

# **THE LEGAL PROFESSION IN GEORGIA**

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## **1. Basic organization and structure of the legal profession**

The larger community of legal service providers in Georgia can be broadly divided into licensed attorneys and non-attorney legal professionals, with the possibility of horizontal migration between these groups (e.g. individuals having passed the prosecutorial examination admitted to the bar; for more detailed discussion of the issue see 2. *Admission to the legal profession*). Non-attorneys can represent clients in civil proceedings before trial-level courts, however, for appearing before higher level courts as well as for representing clients in criminal proceedings at all levels, bar admission is mandatory.

The 2001 Law on Advocates (LoA) was drawn up to provide legal basis for unified bar. However, it was not until 2004 that the process of setting up the actual bar association began. The process proved painstaking due to a number of vague provisions of LoA, and spawned lawsuits challenging the legitimacy of the newly founded unified bar association in court. Notably, one of the cases initiated challenged the constitutionality of the very provision of LoA mandating the unified bar. The lack of consensus about the status of the bar also brought about a hiatus in holding bar exams and licensing of attorneys: before 2004 bar exams were administered by the High Council of Justice, however, as of the inaugural assembly of the bar association in 2004 this power was handed over to the nascent bar. The lawsuits were eventually resolved in favor of a unified professional association for lawyers, and 2006 saw the final establishment of the Georgian Bar Association (GBA) – Georgia’s official bar that all attorneys must be members of, and that has grown over time from roughly 900 to over 3,600 members.

Alongside the unified bar, there exist a number of voluntary professional associations of attorneys. The largest one is the Georgian Young Lawyers’ Association, which has been in existence since 1994 and counts over 800 attorneys and law students as its members. Another voluntary association is the Georgian Law Students’ Association.

As already noted, currently GBA is over 3,600 members strong and has offices in Tbilisi, Batumi, and Telavi. The total number of bar members is still insufficient for a country with a roughly 4.6 million population. Moreover, while the population of the capital, Tbilisi, accounts for less than a quarter of the total population of the nation, approximately 45% of the total bar membership are attorneys resident in Tbilisi.

The GBA objectives according to its Charter are as follows:

- 5.1 *To promote justice and the protection of the rule of law;*
- 5.2 *To advance the profession of advocates;*
- 5.3 *To protect advocates’ rights, professional integrity and independence;*
- 5.4 *To protect advocates from interference in their professional activities;*

- 5.5 *To support legal education and the development of the profession;*
- 5.6 *To support the system of legal aid;*
- 5.7 *To ensure observance of advocates' ethical standards; and*
- 5.8 *To provide for the social welfare of advocates.<sup>1</sup>*

The GBA is responsible for organizing the bar examination; managing continuous legal education; ensuring the compliance with the Code of Ethics it has developed; promoting the interests of the legal profession, in particular by setting up a social aid fund for its members, participating in drafting legislation; and a number of similar functions.

According to Article 24(1) of LoA<sup>2</sup> and the GBA charter,<sup>3</sup> the highest governing body in the GBA is the General Assembly, while general management function is entrusted in the 8-member Executive Council. All bar members are entitled to participation in the highest governing body, which convenes at least once a year, and a quorum of over a half of the total membership is required to adopt decisions. The quorum requirement presents an impediment to effective operation of the bar, and the GBA is discussing possible alternatives to this requirement.

The GBA General Assembly has the authority to approve the annual budget, which is largely made up by annual membership fees, with the addition of bar examination fees, fees for the various trainings the bar association provides to its members and non-members alike, and funding from other sources. The rate of membership fees is set by the GBA charter at 200 GEL (approximately 100 EUR).

Article 18(1) of the LoA guarantees freedom of choice as to how to carry out legal practice. Attorneys who wish so may pursue solo practice, or else establish law firms in association with other lawyers.<sup>4</sup> Article 18(2) of the LoA requires that law practices regardless of the form be registered with the GBA within 10 days following their

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<sup>1</sup> GBA Charter, Article 5.

<sup>2</sup> LoA, Article 24(1) (“The highest body of the Bar Association is the General Assembly of the Bar Association of Georgia. The General Assembly shall meet at least once a year.”)

<sup>3</sup> GBA Charter, Article 21(1) (“The General Assembly of the Georgian Bar Association (hereinafter “General Assembly”) is the supreme governing authority of the Association.”)

<sup>4</sup> LoA, Article 18(1) (“For the purpose of implementation of legal activities an advocate has a right to create a legal bureau (office, firm etc) independently or together with other advocates or persons in form of a cooperation or an entrepreneurial legal body, where the responsibility of at least one partner is not limited.”)

establishment.<sup>5</sup> Solo practice and small law firms remain the most popular forms of practice. Larger law firms are rare due to financial constraints.

## 2. Admission to the legal profession

To become licensed as an attorney in Georgia, the applicant must have a law degree, have passed the bar examination or, alternatively, a judicial or prosecutorial examination, and have interned for a minimum of 1 year with a practicing attorney.<sup>6</sup> In an effort to increase transparency in decisionmaking regarding internships and to curb the once-dominant trend for law graduates to rely mainly on personal connections in finding internships, the LoA was amended in 2007 to introduce a requirement that any law firm or solo practitioner that receives an application for an internship inform the GBA about its refusal or acceptance of the applicant. The LoA bans individuals previously convicted of grave crimes from obtaining the license,<sup>7</sup> as well as prohibits government officials from concurrently practicing the law.<sup>8</sup>

An individual who meets the bar admission criteria may file an application for membership with the GBA. If accepted, the applicant becomes licensed to practice as an attorney in Georgia. The application is reviewed by the Executive Council of the GBA within 10 days following its receipt, and the decision by the Executive Council to admit or to deny membership can be appealed in court. Membership can be refused if the applicant does not meet one or more of the admission criteria or if seven or more years have passed since passing the bar examination.

It is possible to take a specialized bar examination in criminal or in civil law only, with subsequent licensing as a criminal or civil attorney. Applicants for bar admission who

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<sup>5</sup> *Id.*, Article 18(2) (“The information about the creation of legal bureau should be presented to the executive council of the bar association during 10 days after the creation of a bureau. The application should include the information about the address; contact telephone, the name of an advocate (the advocates) unified in the bureau and the fields of law in which an advocate (the advocates) practices (practice) the law.”)

<sup>6</sup> LoA, Article 10(1) (“An advocate can be a citizen of Georgia, if he/she:

- a) Has a high legal education;
- b) Has passed the Bar Examination in accordance with the rules established by this law (except persons having passed Judicial Exams or Exams for Procuracy employees); amended (22.06.2007 N5029)
- c) Has a working experience as an advocate or intern of an advocate of at least one year.”)

<sup>7</sup> *Id.*, Article 10(2) (“An advocate may not be a person convicted of a deliberate grave crime when the conviction is not annulled or expunged according to the rules established by the Georgian legislation.”)

<sup>8</sup> *Id.*, Article 10(3) (“An advocate may not concurrently be a person holding a position in government envisioned in the 2 article of the law of Georgia on “Collision of Interests and Corruption in Public Service”, or a person to whom the implementation of legal activities is prohibited by the existing Georgian legislation.”)

have passed the prosecutorial examination are licensed in criminal law only. The prosecutorial examination is administered by the High Council of Justice (the body that was formerly in charge of administering bar examinations in the nation) and is different in content from the specialized criminal law bar examination, with pass rates consistently higher for the prosecutorial examination than for the bar examination.

Bar examinations are held semi-annually as per Article 11(2) of the LoA.<sup>9</sup> Bar examinations are supervised by the GBA Executive Council and conducted by the GBA Qualification Committee. The Qualification Committee regulations are subject to GBA General Assembly approval.

Law schools in Georgia are regulated by the Law on Higher Education, which in turn requires that the schools comply with the provisions of the Bologna Declaration on the European Space for Higher Education. Pursuant to these provisions, law schools offer bachelor's, master's, and doctorate programs. For their degrees to be recognized, universities have to be accredited by the State Accreditation Service. Once awarded, the accreditation has to be periodically renewed. If a university fails on a set of minimum criteria, accreditation may be revoked. The law also establishes another level of accreditation for law programs within universities.

The legal education reform in Georgia has exhibited a positive trend over the recent years, with the law schools moving away from the Soviet-time theory-based curricula and rigid methodologies towards more practice-oriented and interactive teaching. Law school curricula nowadays emphasize legal writing and reasoning skills, and a number of clinical programs have been introduced in schools nationwide.

### **3. Disbarment and disciplinary action**

Article 44 of the LoA mandated the adoption of a code of ethics.<sup>10</sup> The Code of Advocate's Ethics was developed by the Ethics Commission of the GBA and adopted on 15 April 2006. Following the adoption of the Code, the Ethics Commission continued to exist as the body authorized to investigate alleged violations of the Code of Ethics and impose disciplinary measures.<sup>11</sup>

The LoA provides that “[a]n advocate is obliged to implement his/her professional functions honestly, to protect exactly the norms of professional ethics, to prohibit

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<sup>9</sup> *Id.*, Article 11(2) (“The test will be held twice a year. The date, rules, program and regulations of the qualification commission is nominated by Executive Council of the Georgian Bar Association. The charter of the Qualification Committee shall be approved by the General Meeting of the Georgian Bar Association.”)

<sup>10</sup> LoA, Article 44 (“In three months after calling the first General Assembly the Georgian Bar Association approves the Advocates professional ethics Code.”)

<sup>11</sup> *Id.*, Article 28(6) (“The ethics commission examines received information about an advocate, investigates its basis and makes a decision about the disciplinary responsibility of an advocate.”)

infringement of rights of court and other legal process participants, to protect professional confidence, to implement duties established by procedural legislation and to inform a client immediately in the event of conflict of interest.”<sup>12</sup> Likewise, the Code of Advocate’s Ethics requires the bar member to abide by the principles of independence, trust, confidentiality, priority of clients’ interests, and impermissibility of conflict of interests, and collegiality.<sup>13</sup>

While there exists no formal requirements that attorneys be trained on professional ethics issues, the Ethics Commission has organized a number of workshops to date to educate the bar members on the Code of Advocate’s Ethics. The Ethics Commission also convenes weekly meetings in Tbilisi to update bar members on new developments in the legal ethics area. However, the ABA ROLI 2007 Legal Profession Index Reform for Georgia notes that, despite these awareness-raising initiatives, many attorneys interviewed by the ABA ROLI assessment team were unaware of the professional standards imposed by the Code, and were not knowledgeable about the work of the GBA’s Ethics Commission.<sup>14</sup>

The LoA allows the termination of the bar membership in the following cases:

- a) *Based on personal request;*
- b) *Based on decision of the Ethics Commission ad/or a court;*
- c) *In case a court found him or her to have limited capability or incapability or declared him or her to be lost or deceased;*
- d) *In case he or her was found guilty of a deliberate crime and the court sentence entered legal force.*
- e) deleted (4.07.2007 N5209)
- f) *In case he or she do not pay membership fees;*
- g) *In case of his or her death;*
- h) *In case of existence of circumstances set forth by subparagraphs b, f and g of paragraph 1 of this article the Executive Council of the Bar Association based on the majority of the list composition through secret ballot shall decide on the termination of the membership of an advocate, whereas it shall*

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<sup>12</sup> *Id.*, Article 5.

<sup>13</sup> Code of Advocate’s Ethics, Article 1.

<sup>14</sup> ABA ROLI 2007 Legal Profession Index Reform for Georgia, at p. 33.

*accept the information on circumstances determined by subparagraphs a, c, d, and h.*<sup>15</sup>

The disciplinary mechanism in place in the GBA can be triggered<sup>16</sup> by a breach of the requirements imposed by Article 5 of the LoA,<sup>17</sup> by a breach of the norms of professional ethics, as well as by the failure on the part of the attorney to obtain professional insurance.<sup>18</sup> There exist GBA Regulations of Disciplinary Procedure, adopted simultaneously with the Code of Advocate's Ethics, that "set forth the grounds for disciplinary proceedings against lawyers, the forms of disciplinary punishment and the rules for disciplinary proceedings."<sup>19</sup>

The Regulations of Disciplinary Procedure establish the following disciplinary measures: a) caution; b) suspension of the bar membership; c) termination of the bar membership.<sup>20</sup> It also provides for a) a reprimand and b) termination of membership in the Executive Council, Ethics Commission or Audit Commission of the Georgian Bar Association as the disciplinary sanctions.<sup>21</sup>

The Ethics Commission is composed of 9 members elected by the GBA General Assembly for a term of 3 years,<sup>22</sup> and who can be reelected only once.<sup>23</sup>

The Ethics Commission operates through 3 collegiums<sup>24</sup> one of which serves as a Process Collegium and is tasked with receiving and initial assessment of all incoming information, as well as with verifying where the statute of limitations for disciplinary action has elapsed.<sup>25</sup> The functions of the Process Collegium are assigned on a rotating basis.

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<sup>15</sup> LoA, Article 21<sup>3</sup>.

<sup>16</sup> *Id.*, Article 32.

<sup>17</sup> See Footnote 12.

<sup>18</sup> LoA, Article 9 ("An advocate is obliged to have insurance of his/her professional responsibility, to compensate material damage to a client, according to the rule established by the law.")

<sup>19</sup> GBA Regulations of Disciplinary Procedure, Article 1.

<sup>20</sup> *Id.*, Article 4(1).

<sup>21</sup> *Id.*, Article 4(2).

<sup>22</sup> LoA, Article 28(1).

<sup>23</sup> *Id.*, Article 28(4).

<sup>24</sup> GBA Regulations of Disciplinary Procedure, Article 6(1).

<sup>25</sup> *Id.*, Article 6(3).

The hearings of the Ethics Commission are closed to the public, but its decisions must be announced publicly.<sup>26</sup>

Article 7(1) of the Regulations of Disciplinary Procedure provide that “[d]isciplinary proceedings may be initiated by complaint or notification in writing by the Chairman of the Georgian Bar Association, Ethics Commission, Audit Commission, proceeding agency and any other person presuming that his or her rights and interests have been violated by the lawyer’s action.”<sup>27</sup> The Process Collegium is required to review the case materials within 30 days following the receipt of the incoming information and to decide whether sufficient grounds exist for the initiation of disciplinary proceedings.<sup>28</sup>

The Code of Disciplinary Procedure requires that the disciplinary proceedings be suspended if:

*a) The information gathered in the course of the inquiry clearly indicates criminal misconduct by the lawyer concerned. In this instance, the case shall be referred to the authority with jurisdiction to initiate criminal proceedings against the lawyer;*

*b) During the inquiry objective complications or obstacles (sickness of the lawyer concerned or other cases), which makes the investigation impossible to continue. Once the reason for the suspension no longer exists, the inquiry or proceeding shall resume.*<sup>29</sup>

Within 5 days of the date of receipt of the decision of the Process Collegium, the Chair of the Ethics Commission is required to transmit the disciplinary case to a Hearing Collegium.<sup>30</sup> Cases are assigned to the Hearing Collegiums on a rotating basis.

According to Article 26 of the Regulations of Disciplinary Procedure, a caution is expunged in 6 months following the date of its imposition, if the lawyer concerned does not commit another violation during the cautionary period; suspension of the license to practice law expunges in 1 year following the last day of the suspension validity, if the

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<sup>26</sup> LoA, Article 35(3) (“The sessions of the ethics commission are closed, but the decision is publicly announced.”)

<sup>27</sup> *Id.*, Article 7(1).

<sup>28</sup> *Id.*, Article 7(2).

<sup>29</sup> *Id.*, Article 8(1).

<sup>30</sup> *Id.*, Article 10(1).



lawyer concerned does not commit another violation during this period; a reprimand is not considered a disciplinary penalty and is therefore not subject to expungement.<sup>31</sup>

#### **4. Cost of services and legal aid**

Article 19(1)(2) of the LOA provides for the right to contract for legal services, and requires that an attorney representing a client in court present the proof of contract to the court. Attorneys representing indigent clients through legal aid schemes present the proof of their agreement with the organization administering the scheme.

Attorneys and law firms are permitted to set sliding scales for legal service fees, charging more for more complex cases or cases protracted in time, or for services by more experienced lawyers. As a safeguard against unconscionable contracts though, the GBA Code of Ethics requires that the anticipated fee for the legal service requested be communicated to the client prior to finalizing the contract.<sup>32</sup>

There exists a substantial discrepancy in income levels between Tbilisi-based attorneys and their counterparts outside the capital. Attorneys' incomes are generally rather low as compared to incomes by some other sectors of legal professionals, such as prosecutors, and for most lawyers bar a small number of well-known attorneys it is difficult to sustain themselves solely from incomes derived for providing legal services to clients.

Although attorneys are generally reluctant to reveal the fees they charge and their actual incomes, they report that they typically contract for a flat fee which may be later renegotiated if the case gets protracted beyond expected or if serious complications arise. Only a handful of well-known attorneys charge an hourly fee (e.g., those working in the contract law domain reportedly charge around 50-100 GEL per hour).

Drawing up a contract may cost anywhere between 50 and 700 GEL depending on the complexity. Preparation of a court claim (property and/or business related) may cost around 500 GEL.

As noted in *Section 1. Basic organization and structure of the legal profession*, the legal profession has seen a 4-fold increase in numbers over a 3-year timespan. Today the attorney : citizen ratio is 1 : 1,253. The problem of unequal geographical distribution of attorneys in the nation, with a disproportionately small segment of the total bar

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<sup>31</sup> *Id.*, Article 26.

<sup>32</sup> GBA Code of Ethics, Article 8(8) (“Lawyer’s fees and its rate shall be known and acceptable to a client in advance and depend on the complexity, work load, length of the matter, (lawyer’s experience-OMIT), qualification, and in case of property disputes – value of the disputable subject (amount of claim) and importance.”)

members practicing outside the capital,<sup>33</sup> remains acute. Less than a thousand of licensed attorneys practice in the western part of the country.

Articles 18(5)<sup>34</sup> and 42(3)<sup>35</sup> of the Constitution of Georgia guarantee any detained person the right to request a counsel, although neither expressly provides for the right to a counsel of one's own choosing, nor for free legal representation for indigent defendants. The legal basis for free legal aid is provided by Article 45(5) of the Code of Criminal Procedure,<sup>36</sup> which guarantees one the right to a counsel of his/her own choosing, as well as entitles indigent defendants to a counsel at the State's expense. Representation by a defense counsel is mandatory in the following cases:

- a) if the defendant is a juvenile;*
- b) if the defendant does not speak the language of the proceedings;*
- c) if the defendant has a physical or mental disability that prevents him/her from exercising a defense;*
- d) prior to a ruling being rendered on conducting a mental examination;*
- e) if life imprisonment is considered as a penalty for the particular offense according to the Criminal Code of Georgia;*
- f) if the defendant is in the process of negotiating a plea bargain;*
- g) if the defendant is charged with a crime for which this Code provides a jury trial;*
- h) if the defendant is avoiding to appear before the investigative bodies;*

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<sup>33</sup> A total of 2000 attorneys practice in the regions, while the population of these exceeds the population of the capital Tbilisi by over 3 times.

<sup>34</sup> Constitution, Article 18(5) ("An arrested or detained person shall be informed about his/her rights and the grounds for restriction of his/her liberty upon his/her arrest or detention. The arrested or detained person may request for the assistance of a defender upon his/her arrest or detention, the request shall be met.")

<sup>35</sup> *Id.*, Article 42(3) ("The right to defense shall be guaranteed.")

<sup>36</sup> Code of Criminal Procedure, Article 45(5) ("The defendant has the right to a counsel of his/her own choosing, as well as a right to substitute the counsel so chosen at any time, and a right to be appointed a counsel at State's expense if he/she does not have sufficient means. The defendant shall have reasonable time and facilities for the preparation of his/her defense. The relationship between the defendant and defense counsel are confidential and no restriction obstructing proper defense may be imposed upon such relationship.")

*i) if a special measure of protection is applied to a participant in the proceedings (except the measures of physical protection);*

*j) if the defendant is removed from the courtroom;*

*k) at the time a cassation appeal is being considered (for the term of consideration);*

*l) in the other cases directly referred to in this code;*

*m) the defendant is an unidentified person.<sup>37</sup>*

In 2007 Georgia's legislature passed the Law on Legal Aid, aimed to establish a streamlined system for the provision of legal aid to underprivileged segments of society. The Law abolished the entity that had previously operated under the Ministry of Justice as the primary legal aid provider to indigent defendants, and created an independent and self-governing Legal Aid Service with the function of providing free legal aid to qualifying individuals in criminal (and selected administrative) proceedings. The Ministry of Justice retained the authority to oversee the expenditures of the Legal Aid Service. The Legal Aid Service is funded from the State budget as well as from other sources not prohibited by the law.

The Legal Aid Service is governed by a Director and a Coordination Council that consists of 7 members, including one representative of the Ministry of Justice, one member nominated by the Parliamentary Committee of Legal Issues, one judge nominated by the Supreme Court, and four own nominees of the Coordination Council. The Coordination Council membership status is endorsed by the Minister of Justice for a 4-year term.

No entitlement currently exists for any group to free legal representation in civil proceedings, however, the provisions of the Law on Legal Aid will enter into force in 2009 that aim to expand the functions of the Legal Aid Service to cover certain civil cases (such as child custody disputes) as well. 6(3). To qualify for legal aid in civil and/or administrative proceedings, the individual will be required to be listed in the State database of socially vulnerable persons.<sup>38</sup> As of 1 January 2009, the creation of the database will have been completed, after which date individuals applying for free legal aid in criminal matters will be required to be registered in the database as well (as of today, free legal aid is provided upon request to all criminal defendants regardless of

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<sup>37</sup> *Id.*, Article 48.

<sup>38</sup> The State database of socially vulnerable persons lists over one-third of the nation's population. The UNDP Georgia National Human Development Report 2008: The Reforms and Beyond finds that the estimation of poverty in Georgia may be too high. The poverty figures are calculated using the State Department of Statistics' Integrated Household Survey and this is considered by many to be an unreliable survey.

their property or income status). The Legal Aid Bureaus and public attorneys providing free legal aid are authorized to request information from the relevant government body to determine the individual's status as an indigent, and the relevant government body carries the obligation of furnishing the requested information.

Services rendered by the Legal Aid Service include not only court representation as well as legal consultations and drafting of legal documents. Free legal consultations not exceeding 1 hour in duration are available to everyone regardless of their income status, and may concern any legal matter.

The Legal Aid Service operates (a) through a network of Legal Aid Bureaus and Consultations Centers, as well as (b) by outsourcing legal aid providers selected through a bidding procedure, and (c) through lawyers registered in the Register of the Public Attorneys. Contracted legal aid providers may be law firms or solo practitioners, and the bidding participation is open to all law firms and bar members in Georgia. The Register of Public Attorneys is compiled and maintained by the Legal Aid Service. Attorneys wishing to be listed must file an application with the Legal Aid Service. Those who pass the interview are included.

The monthly salary rate for Legal Aid Service attorneys is fixed at a rate of a prosecutor's salary, i.e. 900 GEL. Legal consultants providing free consultations are paid 800 GEL a month.

At present, the Legal Aid Bureaus and Consultation Centers are located in Tbilisi, Ambrolauri, Batumi, Gori, Kutaisi, Mtskheta, Ozurgeti, Poti, Rustavi, Telavi, Zestafoni, and Zugdidi. A new Bureau in Akhaltsikhe and a new Consultation Center in Akhalkalaki are slated for opening soon.

Despite the extended network of State-provided services, there remains demand for additional legal aid services, which is met through NGO-provided legal aid programming. For instance, GYLA offers legal consultations both in person and through Internet and telephone hotlines, as well as provides representations in criminal, civil and administrative proceedings. A number of other NGOs and law school clinics provide free legal services as well.

## **5. Resources and member services**

The GBA Charter includes the advancement of the legal profession and the support of the legal education and professional development among the main objectives of the GBA.<sup>39</sup>

Access to legal information is a primary resource required for proper functioning and indeed the survival of the legal profession. The ABA ROLI 2007 Legal Profession

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<sup>39</sup> GBA Charter, Article 5.

Index Reform for Georgia reports that “access to the up-to-date legislation required to remain current is problematic for many advocates.”<sup>40</sup> It notes that “[a]lthough advocates in Tbilisi reported fewer difficulties in accessing legal information, advocates living outside of the capital have very little access to legal resources. Advocates in the regions do not have adequate libraries, and advocates in Tbilisi and elsewhere lack the financial ability to purchase legal publications. In addition, all legal institutions face the problem that materials written in the Georgian language are still deficient.”<sup>41</sup>

Legislation is published by a number of publishing houses, however, is widely available only in stores in the capital Tbilisi. The prices range between 15-20 GEL. The legal periodical that publishes amendments to extant legislation reportedly costs 4 GEL and is available by subscription. CODEX, a subscriber-only fulltext database of Georgian laws and regulations from 1990 to present, reportedly costs between 330-600 GEL.

The GBA is addressing the problem of inadequate access to legal information by establishing regional centers equipped with libraries and computers with Internet access. However, the underfundedness of the GBA itself hinders the progress.

As far as the continuous legal education is concerned, it is not yet mandatory to maintain bar membership, however, the GBA hopes to succeed in amending the LoA to make it a requirement.

The GBA implements its own – albeit constrained by limited resources – continuous legal education programming. There are also training programs for attorneys offered by various donor-funded NGOs. However, these programs are typically conducted in Tbilisi only and the access by attorneys from regions is problematic.

## **6. Reform agenda**

The agenda for reform includes streamlining bar admission through the introduction of a single bar examination (today applicants may choose between the bar examination and a prosecutorial or judicial examination). If introduced, this change will eliminate the reported disparity in content and administration between the bar examination and the prosecutorial examination.

The Law on Legal Aid contains provisions expanding the functions of the Legal Aid Service to provide free legal aid to indigent individuals in civil cases. These provisions will enter into force as of 1 January 2009.

The GBA is lobbying amendments to the LoA to make continuous legal education mandatory for all bar members. If passed, attorneys with general licenses would be required to take 12 credit hours of continuous legal education per year, and those with

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<sup>40</sup> ABA ROLI 2007 Legal Profession Index Reform for Georgia, at p. 29.

<sup>41</sup> *Id.*

specialized licenses would be required to take 12 credit hours of continuous legal education per year.

#### **LIST OF ACRONYMS**

LoA	Law of Georgia on Advocates
GBA	Georgian Bar Association
GEL	Georgian Lari ( <i>the national currency</i> )
GYLA	Georgian Young Lawyers' Association