

THE LEGAL PROFESSION IN ARMENIA

by Irina Urumova

September 2008

1. Basic organization and structure of the legal profession

The 2004 Law of the Republic of Armenia on Advocacy (LoA) requires bar admission as a prerequisite for practicing the law. Article 5 of the LoA defines the “practice of law” as:

- 1) consultation, including consulting clients on their rights and obligations, activities of the judicial system in respect to the rights of the client, as well as studying documents, preparing other documents of legal nature;*
- 2) representation, including court representation;*
- 3) defense in criminal cases.*

The LoA expressly provides that representation in criminal proceedings for remuneration is reserved exclusively to licensed attorneys, however, it allows non-attorneys to represent others in criminal proceedings on a *pro bono* basis.

Before 2004, there existed no requirement for a unified nationwide bar, and indeed in 1999, following the passage of the first law on advocacy in 1998, three bar associations were established. One (the Union of Advocates of the Republic of Armenia) was the successor of the Soviet-time Collegium of Advocates, while the other two (the International Bar Union; and the International Union of Armenian Advocates) were new groups. The latter two bar associations subsequently merged into one. The law afforded the same rights to all bar associations, with the only exception of the authorization to provide state-funded legal services to indigent criminal defendants, which was exclusively the prerogative of the Union of Advocates of the Republic of Armenia.

The 2004 LoA that superseded the 1998 law mandates a unified bar (the Chamber of Advocates or “*Pastabanneri Palat*” in Armenian) and provides in substantial detail for its functions and governance structure. In 2005, the Chamber of Advocates was officially set up. At its founding meeting, the Charter of the Chamber and the Code of Ethics of the Advocate were adopted.

As of today, the Armenian bar counts over 700 attorneys as its members, including almost 60 attorneys in possession of a special license to appear before the Cassation Court.

There also exist voluntary associations of lawyers, of which the Armenian Young Lawyers’ Association (AYLA) is the most prominent. AYLA was established in 1995 by a group of law students at the Yerevan State University with the goal of building capacities of law students and young graduates, and of raising legal awareness of the

population at large. To date AYLA has nationwide coverage (6 offices outside the capital reaching out to the population of the total 10 administrative regions).

Most Armenian attorneys choose to pursue solo practice, this choice most likely attributable to relatively high costs involved in establishing and running an office, as well as higher taxes law firms would pay. The few law firms there exist tend to remain small.

In accordance with Article 7 of the LoA, the Chamber of Advocates pursues the primary objectives to promote the interest of the profession and to raise its esteem among the general public, to monitor and ensure compliance with the Code of Advocate's Conduct, to coordinate and organize continuous legal education for its members, and to provide *pro bono* legal aid.¹

The Chamber of Advocates is governed by its General Assembly. The General Assembly is convened at least every 2 years and its decisions are valid if adopted by a simple majority of voices. The General Assembly is authorized to adopt and amend the Charter of the Chamber and the Code of Advocate's Conduct; to elect and dismiss the Chairperson of the Chamber as well as members of the Board, the Disciplinary Committee and the Qualification Commission; and to decide on the issuance of special licenses to appear before the Cassation Court.² The Board of the Chamber and the Public Defender's Office report to the General Assembly.

¹ LoA, Article 7 ("Objectives of the Chamber of Advocates are as follows:

- 1) create conditions for professional activities of their members;
- 2) protect rights and lawful interests of its members in their interrelation with government and local self-government bodies, organizations and in courts;
- 3) organize legal education and training of its members;
- 4) oversee that its members follow the requirements of the code of advocate's conduct and the charter of the advocates' chamber;
- 5) take measures with the purpose of raising the reputation of advocate's profession;
- 6) ensure free legal assistance as prescribed by this law equally accessible and effective to all.")

² *Id.*, Article 9 ("General Meeting of Advocates is the supreme body of the Chamber of Advocates, which:

- 1) adopts the Charter of the Chamber of Advocates and the Code of Advocate's Conduct and makes amendments to it;
- 2) elects and calls back members of the Board of the Chamber of Advocates and the Disciplinary Committee of the Chamber of Advocates;
- 3) elects and calls back advocate members of the Qualification Commission of the Chamber of Advocates;
- 4) elects and calls back the Chairman of the Chamber of Advocates;
- 5) hears the report of the Board of Chamber of Advocates on the activities of the Board of Chamber of Advocates in the reported period and report of the Head of Public Defender's Office on the activities of the Public Defender's Office in the reported period;
- 6) hears the conclusion of the audit;

The 12-member Board of the Chamber is elected for a 2-year term. It has the powers to form the Qualification Commission; to develop and submit for the General Assembly's approval the Code of Advocate's Conduct; to propose amendments to relevant legislation; to prepare and approve draft annual budget of the Chamber of Advocates; to organize continuous legal education, to decide on bar membership, its suspension, disbarment and reinstatement for attorneys in possession of simple licenses; to approve the size and payment procedure of the bar admission and membership fees.

To promote young professionals' involvement, the Young Advocates Council was set up within the Chamber of Advocates in 2007. As of now, it has 50 members, and a Board consisting of 7 members.

2. Admission to the legal profession³

According to Articles 28 and 29 of the LoA, anyone with a law degree and a minimum 2 years legal working experience is qualified to sit for the bar examination. Those who pass may apply for bar membership.⁴

7) takes a decision on issuing special licenses;

8) carries out other functions provided by this law and the Charter of the Chamber of Advocates.”)

³ Paragraphs pertaining to the educational reform are based on the materials of the Armenian National Information Center for Academic Recognition and Mobility and the EU Trans-European Mobility Program for University Studies (TEMPUS), as well as on the ABA Rule of Law Initiative, 2007 Legal Education Reform Index for Armenia.

⁴ *Id.*, Article 28 (“A license for advocate activities may be given to the person who:

1) has higher legal education or a law degree, who also has two years' employment experience in a legal position;

2) has passed qualification examination and has received a relevant certificate.

For obtaining a license for advocates' activities, the advocate shall pass an examination with a program determined by the Board of the Chamber of Advocates and for obtaining a special license the advocate shall pass an examination with a special program. Board of the Chamber of Advocates shall determine rules for giving and taking the examination.

In order to get a license for advocate's activity, the candidate shall submit to the Qualification Commission an application, a copy of an identification document, CV, copy of employment record book or other document certifying that he or she worked in the legal profession, copy of a document certifying that he or she has a higher legal education or a law degree, as well as other documents required by legislation on advocacy.”)

and Article 29

(“In order to receive an advocate license, a candidate shall submit to the Advocates' Chamber an application requesting to get a membership of the Chamber of Advocates, and a copy of the certificate issued by the Qualification Commission. [...] An application may be turned down, if the requirements prescribed by articles 28 and 33 of this law have not been met.”)

The quality of legal education has been steadily improving with Armenia's joining the Bologna Process in 2005 and launching a cycle of reforms to bring the higher education system in conformity with the standards set by the Bologna Declaration on the European Space for Higher Education. The quality assurance mechanism is being created and the European Credit Transfer and Accumulation System has been introduced in most universities. Only state accredited higher and postgraduate educational programs can be implemented in Armenian educational institutions.

Although the modernization of the higher education sector involves content upgrading and the introduction of new teaching methodologies and technologies, there remain serious concerns related to course structure and curricula. Most law schools have little autonomy in curriculum design and follow the model curriculum approved by the Ministry of Education and Science.⁵ Curriculum remains largely theoretical, with little or no multidisciplinary or practical courses. Nevertheless, the recent years have seen content-related improvements. For instance, legal writing and analysis is being introduced in the curriculum of the master's program at the Yerevan State University Law School, the plan being to expand teaching of the course to the bachelor's program in the near future. Clinical legal education is being expanded beyond the capital to the regions.

However, general under-fundedness of the education sector and the resulting difficulty engaging younger professionals as faculty and staff members continue to mar the reform landscape. Combined with the proliferation of universities both in Yerevan and in regional centers, these pose a particularly serious challenge in terms of quality assurance.

There is no specific requirement that the aspiring bar member complete an internship, but the general requirement of a minimum 2 years work in the legal field is often met through internships at law firms or with solo practitioners. According to Article 24 of the LoA, any attorney with 5 or more years in the profession can have interns.⁶ The overall internship policy and procedure are determined by the Board of the Chamber of Advocates.⁷ Article 17 of the LoA places the responsibility for intern training on the attorney.⁸

⁵ ABA Rule of Law Initiative, 2007 Legal Education Reform Index for Armenia, at p. 8.

⁶ LoA, Article 24 (“An advocate having advocate's experience of 5 and more years has the right to have an intern or interns.”)

⁷ *Id.*, Article 10 (“The Board of the Chamber of Advocates: [...]9) develops and approves the procedure for organizing and holding an internship.”)

⁸ *Id.*, Article 17 (“An advocate trains his or her interns.”)

The scope and procedure of the bar examination are determined by the Board of the Chamber of Advocates.⁹ The examination is organized by the Qualification Commission and consists of a written test and an oral interview. The Qualification Commission develops and determines the test and interview questions and the grading criteria.

Bar examinations take place annually at a minimum. Those who fail may retake the examination the following year. The number of attempts is not limited. The bar examination results may be appealed in court.

The latest bar examination (the 3rd one since the Chamber of Advocates was established, after a 5-year lapse in admitting new bar members) took place on 23 August 2008. A total of 184 people registered for the examination, with 158 applicants actually taking and 78 (49,3%) passing the examination.¹⁰ The applicants needed to get 85 questions out of the total 100 right to pass. The test question pool included 2400 multiple-choice questions. One month prior to the examination, the new bar preparation manual was released and given access to by all those studying for the examination. The bar examination results were posted in the Chamber of Advocates as well as on the Chamber's website (www.pastaban.am) at 10:00 pm on 23 August 23. The oral part of the bar examination will follow in October 2008.

To ensure the transparency of the bar examination, the Chamber of Advocates involved monitors from international and non-governmental organizations working on democracy and human rights issues. The statement issued by the monitors and posted on the website of the Chamber of Advocates describes "the processes and procedures associated with and the individual and overall candidate scores resulting from the examination deserving of the highest respect and recognition for accuracy and veracity." The monitors commended the Chamber "for its effective planning and transparent implementation of the examination and congratulate the successful candidates, who will now be eligible to take the oral part of the examination to be held in October to complete the advocate licensing process."¹¹

Applicants who pass the bar examination may apply for the bar admission. According to Article 29 of the LoA, the admission decision is taken by the Board of the Chamber

⁹ *Id.*, Article 28 ("For obtaining a license for advocates' activities, the advocate shall pass an examination with a program determined by the Board of the Chamber of Advocates and for obtaining a special license the advocate shall pass an examination with a special program. Board of the Chamber of Advocates shall determine rules for giving and taking the examination.")

¹⁰ See http://www.pastaban.am/arm//index.php?option=com_content&task=view&id=1133&Itemid=485 (in Armenian only; page last visited on 1 September 2008).

¹¹ See last paragraph, http://www.pastaban.am/arm//index.php?option=com_content&task=view&id=1137&Itemid=485 (page last visited on 10 September 2008)

of Advocates within a month following the submission of the application. If rejected, the applicant has a month to appeal the decision in court. The admitted applicants receive an indefinitely valid license to practice law.

Bar admission for candidates who have passed the bar examination and conform to other membership requirements (such as a degree from an accredited law school and 2-year legal working experience) is near-automatic. An applicant for admission may not be rejected save in cases of non-compliance with the requirements of Article 28¹² and 33¹³ of the LoA.

¹² LoA, Article 28 (“A license for advocate activities may be given to the person who:

1) has higher legal education or a law degree, who also has two years' employment experience in a legal position;

2) has passed qualification examination and has received a relevant certificate.

For obtaining a license for advocates' activities, the advocate shall pass an examination with a program determined by the Board of the Chamber of Advocates and for obtaining a special license the advocate shall pass an examination with a special program. Board of the Chamber of Advocates shall determine rules for giving and taking the examination.

In order to get a license for advocate's activity, the candidate shall submit to the Qualification Commission an application, a copy of an identification document, CV, copy of employment record book or other document certifying that he or she worked in the legal profession, copy of a document certifying that he or she has a higher legal education or a law degree, as well as other documents required by legislation on advocacy.

In case of necessity, the Qualification Commission shall make a check within 2 months period to verify the papers and data submitted by the candidate.

Qualification examination consists of a written test and an oral interview. The requirements for the qualification examination, the list of examinable subjects and grading criteria are determined by the Qualification Commission.

Results of the qualification examination may be appealed in court.

Candidates failing the qualification examination will have the right to take it after one year. Number of attempts to pass the exam is not limited.

Examinations shall be held, at least, once a year.

Employment experience in a legal position required for getting a license for advocate's activity includes employment or activity as a:

1) judge or prosecutor;

2) in a position in non-governmental, government or local self-government bodies or organizations requiring higher legal education;

3) as an advocate or an advocate's intern;

4) as a notary or an investigator;

5) as a law professor in high school, university or in a post-graduate educational institution;

An individual can get an advocate's license without taking a qualification examination and getting a relevant certificate, if he or she has at least 15 years' work experience of a judge or an advocate.”)

¹³ *Id.*, Article 33 (“A person may not be an advocate if the person:

1) was recognized by court decision as lacking or having limited dispositive capacity ;

2) was convicted of intentional crime, and the conviction has not been canceled or waived.”)

LoA expressly prohibits discrimination in admission-related decisionmaking¹⁴ and indeed this prohibition is generally well-respected in practice. The proportion of women bar members is almost equal to that of men, and the negligible proportion of ethnic minorities may be attributed to the fact that ethnic minorities form but a small segment of Armenian society and their representation among law students is comparably low.

Admitted bar members may later choose to obtain a special license to appear before the Cassation Court. According to Article 30 of the LoA, special license is issued by the Chairperson of the Chamber of Advocates based on the results of secret ballot vote by the General Assembly.¹⁵ No more than 7 special licenses may be issued annually. A special license is registered with the Court of Cassation and is valid for 5 years.¹⁶

The Chamber of Advocates maintains a regularly updated list of practicing attorneys which is available from its website.¹⁷

3. Disbarment and disciplinary action

¹⁴ *Id.*, Article 29 (“Discrimination of candidates on the basis of nationality, citizenship, sex, language, religion, political or other opinions, social origin, property or any other condition is prohibited.”)

¹⁵ *Id.*, Article 30 (“Special license is given by the Chairman of the Advocates' Chamber to the first seven advocates with the largest number of votes determined at the General Assembly, basing on the results of a secret ballot voting.”)

¹⁶ *Id.*, Article 29 (“In order to receive an advocate license, a candidate shall submit to the Advocates' Chamber an application requesting to get a membership of the Chamber of Advocates, and a copy of the certificate issued by the Qualification Commission.

The application of the candidate shall be considered and a decision shall be made by the Board of Advocates' Chamber within a month's period.

Discrimination of candidates on the basis of nationality, citizenship, sex, language, religion, political or other opinions, social origin, property or any other condition is prohibited.

An application may be turned down, if the requirements prescribed by articles 28 and 33 of this law have not been met.

Rejection of an application may be appealed in court within a month's period.

In case of rejection of the application, the candidate may submit a new application 1 year after the date of issuance of the rejection.

A member receiving membership of the Chamber of advocates receives a license endorsed with the seal of the Chamber of Advocates and with signature of the Chairman within 5 days.

The license shall be issued with no time and age limit.”)

¹⁷ See http://www.pastaban.am/arm//index.php?option=com_sobi2&Itemid=325 (in Armenian only; page last visited on 1 September 2008).

Article 36 of the LoA provides for the termination of an attorney's license to practice law if:

- 1) he or she requests the Chairman of the Chamber of Advocates in writing to terminate the license;*
- 2) he or she obtained the license with violations of the requirements of law;*
- 3) circumstances described in article 33 of this law are in place;*
- 4) he or she was subjected to disciplinary penalty for three or more times within one year's period;*
- 5) he or she died, or a court decision on recognizing him/her dead entered into legal force;*
- 6) he or she submitted false data to the Qualification Commission;*
- f7) term for suspension of the license pursuant to article 38 of this law expired.*

Similarly, Article 37 of the LoA provides for the termination of an attorney's special license to appear before the Cassation Court if:

- 1) an advocate applies in writing requesting to terminate the Special License;*
- 2) circumstances described in article 36 of this law are in place;*
- 3) the period for which the Special License was issued has expired;*
- 4) term for suspension of the special license pursuant to article 38 of this law expired;*

A Special License can be terminated also in other cases provided by law.

In the case of the termination of regular as well as special license, the decision on termination can be appealed in court within 1 month. The attorney whose license has been terminated can apply for a new one after 2 years have elapsed since the termination became effective.

According to Article 38 of the LoA, an attorney's license (regular or special) is suspended if the license holder:

- 1) has been elected to an elective position in a state body or a position of community leader for the term of office;*

- 2) *has been drafted for military service, for the period of the service;*
- 3) *is unable to fulfill his or her professional duties for health reasons for over 1 year, if he or she has relevant documents to prove that;*
- 4) *moved to state service, for the term of state service;*
- 5) *has been recognized as missing for unknown reasons pursuant to a procedure prescribed by law;*
- 6) *charges were brought against him for committing deliberate crime connected with his advocate's activity;*
- 7) *under other circumstances provided by law.*

The Board of the Chamber of Advocates has the discretion to suspend an attorney's license if there exists a valid court decision on the application of compulsory medical measures with regard to the license holder.

According to Article 39 of the LoA, an attorney bears disciplinary liability for breaches of the LoA, the Code of Advocate's Conduct or the Charter of the Chamber of Advocates, or for failing to perform his or her professional duties. The LoA allows to initiate disciplinary proceedings based on a written report or a publication in mass media. Anonymous reports are prohibited from consideration. Disciplinary proceedings are initiated within 10 days from the receipt of the report or the publication. The statute of limitations on the initiation of disciplinary proceedings is 6 months after the discovery of the violation in question.

Article 40 of the LoA provides for the following disciplinary sanctions: reprimand, severe reprimand or fine. The amount of the fine is determined by the Board of the Chamber of Advocates and cannot exceed 100 minimum salaries. The fine is payable to the Chamber of Advocates.

The statistics with regard to disciplinary proceedings shows that most cases instituted concern non-payment of membership dues. For instance, in July 2008, the Chamber of Advocates initiated disciplinary proceedings against 15 attorneys, 13 in connection with the non-payment of membership dues, and 2 in response to alleged violations of the Code of Conduct.

There is still ample room for improvement in the implementation of the Code of Advocate's Conduct and conducting disciplinary proceedings. The USAID/Armenia Mid-Term Evaluation of the Chamber of Advocates 2007-2011 Strategic Plan Implementation notes insufficient disciplinary procedures developed and applied by the Chamber of Advocates and the Disciplinary Committee, lack of a system in place to

assess performance of attorneys, and insufficient education/outreach on the Code of Conduct.

4. Cost of services and legal aid

Article 20 of the Constitution of the Republic of Armenia guarantees everyone the right to legal assistance and provides that, in cases set forth by the law, legal assistance shall be provided at the expense of the State resources.¹⁸ Furthermore, Article 20 stipulates the right of every detained or indicted individual to be represented by a defense counsel of his or her own choice.¹⁹

Article 6 of the LoA regulates the right to free legal representation and sets forth the relevant eligibility requirements.²⁰ In compliance with the constitutional guarantee, the law entitles indigent criminal defendants to free legal representation. Legal aid is also available to the indigent in cases of levying alimony and of personal injury resulting in disability or loss of breadwinner. Armenian nationals as well as foreign nationals and stateless persons are eligible for free legal representation.

Overall, a trend for more positive reputation of attorneys in society has been reported by some researchers, with more people using professional lawyers' services for civil cases, which is attributed to the increased professionalism of attorneys.²¹

As far as compensated legal services are concerned, Article 6 of the LoA affords attorneys the right to set the fee for services provided,²² and indeed most attorneys

¹⁸ Constitution, Article 20 ("Everyone shall be entitled to legal assistance. In cases prescribed by the law the legal assistance shall be provided at the expense of the state resources.")

¹⁹*Id.* ("Everyone shall have a right to the assistance of a legal defender chosen by him/her starting from the moment of his/her arrest, subjection to a security measure or indictment.")

²⁰ *Id.*, Article 6 ("The state shall ensure free legal assistance for criminal cases following the procedure prescribed by the Criminal Procedure Code of the Republic of Armenia and also the procedure prescribed by the RA Civil Procedure Code in the following cases:

- 1) cases on levying alimony;
- 2) cases on compensation for losses incurred upon mutilation or other types of damage to health or upon death of bread-winner of the family.

Free legal assistance shall be provided by the Chamber of Advocates at the state's expense, following the procedure set forth in articles 41-42 of this law.

Free legal services can be provided also at the advocate's initiative.")

²¹ USAID/Armenia Mid-Term Evaluation of the Chamber of Advocates 2007-2011 Strategic Plan Implementation.

²² *Id.* ("Advocate is entitled to receive remuneration for his or her services.

would use a sliding scale for the fees, charging more for more complex or protracted cases. Services are rendered on the basis of a contract between the attorney and the client. Some law firms offer monthly premium packages of services to clients who are likely to request services in more than one area, thus including an unlimited number of consultations within the time specified the package conditions.

It is extremely difficult to determine the average costs for legal services in Armenia. Most law firms have websites clearly delineating the scope of legal services rendered, but not a single website features the fee range for each service. Randomly selected attorneys and recent litigants cited the amounts starting from 15,000 AMD²³ (a rough equivalent of 35 EUR²⁴) for simple divorce and alimony cases to over 300,000 AMD for more complex civil litigation (e.g. involving complicated division of property and/or debt). The individuals asked insist, however, that there exists no clear and unequivocal correlation between the complexity of the case or the attorney's experience and skills, on the one hand, and the fee charged, on the other. Fees are decided in the course of a one-on-one negotiation between the attorney and the client, and the consensus is the more affluent clients are asked for higher fees from the outset, regardless of other factors.

Many law firms offer free initial legal consultation either for all potential clients, as a promotional tool and to help the client assess the potentially charged fees, or for specific target audiences (indigent clients or other vulnerable groups). In spite of the lack of predictability of the attorney's fees, the general tendency for the public with all income levels to prefer a professional lawyer's services to services by a "knowledgeable" layperson in civil cases may attest to growing affordability of legal services.

By passing the new LoA in 2005, Armenia created the legal basis for setting up a national Public Defender's Office (PDO) or "*Hanrayin Pashtpan*" in Armenian.²⁵ The PDO is a structural unit of the Chamber of Advocates²⁶ and, according to Article 45 of the LoA, is funded by the State. Staff attorneys (public defenders) receive monthly

The amount and procedure of remuneration for advocate's activity shall be decided by the written contract signed according to the Civil Procedure Code of the Republic of Armenia between the advocate and the client.")

²³ See <http://www.irtek.am/ENG/Database.html> (page last visited on 1 September 2008).

²⁴ The official EURO/AMD conversion rate of the Central Bank of Armenia as of 15 September 2008 is 1 EUR : 426.71 AMD.

²⁵ See LoA, Chapter 7.

²⁶ LoA, Article 42 ("Public Defender's Office is a structural subunit operating within the Advocate's Chamber and comprised of the Head of the Public Defender's Office and Public Defenders.")

rather than per-case remuneration fixed at the rate of monthly remuneration for prosecutors.²⁷

At his point in time, the PDO is staffed with 40 attorneys providing free representation to indigent clients. Sixteen of the PDO staff are working in the capital and the rest in regional PDO offices.²⁸

According to Article 43 of the LoA, the Head of the Public Defender's Office is elected by the General Assembly of the Chamber of Advocates by secret ballot from among the members with at least 10 years experience in the practice of law. The Head of PDO is elected for a 4-year term, but for no more than 2 consecutive terms.²⁹

The USAID/Armenia Mid-Term Evaluation of the Chamber of Advocates 2007-2011 Strategic Plan Implementation notes an improvement in the performance of the public defenders. It mentions that there has been a careful selection of the public defenders in order to select highly qualified attorneys for the position.

5. Resources and member services

As far as professional resources available to attorneys are concerned, primary and secondary legislation is readily available through the official legislative bulletin as well as the IRTEK legal database, although the access to both is limited by the costs involved. To get access to the IRTEK database, the user pays an installation fee (21,000 AMD) as well as a fee to obtain regular updates of the database (15,000 AMD for the 1st and 3,000 AMD for each subsequent update). Users can choose among monthly, quarterly and semiannual update frequencies. Even though practicing law in

²⁷ *Id.*, Article 45 (“The work of Public Defenders shall be compensated from the State Budget. The amount of money allocated to the Chamber of Advocates from the State Budget shall be determined by counting monthly payment to a public defender equal to that of a prosecutor of Yerevan City Community as provided by law.”)

The Public Defender's Office shall be financed from the State Budget of the Republic of Armenia. The funding allocated to the Public Defenders' Office cannot be spent for other purposes.

The Public Defender's Office may involve additional funds from sources not prohibited by law, which may be used for improving the activities of the Office and for bonuses with the purpose of efficiency of public defenders' activities.”)

²⁸ See http://www.pastaban.am/arm//index.php?option=com_content&task=view&id=101&Itemid=173 (in Armenian only; page last visited on 1 September 2008).

²⁹ *Id.*, Article 43 (“The Head of the Public Defender's Office shall be elected by the General Assembly of the Chamber of Advocates from among the members who have no less than 10 years' advocate's experience, through close secret vote, for a term of 4 years, but for no more than 2 consecutive terms.”)

Armenia still does not provide the attorney with a reasonably high and predictable income, IRTEK has grown more affordable over the recent years.

As already mentioned, among the primary objectives pursued by the Chamber of Advocates are promoting the interest of the profession and coordinating and organizing continuous legal education for the bar members.³⁰ However, the overall capacity of the Chamber of Advocates and its progress in attaining these objectives is constrained by the lack of own financial resources. The resulting heavy dependence on donor funds creates a risk of low sustainability unless an alternative funding mechanism is created.

Training courses for attorneys are being organized periodically by the Chamber of Advocates with funding from ABA Rule of Law Initiative, GTZ, and the Council of Europe as well as with the Chamber's own resources mostly on the criminal law and European Convention on Human Rights. The seminars have covered, among other topics, the Labor Code; contractual relationships; activities of the Prosecutor's Office; the Judicial Code; the Civil Procedure Code and its practical applications; the caselaw of the European Court of Human Rights; and intellectual property. Approximately 300 attorneys have attended the trainings so far. As a rule, the Chamber main office in Yerevan is chosen as the training venue, which puts attorneys from regions in a disadvantaged position. However, with donor funding courses have been held in Gyumri and Vanadzor (Armenia's 2nd and 3rd major cities) as well as transportation to and from the capital arranged for the trainees.

The USAID/Armenia Mid-Term Evaluation of the Chamber of Advocates 2007-2011 Strategic Plan Implementation notes lack of administration and effective coordination of training sessions by the Chamber of Advocates. It notes, for instance, that the Chamber has not been effective in organizing seminars targeted to specific audience and needs, involving advocates from the regions, maintaining records and assessing impact of these seminars.

Some researchers note the Chamber of Advocates is increasingly vocal in defending the interests of the profession. Several attorneys have mentioned that after inadequate behavior of a judge, the CA took a follow-on initiative to support the advocates.³¹

6. Reform agenda

The Research and Analysis Center of the Chamber of Advocates conducted an *ex post* evaluation of the operation of the LoA and proposed a package of amendments to improve the implementation of the law. A formal discussion of the package took place on 22 March 2008. The draft amendments propose that the provisions of the LoA

³⁰ See Footnote 1.

³¹ USAID/Armenia Mid-Term Evaluation of the Chamber of Advocates 2007-2011 Strategic Plan Implementation.

pertaining to the choice of the organizational form of an attorney's activity be repealed, and amendments be introduced to the provisions concerning rendering of legal services for compensation, disciplinary sanctions of the bar members, and the Public Defender's Office.

The Chamber of Advocates was selected as a grantee under USAID/Armenia Civic Activism Support Program to draft amendments to the LoA that would make free legal aid more qualified and accessible for indigent population. The proposed amendments include additional areas for free legal assistance and criteria for eligibility for free legal assistance. The draft has been submitted to the National Assembly, but as of yet no decision has been made.

LIST OF ACRONYMS

AMD	Armenian Dram (<i>the national currency</i>)
AYLA	Armenian Young Lawyers' Association
LoA	Law of the Republic of Armenia on Advocacy
PDO	Public Defender's Office