

CERHA HEMPEL CEE NEWSLETTER *Belarus*

New regulations for the legal profession in Belarus

Introduction

The Law on the Bar and Legal Profession in the Republic of Belarus No. 334-Z dated 30 December 2011 (the "**Law on Legal Profession**") was recently amended by Law No. 113-Z dated 27 May 2021. Significant regulatory changes affecting the legal profession will come into force on 30 November 2021.

Elimination of the independent forms of advocates' practice

Historically, there have been two types of legal professional in Belarus: advocates and what are known as commercial lawyers. The main difference between them was the advocates' right to represent clients in court, which was prohibited for commercial lawyers.

Commercial lawyers may practice law in two legal forms: as an individual entrepreneur or as an employee of a commercial law firm (usually a limited liability company). The employee of a commercial law firm could simultaneously be a shareholder of the firm or, in other words, a partner.

Advocates have hitherto been able to practice law in three legal forms: as an individual advocate (a sole practitioner), as a partner or an employee of an advocate bureau (a sort of lawyers' partnership), and within a counselling office (an organizational unit of the local bar association where many advocates simply share joint accommodation without being partners). The first two forms of practicing law as an advocate were relatively independent. The third form (counselling office)

was administered by the local bar association and was not independent.

According to the newly introduced amendments to the Law on the Legal Profession, it is no longer possible to practice law as an individual advocate and within an advocate bureau in Belarus. Advocates may only practice law within a counselling office. So, the short spell of independent advocacy in Belarus has come to the end.

The concept of independent advocates was reintroduced in Belarus in 2013; however, due to the latest developments in the country, the state decided in 2021 to tighten control of legal professionals. Most Belarusian advocate bureaus have already ceased to exist, with the respective advocates changing their status to commercial lawyers without having the right to represent clients before the courts. Although, some advocates decided to continue their legal practice within counselling offices.

Summary

The elimination of the independent forms of advocates' practice has come in for significant criticism within the Belarusian legal community. However, this reform of the legal profession fits into the general trend of strengthening state control in all areas of Belarusian society.

For more information

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