specific requirements for those who are newly graduated;

- lawyers must manage their own compliance with their obligations
- there are various ways to comply with the legal obligation:
    - to participate in training proposed by the market
    - to train lawyers or others in a legal field
    - to publish legal works
    - to use e-learning systems
- training proposed by the market is first validated by the national organisation responsible for continuing legal education
- training by other lawyers professionals is less costly (and preferred) compared to commercial training
- local bars are responsible for checking that lawyers have complied with their obligations
- there are disciplinary consequences for non-compliance with the training obligation

He then gave an explanation of the French CARPA system, whereby the bar handles all funds that pass through a lawyer's hands.

He drew the following conclusions regarding continuing education:

- the compulsory system is now accepted by lawyers
- the cost of participating in training is an issue
- bars should develop their own continuing education system
- local Bars must take decisions in order to have the training obligation respected by lawyers
- lawyers have to contribute financially to the system to ensure that it is properly monitored

Questions and Answers:

In the question and answer session which followed this, **President Tugel** said that it is clear that representation by a lawyer is in the interests of the court system itself. Therefore the Kazakh

government should be interested in this. We should encourage our public bodies to move towards this position. Regarding continuing legal education, he agrees that it is a significant problem.

There was a comment from the floor that because of the low numbers of advocates, universal representation is not possible in Kazakhstan, and so alternative dispute resolution (ADR) may be the only answer.

Mathias Kilian said that there were no statistics on ADR in Germany. However, there is very good legal expenses insurance, which is an incentive to bring things to court.

Suzanne Rab asked about the impact of other court intermediaries e.g. McKenzie Friends.

Mathias Kilian said that US and German research showed that fully licensed lawyers bring more benefits.

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Arman Berdalin Alpisbaevich, Member of the Panel of the Bar Association of Almaty, Member of the Governing Board of Commercial Lawyers of the Kazakhstan Bar Association (KazBar), Partner of the Law Firm 'Sayat Zholshy and Partners' spoke about the 'Conventional Bar' and modern legal business.

Basing his response on the legislation of Kazakhstan, he started by differentiating between the terms "legal assistance" (advocates, who provide a narrower service) and "legal services" provided by anyone, including a much broader range of work, or "non-advocates", the term often used by Professor Anatoly Didenko, who is well-known as a Kazakh scholar. However, he confirmed that in practice there are no strict differences between the two terms.

The Kazakh system is based on the Soviet one. He believed that Kazakhstan will never reach the level of legal services provision in Turkey, UK and the USA if it does not unify legal professionals. He said that he works as an advocate in a law firm with a brand, and so understands how the Kazakh system constrains lawyers. It is difficult for advocates to develop law firms. The Eurasian Union requires harmonisation e.g. anti-trust, customs and taxes. Russia and Belorussia are ahead of Kazakhstan in allowing lawyers to operate in corporate entities. Kazakhstan should harmonise with its neighbours.

Furthermore, he used the example of the Ukrainian legal system and its Constitution which has been recently amended and now provides for access to the Constitutional Court to all individuals and companies where there are grounds to claim that a final court judgment contradicts the Constitution. The complaint may only be filed after all other remedies have been exhausted in the regular Ukrainian courts.

Discussion:

A representative from the Ukraine said that the independence of the Bar was guaranteed in the constitution in the Ukraine, and there was a right to a constitutional complaint by anyone (like in Russia). The Bar has instituted various proceedings. **President Tugel** replied that it is possible to use the

Constitutional Council in Kazakhstan, which should be used more often by legal representatives from both sides.

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President Tugel concluded the conference with a list of recommendations:

- to acknowledge the necessity to reform the legislation in the field of advocacy and legal services
- the reform should be undertaken while taking into account the national interests of the Republic of Kazakhstan and the international obligations of membership of the WTO and other integration associations (EurAsEC, SCO)
- to confirm that a properly-functioning legal profession has a positive impact on economic, social and other indicators of social life
- to improve the regulation of advocacy and legal services, it is necessary to study and use the best practices of foreign countries
- to recognise that the regulation of advocates' activity and legal services does not mean that a monopoly restrictive of competition is created
- to acknowledge that the regulation of the quality of legal services is a function both of the advocacy and the state, and there should be mandatory compliance with the principle of non-interference by the state in the activities of advocates
- it is necessary to have quality standards for advocacy
- it is necessary to establish a lifelong education system in Kazakhstan for advocates, and consider proposals for the organisation of compulsory training on continuing education of advocates
- to study the experience of Germany and other European countries in relation to the issue of mandatory professional representation before the courts, and consider proposals for the establishment of categories of cases in the courts, for which representation by an advocate is necessary
- to recognise that the status of the legislation in relation to the organisation of advocacy in Kazakhstan does not correspond to the level of the reforms made in recent years in other areas of the economy, and so there is a need to study the positive experience of other countries , and consider proposals for the improvement of the forms of advocacy
- to proceed on the basis that the reform of regulation of advocates' activity and legal services does not require additional expenditure from the state budget;

- to recognise the special historical role and the special status of the advocacy

- the bar is ready to unite in its ranks all legal practitioners – the procedure for such joint association can be based on the successful experience of other countries and does not entail negative consequences for the legal market

Discussion:

There followed some comments from floor including, but not limited to, the following issues:

- if unregulated lawyers want to join the advocates, they must become advocates first;
- do not use the term 'reform', but rather 'development' since reform might be perceived as a criticism, as if something is broken;
- pay attention to legal education;
- Kazakhstan does not have a developed system in place such as in Germany, and so it would be more prudent to start with a compulsory oath or advocates wearing special clothes.

The representative from **Ukraine** said that they had an oath, and there was a discussion about whether there should be an oath in Kazakhstan.

The representative from **Belarus** said that Kazakhstan needs to be careful what is introduced, since we are all tied together. If you are banned from the internet, like you are now banned from bringing mobile phones into court, it might affect us all.

President Tugel said that Kazakhstan must take things slowly, and not do everything at once. For instance, free legal aid is a separate topic, to be discussed at a separate conference. Today's conference was more about the improvement of the efficiency of rendering legal assistance , and the structure of the legal profession. The participants must understand the topic of the discussion, since not everything is being discussed. The social side needs these changes e.g. that citizens need a qualified lawyer to help them. It should not come from the legal profession. Kazakhstan does not have civil society like in Europe, and this aspect needs to be improved first.

Péter Köves concluded by saying that the objective of the conference and of the IBA had been a dialogue between advocates and other lawyers of all kinds, and this conference had achieved that. He gave thanks to the participants and contributors.

International Conference

"STRONGER WHEN UNITED:
NEW CHALLENGES AND PERSPECTIVES"

Astana, October 26-27, 2016

"Hilton Garden Inn Astana Hotel" Hotel
15, Kabanbai Batyr av., Astana

26 October 2016	
09.00 – 09.30	**Registration of the participants**
Moderator	**Opening of the Conference:** ***ANUAR KURMANBAIULY TUGEL****, Chairman of The Republican collegium of advocates*
09.30 – 10.00	*Welcome Remarks:* ***ZHANAT BOLATOVICH ESHMAGAMBETOV,*** *Deputy Minister of Justice of the Republic of Kazakhstan* ***PETER KÖVES****, Vice-President of the Bar Issues Commission of the International Bar Association (IBA), former President of the Council of Bars and Law Societies of Europe (CCBE), Senior and Founding Partner at "Lakatos, Köves and Partners".*

Moderator:	***PETER KÖVES***
10.00 – 10.15	***"Current Situation in Rendering Legal Services in Kazakhstan"*** ***Pavel Borisovich NOSOV,*** *member of the Republican collegium of advocates , Deputy Chairman of the Panel of the Bar Association of Astana*
10.15 – 10.45	***"*Representation by Regulated Lawyers in Court Proceedings – the Principle of Equality of Arms*"*** ***METIN FEYZIOGLU****, President of the Union of Turkish Bar Associations*
10.45-11.00	***Questions and Answers***
11.00-11.15	***Coffee Break***
11.15 – 11.45	**"An Economic View on Representation in Courts"** ***KIRSTINE RØDSGAARD MADSEN****, Economist at "*Copenhagen Economics", Copenhagen Denmark
11.45 – 12.15	***"International Trade in Legal Services"*** *• The IBA instruments on international trade in legal services* *• Possible forms of cooperation with foreign law firms* ***JONATHAN GOLDSMITH****, Legal Services Consultant, special advisor to European Lawyers Foundation, member of IBA's International Trade in Legal Services Committee*
12.15-12.25	***Questions and Answers***
12.25 – 12.40	**"Forms of Organisation in Advocate Practice: Challenges and Opportunities for Further Development"** **Sergey Sizintcev Vasilyevich,** Advocate of North Kazakhstan Regional Bar, Managing Partner of " De Facto" Law Firm
12.40-13.00	**Discussion**
13.00-14.00	**Lunch**
14.00 – 14.30	***"The importance of Lawyer Regulation in International Legal Services"*** ***SUZANNE RAB****, Barrister, Serle Court, London, UK*
14.30-14.45	***Questions and Answers***
14.45-15.00	***"New Tasks and Prospects of Advocate Practice in the Republic of Belarus"*** ***Viktor Ivanovich Chajchyts-Chairman of the Bar of the Republic Belarus***
15.00-15.15	***"Issues with the Introduction of Legal Professional Representation in the Russian Federation. Background, problems and prospects"*** ***Konstantin Eduardovich DOBRYNIN****, State Secretary of the Federal Chamber of Advocates of the Russian Federation, Ex-Senator, Member of the working group on reform in the sphere of Legal Assistance*

15.15 – 15.30	***"Reorganisation of Court Representation in Ukraine"*** ***Alexandr DROZDOV****, Chairman of the Higher Qualification and Disciplinary Commission of the Bar Association of Ukraine*
15.30-15.45	***"Market Regulation of Legal Services in Kazakhstan: Challenges and Perspectives"*** ***Aigul Toleuhanovna Kenzhebajeva,*** *Chairman of the Governing Board of Commercial Lawyers of the Kazakhstan Bar Association(KazBar), Managing Partner of International Law firm Dentons Kazakhstan*
15.45 – 16.00	**Discussion**
16.00	***Close of the first day***
27 October 2016	
Moderator:	***ANUAR KURMANBAIULY TUGEL*** , *Chairman of the Republic Bar Council*
09.30 – 10.00	***"Representation in Courts: Comparative and Empirical Findings"*** ***MATTHIAS KILIAN****, Professor for Law of the Legal Profession, Faculty of Law, University of Cologne / Director, Soldan Institute for Law Practice Management, Cologne*
10.00 – 10.30	***"Continuous Legal Education"*** ***CHRISTIAN LEROY****, Lawyer, Lyon, France*
10.30-10.45	**Questions and Answers**
10.45 – 11.00	**"Conventional Bar" and Modern Legal Business** **Arman Berdalin Alpisbaevich** *Member of the Panel of the Bar Association of Almaty, Member of Governing Board of Commercial Lawyers of the Kazakhstan Bar Association(KazBar), Partner of the Law Firm "Sayat Zholshy and Partners"*
11.00-11.30	**Discussion** of the following questions: • **"Legal Business in Kazakhstan";** • **"Introduction of International Legal Experience in Kazakhstan"**
11.30-11.45	***Coffee Break***
11.45 – 12.15	**Discussion of the following question "What shall be learnt from our International Colleagues".** Participants: Representative of the private legal business, **Yerzhan SIYUBAYEV, *MATTHIAS KILIAN, Pavel Borisovich NOSOV, CHRISTIAN LEROY ; Peter Köves and others***

12.15 – 12.30	**Questions and Answers**
12. 30 – 13.00	***Closing Remarks*** ***Conclusions and Recommendations of the Conference*** *PETER KÖVES* *ANUAR KURMANBAIULY TUGEL*
13.00	**Close of the conference**

СПИСОК УЧАСТНИКОВ
МЕЖДУНАРОДНОЙ КОНФЕРЕНЦИИ

«Сильнее, когда объединены:
новые задачи и перспективы»

Астана, 26-27 октября 2016 года

АДМИНИСТРАЦИЯ ПРЕЗИДЕНТА РЕСПУБЛИКИ КАЗАХСТАН		
1.	**ДОНАКОВ** Талгат Советбекович	Заместитель Руководителя Администрации Президента Республики Казахстан
2.	**ДЖУМАБЕКОВ** Арман Даирович	Заместитель заведующего Государственно-правовым отделом Администрации Президента Республики Казахстан
СЕНАТ ПАРЛАМЕНТА РЕСПУБЛИКИ КАЗАХСТАН		
3.	**КУБЕНОВ** Манап Шарапиденович	Депутат Сената Парламента Республики Казахстан
МИНИСТЕРСТВО ЮСТИЦИИ РЕСПУБЛИКИ КАЗАХСТАН		
4.	**БЕКЕТАЕВ** Марат Бакытжанович	Министр юстиции Республики Казахстан
5.	**ЕШМАГАМБЕТОВ** Жанат Болатович	Заместитель Министра юстиции Республики Казахстан
ВЕРХОВНЫЙ СУД РЕСПУБЛИКИ КАЗАХСТАН		
6.	**РАИМБАЕВ** Сансызбек Ильясович	Судья Верховного суда в отставке
ГЕНЕРАЛЬНАЯ ПРОКУРАТУРА РЕСПУБЛИКИ КАЗАХСТАН		
7.	**РАИСОВ** Кайрат Даулетович	Начальник организационно-аналитического отдела 4 Департамента Генеральной прокуратуры Республики Казахстан
ПРЕДСТАВИТЕЛИ МЕЖДУНАРОДНОЙ АССОЦИАЦИИ АДВОКАТОВ		

8.	**ПИТЕР КОВЕШ**	Вице-президент Комиссии по вопросам деятельности адвокатуры Международной Ассоциации Адвокатов (IBA); бывший Председатель Совета адвокатов и юридических обществ Европы (CCBE), практикующий юрист, Старший партнёр и Партнёр-учредитель юридической фирмы «Лакатош, Ковеш и Партнеры», Будапешт Венгрия»
9.	**МИТИН ФЕЙЗИОГЛУ**	Адвокат, Президент Союза Турецких ассоциаций адвокатов, профессор, доктор, преподаватель кафедры уголовного права юридического факультета университета Анкары
10.	**КИРСТИН РОДСГАРД МАДСЕН**	Экономист компании «Копенгаген Экономикс», Копенгаген Дания
11.	**СЮЗАНН РАБ**	Барристер, Палата Серле, Лондон Великобритания
12.	**ДЖОНАТАН ГОЛДСМИТ**	Консультант Юридической службы; Специальный советник Европейского фонда юристов; член комитета юридических услуг внешнеэкономической деятельности Международной ассоциации адвокатов (IBA)
13.	**МАТТИАС КИЛИАН**	Профессор Права и Юриспруденции, Факультет Права, Кёльнский Университет; Директор, Солдан Институт Управления Юридической Практики, Кёльн Германия Факультет Права, Кёльнский Университет / Директор, Солдан Институт Управления Юридической Практики, Кёльн
14.	**КРИСТИАН ЛЕРОЙ**	Юрист, Лион Франция
15.	**СЫЗДЫКОВА** Алия Сатаевна	Юрист; Международный Юридический Помощник в юридической фирме "Лакатош, Ковеш и партнеры", Будапешт, Венгрия
ФЕДЕРАЛЬНАЯ ПАЛАТА АДВОКАТОВ РОССИЙСКОЙ ФЕДЕРАЦИИ		

16.	**ДОБРЫНИН** Константин Эдуардович	Российский политический и общественный деятель, с марта 2012 года по сентябрь 2015 член Совета Федерации ФС от Архангельской области. Заместитель председателя Комитета Совета Федерации по конституционному законодательству и государственному строительству. С сентября 2015 года — статс-секретарь Федеральной палаты адвокатов Российской Федерации
17.	**СЕВАСТЬЯНОВ** Александр Ефимович	Президент адвокатской палаты Тверской области Российской Федерации
18.	**ФЕДОРОВ** Вахтанг Важаевич	Советник Президента Федеральной палаты адвокатов Российской Федерации
РЕСПУБЛИКАНСКАЯ КОЛЛЕГИЯ АДВОКАТОВ (РЕСПУБЛИКА БЕЛАРУСЬ)		
19.	**ЧАЙЧИЦ** Виктор Иванович	Председатель Республиканской коллегии адвокатов
20.	**ШВАКОВ** Алексей Иванович	Председатель Минской городской коллегии адвокатов.
НАЦИОНАЛЬНАЯ АССОЦИАЦИЯ АДВОКАТОВ УКРАИНЫ		
21.	**ДРОЗДОВ** Александр Михайлович	Украинский юрист, адвокат, член Партии регионов, председатель Третейского суда, Генеральный директор корпорации «Юристы Украины», член Харьковской областной коллегии адвокатов, член Союза адвокатов Украины, председатель Высшей квалификационно-дисциплинарной комиссии адвокатуры Украины
РЕСПУБЛИКАНСКОЕ ОБЩЕСТВЕННОЕ ОБЪЕДИНЕНИЕ «КОЛЛЕГИЯ КОММЕРЧЕСКИХ ЮРИСТОВ «KAZAKHSTAN BAR ASSOCIATION»		
22.	**КЕНЖЕБАЕВА** Айгуль Толеухановна	Председатель Управляющего совета Коллегии коммерческих юристов Kazakhstan Bar Association (KazBar), Управляющий партнер международной юридической фирмы Dentons Kazakhstan

23.	**БАЙГАБУЛОВ** Тлек Гусманович	Член Управляющего совета Коллегии коммерческих юристов Kazakhstan Bar Association (KazBar), Старший Партнер Юридической фирмы «Grata»
24.	**БИКЕБАЕВ** Айдын Жолшиевич	Член Управляющего совета Коллегии коммерческих юристов Kazakhstan Bar Association (KazBar), Старший партнер компании «Саят Жолши и Партнеры»
25.	**ЕЛЮБАЕВ** Жумагельды Сакенович	Член Управляющего совета Коллегии коммерческих юристов Kazakhstan Bar Association (KazBar), филиал «Шеврон Мунайгаз Инк», Управляющий Советник евразийского подразделения, EBU Managing Councel
ЕВРОПЕЙСКИЙ СОЮЗ		
26.	**КАНАФИНА** Айнур Ролановна	Менеджер проекта «Совершенствование уголовного правосудия в Казахстане»
АДВОКАТУРА РЕСПУБЛИКИ КАЗАХСТАН		
27.	**ТУГЕЛ** Ануар Курманбаевич	Председатель Республиканской коллегии адвокатов, Президент Союза адвокатов Казахстана, кандидат юридических наук
28.	**БАЙМУХАНОВА** Кадыржан Рысмухановна	Заместитель председателя Республиканской коллегии адвокатов, член президиума Республиканской коллегии адвокатов
29.	АБИКЕНОВ Окасбай Абикенович	Председатель президиума Карагандинской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
30.	АДИЛЬБЕКОВА Данипа Медетовна	Заместитель председателя президиума Алматинской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
31.	**АКАТОВА** Сауле Баршановна	Член президиума коллегии адвокатов города Астаны, член президиума Республиканской коллегии адвокатов

32.	АХМЕТЖАНОВА Ботагоз Акрамовна	Председатель президиума Восточно-Казахстанской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
33.	**БАЙГАЗИНА** Гульнар Бакировна	Заведующая юридической консультацией «Адвокат» Алматинской городской коллегии адвокатов, член президиума Республиканской коллегии адвокатов
34.	**БАЙМУРАТОВ** Серик Ширяздинович	Председатель президиума Южно-Казахстанской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
35.	**ЗОЛОТОВ** Владимир Константинович	Председатель президиума Павлодарской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
36.	ИБРАЕВА Галия Кабдуллаевна	Председатель президиума Акмолинской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
37.	КАРЧЕГЕНОВ Кенжегали Кадырович	Председатель президиума Алматинской городской коллегии адвокатов, член президиума Республиканской коллегии адвокатов
38.	МУСИН Салимжан Альмуратович	Алматинская городская коллегия адвокатов, член президиума Республиканской коллегии адвокатов, член Научно-консультативного совета Республиканской коллегии адвокатов
39.	НОСОВ Павел Борисович	Заместитель председателя президиума коллегии адвокатов города Астаны, член президиума Республиканской коллегии адвокатов, член Научно-консультативного совета Республиканской коллегии адвокатов
40.	РАИСОВА Анжелика Абдибековна	Председатель Жамбылской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
41.	УМАРОВА Айсулу Каировна	Председатель президиума Атырауской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
42.	**УМИРБУЛАТОВ** Радик Сакенович	Мангистауская областная коллегия адвокатов, член президиума Республиканской коллегии адвокатов

43.	ЯКУБЕНКО Раиса Ивановна	Председатель президиума Актюбинской областной коллегии адвокатов, член президиума Республиканской коллегии адвокатов
44.	**БАЙТЕМИРОВА** Асия Асылхановна	Северо-Казахстанская областная коллегия адвокатов
45.	**СИЗИНЦЕВ** Сергей Васильевич	Северо-Казахстанская областная коллегия адвокатов, управляющий партнер адвокатской конторы «De Facto»
46.	**АБДРАХМАНОВ** Ерболат Бекболатович	Коллегия адвокатов города Астаны
47.	**АЙЕКЕНОВА** Динара Аманжоловна	Коллегия адвокатов города Астаны
48.	**АКАТОВ** Ильяс Ергалиевич	Коллегия адвокатов города Астаны
49.	**АЛЕНОВ** Тельман Кудайбергенович	Коллегия адвокатов города Астаны
50.	**АРТЫКБАЕВА** Адина Казбековна	Коллегия адвокатов города Астаны
51.	**АУБАКИРОВА** Асем Коблановна	Коллегия адвокатов города Астаны
52.	**АЯГАНОВА** Гульнара Тюлеубаевна	Коллегия адвокатов города Астаны
53.	**БАЙТЕЛЕНОВ** Расул Тулепович	Коллегия адвокатов города Астаны
54.	**БАЙТЕНОВ** Толеген Мажитулы	Коллегия адвокатов города Астаны
55.	**БЕРІКБОЛ** Дидар Оралбекулы	Коллегия адвокатов города Астаны
56.	**БЕРСАНОВА** Фатима Муслимовна	Коллегия адвокатов города Астаны

57.	**БОЖЕЕВА** Майра Задеевна	Коллегия адвокатов города Астаны
58.	**БУЛЕКБАЕВ** Мансур Бектурганович	Коллегия адвокатов города Астаны
59.	**ВАХИТОВА** Айгуль Амангельдиевна	Коллегия адвокатов города Астаны
60.	**ВАХРУШЕВА** Бакыт Кудайбергеновна	Коллегия адвокатов города Астаны
61.	**ВАХРУШЕВА** Юна Олеговна	Коллегия адвокатов города Астаны
62.	**ГУРЖИЕВ** Максим Геннадьевич	Коллегия адвокатов города Астаны
63.	**ДЖАНАСОВА** Гулжан Амалбековна	Коллегия адвокатов города Астаны
64.	**ДУШАЕВ** Берик Николаевич	Коллегия адвокатов города Астаны
65.	**ЕЖЕБЕКОВ** Сулеймен Анарбекович	Коллегия адвокатов города Астаны
66.	**ЕЛЬЧУБАЕВА** Аселе Муханбековна	Коллегия адвокатов города Астаны
67.	**ЕРЖАНОВА** Кульжан Вахитовна	Коллегия адвокатов города Астаны
68.	**ЖАКУПОВ** Бахтияр Ахметкалиевич	Коллегия адвокатов города Астаны
69.	**ЖАКУПОВА** Асель Маратовна	Коллегия адвокатов города Астаны
70.	**ЖУНУСОВА** Алия Сакеновна	Коллегия адвокатов города Астаны
71.	**ИДРИСОВА** Алмагуль Балтабаевна	Коллегия адвокатов города Астаны
72.	**ИЛЬЯСОВА** Гульмира Сейткереевна	Коллегия адвокатов города Астаны

73.	**ИСАТАЕВ** Болат Жаксылыкович	Коллегия адвокатов города Астаны
74.	**ИСКАКОВА** Кундузай Онгарбаевна	Коллегия адвокатов города Астаны
75.	**КАБЫЛБЕКОВА** Ботакоз Сардарбековна	Коллегия адвокатов города Астаны
76.	**КАЛЫМБЕТ** Айсулу Канатовна	Коллегия адвокатов города Астаны
77.	**КАРПЕЕВА** Арайлым Камбаровна	Коллегия адвокатов города Астаны
78.	**КОКЕНОВА** Сауле Малгаждаровна	Коллегия адвокатов города Астаны
79.	**КОНАКБАЕВА** Роза Сабыржановна	Коллегия адвокатов города Астаны
80.	**КОРЧАГИНА** Лариса Ивановна	Коллегия адвокатов города Астаны
81.	**КРЫКБАЕВ** Амангельды Сергазыулы	Коллегия адвокатов города Астаны
82.	**КУЛИКОВА** Светлана Равильевна	Коллегия адвокатов города Астаны
83.	**КУРЯЧЕНКО** Дмитрий Петрович	Коллегия адвокатов города Астаны
84.	**МАКСУТОВ** Акылбек Койшыбаевич	Коллегия адвокатов города Астаны
85.	**МАЛГЕЛЬДИНОВ** Жанат Хаирмуллаевич	Коллегия адвокатов города Астаны
86.	**МУКУШЕВА** Аягоз Кадыржановна	Коллегия адвокатов города Астаны
87.	**МУХАМЕДЬЯРОВ** Аманжол Нурланович	Коллегия адвокатов города Астаны
88.	**МУХАМЕТЖАНОВА** Айгуль Амангельдиевна	Коллегия адвокатов города Астаны

89.	**МУШКЕНОВА** Куляш Кавиевна	Коллегия адвокатов города Астаны
90.	**НУРТАЕВ** Аблайхан Аскарулы	Коллегия адвокатов города Астаны
91.	**РСАЛИНА** Динара Сабитовна	Коллегия адвокатов города Астаны
92.	**САГАДИЕВА** Айнур Шахмановна	Коллегия адвокатов города Астаны
93.	**САГНАЙ** Данара Сагинбекқызы	Коллегия адвокатов города Астаны
94.	**САТЫБЕКОВА** Эльвира Турсунбаевна	Коллегия адвокатов города Астаны
95.	**САУЛЕБАЕВА** Гульмира Кушербаевна	Коллегия адвокатов города Астаны
96.	**СЕРИКБЕКОВА** Самал Бакытовна	Коллегия адвокатов города Астаны
97.	**СЛЯМОВ** Дархан Алиевич	Коллегия адвокатов города Астаны
98.	**СЛЯМОВ** Думан Алиевич	Коллегия адвокатов города Астаны
99.	**ТОКАШОВ** Дуйсенбай Кенжибаевич	Коллегия адвокатов города Астаны
100.	**ТОКСАБИНА** Динара Габитовна	Коллегия адвокатов города Астаны
101.	**ТУЛЕБАЕВА** Дилара Сагидоллаевна	Коллегия адвокатов города Астаны
102.	**УАТБЕКОВА** Мадина Кыдырбеккызы	Коллегия адвокатов города Астаны
103.	**УТАРОВА** Айгуль Сагындыковна	Коллегия адвокатов города Астаны

104.	**ШАПЕНОВА** Сабина Мухтаровна	Коллегия адвокатов города Астаны
105.	**ШАРИПОВА** Кенже Жагипаровна	Коллегия адвокатов города Астаны
106.	**ШЕНГЕЛБАЕВ** Бахытжан Рахимович	Коллегия адвокатов города Астаны
107.	**ОСОКИНА** Ирина Юрьевна	Коллегия адвокатов города Астаны
108.	**БЕРДИМБЕТОВА** Балауса Амановна	Коллегия адвокатов города Астаны
109.	**КУРЯЧЕНКО** Дмитрий Петрович	Коллегия адвокатов города Астаны
110.	**АУБАКИР** **Канат Бариулы**	Акмолинская областная коллегия адвокатов
111.	**АХМЕТОВА** Самал Айтпаевна	Акмолинская областная коллегия адвокатов
112.	**БЕКБАУОВА** Жанара Дарханбековна	Акмолинская областная коллегия адвокатов
113.	**ИХСАНГАЛИЕВ** Сакен Избасарович	Акмолинская областная коллегия адвокатов
114.	**КОСТЫРЕВ** Владимир Николаевич	Акмолинская областная коллегия адвокатов
115.	**КУЖАМКУЛОВ** Серик Тыныбекович	Акмолинская областная коллегия адвокатов
116.	**МАКСИМОВ** Александр Викторович	Акмолинская областная коллегия адвокатов
117.	**МУРЗАЛИНОВА** Гульнара Барамбаевна	Акмолинская областная коллегия адвокатов
118.	**САЙЛАУХАНОВА** Самал Сайлаухановна	Акмолинская областная коллегия адвокатов
119.	**ТИМОФЕЕВ** Матвей Владимирович	Акмолинская областная коллегия адвокатов
120.	**ТУЛЕУБАЕВА** Орынтай Кусаиновна	Акмолинская областная коллегия адвокатов

121.	**УРАЗАЛИНА** Алия Амангельдиновна	Акмолинская областная коллегия адвокатов
122.	**УСТАЖАНОВА** Сара Амантаевна	Акмолинская областная коллегия адвокатов
123.	**ЧЕРНЯВСКАЯ** Светлана Николаевна	Акмолинская областная коллегия адвокатов
124.	**БУРКИТОВ** Жаксылык Орынбасарович	Атырауская областная коллегия адвокатов
125.	**ВРАНЧЕВ** Игорь Олегович	Атырауская областная коллегия адвокатов
126.	**МАЛЮКОВА** Юлия Александровна	Атырауская областная коллегия адвокатов
127.	**СУНДЕТКАЛИЕВА** Жанар Кадыржановна	Атырауская областная коллегия адвокатов
128.	**НАЗЫМБЕКОВА** Салтанат Келесовна	Жамбылская областная коллегия адвокатов
129.	**ТАШПАКОВ** Турегали Адаевич	Западно-Казахстанская областная коллегия адвокатов
130.	**ХАЙРУЛЛИНА** Айгул Жиенбаевна	Западно-Казахстанская областная коллегия адвокатов
131.	**БАШАРОВА** Малина Бакеновна	Карагандинская областная коллегия адвокатов
132.	**ШАКИР** Анара	Карагандинская областная коллегия адвокатов
133.	**ҚАБЫЛБЕКОВ** Қанат Ералиевич	Кызылординская областная коллегия адвокатов
134.	**АЗАНОВ** Бауыржан Аскербекович	Павлодарская областная коллегия адвокатов
135.	**ИОСТ** Ирма Александровна	Павлодарская областная коллегия адвокатов
136.	**АМИРТАЕВ** Сапар Абдраманович	Южно-Казахстанская областная коллегия адвокатов
137.	**КАНГЕЛДИЕВ** Нурлан Айдарович	Южно-Казахстанская областная коллегия адвокатов
138.	**СЕЙТЖАНОВ** Мелес Дайнович	Южно-Казахстанская областная коллегия адвокатов
139.	**ТУЛЕГЕНОВА** Гульнира Тобиковна	Южно-Казахстанская областная коллегия адвокатов