

## Charter of the Swedish Bar Association

*Adopted by the General Assembly of the Swedish Bar Association on 25–26 May 1962.*

*Last amended by decision of the General Assembly on 2 June 2022.*

### Objects and organisation

#### Section 1

The Swedish Bar Association is the general bar association provided for in Chapter 8, section 1 of the Swedish Code of Judicial Procedure.

The objects of the Bar Association are:

- to promote justice by maintaining high ethical and professional standards in the legal profession;
- to monitor legal developments and endeavour to ensure that they benefit from the Bar Association's experience;
- to safeguard the general professional interests of its members; and
- to further unity and consensus among the members.

An *Advokat* is a member of the association.

#### Section 2

The right of members to participate in the administration of the common business of the Bar Association is exercised by delegates, elected by the members and called the General Assembly of the Swedish Bar Association. An ordinary General Assembly Meeting is held annually.

The General Assembly elects the Board of the Bar Association and the members of its Disciplinary Committee and Penalty Fine Committee. The Board is called the Board of the Swedish Bar Association, the Disciplinary Committee is called the Disciplinary Committee of the Swedish Bar Association and the Penalty Fine Committee is called the Penalty Fine Committee of the Swedish Bar Association.

The Bar Association is divided into Departments, each having its own Board. The right of members to participate in the administration of each Department's special concerns is exercised at Department Meetings.



## **Admission of new members**

### Section 3

A person may be admitted as a member of the Bar Association only if that person:

1. is domiciled in Sweden or another state within the European Union or the European Economic Area or in Switzerland;
2. has passed the proficiency exams prescribed for qualification to serve in the judiciary;
3. has engaged in qualified legal practice in a satisfactory way for a period of not less than three years after passing the above-mentioned proficiency exams, in which context they have, in their professional capacity, been dedicated to assisting the general public in legal matters, either as an employee of a member or as self-employed;
4. at the time the application is considered is, in their professional capacity, assisting the public in the manner set forth in item 3;
5. has attained a passing grade following the special training course arranged by the Bar Association;
6. has become known for their integrity; and
7. is otherwise considered suitable to practise law as a member of the Bar Association.

The Board of the Bar Association may, taking into consideration special circumstances, grant exemptions from items 1, 3, 4 and 5 of the first paragraph. The same applies as to item 2 of the first paragraph concerning a person who is qualified as a lawyer in another state in accordance with regulations in force there. An exemption from the three-year requirement under item 3 may not be granted for more than one year. Additional exemptions may be granted only where exceptional reasons exist.

A person who has undergone an educational programme that is required to become a lawyer in another state within the European Union or the European Economic Area or in Switzerland and who has undergone a test in Sweden showing that they have sufficient knowledge of the Swedish legal system will be deemed to fulfil the requirements of items 2, 3 and 5 of the first paragraph. The test should be adjusted to



the applicant's education and professional experience. A person registered under section 4a who has subsequently actually and continuously practised law in Sweden for a period of at least three years, provided either that the practice has primarily involved Swedish law or, if the practice has not primarily involved Swedish law, that the registered person has, in some other manner, acquired sufficient proficiency and experience to be admitted as a member of the Bar Association, will also be deemed to fulfil the requirements of items 2, 3 and 5 of the first paragraph.

A person qualified as a lawyer in Denmark, Finland, Iceland or Norway in accordance with regulations in force there and who has subsequently served as an associate at a law firm (*advokatbyrå*) in Sweden in a satisfactory manner for at least three years will be deemed to fulfil the requirements of items 2–7 of the first paragraph.

A person who has been declared bankrupt or for whom a trustee has been appointed under Chapter 11, section 7 of the Swedish Parental Code may not be admitted as a member. In addition, a person who is prohibited from providing legal or financial services under section 3 of the Prohibition against Providing Legal or Financial Services in Certain Cases Act (1985:354) may not be admitted as a member.

A judge or other official at a court, a public prosecutor or an enforcement officer may not be admitted as a member.

A person employed by the state or a municipality in a position other than those mentioned in the preceding paragraph, or by a private person other than a member, may not be admitted as a member unless the Board grants an exemption. This provision does not apply to employees of a member of an organisation of lawyers within the European Union or European Economic Area or in Switzerland.

#### Section 4

Applications for admission to the Bar Association are considered by the Board of the Bar Association. The documents which an applicant wishes to invoke in connection with the provisions of section 3 must be enclosed with the application.



The Board obtains opinions on the application from the Board of the Department and, in the case of foreign applicants, from the foreign organisation of lawyers within whose area the applicant has conducted, or conducts, their activities, and any further information it may consider necessary.

If the application for admission is rejected, the decision must state the reasons on which it is founded.

#### Section 4a

A person who is qualified as a lawyer in another state within the European Union and who practises law in Sweden on a permanent basis under the title used in their home country must be registered with the Swedish Bar Association.

Applications for registration are considered by the Board of the Bar Association. The documents prescribed by the Board or which the applicant otherwise wishes to invoke must be enclosed with the application.

If an application for registration is rejected, the reasons for the decision must be stated.

The provisions of this Charter regarding members of the Bar Association also apply to a person who is registered pursuant to the first paragraph.

The provisions of this section also apply to any person who is under a duty to register with the Bar Association pursuant to any regulation stated in Chapter 8, section 11 of the Code of Judicial Procedure.

#### Section 4b

In cases referred to in section 3, third paragraph, receipt of an application shall be acknowledged within one month and the applicant informed if necessary documents are missing. An application will be considered and a reasoned decision taken as soon as possible and, at the latest, within four months of receipt of a complete application.

#### Section 4c

In order to simplify matters for an applicant who wishes to be admitted as a member of an organisation of lawyers in the European Union or the European Economic Area or in Switzerland, the Bar Association shall cooperate with the competent organisation in the other state. The information



exchanged in the context of the application procedure shall be treated confidentially.

## **The Board**

### Section 5

The Board of the Bar Association consists of a chair, vice-chair and 18 other members. The chair, vice-chair and other members are elected in that order at the ordinary General Assembly Meeting for a term of two years, commencing the following 1 July. The chair, vice-chair and eight other members are appointed every second year; in intervening years, ten members are appointed.

When members other than the chair and vice-chair are elected, consideration must be given to the desirability of representation of all Departments of the Bar Association.

A person who, at the end of their term, will have been a member of the Board for six consecutive years without having been chair or vice-chair during that period may not be appointed to any position on the Board other than chair or vice-chair within two years after the end of that period.

If a member of the Board is elected as a member of the Disciplinary Committee or the Penalty Fine Committee, and accepts this post, they must resign from the Board.

### Section 6

If a member of the Board resigns before the end of the term for which they have been elected, the requisite election of a replacement for the remainder of the term shall take place.

Election of a replacement may take place at an extraordinary General Assembly Meeting, but may be postponed until the next ordinary General Assembly Meeting occurring after the resignation. The person elected will take up their post immediately.

### Section 7

The seat of the Board is in Stockholm.

### Section 8

The Board and the Disciplinary Committee exercise supervisory control over the legal profession and must ensure that



all members fulfil the duties incumbent upon them when pleading cases in court and in their other activities.

If the question of disciplinary action against a member arises in some way other than by a complaint under section 40, the Board will determine whether the matter is to be referred to the Disciplinary Committee.

Regulations regarding the Board's handling of matters referred to in Chapter 8, section 7, fifth paragraph of the Code of Judicial Procedure are set forth in section 45.

### Section 9

The Board represents the Bar Association, monitors its interests and manages its affairs, and also decides on behalf of the Bar Association in all matters unless this Charter provides otherwise.

Accordingly, the duties of the Board include:

1. executing decisions of the General Assembly;
2. managing the assets of the Bar Association and its special funds;
3. presenting the annual report for the preceding calendar year at an ordinary General Assembly Meeting;
4. at the request of a member, a court or an Arbitral Tribunal, issuing an opinion concerning the member's claim for fees and costs for an engagement which has been performed, either itself or through specially appointed experts;
5. issuing to a member, upon request or otherwise, guidelines regarding practise as a member;
6. issuing a statement of opinion on a matter referred by a government authority and issuing statements on its own initiative on behalf of the Bar Association on legislative issues or other matters of importance for the development of law or the legal profession;
7. appointing the Secretary General of the Bar Association and other officials;
8. representing the Bar Association in its role as shareholder of *Sveriges Advokaters Serviceaktiebolag* (Swedish Lawyers' Service Company); and
9. considering notifications pursuant to the last paragraph of section 31(1).



#### Section 10

The Board meets when the chair considers it appropriate or when at least four Board members so request, at a place decided by the Board or the chair.

Notice of the meeting, with an agenda, must be given to the members of the Board in good time before the meeting.

Members of the Board are not entitled to any remuneration other than reimbursement of their travelling expenses according to principles determined by the General Assembly.

#### Section 11

The Board is quorate when at least seven members are present.

Decisions by the Board are taken by a simple majority vote. In the event of a tie, the chair has the casting vote; however, in elections, tied votes are settled by the drawing of lots.

The minutes of the Board's meeting are signed by the chair and one member.

### **Disciplinary Committee**

#### Section 12

The Bar Association's Disciplinary Committee consists of a chair, a vice-chair and nine other members.

The chair, the vice-chair and six other members are elected in that order at the ordinary General Assembly Meeting for a term of four years, commencing the following 1 July. Elections take place every other year, such that the chair and three other members are elected every second year; in intervening years, the vice-chair and three other members are elected.

The remaining three members of the Committee (public representatives) are appointed by the Government. They are appointed, one at a time, every year for a maximum term of three years, commencing 1 July. The public representatives are selected from outside of the category of persons excluded from eligibility as lay judges under Chapter 4, section 6 of the Code of Judicial Procedure.



A member who, at the end of their most recent term, will have been a member of the Disciplinary Committee for eight consecutive years without having been chair or vice-chair during that period may not be appointed to a position on the Committee other than chair or vice-chair within two after the end of that period.

A member of the Disciplinary Committee who is elected as a member or a deputy member of the Board or the Penalty Fine Committee, and accepts this post, must resign from the Disciplinary Committee.

#### Section 13

If a member of the Disciplinary Committee appointed by the General Assembly resigns before the end of term for which they have been elected, election of a replacement for the remainder of the term will take place in accordance with the relevant provisions of section 6.

#### Section 14

The Disciplinary Committee handles matters involving disciplinary action against members under the provisions set forth in sections 40–43. The Committee takes decisions on disbarment, warning, reprimand, fine and issue of a statement in accordance with Chapter 8, section 7, paragraphs 1–4 of the Code of Judicial Procedure.

To the extent prescribed by section 40, when determining whether disciplinary action against a member is called for, the Disciplinary Committee may work in divisions comprising three members, of whom one must be a public representative. Such a division is called an Adjudication Division.

#### Section 15

The Disciplinary Committee and Adjudication Divisions meet when convened by the chair at the place decided by the chair.

Notice of the meeting, with an agenda, must be given to the members of the Disciplinary Committee in good time before the meeting.

Members of the Disciplinary Committee who are elected by the General Assembly are not entitled to any remuneration other than reimbursement of their travelling expenses





according to principles determined by the General Assembly.

#### Section 16

The Disciplinary Committee is quorate when at least six members are present. An Adjudication Division is quorate when at least two members are present.

If the Disciplinary Committee is not quorate because a member is disqualified, a replacement shall be appointed. Only a person who was previously a member of the Disciplinary Committee may serve as a replacement. Replacements are appointed by the Secretary General or, if the latter is disqualified or unable to attend, by the chair of the Board.

The provisions of the Code of Judicial Procedure regarding voting in criminal cases shall apply in pertinent part to voting within the Disciplinary Committee. A special vote must be taken if the question of disbarment from the Bar Association arises. A decision to disbar requires the assent of at least six members.

The minutes of Disciplinary Committee meetings are signed by the chair and one member. Adjudication Divisions shall keep separate minutes, which are signed by the chair of the division and one member.

#### Section 16a

The Disciplinary Committee decides on the organisation of the Adjudication Divisions.

### **The Secretariat**

#### Section 17

The Bar Association has its secretariat in Stockholm under the supervision of a Secretary General employed by the Bar Association.

Only a member may be appointed Secretary General.

The Secretary General is not eligible for election as a member of the Board or the Disciplinary Committee, nor as a member or deputy member of the General Assembly or the Penalty Fine Committee.



## **Accounts and audit**

### Section 18

The accounts of the Bar Association are closed on 31 December each year.

The accounts and the administration by the Board are examined by two auditors appointed annually at the ordinary General Assembly Meeting. A deputy is appointed for each auditor.

## **The General Assembly**

### Section 19

The General Assembly is elected by the Departments of the Bar Association in the manner set forth in section 29.

The chair and vice-chair of the Board are Delegates as a matter of course.

### Section 20

An ordinary General Assembly Meeting shall be held during the period 15 May – 15 June on a date fixed by the Board.

An extraordinary General Assembly Meeting shall be held to consider a specific matter when the Board considers it necessary or when at least ten Delegates so request in writing, stating the reasons. The Board must issue an opinion concerning any matter to be discussed at such a meeting.

### Section 21

Written notice of an ordinary General Assembly Meeting must be sent at least three weeks before the meeting and, in the case of an extraordinary General Assembly Meeting, at least two weeks before the meeting. An agenda listing the matters to be discussed at the meeting must be enclosed with the notice.

A Delegate on the General Assembly who is prevented from attending must give notice immediately. If a Delegate appointed by a Department is prevented from attending, notice to attend will be given to the deputy from that Department who has been a member of the Bar Association for the greatest length of time, unless the Department has decided upon another arrangement for summoning deputies.



When notice of a General Assembly Meeting has been sent, members of the Bar Association must be informed, without delay, of the matters that are to be discussed at the meeting.

#### Section 22

The following matters must be addressed at an ordinary General Assembly Meeting:

1. the annual report of the Board and the auditors' report, discharge of the Board from liability, and if the Board is not discharged from liability, any action to be taken as a result;
2. the annual report of the Board of the Swedish Bar Association's Support Fund and the auditors' report, discharge of the Board from liability and, if the Board is not discharged from liability, any action to be taken as a result;
3. election of the Board of the Bar Association, the Disciplinary Committee of the Bar Association and the Penalty Fine Committee of the Bar Association;
4. election of auditors and deputy auditors;
5. decisions regarding fees payable to the Bar Association and the Support Fund;
6. decisions regarding service fees payable to the Swedish Lawyers' Service Company (*Sveriges Advokaters Serviceaktiebolag*) on the basis of a proposal submitted by that company;
7. decisions regarding written instructions for the nomination committee; and
8. matters referred to the meeting by the Board or proposed in writing to the Board by a member of the Bar Association before 15 April.

#### Section 23

Only matters listed on the agenda or matters directly related to those matters may be brought up for decision at a General Assembly Meeting; however, the Meeting is always free to hold elections for replacements as provided by sections 6, 13 and 70.

#### Section 24

Meetings of the General Assembly are held in Stockholm unless the Board decides otherwise.



Every member of the Bar Association is entitled to attend Meetings of the General Assembly. However, only serving Delegates on the General Assembly are entitled to participate in the discussion and vote.

The proceedings at Meetings of the General Assembly are opened by the chair of the Board or, in their absence, by the vice-chair, after which the Delegates elect a chair of the Meeting. Neither the chair nor vice-chair of the Board is eligible to be elected chair of the Meeting.

Meetings are quorate when at least forty Delegates of the General Assembly or their deputies are present at the Meeting.

Voting at Meetings of the General Assembly is by open ballot except for elections, where voting is by secret ballot if more names are proposed than the number of vacancies to be filled. Where voting is by secret ballot, each voter is entitled to write on the ballot paper the same number of names as the number of vacancies to be filled. Votes may only be cast for names proposed prior to the vote. A ballot paper bearing more names than the number of vacancies to be filled is invalid. If the ballot paper contains a name that has not been proposed prior to the vote, that name shall be considered non-existent. If the vote is for the election of the chair or vice-chair of the Board, of the Disciplinary Committee or of the Penalty Fine Committee, the person who receives more than one-half the votes cast is elected. In the event no person obtains this majority, a new vote is held. If once again no person receives more than one-half of the votes, a third vote is held between the two persons who received the most votes in the second vote. The person who then receives the most votes is elected. If the number of votes is equal in the second or third votes, lots are drawn. At elections other than the election of chair or vice-chair of the Board, of the Disciplinary Committee or of the Penalty Fine Committee, the persons receiving the most votes are elected. If two or more people receive an equal number of votes, a new vote between them is held. If the number of votes in this vote is equal, lots are drawn.

Unless otherwise provided by this Charter, decisions are taken by a simple majority. In the event of a tied vote on



matters other than elections, the chair will have the casting vote.

A Delegate is not entitled to participate in decisions on discharge from liability for administration for which they are responsible, nor in the election of auditors for the audit of that administration.

Minutes of Meetings of the General Assembly are signed by the chair of the meeting and two Delegates.

Delegates are not entitled to any remuneration other than reimbursement for travelling expenses according to principles determined by the General Assembly.

Members of the Bar Association must be notified of decisions taken by the General Assembly.

## **The Nomination Committee**

### Section 25

A nomination committee shall be elected to prepare for the election of members of the Board and the Disciplinary Committee and members and deputy members of the Penalty Fine committee.

At its annual meeting, each Department appoints one member and one alternate to the nomination committee. The Stockholm Department's representative on the nomination committee shall convene meetings and serve as the chair.

The nomination committee shall be subject to a written instruction which has been adopted by the General Assembly.

## **Departments**

### Section 26

The Departments of the Bar Association are:

*Northern Department*, comprising the counties of Norrbotten, Västerbotten, Västernorrland, Jämtland and Gävleborg;

*Central Department*, comprising the counties of Dalarna, Värmland, Örebro, Västmanland and Uppsala;

*Stockholm Department*, comprising the counties of Stockholm and Gotland;



*Eastern Department*, comprising the counties of Södermanland, Östergötland, Jönköping, Kronoberg and Kalmar;

*Western Department*, comprising the counties of Västra Götaland and Halland;

*Southern Department*, comprising the counties of Skåne and Blekinge; and

*Foreign Department*, for members practising abroad.

#### Section 27

Members belong to the Department in the area where they have their main practice. Members no longer conducting a legal practice as a member belong to the Department where they most recently had their main practice.

Disputes concerning the Department to which a member should belong are decided by the Board of the Bar Association.

#### Section 28

A Department must adopt articles which require approval by the Board of the Bar Association to enter into force.

The articles of a Department must include provisions requiring that:

(i) a Department Meeting be held annually before the end of March for the election of Delegates and deputy Delegates of the General Assembly;

(ii) a Department Meeting will also be held when the Board of the Bar Association or the General Assembly so requires for the consideration of a stated matter; and

(iii) minutes are kept of Department Meetings and meetings of the Department Board, a copy of which must be sent to the Secretariat of the Bar Association within fourteen days.

A Department is entitled to collect an annual fee from its members.

#### Section 29

Based on the number of its members on 1 January of the year in question, each Department appoints one Delegate to the General Assembly of the Bar Association for every 2%, or fraction thereof, that its membership constitutes of the



entire number of Association members. However, the Foreign Department appoints at least two Delegates and other Departments each appoint at least six delegates.

A Department elects the same number of deputies as Delegates. Delegates on the General Assembly and deputies are elected for one-year terms, commencing the following 1 May. A person who, at the end of their term, will have been a Delegate on the General Assembly for six consecutive years may not be appointed as a Delegate on the General Assembly or deputy within two years after the end of that period.

A member or deputy member of the Board of the Bar Association is not eligible for election as a Delegate on the General Assembly or a deputy. If a Delegate on the General Assembly or a deputy who has been appointed by a Department is elected as a member or deputy member of the Board and accepts this post, they must resign from the General Assembly.

### Section 30

The Board of the Bar Association may cancel, with immediate effect, any decision by a Department or Department Board that is contrary to the Charter of the Bar Association or the Department or is deemed to be inconsistent with the interests of the Bar Association.

## **Fees**

### Section 31

#### *Subsection 1*

Members must pay an annual fee to the Bar Association. The fee is the same for all members.

A person admitted as a member in the second half of the year pays one-half the annual fee for that year.

A member who does not practise law and who has either reached the age of sixty or is unable to practise for health reasons of ill health pays a fee not exceeding one-tenth of the fee stipulated in the first paragraph if these circumstances are notified to the Bar Association.



### *Subsection 2*

A service fee payable to the “Swedish Lawyers’ Service Company” (*Sveriges Advokaters Serviceaktiebolag*) will be charged to each member’s firm for each practising lawyer at the firm, in the amount or according to the principles for calculation of the amount adopted by the General Assembly for one calendar year. The full amount is payable for each lawyer practising at the firm on 1 July of the calendar year for which the fee is paid; one-half that amount is payable for any person commencing practise at the firm after 1 July of the year to which the fee relates.

A member who is a business owner or the managing partner of a law firm operated in the form of a limited company (*advokataktiebolag*) is responsible for ensuring that the service fee is paid for the business they conduct or manage.

### *Subsection 3*

If it finds reason to do so, the Board may wholly or partly exempt a member from the duty to pay the annual fee to the Bar Association, up to the amount payable under the last paragraph of subsection 1 above. If there are exceptional reasons for so doing, a member may be exempted from paying the entire annual fee. The latter exemption also applies to an annual fee determined in accordance with the last paragraph of subsection 1 above.

In addition, after consultation with the Service Company, the Board may wholly or partly grant a member an exemption from the duty to pay service fees to the Service Company if there are particular reasons for so doing.

The Board may decide that payment of the fee to the Bar Association and service fee to the Swedish Lawyers’ Service Company is to be made at the beginning of each calendar year, to be subsequently credited against the fee and service fee adopted at an ordinary General Assembly Meeting.

## Section 32

Should the General Assembly so decide, all members must pay an annual fee to the Swedish Bar Association’s Support Fund and the fee shall be the same for each member.





The provisions of section 31(1), second paragraph and section 31(3), first paragraph shall apply by analogy to fees payable to the Support Fund.

#### Section 33

Repealed with effect from 1 January 2001; see, however, the transitional provisions below.

### **Professional duties**

#### Section 34

In conducting their practice, a member must perform engagements entrusted to them honourably and diligently and, in all matters, comply with professional ethics.

Where professional ethics so require, a member must not divulge information they learn in the conduct of their practice.

#### Section 35

A member must keep money and other assets belonging to their principals separate from their own property.

Following consultation with the General Assembly, the Board may issue further regulations governing members' administration of funds and other assets referred to in the first paragraph, as well as regarding members' accounting.

Before the General Assembly is consulted on a matter referred to in the second paragraph, the Board must give the Departments the opportunity to discuss the proposal at Department meetings and state an opinion on it.

#### Section 36

A member shall maintain and develop their professional qualifications.

The Board may issue further regulations on members' duties to participate in continuing professional training for this purpose and to supply information about this to the Board.

#### Section 37

A member may not resign from an engagement they have accepted if to do so would be contrary to professional ethics.



### Section 38

If a member's practice is conducted in the form of a limited liability company or a partnership, only members may be a shareholder or a partner, unless an exemption is granted by the Board.

### Section 39

A member may not conduct other activities alongside their legal practice where the nature or extent of such activities jeopardises their independence or are in any other way incompatible with their position as a member.

### **Disciplinary action**

### Section 40

If a member is reported to the Bar Association by a client or someone else involved in the matter or if the Board raises the issue of disciplinary action against a member, the matter will be considered by the Disciplinary Committee, usually by an Adjudication Division in the first instance. If the Adjudication Division is unanimous that no disciplinary action is called for and if the members agree as to the content of the decision, the Adjudication Division may decide the matter. Otherwise the matter must be referred to the Disciplinary Committee.

The chair of the Disciplinary Committee may decide that the matter is to be referred to the Committee without first being dealt with by an Adjudication Division.

### Section 41

The Disciplinary Committee is not obligated to consider complaints against a member that relate to events more than three years in the past.

### Section 42

The member against whom the complaint was made, the Chancellor of Justice and the Board must be notified of a decision of the Disciplinary Committee, as well as a decision of an Adjudication Division not to refer a matter to the Committee. However, the Board will only be notified of a decision of the Adjudication Division if the Board so requests. If the matter has been considered based on a



complaint under section 40, the complainant must also be informed of the decision, unless they have withdrawn the complaint.

The complainant, the member and the Chancellor of Justice must be notified of a decision of the Board to dismiss a complaint.

If the complaint against the member has been dismissed or if a decision has been made that a disciplinary matter will not be referred to the Disciplinary Committee, the Chancellor of Justice may, within four weeks from the time they are notified of this decision, demand that the Committee take action against the member.

### Section 43

The member involved in a disciplinary matter must be given the opportunity to respond to a complaint, unless particular circumstances dictate otherwise.

If so directed, a member against whom a complaint has been made is under a duty to submit a written statement, produce the documents the Disciplinary Committee, the Penalty Fine Committee or the Secretary General orders them to supply and to appear before the Disciplinary Committee if ordered to do so.

The Disciplinary Committee may decide that oral proceedings are to be held in a matter before the Committee. Unless particular reasons dictate otherwise, oral proceedings are to be held when the penalty in question may be disbarment. In that context, a member of the Bar Association appointed by the Board shall plead the case resulting from the complaint or which has otherwise arisen. Appointment by the Board takes place following notification by the Committee or the Secretary General. Members of the Disciplinary Committee may not be appointed.

If the member against whom a complaint has been made is considered to be in need of defence counsel but does not instruct any such counsel, the Disciplinary Committee may appoint defence counsel to act for them in the proceedings before the Committee. The fee for defence counsel appointed by the Committee will be paid by the Bar Association in an amount to be determined by the Disciplinary



Committee. The same applies to the fee for defence counsel appointed by a member against whom a complaint has been made if the Committee finds that the nature of the matter necessitates counsel for the member's defence. The Committee may order the member against whom a complaint has been made to reimburse the Bar Association for all or part of the cost of their defence.

A decision to disbar, warn or reprimand must state the reasons on which it is founded.

#### Section 44

Members of the Bar Association and Swedish courts of general jurisdiction must be notified of a decision to disbar a member as soon as it enters into force. If a disbarment decision has been revoked, members of the Bar Association and the above-mentioned courts must be notified if they were previously notified of the disbarment. The same applies to a decision to revoke registration under section 4a.

#### Section 44a

In some cases the disciplinary activities of the Bar Association also cover persons qualified as a lawyer in another state within the European Union or European Economic Area or in Switzerland. As soon as disciplinary proceedings have been instituted against such a lawyer, the Bar Association must cooperate and exchange information with the competent authority or organisation in the other state.

### **Disbarment of members no longer eligible for membership of the Bar Association**

#### Section 45

If the Board addresses the question of disbarment of a member or revocation of registration under Chapter 8, section 7, fifth paragraph of the Code of Judicial Procedure, the Board must give the member an opportunity to make a statement before a decision is made.

A decision to disbar or revoke registration must state the reasons on which it is founded.

The decision of the Board must be communicated to the person concerned and the Chancellor of Justice. The provisions of section 44 shall apply by analogy.



## Section 46

A member must provide the Board with any information necessary for its supervision of the legal profession. After consultation with the General Assembly, the Board may issue further regulations governing this disclosure obligation. Before the General Assembly is consulted, the Board must give the Departments the opportunity to discuss the proposal at their Department meetings and state their opinion on the proposal.

Within seven months after the end of each financial year, a member who is self-employed must submit an auditor's report to the Secretariat of the Bar Association, stating that the accounts have been kept in accordance with law and the Accounting Regulations of the Bar Association, and that the provisions of the Regulations have otherwise been followed. If the auditor's report differs from the standard format, it must also be submitted to the Bar Association.

If an auditor's report is not received within the specified time, the Board is entitled to appoint an authorised or approved public accountant to perform an audit at the member's expense and to submit such report to the Board.

The Board may order that a member's accounts and administration of funds be examined by an authorised public accountant appointed by the Board. If so, the member is obliged to supply their registers, accounts and any accompanying documents.

An auditor may only disclose information obtained during the audit performed pursuant to the third paragraph or examination pursuant to the fourth paragraph only insofar as the audit or examination gives cause for criticism.

If there is special cause for so doing, the Board may decide that a member's registers and accounts with accompanying documents shall be inspected by the Secretary General or presented to the Board.

In the event of an examination pursuant to the fourth and sixth paragraphs, the member must, if requested by the person carrying out the examination, procure from a bank, client, or other person the statements of account, reports, or other information necessary for inspection of the member's administration and accounts. The member shall present the



information to the person carrying out the examination. If the member does not produce this information within a reasonable time, the person carrying out the investigation may personally obtain the information.

### **Duty of confidentiality on the part of members of the Board and others**

#### Section 47

Members and deputy members of the Board, members of the Disciplinary Committee, the Secretary General, and other members of the Bar Association who have participated in the administration of disciplinary matters or other supervisory matters by the Bar Association, as well as members and deputy members of the Consumer Disputes Committee and the Penalty Fine Committee, may not make any unauthorised disclosure to anyone regarding information they have learned about a member of the Bar Association and their activities as a result of the member's duty to disclose information and provide documents.

### **Compensation for loss, injury or damage**

#### Section 48

The General Assembly may take decisions regarding collective insurance or a fund for compensation for loss, injury or damage resulting from criminal conduct by a member or a person employed by a member. Before such a decision is taken, the Departments must be given the opportunity to discuss the proposal at Department meetings and state an opinion on it.

If a decision of the kind provided for in the first paragraph is taken by the General Assembly, each member is obligated to pay the requisite fee, which is calculated according to principles determined by the General Assembly. The provisions of section 31(3) apply by analogy to this fee.

### **Resignation of a member**

#### Section 49

The Code of Judicial Procedure provides that a member is under a duty to resign from the Bar Association immediately in certain circumstances.



If a member otherwise wishes to resign from the Bar Association, they must apply in writing to the Board. The application must be discussed at the next meeting of the Board. If a serious complaint has been made against the member, the Board may order that discussion of the application be postponed pending consideration of the complaint against the member. Otherwise the application must be granted.

#### Section 50

If a member neglects to pay the statutory fee to the Bar Association, the service fee to the Swedish Lawyers' Service Company, the statutory fee to the Department to which they belong or a fine, and does not meet these obligations within the time limit set by the Board, the Board must declare that they have resigned from the Bar Association.

The Board may wholly or partly waive a fine if there is special cause for doing so.

#### **Publication of certain decisions**

#### Section 51

The Board shall ensure that a person's admission to, or resignation from, membership of the Association shall become public knowledge.

The Disciplinary Committee may decide that a Committee decision in a disciplinary matter is to be made public, in whole or in part.

The Consumer Disputes Committee or the Penalty Fine Committee may decide that a decision of the respective Committee is to be made public, in whole or in part.

#### **The Consumer Disputes Committee**

#### Section 52

The Consumer Disputes Committee shall comprise five members and five deputy members. Two of the members shall be members of the Bar Association, two shall represent consumer interests and one shall be a former permanent judge.

The former permanent judge shall chair the Consumer Disputes Committee.



A matter may be decided by three members, of whom one must be a member of the Bar Association, one a representative of consumer interests and one a former permanent judge.

The chair of the Consumer Disputes Board may dismiss or close a case.

The chair of the Consumer Disputes Board may also decide that the Secretary General, or the lawyer at the Bar Association's secretariat appointed by the Secretary General, may dismiss or close a case.

#### Section 53

The Board of the Bar Association appoints members and deputy members of the Consumer Disputes Committee. All members and deputy members are appointed for a term of three years.

A member may not be re-elected if, at the end of their term, they have been a member of the Consumer Disputes Committee for six consecutive years.

#### Section 54

Where a member or deputy member of the Consumer Disputes Committee resigns before the end of the term for which they were elected, a replacement shall be appointed for the remainder of the term.

#### Section 55

The provisions of the Code of Judicial Procedure regarding voting in civil cases shall apply in pertinent part to voting by the Consumer Disputes Committee.

#### Section 56

The provisions of the Administrative Procedure Act (2017:900) shall apply in pertinent part to questions of disqualification in respect of members and deputy members of the Consumer Disputes Committee.

#### *Matters before the Consumer Disputes Committee*

#### Section 57

The Consumer Disputes Committee shall adjudicate disputes between a consumer and a member or a law firm





regarding a service which the member or law firm provided to the consumer.

#### Section 58

“Consumer” means a natural person who is acting outside of the scope of their own commercial or professional activities.

#### Section 59

A consumer may submit a written request for adjudication of a matter after paying an application fee set by the Bar Association.

#### Section 60

Where no solution can be reached through an agreement, the member of the Bar Association and, where applicable, the law firm, shall be obligated to participate in adjudication by the Consumer Disputes Committee.

The Consumer Disputes Committee may report claims, other than claims for fees, to the member’s insurer.

#### Section 61

The Consumer Disputes Committee will not adjudicate a matter where:

- the consumer has not tried to reach a solution through an agreement with the member;
- the value of the claim is less than SEK 1,000;
- the value of the claim exceeds SEK 200,000;
- the matter is received later than one year after the consumer made a written complaint to the member, unless exceptional reasons exist;
- the matter is initiated maliciously or is unfounded;
- the consumer does not submit the supplementary information requested by the Committee;
- the evidence is deficient and it is not possible to remedy the deficiency;
- the matter is not appropriate for adjudication by the Committee in view of the Committee’s working methods or would seriously impede the effective functioning of the Committee; or
- the matter is pending before a court or has been determined by a court.



#### Section 62

If it is already clear from the facts in a matter that the dispute cannot be adjudicated on any of the grounds stated in section 61, the Consumer Disputes Committee shall provide both parties with a reasoned decision regarding dismissal within three weeks of receiving the matter. If any grounds for dismissal under section 61 subsequently come to light during the adjudication of the matter, a decision to dismiss shall be taken as soon as possible.

#### Section 63

In matters before the Consumer Disputes Committee, the member to whom the matter relates shall be afforded the opportunity to submit a written brief, unless otherwise justified by special circumstances.

#### Section 64

The proceeding before the Consumer Disputes Committee shall be in writing.

#### Section 65

Consumer disputes shall be determined within 90 days from the date on which they are ready for a decision. The Consumer Disputes Committee shall notify the parties in writing when a matter is ready for decision.

If a dispute is complex, the time for a determination pursuant to the first paragraph may be extended. In such cases, the parties shall be notified to this effect and of the anticipated length of time necessary to adjudicate the dispute.

#### Section 66

The Consumer Disputes Committee may stay a matter where the dispute is being considered by the member's insurer.

#### Section 67

The parties shall bear their own costs for the proceeding.

#### Section 68

Decisions of the Consumer Disputes Committee shall be in writing and shall contain reasoning.

Decisions of the Consumer Disputes Committee cannot be appealed.



## **The Penalty Fine Committee**

### Section 69

The Penalty Fine Committee consists of five members and five deputy members. Three of the members, including the chair, the vice-chair and three of the deputy members, shall be members of the Bar Association. These members and deputy members are not entitled to any remuneration other than reimbursement of their travelling expenses according to principles determined by the General Assembly. The other members and deputy members must possess the specific knowledge and insight required for the commission and must also otherwise be suitable for the commission.

A case may be decided by four members, of whom three must be members of the Bar Association. Decisions of the Penalty Fine Committee shall be in writing and shall contain reasoning.

The provisions of the Code of Judicial Procedure regarding voting in criminal cases shall apply in pertinent part to voting by the Penalty Fine Committee.

The minutes of Penalty Fine Committee meetings are signed by the chair and one member.

### Section 70

Members and deputy members of the Penalty Fine Committee are elected at the ordinary General Assembly Meeting for a term of four years, commencing the following 1 July. A member or deputy member may not be re-elected if, at the end of their term, they have been a member of the Penalty Fine Committee for eight consecutive years.

A member or deputy member must resign from the Penalty Fine Committee if they are elected as and accept the post as a member or deputy member of the Board, a member of the Disciplinary Committee or a member or deputy member of the Consumer Disputes Committee.

If a member or deputy member of the Penalty Fine Committee resigns before the end of term for which they have been elected, election of a replacement for the remainder of the term will take place in accordance with the relevant provisions of section 6.



## **Matters before the Penalty Fine Committee**

### Section 71

The Penalty Fine Committee shall handle appeals against a decision to impose a fine under Chapter 8, section 8, paragraph 2 of the Code of Judicial Procedure. If the Penalty Fine Committee finds reason to change an appealed decision, it may set the fine to a lower amount or decide that no fine shall be imposed.

### Section 72

Appeals to the Penalty Fine Committee shall be done in writing and shall contain statements as to which decision is appealed and which changes to the decision are requested. Appeals shall also state the circumstances, the reasons and any evidence invoked in support of the appeal.

### Section 73

The appeal shall have been received at the Secretariat of the Bar Association within four weeks from the date when the member received the decision of the Disciplinary Committee. An appeal which has been received too late shall be dismissed. If the appeal is so incomplete that it cannot form the basis for considering the matter on its merits, and if the member has not completed the appeal within a time specified by the Penalty Fine Committee, it shall also be dismissed.

If the appeal refers to a decision brought before the Disciplinary Committee by a complaint under section 40, the complainant must also be informed of the decision.

### Section 74

The proceeding before the Penalty Fine Committee shall be in writing. If the Disciplinary Committee based its appealed decision on oral proceedings under section 43, the Penalty Fine Committee must review any available technical recording.

The member who has appealed a decision to the Penalty Fine Committee shall bear their own costs for the proceeding.

The member who appealed, the Chancellor of Justice, the Disciplinary Committee and the Board must be notified of a



decision of the Penalty Fine Committee. If the matter before the Disciplinary Committee was based on a complaint under section 40, the complainant must also be informed of the decision, unless the complainant has withdrawn the complaint with the Disciplinary Committee.

### **Amendment of the Charter**

#### Section 75

Amendments of this Charter are decided upon by the General Assembly.

Before such a decision is taken, the Departments must be given the opportunity to discuss the proposal in question at a Department Meeting and then state their opinion on it.

In order to be valid, a decision to amend the Charter requires either that the decision is adopted at an ordinary meeting of the General Assembly and, in such case, with the support of not less than three-quarters of the total number of Delegates, or that the decision is adopted at two consecutive ordinary meetings of the General Assembly and, at the latter meeting, with the support of not less than two-thirds of the Delegates present.

In order to be valid, an adopted amendment of the Charter must be ratified by the Government.

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Section 33 was repealed effective 1 January 2001. However, under the transitional provisions, it still applies to disputes between members and their principals regarding fees and costs for engagements commencing prior to 1 January 2002.

The section is included here as worded when it was repealed.

“A member is obligated to enter into arbitration in disputes with a principal regarding fees and costs for engagements performed if the principal or – where the principal has claimed legal aid insurance – the insurance company, makes a written request for arbitration to the Board within a year of submission of the final account.

The Arbitration Act applies, subject to the amendments and supplements set forth below.



The arbitral award will be issued, as decided by the Board, either by the Board or by a special Arbitral Tribunal comprising three or five members of the Bar Association, from within or outside the Board appointed by the Board in each case.

The arbitral award must be issued not later than six months after appointment of the Arbitral Tribunal. However, the Board is entitled to extend that time limit at the request of any of the parties or the Arbitral Tribunal if there is reason for so doing.

The first and second paragraphs of section 11 of this Charter apply when the Board adjudicates the dispute. Members of the Board and of the special Arbitral Tribunal may not receive or demand any remuneration from any party.

Members of the special Arbitral Tribunal are entitled to be reimbursed by the Bar Association for travelling expenses according to the same principles as for members of the Board.

A member who is party to a dispute is responsible for their own costs in the proceedings.

When adjudicating the dispute, the Board and the special Arbitral Tribunal are not bound by any agreement as to the fee or other remuneration for performance of an engagement if the agreement proves to be incompatible with the legitimate interests of the principal or the insurance company. If the principal has approved the charge for fee or costs, the Board and the special Arbitral Tribunal may disregard that approval if the charge is obviously unfair and other circumstances so dictate.”